

21 NCAC 54 .1606 WAIVER OF COMPLIANCE WITH RULES

(a) Upon written request, the Board may waive compliance with any of its rules when a medical emergency, severe weather, unexpected closure of testing facility or other unforeseen circumstance renders compliance with the rule impossible, except where to do so would be contrary to statute or applicable regulations of other agencies.

(b) The factors to be used in deciding whether to waive a rule are:

- (1) the necessity for a waiver;
- (2) whether or not compliance with the rule is impossible under the circumstances set forth in the request;
- (3) the amount of notice given to the Board and its staff;
- (4) the responsibility of the person making the request for the conditions creating the need for a waiver;
- (5) previous requests for a waiver made by the same person;
- (6) the precedential value of such a waiver;
- (7) the harm to the person making the waiver request if a waiver is not granted; and
- (8) the harm to the Board if a waiver is granted.

*History Note: Authority G.S. 90-270.143;
Eff. August 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;
Amended Eff. April 1, 2020.*