

## **RRC STAFF OPINION**

*PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.*

AGENCY: Private Protective Services Board

RULE CITATION: 14C NCAC 16 .0701, .0801, .1301, and .1401

RECOMMENDATION DATE: June 23, 2025

RECOMMENDED ACTION:

- ☐ Approve, but note staff's comment
- ☒ Object, based on:
  - ☒ Lack of statutory authority
  - ☐ Unclear or ambiguous
  - ☐ Unnecessary
  - ☐ Failure to comply with the APA
- ☐ Extend the period of review

COMMENT:

*Pursuant to G.S. 150B-19(5), an agency may not adopt a rule that establishes a fee or other charge unless a law specifically authorizes the agency to do so or for a list of enumerated items.*

*In Subparagraph (a)(4) of each of the above captioned rules, employer-applicants are required to submit a "convenience fee charged by the Board's on-line application vendor" and a "credit card transaction fee" in addition to the standard registration fee.*

*The Board's authority to collect fees is strictly circumscribed by statute. G.S. 74C-8(c)(3) and (f), and G.S. 74C-8.1, authorize the Board to set certain fees, but only with the amounts established by G.S. 74C-9(e).<sup>1</sup> All such fees must be used solely "for the purpose of defraying the expenses of administering this Chapter."*

*G.S. 74C-8.1(a) specifically authorizes the Board to require a "criminal record report" from designated reporting services and require applicants to pay the reporting service directly "for the cost of these reports."*

*The General Assembly's explicit authorization for certain fees demonstrates that when the legislature intends for applicants to bear specific costs, it says so clearly. Notably, there is no*

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*<sup>1</sup> THE BOARD IS ALSO AUTHORIZED TO LEVY AN ADDITIONAL FEE IN CERTAIN CIRCUMSTANCES FOR THE EXCLUSIVE USE OF THOSE PURPOSES OUTLINED IN G.S. 74C-30(D.) THIS FEE IS NOT RELEVANT IN THE RULE UNDER CONSIDERATION.*

William W. Peaslee  
Commission Counsel

*similar statutory language authorizing the Board to require payment of “convenience fees” or “credit card transaction fees.”*

*By specifying only certain fees, the General Assembly has made a deliberate choice not to authorize the Board to impose additional costs on the applicants. The legal maxim *expressio unius est exclusio alterius* - the express mention of one thing excludes the others - is applicable here. The Board cannot expand its fee-collecting authority beyond what the statutes expressly permit.*

*Staff counsel inquired about the authority to charge the fees in Paragraphs (a)(4) and to cite the statutory authority. The Board correctly cited the authority for the registration fee (G.S. 74C-9(e)(6)) but failed to provide any authority for the convenience fee or credit card fee.*

*The Board responded that these fees were subject to a “fee for service” contract with its vendor; a vendor it requires applicants to use. The Board avers that the vendor controls the on-line application platform, and any fees are retained by the vendor.*

*This response does not resolve the issue. The fact that the fees are paid to a vendor, rather than the Board, is irrelevant. The Board requires applicants to use this vendor and to pay these fees as a condition of application. By structing the arrangement this way, the Board is effectively shifting its own operational costs onto applicants, in contravention to the statutory framework.*

*The only statutory exception for additional fees is found in G.S. 74C-5(9), which allows the Board to establish rules for the reimbursement of costs related to the approval of schools. This exception does not apply to the employer-applicant fees at issue here.*

*In summary, there is no statutory authority for the Board to require employer-applicants to pay convenience or credit card fees – regardless of whether these fees are paid directly to the Board or its vendor. Accordingly, these rules exceed the Board’s authority.*

*Therefore, staff recommends objection to the rule pursuant to G.S. 150B-21.9(a)(1) for lack of authority.*

