

26 NCAC 03 .0502 is amended as published in 35:11 NCR 1160-1162 as follows:

**26 NCAC 03 .0502           GENERAL**

(a) The Office of Administrative Hearings shall permit documents filed and served in a contested case to be filed and served electronically by means of the Electronic Filing Service Provider. All attorneys, mediators, and other parties using e-OAH shall register to use the system through a link on the OAH website at [www.ncoah.com](http://www.ncoah.com). All e-OAH users shall keep current their electronic mail address in e-OAH. When all attorneys and unrepresented parties to a contested case are registered in e-OAH, all documents filed and served in that contested case shall be filed and served electronically by means of the Electronic Filing Service Provider.

(b) In contested cases filed in e-OAH, registration as an e-OAH user constitutes consent to electronic service and receipt of contested case documents, including a notice of hearing given by OAH, by means of the Electronic Filing Service Provider.

(c) An e-OAH user shall be responsible for the readability of any document filed or served electronically by that user. Within five business days of receipt of an unreadable document filed or served electronically, the receiving party shall notify the sending party of the unreadability of the document.

(d) Pleadings and other documents filed or served electronically shall contain the electronic signature of the attorney, mediator, or party who prepared the document and the preparer's name, mailing address, electronic mail address, and telephone number. Documents prepared by an attorney shall have the attorney's North Carolina State Bar number. An attorney registered as an e-OAH user in a non-Medicaid contested case shall electronically file a notice of appearance in that contested case. An attorney's electronic signature to a petition for a contested case filed electronically shall be that attorney's notice of appearance in that contested case.

(e) Documents filed in e-OAH are filed when received by the chief hearings clerk of the Office of Administrative Hearings. Upon completion of filing, the clerk shall send the e-OAH user a confirmation receipt that includes the date and time of filing which shall be proof of filing.

(f) Documents filed electronically after 5 pm shall be deemed filed at 8 am the following business day.

(g) Documents filed in a contested case by an e-OAH user shall be filed electronically by means of the Electronic Filing Service Provider, shall be served electronically by means of the Electronic Filing Service Provider on all other attorneys or other parties registered in e-OAH in that contested case, and shall include a certificate of service.

~~(h) Electronic service shall be treated the same as service by mail for the purpose of adding three days to the prescribed period to respond under Rule 6(e) of the Rules of Civil Procedure as contained in G.S. 1A-1.~~

~~(i)(h)~~ A subpoena issued in a contested case by the chief hearings clerk of the Office of Administrative Hearings shall be signed electronically by the clerk.

~~(j)(i)~~ In contested cases filed electronically, the applicable filing fee shall be:

- (1) forwarded by first class mail or overnight express mail contemporaneously with the electronic filing;
- (2) paid personally to the chief hearings clerk of the Office of Administrative Hearings within five business days of the filing; or
- (3) paid by electronic funds transfer.

1 ~~(e)(j)~~ If e-OAH experiences technical failure that prevents the Office of Administrative Hearings from receiving  
2 filings in e-OAH in accordance with the Rules in this Section, either continuously or intermittently over the course of  
3 any period of time that, after 12:00 noon on such day, amounts to more than one hour, filings due that day that were  
4 not filed due to technical failure shall become due the next business day. Such delayed filings shall be deemed timely  
5 filed if accompanied by a certification attesting to the e-OAH user's failed attempts to file electronically at least two  
6 times after 12:00 noon separated by more than one hour on each day that e-OAH experiences technical failure. If a  
7 document must be filed to meet a statutory deadline on a date that e-OAH experiences technical failure, the e-OAH  
8 user shall file that document with the Office of Administrative Hearings pursuant to Rule .0101(b) or Rule  
9 .0102(a)(2)(A) of this Chapter and shall serve that document pursuant to Rule .0102(a)(3) of this Chapter.

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11 *History Note:* Authority G.S. 7A-750; 150B-23; 150B-23.2; 150B-23.3;  
12 Eff. March 1, 2016;  
13 Amended Eff. April 1, 2021; April 1, 2017; October 1, 2016.  
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