

SECTION .0200 – PETITIONS FOR RULEMAKING

18 NCAC 01A .0103 PETITION FOR RULE-MAKING OR DECLARATORY RULING

(a) Petition for Rule-Making. Any person wishing to petition the Department of the Secretary of State requesting the adoption, amendment, or repeal of a rule shall submit his petition in writing to the Department of the Secretary of State, P.O. Box 29622, Raleigh, North Carolina 27626-0622, in the following form:

- (1) Name and address of petitioner;
- (2) Any employment or activity engaged in which would be affected by the adoption, amendment, or repeal of the rule;
- (3) The text of the proposed rule, amendment or rule to be repealed;
- (4) Any data or arguments in support of the petition.

The Secretary of State shall consider the contents of the petition, the opinion of his staff, and the comments of any other interested persons and render a decision within 30 days after submission of a petition.

(b) Petition for Declaratory Ruling. Any person aggrieved may submit a request in writing to the Department of the Secretary of State, P.O. Box 29622, Raleigh, North Carolina 27626-0622 for issuance of a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the department or of a rule or order of the department. A request for a declaratory ruling shall contain the following information:

- (1) Name and address of person aggrieved;
- (2) Substance of request;
- (3) Manner in which the person is directly or indirectly affected substantially in their person, property, or public office or employment by the rule, statute or order of the department.

The Secretary of State shall not issue a declaration ruling if he finds that the person requesting the ruling is not directly or indirectly affected substantially in their person, property, or public office or employment by the rule, statute or order of the department which is the subject of the request; or if the ruling would adversely affect a pending contested case or judicial review of a final decision in a contested case.

*History Note: Authority G.S. 150B-18; 150B-20;
Eff. December 10, 1980;
Amended Eff. April 1, 2003; November 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 20, 2015.*