

21 NCAC 63 .0704 DECLARATORY RULINGS

(a) General. The Board shall respond to requests for declaratory rulings in accordance with G.S. 150B-4.

(b) Contents of a Request for Declaratory Ruling. A request for a declaratory ruling shall be in writing and addressed to the executive director of the Board. The request shall contain the following information:

- (1) the name and address of the person making the request;
- (2) the statute, rule, or order to which the request relates;
- (3) a statement of the need for a declaratory ruling as set forth in G.S. 150B-4(a); and
- (4) a statement as to whether a hearing is desired, and if desired, the reason therefore.

(c) Refusal to Issue Ruling. The Board shall refuse to issue a declaratory ruling under the following circumstances:

- (1) when the Board has already made a controlling decision on similar facts in a contested case;
- (2) when the facts underlying the request for a ruling were considered at the time of the adoption of the Rule in question; or
- (3) when the subject matter of the request is involved in any pending litigation in North Carolina.

*History Note: Authority G.S. 90B-6(h); 150B-4;
Eff. September 1, 1989;
Temporary Amendment Eff. October 1, 1999;
Amended Eff. January 1, 2014; July 1, 2000;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 19, 2015;
Amended Eff. October 1, 2021.*