



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:
6714 Mail Service Center
Raleigh, NC 27699-6714

Street address:
1711 New Hope Church Rd
Raleigh, NC 27609-6285

April 20, 2018

Via Email Only: bstiller@stiller-disbrow.com and john@harrissententerprises.com

Bonner Stiller, Rulemaking Coordinator

John Harriss, Rulemaking Coordinator

Commission of Navigation and Pilotage for the Cape Fear River and Bar

Re: Rules pending on Log of Permanent Rule Filings in 04 NCAC 15

Dear Messrs. Stiller and Harriss:

At its April 19, 2018 meeting, the Rules Review Commission extended the period of review on the rules referenced above in accordance with G.S. 150B-21.10 and G.S. 150B-21.13. The Commission extended the period of review to allow the Commission of Navigation and Pilotage for the Cape Fear River and Bar additional time to revise the rules in response to the technical change requests.

If you have any questions regarding the Commission's action, please do not hesitate to contact me directly at (919) 431-3081.

Sincerely,

Jason Thomas

Jason Thomas
Commission Counsel

Administration
919/431-3000
fax: 919/431-3100

Rules Division
919/431-3000
fax: 919/431-3104

Judges and
Assistants
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March 19, 2018

Helen Landi, Rulemaking Coordinator
NCDOT Division of Motor Vehicles
Sent via email only: hlandi@ncdot.gov

Re: 19A NCAC 03D .0219

Dear Ms. Landi:

At its meeting this morning, the Rules Review Commission objected to the above-captioned rule in accordance with G.S. 150B-21.10.

The Commission objected to the rule for failure to comply with the APA, as the agency substantially changed the rule after publication in the NC Register. The Commission also objected to rule based upon lack of statutory authority, because requiring certain records to be provided "immediately" in all circumstances was not authorized by G.S. 20-297, which requires that such records be "available for inspection by the Division within a reasonable period of time after being requested by the Division."

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

Jason Thomas
Commission Counsel

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