



*Honorable Sonny Perdue*  
*Governor*

**Department of Public Safety**  
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*Colonel Bill Hitchens*  
*Commissioner*

ADMINISTRATIVE ORDER

WHEREAS: Pursuant to O.C.G.A. §46-7-26(a), the Commissioner of Public Safety shall have the authority to promulgate rules and regulations for the safe operation of motor vehicles and drivers

WHEREAS: Pursuant to O.C.G.A. §46-7-26(b), regulations governing the safe operation of motor vehicles and drivers and the safe transportation of hazardous materials may be adopted by administrative order referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50, provided that such compatible federal regulations or standards shall be maintained on file by the Department of Public Safety and made available for inspection and copying by the public, by means including but not limited to posting on the department's computer Internet site;

WHEREAS: The Federal Motor Carrier Administration of the United States Department of Transportation has issued a memorandum regarding Section 4132 of Public Law 109-59 determining "that States and political subdivisions thereof are prohibited from imposing hours of service requirements upon either interstate or intrastate utility service drivers;"

WHEREAS: The Department of Public Safety has promulgated an amended version of 49 CFR

Part 395 which provides for "Hours of Service of Drivers" regulations;

WHEREAS: The rules adopted herewith shall apply to interstate and intrastate commerce and activities; and

ORDERED: That Chapter 1, "Motor Carrier Safety," of the Transportation Rules of the Department of Public Safety 1-395.1(n) [49 C.F.R. Part 395.1(n) as amended] is amended to read as follows:

*"1-395.1(n) Utility service vehicles. Pursuant to provisions of Section 4132 of the 2005 Federal Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (also called "SAFTEA-LU" or the "Highway Bill"), P.L. 109-59, Title 49 CFR 395 drivers of utility service vehicles are not subject to the requirements of this part."*

SO ORDERED this 6<sup>th</sup> day of June, 2006



Colonel Bill Hitchens  
Commissioner