

§ 150B-20. Petitioning an agency to adopt a rule.

(a) **Petition.** – A person may petition an agency to adopt a rule by submitting to the agency a written rulemaking petition requesting the adoption. A person may submit written comments with a rulemaking petition. If a rulemaking petition requests the agency to create or amend a rule, the person must submit the proposed text of the requested rule change and a statement of the effect of the requested rule change. Each agency must establish by rule the procedure for submitting a rulemaking petition to it and the procedure the agency follows in considering a rulemaking petition. An agency receiving a rulemaking petition shall, within three business days of receipt of the petition, send the proposed text of the requested rule change and the statement of the effect of the requested rule change to the Office of Administrative Hearings. The Office of Administrative Hearings shall, within three business days of receipt of the proposed text of the requested rule change and the statement of the effect of the requested rule change, distribute the information via its mailing list and publish the information on its website.

(b) **Time.** – An agency must grant or deny a rulemaking petition submitted to it within 30 days after the date the rulemaking petition is submitted, unless the agency is a board or commission. If the agency is a board or commission, it must grant or deny a rulemaking petition within 120 days after the date the rulemaking petition is submitted.

(c) **Action.** – If an agency denies a rulemaking petition, it must send the person who submitted the petition a written statement of the reasons for denying the petition. If an agency grants a rulemaking petition, it must inform the person who submitted the rulemaking petition of its decision and must initiate rulemaking proceedings. When an agency grants a rulemaking petition, the notice of text it publishes in the North Carolina Register may state that the agency is initiating rulemaking as the result of a rulemaking petition and state the name of the person who submitted the rulemaking petition. If the rulemaking petition requested the creation or amendment of a rule, the notice of text the agency publishes may set out the text of the requested rule change submitted with the rulemaking petition and state whether the agency endorses the proposed text.

(d) **Review.** – Denial of a rulemaking petition is a final agency decision and is subject to judicial review under Article 4 of this Chapter. Failure of an agency to grant or deny a rulemaking petition within the time limits set in subsection (b) is a denial of the rulemaking petition.

(e) **Repealed by Session Laws 1996, Second Extra Session, c. 18, s. 7.10(b). (1973, c. 1331, s. 1; 1985, c. 746, s. 1; 1991, c. 418, s. 1; c. 477, s. 2; 1996, 2nd Ex. Sess., c. 18, s. 7.10(b); 1997-34, s. 2; 2003-229, s. 1; 2017-211, s. 1(a); 2025-25, s. 29(5), (6).)**