

21 NCAC 17 .0119 DECLARATORY RULINGS

(a) A request for a declaratory ruling made pursuant to G.S. 150B-4 shall be in writing and addressed to the Board at the address provided in Rule .0104(c) of this Section. The request shall contain the following information:

- (1) the name and address of the person requesting the ruling;
- (2) the statute, rule, or order to which the request relates;
- (3) a concise statement as to whether the request is for a ruling on the validity of a rule or on the applicability of a statute, rule, or order to a given factual situation; and
- (4) a statement as to whether a hearing is desired, and if desired, the reason therefore.

(b) The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board determines it has already made a controlling decision on substantially similar facts in a contested case.
- (2) when the facts underlying the request for a ruling on a rule were specifically considered at the time of the adoption of the rule in question; or
- (3) when the subject matter of the request is involved in pending litigation to which the Board is a party.

*History Note: Authority G.S. 90-356(2); 150B-4;
Eff. June 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*