

SECTION .0200 - DECLARATORY RULINGS

04 NCAC 01B .0201 REQUEST FOR A DECLARATORY RULING

(a) Any person substantially affected by a statute administered or rule promulgated by the secretary's office of the Department of Commerce may request a declaratory ruling as to:

- (1) whether, and if so how, the statute or rule applies to a given factual situation; or
- (2) whether a particular agency rule is valid.

(b) The secretary has the power to make such declaratory rulings. All requests for declaratory rulings shall be submitted in writing to:

Secretary, Department of Commerce
4301 Mail Service Center
Raleigh, North Carolina 27699-4301.

(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 him; and
- (4) a statement of whether an oral hearing is desired, and, if so, the reasons for such an oral hearing.

History Note: Authority G.S. 150B-17;
Eff. February 1, 1976;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;
Amended Eff. January 1, 2020.