Mary Fallin
Governor

FILED

JAN 14 2018

OKLAHOMA SECRETARY OF STATE

EXECUTIVE DEPARTMENT
SECOND AMENDED EXECUTIVE ORDER 2017-44

WHEREAS, the State of Oklahoma is experiencing cold weather after a period of unseasonably mild temperatures, which has resulted in increased demand for liquefied petroleum products, hereinafter referred to as "propane;" and

WHEREAS, distributors of liquefied petroleum products in the State of Oklahoma are experiencing challenges in the implementation of electronic logging devices; and

WHEREAS, the potential for continued cold weather temperatures may result in increased demand for propane; and

WHEREAS, liquefied petroleum products resources at certain Oklahoma refineries are currently stressed, significantly delaying the delivery of liquefied petroleum products to transportation companies in some instances, thereby forcing transportation companies and retailers to obtain liquefied petroleum products from other locations in surrounding states; and

WHEREAS, many Oklahoma residents depend on the use of liquefied petroleum products for survival during the winter months; and

WHEREAS, the limited suspension of certain hours of service regulations for drivers of commercial motor vehicles transporting liquefied petroleum products in our state will ensure adequate supplies of liquefied petroleum products throughout the state, thereby reducing the damaging effects of a potential shortage; and

WHEREAS, the U.S. Department of Transportation Federal Motor Carrier Safety Administration issued Regional Declaration of Emergency Under 49 CFR 390.23 on December 30, 2017 and extended the Declaration on January 10, 2018 which remains in effect until the duration of the emergency or 11:59 PM (ET), January 28, 2018 whichever comes first. The Declaration includes the state of Oklahoma in its exemption from Parts 390 through 399 of the Federal Motor Carrier Safety Regulations (FMCSRs);

NOW, THEREFORE, I, Mary Fallin, Governor, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. § 683.1 *et seq.* and pursuant to Part 390.23 of Title 49 of the Code of Federal Regulations, hereby declare that because there is a state of emergency existing in the State of Oklahoma due to limited liquefied petroleum product supplies, it is necessary to assist and expedite all efforts of transportation of liquefied petroleum products throughout Oklahoma. In order to accommodate this need and to

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provide assistance to the citizens of Oklahoma in this extraordinary situation, I hereby order vehicles used in the support efforts to be exempt from Parts 390 through 399 of Title 49 of the Code of Federal Motor Carrier Safety Regulations.

Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 C.F.R. Part 382), the Commercial Driver's License Standards requirements (49 C.F.R. Part 383), the Minimum Levels of Financial Responsibility for Motor Carrier requirements (49 C.F.R. Part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-Of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provides.

While operating under this order, drivers of commercial motor vehicles shall be required to spend a minimum of 8 hours in sleeper berth within any given 24 hour period. The duration of each timeframe spent in sleeper berth within each 24 hour period shall be at the discretion of each driver based on his/her needs, as long as the sum of all said sleeper berth time totals a minimum of the required 8 hours.

This Order applies only to the transportation of liquefied petroleum products to provide direct assistance to this emergency. No other products, including other petroleum products, are covered by the exemption and suspension under this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

This emergency notice will remain in effect for the duration of the emergency (as defined in 49 CFR § 390.5) or until 11:59 PM (ET), January 28, 2018, whichever comes first.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 12th day of January 2018.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

MARY FALLIN, GOVERNOR

ATTEST:

DAVE LOPEZ, SECRETARY OF STATE

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