

B. A physician who has examined the person has determined that the condition has not substantially worsened and that no other disqualifying medical or physical condition has developed since October 1, 2003 or the time of the first required physical examination after that date.

(2) Nothing contained in this subsection limits regulation of the qualifications or hours of service of a driver of a vehicle:

(i) In interstate commerce;

(ii) Transporting hazardous materials of a type and quantity requiring placarding under Federal Hazardous Materials Regulations; or

(iii) Designed to transport 16 or more passengers, including the driver.

(j) (1) Notwithstanding the provisions of § 14-107 of the Public Safety Article, the Governor may delegate the power to declare a utility or transportation emergency to the Secretary or the Secretary's designee.

(2) (i) The Secretary or the Secretary's designee may declare a utility or transportation emergency.

(ii) 1. During the time in which a [declared] utility or transportation emergency DECLARED UNDER THIS SUBSECTION exists, the Secretary or the Secretary's designee shall waive the maximum hours-of-service time limits contained in this section, or in regulations [promulgated pursuant thereto] ADOPTED UNDER THIS SECTION for all interstate and intrastate drivers providing direct assistance in restoring utility services affected by a utility emergency.

[(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.

~~(HH) 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