



CHAPTER 150B
ARTICLE 1 - GENERAL PROVISIONS

N.C.G.S. § 150B-4.

Declaratory rulings.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2011-398, s. 56 — sixth act in the lineage	RETRIEVED 21 September 2026, 04:46 UTC	SOURCE FINGERPRINT 5b39bf53f6da8dc6018a2a41 - 0319d2a170e6de19e7265436 - 61f1b99cb6dd07e7
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§ 150B-4(a) On request of a person aggrieved, an agency shall issue 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 agency or of a rule or order of the agency. Upon request, an agency shall also issue a declaratory ruling to resolve a conflict or inconsistency within the agency regarding an interpretation of the law or a rule adopted by the agency. The agency shall prescribe in its rules the procedure for requesting a declaratory ruling and the circumstances in which rulings shall or shall not be issued. A declaratory ruling is binding on the agency and the person requesting it unless it is altered or set aside by the court. An agency may not retroactively change a declaratory ruling, but nothing in this section prevents an agency from prospectively changing a declaratory ruling.

- § 150B-4(a1)** An agency shall respond to a request for a declaratory ruling as follows:
- (1) Within 30 days of receipt of the request for a declaratory ruling, the agency shall make a written decision to grant or deny the request. If the agency fails to make a written decision to grant or deny the request within 30 days, the failure shall be deemed a decision to deny the request.
 - (2) If the agency denies the request, the decision is immediately subject to judicial review in accordance with Article 4 of this Chapter.
 - (3) If the agency grants the request, the agency shall issue a written ruling on the merits within 45 days of the decision to grant the request. A declaratory ruling is subject to judicial review in accordance with Article 4 of this Chapter.

- (4) If the agency fails to issue a declaratory ruling within 45 days, the failure shall be deemed a denial on the merits, and the person aggrieved may seek judicial review pursuant to Article 4 of this Chapter. Upon review of an agency's failure to issue a declaratory ruling, the court shall not consider any basis for the denial that was not presented in writing to the person aggrieved.

§ 150B-4(b) Repealed by Session Laws 1997-34, s. 1.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
6 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973		1992		2011
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1973	c. 1331, s. 1	ENACTED	
02	1985	c. 746, s. 1	AMENDED	
03	1991	c. 418, s. 4	AMENDED	
04	1991	c. 477, s. 2.1	AMENDED	
05	1997	S.L. 1997-34, s. 1	AMENDED	
06	2011	S.L. 2011-398, s. 56	AMENDED	

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 150B-4 (2011).

PINPOINT

N.C. Gen. Stat. § 150B-4(a) (2011).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1991, c. 418, s. 4; c. 477, s. 2.1; 1997-34, s. 1; 2011-398, s. 56.)

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