**§ 150B-19. Restrictions on what can be adopted as a rule.**

**An agency may not adopt a rule that does one or more of the following:**

- (1) Implements or interprets a law unless that law or another law specifically authorizes the agency to do so.
- (2) Enlarges the scope of a profession, occupation, or field of endeavor for which an occupational license is required.
- (3) Imposes criminal liability or a civil penalty for an act or omission, including the violation of a rule, unless a law specifically authorizes the agency to do so or a law declares that violation of the rule is a criminal offense or is grounds for a civil penalty.
- (4) Repeats the content of a law, a rule, or a federal regulation. A brief statement that informs the public of a requirement imposed by law does not violate this subdivision and satisfies the "reasonably necessary" standard of review set in G.S. 150B-21.9(a)(3).
- (5) Establishes a fee or other charge for providing a service in fulfillment of a duty unless a law specifically authorizes the agency to do so or the fee or other charge is for one of the following:
  - a. A service to a State, federal, or local governmental unit.
  - b. A copy of part or all of a State publication or other document, the cost of mailing a document, or both.
  - c. A transcript of a public hearing.
  - d. A conference, workshop, or course.
  - e. Data processing services.
- (6) Allows the agency to waive or modify a requirement set in a rule unless a rule establishes specific guidelines the agency must follow in determining whether to waive or modify the requirement.

**§ 150B-21.9. Standards and timetable for review by Commission.**

(a) Standards. – The Commission must determine whether a rule meets all of the following criteria:

- (1) It is within the authority delegated to the agency by the General Assembly.
- (2) It is clear and unambiguous.
- (3) It is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
- (4) It was adopted in accordance with Part 2 of this Article.

The Commission shall not consider questions relating to the quality or efficacy of the rule but shall restrict its review to determination of the standards set forth in this subsection.

The Commission may ask the Office of State Budget and Management to determine if a rule has a substantial economic impact and is therefore required to have a fiscal note. The Commission must ask the Office of State Budget and Management to make this determination if a fiscal note was not prepared for a rule and the Commission receives a written request for a determination of whether the rule has a substantial economic impact.

(a1) Entry of a rule in the North Carolina Administrative Code after review by the Commission creates a rebuttable presumption that the rule was adopted in accordance with Part 2 of this Article.

(b) Timetable. – The Commission must review a permanent rule submitted to it on or before the twentieth of a month by the last day of the next month. The Commission must review a rule submitted to it after the twentieth of a month by the last day of the second subsequent month. The Commission must review a temporary rule in accordance with the timetable and procedure set forth in G.S. 150B-21.1. (1991, c. 418, s. 1; 1995, c. 507, s. 27.8(f); 2000-140, s. 93.1(a); 2001-424, s. 12.2(b); 2003-229, s. 9.)

#### **§ 74C-5. Powers of the Board.**

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

- (1) Adopt rules necessary to carry out and administer the provisions of this Chapter including the authority to require the submission of reports and information by licensees under this Chapter.
- (2) Determine minimum qualifications, establish and require written or oral examinations, and establish minimum education, experience, and training standards for applicants and licensees under this Chapter.
- (3) Conduct investigations regarding alleged violations and to make evaluations as may be necessary to determine if licensees and trainees under this Chapter are complying with the provisions of this Chapter.
- (4) Adopt and amend bylaws, consistent with law, for its internal management and control.
- (5) Approve individual applicants to be licensed or registered according to this Chapter.
- (6) Deny, suspend, or revoke any license or trainee permit issued or to be issued under this Chapter to any applicant, licensee, or permit holder who fails to satisfy the requirements of this Chapter or the rules established by the Board. The denial, suspension, or revocation shall be in accordance with Chapter 150B of the General Statutes of North Carolina.
- (7) Issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The district court shall have the power to impose punishment pursuant to G.S. Chapter 5A, Article 2, for acts occurring in matters pending before the Private Protective Services Board which would constitute civil contempt if the acts occurred in an action pending in court.
- (8) Repealed by Session Laws 1989, c. 759, s. 5.
- (9) Adopt rules governing detection of deception schools, and charge fees for reimbursement of costs incurred pursuant to approval of the schools.
- (10) Contract for services as necessary to carry out the functions of the Board.
- (11) Approve training schools, instructors, and course materials for any person, firm, association, or corporation wishing to provide training described in this Chapter.
- (12) Approve a design for a badge or shield that indicates a person is licensed or registered to engage in private protective services. The badge or shield shall be approved by the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police.
- (13) Conduct investigations regarding unlicensed activity and issue cease and desist letters with the concurrence of the Secretary of Public Safety.
- (14) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to approval of the Governor and Council of State. Collateral pledged by the Board for an encumbrance is limited to the assets, income, and revenues of the Board.
- (15) Adopt rules establishing standards for the use of any firearm or other weapon approved by the Board. (1973, c. 528, s. 1; c. 1331, s. 3; 1979, c. 818, s. 2; 1981 (Reg. Sess., 1982), c. 1359, s. 3; 1983, c. 794, s. 2; c. 810; 1989, c. 759, s. 5; 1999-456, s. 19; 2007-511, s. 2; 2022-66, s. 1.)

