

1 11 NCAC 23E .0302 is adopted as published in 35:20 NCR 2220-2221 as follows:

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3 **11 NCAC 23E .0302** **EMERGENCY ORDERS AND DIRECTIVES OF THE CHIEF JUSTICE OF THE**
4 **NORTH CAROLINA SUPREME COURT**

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

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

11 (1) the necessity of waiving or modifying the rule; and

12 (2) the impact of waiving or modifying the rule on the regulated parties and on the Commission.

13 If the Commission waives or modifies a rule to bring it into conformity with any emergency Order or directive of the
14 Chief Justice of the North Carolina Supreme Court, the Commission shall post a notice of the waiver or modification
15 of the rule on its website unless the waiver or modification is case-specific and not generally applicable to the regulated
16 public. For a waiver or modification that is case-specific and not generally applicable to the regulated public, the
17 Commission shall notify the parties in the case of the waiver or modification via an order of the Commission.

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

24 (d) Any waiver or modification made pursuant to this Rule shall only remain in effect during the duration of any
25 emergency Order or directive of the Chief Justice of the North Carolina Supreme Court upon which that waiver or
26 modification is based.

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28 *History Note: Authority G.S. 97-80; 130A-425(d); 143-166.4; 143-296; 143-300;*
29 *Emergency Adoption Eff. November 6, 2020;*
30 *Temporary Adoption Eff. January 29, 2021;*
31 *Eff. August 1, 2021.*
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