

21 NCAC 56 .1205 DECLARATORY RULINGS

- (a) Any person substantially affected by a statute administered or rule promulgated by the Board may request a declaratory ruling as to whether or how the statute or rule applies to a given factual situation or whether a particular agency rule is valid.
- (b) All requests for declaratory rulings shall be written and mailed to the Board.
- (c) All requests for a declaratory ruling must include the following information:
 - (1) name and address of petitioner;
 - (2) statute or rule to which petition relates;
 - (3) concise statement of the manner in which petitioner is aggrieved by the rule or statute or its potential application to petitioner;
 - (4) a statement of whether an oral hearing is desired, and if so, the reasons for such an oral hearing.
- (d) Whenever the Board believes for good cause that the issuance of a declaratory ruling is undesirable, it may refuse to do so. When good cause is deemed to exist, the Board shall notify the petitioner of its decision in writing stating reasons for the denial of a declaratory ruling.
- (e) Where a declaratory ruling is deemed appropriate, the Board shall issue the ruling within 60 days of receipt of the petition.
- (f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as may be appropriate in a particular case.

*History Note: Authority G.S. 89C-10; 150B-4;
 Eff. February 1, 1976;
 Readopted Eff. September 29, 1977;
 Amended Eff. August 1, 1998;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. April 27, 2019.*