**§ 74C-8. License requirements.**

(a) License Required. - Any person, firm, association, or corporation desiring to carry on or engage in the private protective services profession in this State shall be licensed in accordance with this Chapter.

(b) Application. - To apply for a license, an applicant must submit a verified application in writing to the Board that includes all of the following:

- (1) Full name, home address, post office box, and the actual street address of the applicant's business.
- (2) The name under which the applicant intends to do business.
- (3) A statement as to the general nature of the business in which the applicant intends to engage.
- (4) The full name and address of any partners in the business and the principal officers, directors and business manager, if any.
- (5) The names of not less than three unrelated and disinterested persons as references of whom inquiry can be made as to the character, standing, and reputation of the persons making the application.
- (6) Such other information, evidence, statements, or documents as may be required by the Board.
- (7) Accompanying trainee permit applications only, a notarized statement signed by the applicant and his or her employer stating that the trainee applicant will at all times work with or under the direct supervision of a licensed private detective.

(c) Qualifying Agent. - A business entity, other than a sole proprietorship, that engages in private protective services is subject to all of the requirements listed in this subsection with respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Director. The requirements are:

- (1) The business entity shall employ a designated resident qualifying agent who meets the requirements for a license issued under this Chapter and who is, in fact, licensed under the provisions of this Chapter, unless otherwise approved by the Board. Provided however, that this approval shall not be given unless the business entity has and continuously maintains in this State a registered agent who shall be an individual resident in this State. Service upon the registered agent appointed by the business entity of any process, notice, or demand required by or permitted to be served upon the business entity by the Private Protective Services Board shall be binding upon the business entity and the licensee. Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a business entity in any other manner now or hereafter permitted by law.
- (2) Repealed by Session Laws 2009-328, s. 3, effective October 1, 2009.
- (3) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his or her duties as qualifying agent, the business entity shall notify the Director within 10 working days. The business entity must obtain a substitute qualifying agent within 90 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends the 90-day period, for good cause, for an additional 30 days upon the filing of a petition by the business entity and upon a hearing by the Board. The

Board may require the payment of a late fee for a business entity failing to obtain a substitute qualifying agent pursuant to the requirements of this subdivision.

- (4) The certificate authorizing the business entity to engage in a private protective services profession shall list the name of at least one designated qualifying agent. No licensee shall serve as the qualifying agent for more than one business entity without prior approval of the Director, subject to the approval of the Board.

- (5) Repealed by Session Laws 2009-328, s. 3, effective October 1, 2009.

(d) Criminal Record Check. - An applicant must meet all of the following requirements and qualifications determined by a background investigation conducted by the Board in accordance with G.S. 74C-8.1 and upon receipt of an application:

- (1) That the applicant is at least 18 years of age.
- (2) That the applicant is of good moral character and temperate habits. The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, State, federal, or military court of any crime involving the illegal use, carrying, or possession of a firearm or other deadly weapon; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving unlawful breaking or entering, burglary, or larceny; or a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this subsection, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.
- (3) Repealed by Session Laws 1989, c. 759, s. 6.
- (4) That the applicant has the necessary training, qualifications, and experience in order to determine the applicant's competency and fitness as the Board may determine by rule for all licenses to be issued by the Board.

(e) Examination. - The Board may require the applicant to demonstrate the applicant's qualifications by oral or written examination or by successful completion of a Board-approved training program, or all three.

(f) Issuance. - Upon a finding that the application is in proper form, the completion of the background investigation, and the completion of an examination required by the Board, the Director shall submit to the Board the application and the Director's recommendations. Upon completion of the background investigation, the Director may issue a temporary license pending approval of the application by the Board at the next regularly scheduled meeting. The Board shall determine whether to approve or deny the application for a license. Upon approval by the Board, a license will be issued to the applicant upon payment by the applicant of the initial license fee and the required contribution to the Private Protective Services Education Fund, and filing of a certificate of liability insurance with the Board. The applicant must pay the initial license fee and make the required contribution to the Fund within 90 days from the date the applicant receives notice of pending licensure approval, unless the Board, in its discretion, extends the 90-day period for good cause, for an additional 30 days upon the filing of a petition by the applicant and upon a hearing by the Board. The Board may require the payment of a late fee for an applicant failing to pay the initial license fee or failing to make the contribution to the Fund pursuant to the requirements of this subsection.

