

~~(II) THE PLAN SHALL ESTABLISH 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 AN AMOUNT OF REST SUFFICIENT TO ENSURE THAT THE DRIVER MAINTAINS THE ABILITY TO DRIVE SAFELY.~~

~~(III) A UTILITY COMPANY IS NOT REQUIRED TO FILE A NEW PLAN EACH TIME THE UTILITY COMPANY INTENDS TO DECLARE A UTILITY EMERGENCY.~~

~~(3) IF A UTILITY DECLARES AN EMERGENCY, THE UTILITY COMPANY SHALL NOTIFY THE SECRETARY OR THE SECRETARY'S DESIGNEE WITHIN 24 HOURS OF SUCH DECLARATION.~~

~~(4) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO AN INCIDENTAL DRIVER DURING A TIME WHEN A UTILITY EMERGENCY IS DECLARED UNDER THIS SUBSECTION ON NOTIFICATION BY A UTILITY COMPANY THAT IT IS RESPONDING TO A UTILITY EMERGENCY, THE SECRETARY OR SECRETARY'S DESIGNEE SHALL:~~

~~(I) REQUIRE THE UTILITY COMPANY TO INDICATE THE NATURE OF THE UTILITY EMERGENCY, THE AREAS THREATENED, THE CONDITIONS WHICH HAVE BROUGHT IT ABOUT, AND THE DURATION OF THE UTILITY COMPANY'S EXPECTED RESPONSE, NOT TO EXCEED 5 DAYS;~~

~~(II) DETERMINE WHETHER A UTILITY EMERGENCY, AS DEFINED IN THIS SECTION, EXISTED AT THE TIME OF THE UTILITY COMPANY'S RESPONSE AND, IF SO, DECLARE THAT A UTILITY EMERGENCY EXISTED STARTING AT THAT TIME; AND~~

~~(III) IF A UTILITY EMERGENCY DOES NOT EXIST, NOTIFY THE UTILITY COMPANY THAT IT IS NOT ENTITLED TO AND MAY NOT EXERCISE THE RELIEF PROVIDED TO INCIDENTAL DRIVERS UNDER SUBSECTION (J) OF THIS SECTION.~~

~~(2) A UTILITY EMERGENCY TO WHICH A UTILITY COMPANY RESPONDS MAY NOT EXTEND MORE THAN 5 DAYS AFTER THE DATE THAT THE UTILITY COMPANY FIRST NOTIFIES THE SECRETARY OR SECRETARY'S DESIGNEE OF ITS RESPONSE UNLESS:~~

~~(I) THE UTILITY COMPANY PROVIDES A RENEWAL NOTIFICATION TO THE SECRETARY OR SECRETARY'S DESIGNEE; AND~~

~~(II) THE SECRETARY OR SECRETARY'S DESIGNEE DOES NOT REJECT THE RENEWAL.~~

(L) For the purposes of subsection (i) of this section, the Administration shall adopt regulations requiring physical examinations for intrastate commercial motor vehicle drivers.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.

Approved April 26, 2005.