20 NCAC 01F .0208 DECLARATORY RULINGS

- (a) All requests for declaratory rulings shall be in writing and mailed to the attention of the Rulemaking Coordinator at the address specified in Rule 20 NCAC 01A .0101.
- (b) The request for declaratory ruling shall:
 - (1) contain the name and address of the requestor;
 - (2) identify the agency, board, or commission to whom the request is directed for consideration;
 - (3) identify the statute, rule, or order to which the request relates; and
 - (4) contain a statement of the manner in which the requestor is affected, or thinks that the requestor may be affected, by the statute, rule, or order and its application to the requestor.
- (c) A decision to grant or deny a request for a declaratory ruling will be made by the State Treasurer, a deputy pursuant to G.S. 147-75, or board or commission within 30 days of receipt. The requestor shall be notified in writing of a decision to grant or deny the request.
- (d) A request for declaratory ruling shall be denied by the State Treasurer, deputy, or appropriate board or commission if:
 - (1) the request does not meet the requirements set forth in this Rule;
 - (2) a declaratory ruling has previously been issued on same or similar facts;
 - (3) a controlling decision has already been issued on same or similar facts in a contested case;
 - (4) the facts underlying the request were considered at the time of adoption of the rule; or
 - (5) the subject matter of the request is involved in pending litigation.
- (e) If the request is granted, the State Treasurer, deputy, or appropriate board or commission shall issue a written ruling within 45 days of the decision to grant the request.

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

Eff. December 1, 2021.