(g) Confidentiality. - Except for purposes of administering the provisions of this section and for law enforcement purposes, the home address or telephone number of an applicant, licensee, or the

spouse, children, or parents of an applicant or licensee is confidential under G.S. 132-1.2, and the Board shall not disclose this information unless the applicant or licensee consents to the disclosure. The provisions of this subsection shall not apply when a licensee's home address or telephone number is also the licensee's business address and telephone number. Violation of this subsection shall constitute a Class 3 misdemeanor.



**§ 74C-8.1. Criminal background checks.**

(a) Authorization. - Upon receipt of an application for a license, registration, certification, or permit, the Board shall conduct a background investigation to determine whether the applicant meets the requirements for a license, registration, certification, or permit set out in G.S. 74C-8(d). The Department of Public Safety may provide a criminal record check to the Board for a person who has applied for a new or renewal license, registration, certification, or permit through the Board. The Board shall provide to the Department of Public Safety, along with the request, the fingerprints of a new applicant, and the Department of Public Safety shall provide a criminal record check based upon the applicant's fingerprints. The Board may request a criminal record check from the Department of Public Safety for a renewal applicant based upon the applicant's fingerprints in accordance with policy adopted by the Board. The Board shall provide any additional information required by the Department of Public Safety and a form signed by the applicant consenting to the check of the criminal record and to the use of the fingerprints and other identifying information required by the State or national repositories. The applicant's fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State's criminal history record file, and the State Bureau of Investigation shall forward a set of the fingerprints to the Federal Bureau of Investigation for a national criminal history check. The Department of Public Safety may charge each applicant a fee for conducting the checks of criminal history records authorized by this subsection.

The Board may require a new or renewal applicant to obtain a criminal record report from one or more reporting services designated by the Board to provide criminal record reports. Applicants are required to pay the designated reporting service for the cost of these reports.

(b) Confidentiality. - The Board shall keep all information obtained pursuant to this section confidential in accordance with applicable State law and federal guidelines, and the information shall not be a public record under Chapter 132 of the General Statutes. (2009-328, s. 4; 2014-100, s. 17.1(o).)

**§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late renewal fee.**

(a) The license when issued shall be in such form as may be determined by the Board and shall state:

- (1) The name of the licensee,
- (2) The name under which the licensee is to operate, and
- (3) The number and expiration date of the license.

(b) The license shall be issued for a term of two years. A trainee permit shall be issued for a term of two years. All licenses must be renewed prior to the expiration of the term of the license. Following issuance, the license shall at all times be posted in a conspicuous place in the licensee's principal place of business, in North Carolina, unless for good cause exempted by the Director. A license issued under this Chapter is not assignable. The Board may require all licensees to complete continuing education courses approved by the Board before renewal of their licenses.

(c) Repealed by Session Laws 1989, c. 759, s. 7.

(d) The operator or manager of any branch office shall be properly licensed or registered. The license shall be posted at all times in a conspicuous place in the branch office. This license shall be issued for a term of two years. Every business covered under the provisions of this Chapter shall file in writing with the Board the addresses of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of any branch office. The Director may, upon the successful completion of an investigation of the application, issue a temporary branch office license pending approval of the application by the Board.

**(e) The Board is authorized to charge reasonable application and license fees as follows:**

- (1) A nonrefundable initial application fee in an amount not to exceed one hundred fifty dollars (\$150.00).
- (2) A new or renewal license fee in an amount not to exceed two hundred fifty dollars (\$250.00) per year of the license term.
- (3) A new or renewal trainee permit fee in an amount not to exceed two hundred fifty dollars (\$250.00) per year of the license term.
- (4) A new or renewal fee for each license or duplicate license in addition to the basic license referred to in subsection (2) in an amount not to exceed fifty dollars (\$50.00) per year of the license term.
- (5) A late renewal fee to be paid within 90 days from the date the license, registration, permit, or certification expires in addition to the renewal fee due in an amount not to exceed one hundred dollars (\$100.00), if the license, registration, permit, or certification has not been renewed on or before the expiration date of the license, registration, permit, or certification.
- (6) A new, renewal, replacement or reissuance fee for an unarmed registration identification card in an amount not to exceed thirty dollars (\$30.00).
- (7) An application fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed fifty dollars (\$50.00).
- (8) A new, renewal, replacement, or reissuance fee for a firearm registration permit for all applicants and licensees subject to G.S. 74C-13 not to exceed thirty dollars (\$30.00).
- (9) An application fee for certification as a certified trainer not to exceed fifty dollars (\$50.00).

