

[(iii)] 2. This waiver shall include the hours of duty status accrued by, and shall apply only to, drivers providing direct assistance in restoring utility services affected by a utility emergency in the State, or to drivers of emergency vehicles operated under the direction of State and local governments or their agents when providing direct assistance in clearing and opening State highways and local streets and roads to allow free flow of traffic.

~~(II) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN INCIDENTAL DRIVER DURING A TIME WHEN A UTILITY EMERGENCY IS DECLARED UNDER THIS SUBSECTION.~~

(III) 1. NOTWITHSTANDING THE OTHER PROVISIONS OF THIS SUBSECTION AND § 14-107 OF THE PUBLIC SAFETY ARTICLE, DURING A UTILITY EMERGENCY AN INCIDENTAL DRIVER SHALL BE EXEMPT FROM PART 395 OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS IF THE UTILITY COMPANY HAS PREFILED, AS SPECIFIED BY THE SECRETARY OR THE SECRETARY'S DESIGNEE, A UTILITY EMERGENCY RESPONSE NOTIFICATION PLAN AND AN INCIDENTAL DRIVER SAFETY PLAN IN ACCORDANCE WITH THIS SUBPARAGRAPH.

2. A UTILITY EMERGENCY RESPONSE NOTIFICATION PLAN MUST INCLUDE THE UTILITY COMPANY'S PROCEDURE FOR NOTIFYING THE SECRETARY OR SECRETARY'S DESIGNEE WITHIN 4 HOURS AFTER THE UTILITY COMPANY RESPONDS TO A UTILITY EMERGENCY.

3. AN INCIDENTAL DRIVER SAFETY PLAN MUST INCLUDE THE PROCEDURES THAT THE UTILITY COMPANY WILL FOLLOW TO ENSURE THAT AN INCIDENTAL DRIVER WILL NOT DRIVE DURING A UTILITY EMERGENCY IF THE INCIDENTAL DRIVER HAS NOT HAD SUFFICIENT REST TO ENSURE THAT THE INCIDENTAL DRIVER MAINTAINS THE ABILITY TO DRIVE SAFELY.

(3) (i) All declarations issued under this [section] SUBSECTION shall indicate the nature of the utility or transportation emergency, the area or areas threatened, and the conditions which have brought it about.

(ii) A declaration shall be disseminated by a means calculated to bring its contents to the attention of the general public, in the areas affected by the declaration.

(4) Within 10 days of the issuance of any declaration issued under this [section] SUBSECTION, the Secretary or the Secretary's designee shall notify the Governor of the nature of the declaration.

(5) A {utility or} transportation emergency declared by the Secretary or the Secretary's designee may not extend for more than 3 5 days, unless renewed by the Governor pursuant to § 14-107 of the Public Safety Article.

~~(k) (1) NOTWITHSTANDING THE PROVISIONS OF § 14-107 OF THE PUBLIC SAFETY ARTICLE, A UTILITY COMPANY MAY DECLARE A UTILITY EMERGENCY.~~

~~(2) (i) BEFORE A UTILITY COMPANY MAY EXERCISE THE AUTHORITY TO DECLARE A UTILITY EMERGENCY, THE UTILITY COMPANY SHALL FILE A PLAN WITH THE SECRETARY OR THE SECRETARY'S DESIGNEE.~~