

# STATE OF MISSISSIPPI

*Office of the Governor*



## EXECUTIVE ORDER 1387

**WHEREAS**, due to the approach of Hurricane Matthew, vehicles bearing equipment and supplies for utility restoration in order to provide direct assistance to states that will be affected by Hurricane Matthew need to be moved on the highways of Mississippi; and

**WHEREAS**, the States of Georgia, Florida and South Carolina have proclaimed States of Emergency and anticipate the need for emergency relief from electric power outages that may occur due to Hurricane Matthew, which justifies an exemption from 49 CFR Part 395 (Hours of Service of Drivers) under the Federal Motor Carrier Safety Regulations; and

**WHEREAS**, the prompt restoration of utility services to citizens is essential to their safety and well-being; and

**WHEREAS**, 49 CFR § 390.23 allows the Governor of a state to suspend the rules and regulations under 49 CFR Parts 390-399 for up to 30 days if the Governor determines that an emergency exists:

**NOW, THEREFORE**, I, Phil Bryant, Governor of the State of Mississippi, pursuant to the authority vested in me under the Constitution and laws of the State of Mississippi, and in the public interest and for the general welfare, do hereby order that a state of emergency exists for the limited purpose of suspending the federal rules and regulations that limit the hours operators of commercial vehicles may drive. It is essential to ensure the uninterrupted supply of electricity to residential and commercial establishments before, during and after Hurricane Matthew makes its impact. Any interruption in the transit of utility vehicles throughout the State of Mississippi threatens the public welfare. This emergency justifies a suspension of Part 395 (Hours of Service for Drivers) of Title 49 of the Code of Federal Regulations. The suspension shall remain in effect for 30 days or until the emergency condition ceases to exist, whichever is less. Nothing herein shall be construed as an exemption from the Commercial Driver's License requirements in 49 CFR Part 383, the financial requirements on 49 CFR Part 387, or applicable federal size and weight limitations.

**IT IS FURTHER ORDERED** that no motor carrier operating under terms of this emergency declaration shall require or allow an ill or fatigued driver to operate a motor vehicle. A driver who notifies a motor carrier that he or she needs immediate rest shall be given at least ten consecutive hours off-duty before the driver is required to return to service.

This Order does not suspend the operation of any state or federal laws or regulations within the State of Mississippi except as specifically described in the Executive Order. All other laws and regulations remain in full force and will be enforced.



**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Mississippi to be affixed.

**DONE** in the City of Jackson, on the 6th day of October in the year of our Lord, two thousand and sixteen, and of the independence of the United States of America, the two hundred and forty-first.

  
PHIL BRYANT  
GOVERNOR

BY THE GOVERNOR



**C. DELBERT HOSEMANN, JR.**  
SECRETARY OF STATE