

2. Operates wholly within this State; and

3. Has a mental or physical condition which would disqualify the person under the Federal Motor Carrier Safety Regulations and:

A. The condition existed on October 1, 1992 or at the time of the first physical examination after that date to which the person submitted as required by regulations adopted by the Administration under subsection (k) of this section; and

B. A physician who has examined the person has determined that the condition has not substantially worsened since October 1, 1992 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.

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

(i) During the time in which a declared utility or transportation emergency 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 for all interstate and intrastate drivers providing direct assistance in restoring utility services affected by a utility emergency.

(ii) 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 9, 1995.