

1 11 NCAC 23E .0302 is proposed for a doption 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 applies to all matters within the authority and jurisdiction of the Commission and to all Subchapters of  
7 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 of its rules in order to bring these requirements or provisions in conformity with an  
10 emergency Order or directive of the Chief Justice of the North Carolina Supreme Court that is in effect. Factors the  
11 Commission shall use in determining whether to waive or vary the requirements or provisions of any of its rules in  
12 order to bring these requirements or provisions in conformity with any emergency Order or directive of the Chief  
13 Justice of the North Carolina Supreme Court that is in effect are:

14 (1) the necessity of waiving or varying the rule requirements or provisions; and

15 (2) the impact of waiving or varying the rule requirements or provisions on the regulated parties and on the  
16 Commission.

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

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

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29 *History Note: Authority G.S. 97-80; 130A-425(d); 143-166.4; 143-296; 143-300;*  
30 *Emergency Rule Eff. November 6, 2020;*  
31 *Temporary Rule Eff. \_\_\_\_\_.*  
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