

1 11 NCAC 23E .0302 is adopted with changes under temporary procedures as follows:

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4 **11 NCAC 23E .0302 EMERGENCY ORDERS AND DIRECTIVES OF THE CHIEF JUSTICE OF THE**  
5 **NORTH CAROLINA SUPREME COURT**

6 (a) This ~~rule~~ **Rule** applies to all matters within the authority and jurisdiction of the Commission and to all  
7 Subchapters of the Commission's rules.

8 (b) In the interests of justice or to protect the public health or safety, the Commission may waive or ~~vary the~~  
9 ~~requirements or provisions of any~~ **modify any portion** of its rules in order to bring ~~these requirements or provisions~~  
10 ~~them~~ in conformity with an emergency Order or directive of the Chief Justice of the North Carolina Supreme Court  
11 that is in effect. **The Commission shall consider the following factors in determining whether to grant the waiver or**  
12 **modification:** ~~Factors the Commission shall use in determining whether to waive or vary the requirements or~~  
13 ~~provisions of any of its rules in order to bring these requirements or provisions in conformity with any emergency~~  
14 ~~Order or directive of the Chief Justice of the North Carolina Supreme Court that is in effect are:~~

15 (1) the necessity of waiving or ~~varying~~ **modifying** the rule; ~~rule requirements or provisions;~~ and

16 (2) the impact of waiving or **modifying** ~~varying~~ the rule ~~requirements or provisions~~ on the regulated parties and on  
17 the Commission.

18 If the Commission waives or ~~varies~~ **modifies** ~~the requirements or provisions of~~ a rule to bring the rule in conformity  
19 with any emergency Order or directive of the Chief Justice of the North Carolina Supreme Court, the Commission  
20 shall post a notice of the waiver or ~~variance~~ **modification** of the rule on its website unless the waiver or ~~variance~~  
21 **modification** is case-specific and not generally applicable to the regulated public.

22 (c) During any period that an emergency Order or directive of the Chief Justice of the North Carolina Supreme Court  
23 authorizes the taking of oaths and verifications outside the presence of a notary public, the Commission ~~may~~ **shall**  
24 accept any pleading, motion, petition, supporting affidavit, or other document with an affirmation or representation  
25 not attested to before a notary public so long as the subscriber affirms the truth of the matter to be verified by an  
26 affirmation or representation in substantially the same language as that allowed by the emergency Order or directive  
27 of the Chief Justice of the North Carolina Supreme Court.

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30 *History Note:* Authority G.S. 97-80; 130A-425(d); 143-166.4; 143-296; 143-300;

31 Emergency Rule Eff. November 6, 2020;

32 Temporary Rule Eff. **January 29, 2021.**  
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