

## SECTION .0700 - DECLARATORY RULINGS

### 21 NCAC 42K .0701 NATURE OF THE DECLARATORY RULING

(a) A declaratory ruling is a quasi-judicial order of the Board, by which it addresses issues raised by an interested person regarding:

- (1) the manner in which a statute administered by the Board applies to a given fact situation;
- (2) the manner in which a rule adopted by the Board applies to a given fact situation; or
- (3) whether a particular rule of the Board is valid.

(b) A declaratory ruling issued by the Board:

- (1) is binding upon the Board and upon the person requesting it;
- (2) may be reviewed by the courts in the same manner as the final agency decision in a contested case; and
- (3) may be altered by a subsequent declaratory ruling of the Board, but may not be altered retroactively.

*History Note:* Authority G.S. 150B-4;

*Eff. June 1, 1989;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015.*