- (10) A renewal or replacement fee for certified trainer certification not to exceed twenty-five dollars (\$25.00).
- (11) A new nonresident temporary permit fee not to exceed one hundred dollars (\$100.00).
- (12) An unarmed registration transfer fee not to exceed fifteen dollars (\$15.00).
- (13) A branch office license fee not to exceed fifty dollars (\$50.00) per year of the license term.
- (14) A special limited guard and patrol license fee not to exceed one hundred dollars (\$100.00) per year of the license term.
- (15) A correctable error fee not to exceed one hundred dollars (\$100.00) for each subsequent filing of an application following review and rejection of the initial application.
- (16) A late fee for a business entity subject to G.S. 74C-8(c)(3) or an applicant for licensure under G.S. 74C-8(f) not to exceed one hundred dollars (\$100.00).

Except as provided in G.S. 74C-13(k), all fees collected pursuant to this section shall be expended, under the direction of the Board, for the purpose of defraying the expenses of administering this Chapter.

(f) A license or trainee permit granted under the provisions of this Chapter may be renewed by the Private Protective Services Board upon notification by the licensee or permit holder to the Director of intended renewal, the payment of the proper fee, and evidence of a liability insurance policy as prescribed in G.S. 74C-10(e).

The renewal shall be finalized before the expiration date of the license. In no event will renewal be granted more than three months after the date of expiration of a license or trainee permit.

(g) Upon notification of approval of the application by the Board, an applicant must furnish evidence that the applicant has obtained the necessary liability insurance required by G.S. 74C-10 and obtain the license applied for or the application shall lapse.

(h) Trainee permits shall not be issued to applicants that qualify for a private detective license. A licensed private detective may supervise no more than five trainees at any given time.

1 14B NCAC 16 .0701 is proposed for amendment as published in 39:15 NCR 1034-1040 as follows:

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3 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

4 (a) Each employer or his or her designee shall submit an online application for the registration of each ~~employee~~  
5 unarmed security guard to the Board. This online submission shall be accompanied by:

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State  
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that  
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
10 sufficient quality for identification, taken within six months prior to online application and  
11 submitted by uploading the photograph online with the application submission;
- 12 (3) a statement of the results of a statewide criminal history records search by the reporting service  
13 designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided  
14 within the preceding 60 months;
- 15 (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the  
16 Board's on-line application vendor and a separate credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
18 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
19 online by the Private Protective Services Board;
- 20 (6) ~~one original a signed SBI release of information form form; that shall be uploaded online with the~~  
21 ~~original mailed to the Board's administrative office;~~
- 22 (7) a statement signed by a certified trainer that the applicant has completed the training requirements  
23 of Rule .0707 of this ~~Section;~~ Section, unless a valid statement [if is] on file in the Board's office;  
24 and
- 25 (8) a completed affidavit form and public notice statement form.

26 ~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and a copy~~  
27 ~~of the completed affidavit form to serve as a record of application and shall retain a copy of the application, including~~  
28 ~~affidavit, in the guard's personnel file in the employer's office.~~

29 (b) The applicant's ~~copy~~ copies of the ~~application and~~ application, affidavit, training certification, and the [completed  
30 affidavit form] [a copy of the appropriate] statement required by Subparagraph (a)(7) of this [Rule, unless a valid  
31 statement is on file in the Board's office;] Rule shall together serve as a temporary registration ~~card that~~ card. These  
32 copies shall be carried by the applicant ~~when he or she is working within the scope of his or her [probationary or~~  
33 ~~permanent] employment while performing job duties~~ and shall be exhibited upon the request of any law enforcement  
34 officer or authorized representative of the Board. However, if the statement required by Subparagraph (a)(7) is already  
35 on file with the Board, the applicant does not need to carry or present the statement.

36 (c) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the  
37 individual applicant's personnel file in the employer's office.

