

21 NCAC 22B .0503 REFUSAL TO ISSUE DECLARATORY RULING

In accordance with G.S. 150B-17, the Board may decline to issue a declaratory ruling if any of the following circumstances exist:

- (1) A declaratory ruling would be futile because circumstances have so changed since the promulgation of the rule that the rule no longer serves its original purpose;
- (2) A similar factual situation has been the basis of a contested case;
- (3) The factual situation at issue was specifically considered upon the adoption of the rule being questioned, as evidenced by the rule making record;
- (4) The subject matter of the requested declaratory ruling is involved in a lawsuit pending in a court of this state or a federal court; or
- (5) Failure to comply with the requirements contained in Rule .0501 of this Section.

*History Note: Authority G.S. 93D-3(c); 150B-17;
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*