



JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

## **DEPARTMENT OF SAFETY**

James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305  
Tel: (603) 271-2791  
Speech/Hearing Impaired  
TDD Access Relay NH 1-800-735-2964

## **DECLARATION OF EMERGENCY NOTICE (Title 49 CFR 390.23)**

Pursuant to 49 CFR Section 390.23 and New Hampshire RSA 266:72-a, the New Hampshire Department of Safety declares that an emergency exists pertaining to the delivery of propane, home heating oil, gasoline, diesel fuel, foodstuffs, and the repair of utility outages within the State of New Hampshire.

The emergency exemption is issued in connection with emergency conditions as a result of Winter Storm Harper and below average cold temperatures. It is deemed that a declaration of emergency is required to ensure the continuation of these essential services to both residential and commercial establishments within the State.

As a result of the emergency conditions, the following Declaration of Emergency is ordered:

1. Relief from the 49 CFR Parts 390 - 397 of the Federal Motor Carrier Regulations adopted pursuant to RSA 266:72-a, for motor carriers providing delivery of propane and home heating oil to homes and businesses within the State of New Hampshire, delivery of gasoline and diesel fuel to filling

stations, delivery of foodstuffs and medicines to grocery and drug stores; and vital work by local utility crews.

2. No motor carrier operating under the terms of this declaration shall require or allow a fatigued or ill driver to operate a motor vehicle. A driver who informs a 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.
3. Motor Carriers that have an Out of Service Order in effect or a suspension or revocation of a New Hampshire State Certificate or Permit as a motor carrier of passengers or property cannot take advantage of the relief from regulations that this declaration provides under Title 49 CFR 390.23.
4. Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements, Commercial Driver's License requirements, Financial Responsibility requirements, Size and Weight requirements or any other portion of the regulations not specifically identified.
5. Drivers for motor carriers that operate under this Declaration of Emergency Notice must have a copy in their possession.
6. Consistent with Title 49 CFR Part 390.23, the Emergency Declaration will remain in effect **through February 4, 2019 at midnight.**
7. Drivers who utilize this exemption may come back into compliance and restart the hours of service clock after taking 34 hours off-duty at the end of their extended hours period.

Signed,



John J. Barthelmes  
Commissioner  
New Hampshire Department of Safety  
Designee of the Governor of New Hampshire

Date: 01/20/2019