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*History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11;*  
*Eff. June 1, 1984;*  
*Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994;*  
*February 1, 1990; May 1, 1988;*  
*Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;*  
*Amended Eff. November 1, 2017;*  
*Readopted Eff. March 1, 2020;*  
*Amended Eff. July 1, 2025; September 1, 2024; January 1, 2024; July 1, 2021.*

1 14B NCAC 16 .0801 is proposed for amendment as published in 39:15 NCR 1034-1040 as follows:

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3 **14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION**  
4 **PERMIT**

5 (a) Each ~~armed security guard~~ employer or his or her designee shall submit an online application for the registration  
6 of each armed security guard applicant to the Board. This online submission shall be accompanied by:

- 7 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State  
8 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that  
9 shall be mailed separately to the Board's office;
- 10 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
11 sufficient quality for identification, taken within six months prior to online application and  
12 submitted by uploading the photograph online with the application submission;
- 13 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the  
14 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
15 applicant has resided within the preceding 60 months;
- 16 (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the  
17 Board's on-line application vendor and credit card transaction fee;
- 18 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
19 requirements of Rule .0807 of this Section;
- 20 ~~(6) a certification by the applicant that he or she is at least 21 years of age;~~
- 21 (6) a statement signed by a certified trainer that the applicant has completed the training requirements  
22 of Rule .0707 of this Chapter, unless a valid statement is on file in the [Boards Board's] office;
- 23 (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
24 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
25 online by the Private Protective Services Board; ~~and~~
- 26 (8) a signed SBI release of information form; and
- 27 ~~(8) (9)~~ (9) a completed affidavit form and public notice statement form.

28 ~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application, the~~  
29 ~~completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the~~  
30 ~~application, including affidavit and proof of course completion, in the guard's personnel file in the employer's office.~~

31 ~~(c) (b)~~ The applicant's copy of the ~~application, affidavit, application~~ and proof of completion of a Board approved  
32 firearms course shall serve as a temporary registration card that shall be carried by the applicant when he or she is  
33 working within the scope of his or her employment and shall be exhibited upon the request of any law enforcement  
34 officer or authorized representative of the Board.

35 ~~(d) (c)~~ Applications submitted without proof of completion of a ~~Board approved Board-approved~~ firearms training  
36 course shall not serve as temporary registration cards.

1 ~~(e)~~ (d) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is  
2 terminated within 30 days of employment.

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4 *History Note: Authority G.S. 74C-5; 74C-9; 74C-13;*  
5 *Eff. June 1, 1984;*  
6 *Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990;*  
7 *May 1, 1988; July 1, 1987;*  
8 *Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015;*  
9 *Amended Eff. November 1, 2017;*  
10 *Readopted Eff. March 1, 2020;*  
11 *Amended Eff. July 1, 2025; September 1, 2024; July 1, 2021.*

1 14B NCAC 16 .1301 is proposed for amendment as published in 39:15 NCR 1034-1040 as follows:

2  
3 **14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD**  
4 **REGISTRATION**

5 (a) Each ~~armored car~~ employer or his designee shall complete an online application form for the registration of each  
6 unarmed armored car service guard applicant to the Board. This online form shall be accompanied by:

- 7 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State  
8 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that  
9 shall be mailed separately to the Board's office;
- 10 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
11 sufficient quality for identification, taken within six months prior to online application and  
12 submitted by uploading the photograph online with the application submission;
- 13 (3) ~~upload online~~ a statement of the result of a statewide criminal history records search by the reporting  
14 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
15 resided within the preceding 60 months;
- 16 (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the  
17 Board's on-line application vendor and credit card transaction fee;
- 18 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
19 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
20 online by the Private Protective Services Board;
- 21 (6) a statement signed by a certified trainer that the applicant has ~~successfully~~ completed the training  
22 requirements of Rule .1307 of this ~~Section, if applicable; and~~ Section unless a valid statement is on  
23 file in the Board's office;
- 24 (7) a signed SBI release of information form; and
- 25 ~~(7) (8)~~ a completed affidavit form and public notice statement form.

