



State of New Jersey

OFFICE OF THE GOVERNOR
PO BOX 001
TRENTON, NJ 08625-0001

PHILIP D. MURPHY
Governor

Pursuant to N.J.S.A. App. A:9-33 et seq., and in light of Federal Motor Carrier Safety Administration regulation 49 C.F.R. Part 390.23(a)(1)(i), which allows for an exemption to the hours of service regulations in 49 C.F.R. Part 395 upon declaration of emergency by the Governor or an authorized representative, the Governor declares the following. On Sunday, January 31, 2021, and continuing through Tuesday, February 2, 2021, the State of New Jersey experienced a major, prolonged winter storm causing hazardous weather conditions including heavy mixed precipitation, high winds, blizzard-like conditions, coastal flooding, and significant snow and ice accumulations in a substantial portion of the State. On January 31, 2021 the Governor issued Executive Order No. 218, declaring a state of emergency because of this storm's impact on the State of New Jersey. This state of emergency continues in effect. Residential heating fuel (namely heating oil and propane) is necessary to protect public health and safety, particularly in light of recent winter weather conditions as well as the ongoing COVID-19 pandemic and related social distancing measures. Cold temperatures and increased numbers of people working from home have led to higher than normal consumption of residential heating fuel. The winter storm has had a significant impact in the State and region, making deliveries of residential heating fuel to some locations more difficult and time consuming. And an emergency exists due to the pent-up demand and shortage of residential heating fuel (namely heating oil and propane) exacerbated by this winter storm. Therefore, the Governor hereby issues the following exemption to the hours of service regulations in 49 C.F.R. Part 395, limited to the following:

Type of Operation: Delivery of residential heating fuel (namely heating oil and propane) to residential and commercial establishments.

Type of Exemption: Restriction of the number of hours that a driver of a commercial motor carrier may drive on duty in 7/8 consecutive days without taking 34 or more consecutive hours off duty.

Effective Date: Immediately

Termination Date: Up to and including February 15, 2021

Special Conditions:

1. An exemption is hereby established statewide regarding the hours of service regulations in 49 C.F.R. Part 395 concerning the transportation of residential heating fuel (namely heating oil and propane).
2. The maximum driving time is extended from 11 hours to 14 hours. Ten consecutive hours off-duty must be taken between the 14 hours of driving time.
3. Operators are exempted from the requirements of the 60/70-hour rule.
4. No motor carrier operating under the terms of this exemption shall require or allow a fatigued or ill driver to operate a commercial motor vehicle. A driver who informs a motor carrier that he or she is not fit to drive shall be given a minimum of 10 consecutive off-duty hours before the driver may return to service.
5. All regulations pertaining to Commercial Driver License requirements, Controlled Substances and Alcohol Use and Testing requirements and Financial Responsibility requirements within 49 C.F.R. Part 395 remain in force and in effect for all motor carriers and drivers.
6. Motor carriers that have an Out-of-Service Order in effect, or a suspension or revocation from the New Jersey Motor Vehicle Commission as a motor carrier of property, are not eligible to take advantage of the relief from the regulation that this exemption provides.

Date: February 6, 2021



PHILIP D. MURPHY
GOVERNOR