26 ~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and~~  
27 ~~completed affidavit and shall retain a copy of the application, including the affidavit, in the guard's personnel file in~~  
28 ~~the employer's office.~~

29 ~~(c) (b)~~ The applicant's ~~copy~~ copies of the ~~application and~~ application, affidavit, training certification, and the  
30 completed affidavit form ~~[a copy of the appropriate]~~ statement required by Subparagraph (a)(6) of this [Rule, unless  
31 a valid statement is on file in the Board's office;] Rule shall together serve as a temporary registration ~~card that card.~~  
32 These copies shall be carried by the applicant ~~when he or she is working is within the scope of his or her [probationary~~  
33 ~~or permanent] employment while performing job duties~~ and shall be exhibited upon the request of any law enforcement  
34 officer or authorized representative of the Board. However, if the statement required by Subparagraph (a)(6) is already  
35 on file with the Board, the applicant does not need to carry or present the statement.

36 ~~(d) (c)~~ A copy of the statement specified in Subparagraph (a)(6) of this Rule shall be retained by the licensee in the  
37 individual applicant's personnel file in the employer's office.



1

2 *History Note:*     *Authority G.S. 74C-3; 74C-5; 74C-8.1(a);*

3                     *Eff. January 1, 2013;*

4                     *Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;*

5                     *Amended Eff. November 1, 2017;*

6                     *Readopted Eff. March 1, 2020;*

7                     *Amended Eff. July 1, 2025; September 1, 2024; July 1, 2021.*

1 14B NCAC 16 .1401 is proposed for amendment as published in 39:45 NCR 1034-1040 as follows:

2  
3 **14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM**  
4 **REGISTRATION PERMIT**

5 (a) Each ~~armed car~~ employer or his or her designee shall submit an online application form for the registration of  
6 each armed armored car service guard applicant to the Board. This online form shall be accompanied by:

- 7 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State  
8 Bureau of Investigation or one set of classifiable fingerprints on an applicant fingerprint card that  
9 shall be mailed separately to the Board's office;
- 10 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
11 sufficient quality for identification, taken within six months prior to online application and  
12 submitted by uploading the photograph online with application submission;
- 13 (3) ~~upload online~~ a statement of the result of a statewide criminal history records search from the  
14 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
15 applicant has resided within the preceding 60 months;
- 16 (4) the applicant's non-refundable registration fee, along with the convenience fee charged by the  
17 Board's on-line application vendor and credit card transaction fee;
- 18 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
19 requirements of Rule .1407 of this Section;
- 20 ~~(6) a certification by the applicant that he or she is at least 18 years of age;~~  
21 (6) a statement signed by a certified trainer that the applicant has completed the training
- 22 (7) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
23 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
24 online by the Private Protective Services Board;
- 25 (8) a signed SBI release of information form; and  
26 ~~(8)~~ (9) a completed affidavit form and public notice statement form.

27 ~~(b) The employer of each applicant for registration shall give the applicant a copy of the online application and~~  
28 ~~completed affidavit form and shall retain a copy of the application, including affidavit, in the guard's personnel file in~~  
29 ~~the employer's office.~~

30 ~~(c)~~ (b) The applicant's copy copies of the [application, affidavit,] ~~[application and a copy of the statement required by~~  
31 ~~Subparagraph (a)(5)]~~ training certification, and the statements required by Subparagraphs (a)(5) and (a)(6) of this  
32 Rule, [training certification and a copy of the statement required by Subparagraph(a)(6), unless a valid statement is  
33 on file in the Board's office,] shall together serve as a temporary registration ~~card that card.~~ These copies shall be  
34 carried by the applicant ~~when he or she is working within the scope of his or her employment~~ while performing job  
35 duties and shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.  
36 However, if the statement required by Subparagraph (a)(6) is already on file with the Board, the applicant does not  
37 need to carry or present the statement.

1 ~~(d) (c) Online applications~~ Applications submitted without proof of completion of a ~~Board-approved~~ Board-approved  
2 firearms training course shall not serve as temporary registration cards, ~~unless the armored car employer has obtained~~  
3 ~~prior approval from the Director. The Director shall grant prior approval if the armored car employer provides proof~~  
4 ~~that the applicant has received prior Board-approved firearms training.~~

5 ~~(e) (d)~~ The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is  
6 terminated within 30 days of employment.

7  
8 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*  
9 *Eff. January 1, 2013;*  
10 *Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;*  
11 *Amended Eff. November 1, 2017;*  
12 *Readopted Eff. March 1, 2020;*  
13 *Amended Eff. July 1, 2025; September 1, 2024.*