

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0103

DEADLINE FOR RECEIPT: Thursday, August 7, 2025.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 8, “(1a)” is listed as “(2)” in the Register. Which is intended?

In (10), line 36, delete one of the “duties.”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
RRC Commission Counsel
Submitted July 23, 2025

1 **14B NCAC 16 .0103 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

2
3 **14B NCAC 16 .0103 DEFINITIONS**

4 In addition to the definitions set forth in G.S. 74C, the following definitions shall apply throughout this Subchapter:

- 5 (1) "Advertising medium" means any form of written, printed, broadcast or computer-based
6 advertising, or other promotional materials, except a telephone directory listing for which no
7 additional advertising charge is made.
- 8 ~~(1)~~ (1a) "Agency Head" means the ~~Chairman~~ Chair of the Board.
- 9 (2) "Applicant" means any person, firm, or corporation applying to the Board for a license, trainee
10 permit, registration, or firearms trainer certificate.
- 11 (3) "Armed Security Guard" means an individual employed, full time or part time, by a contract security
12 company or a proprietary security organization:
- 13 (a) who at any time wears, carries, or possesses a firearm in the performance of his or her
14 duties; and
- 15 (b) whose principal duty is that of:
- 16 (i) an armed security guard, officer, patrol, or watchman;
- 17 (ii) an armed armored car service guard; or
- 18 (iii) an armed courier service guard.
- 19 (4) "Board" means the Private Protective Services Board established by G.S. 74C.
- 20 (5) "Branch Manager or Operator" means the individual endowed with the responsibility and liability
21 for a branch office.
- 22 (6) "Branch Office" means a separate but dependent part of a central organization engaged in the
23 business of providing private protective services established for the purpose of extending the
24 activities of the central organization. The establishment of a telephone number or mailing address
25 in the company name constitutes prima facie evidence of a branch office. If an out-of-state person,
26 firm, association, or corporation opens an office in North Carolina, the North Carolina office shall
27 be deemed the principal place of business and shall have a resident licensed qualifying agent.
- 28 (7) ~~"Chairman"~~ "Chair" means the ~~Chairman~~ Chair of the Private Protective Services Board.
- 29 (8) "Contract Security Company" means any person, firm, association, or corporation engaging in a
30 private protective services business as defined in G.S. 74C-3 that provides the services on a
31 contractual basis for a fee or other valuable consideration to any other person, firm, association, or
32 corporation.
- 33 (9) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on
34 a frequent and reasonable basis based upon the trainee's level of experience.
- 35 (10) "Investigative Capacity" means any law enforcement agency position for which the majority of the
36 duties duties include conducting investigations and interviews, completing reports, and testifying in
37 courts, administrative hearings, or military tribunals.

- 1 (11) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is
2 an employee of the United States, any state, or any political subdivision of a state.
- 3 (12) "Licensee" means any person licensed to perform private protective services in North Carolina in
4 accordance with G.S. 74C.
- 5 (13) "Proprietary Security Organization" means any person, firm, association, corporation, or department
6 that employs watchmen, security guards or "officers," patrol personnel, or couriers in connection
7 with the business affairs of the employer.
- 8 (14) "Qualifying Agent" means the individual licensee who is responsible for the private protective
9 services business. If the licensee maintains an office in North Carolina, the Qualifying Agent must
10 be a resident of North Carolina.
- 11 (15) "Registered agent" means the individual resident of North Carolina designated by the business entity
12 in lieu of the Qualifying Agent as allowed by G.S. 74C-8(c)(1) who may be, but is not required to
13 be, the registered agent required by G.S. 55D-30.
- 14 ~~(16) "Restored" means that an individual is no longer in need of psychiatric care as determined by a~~
15 ~~physician.~~
- 16 ~~(17) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or~~
17 ~~less within a calendar year and who is designated by his or her employer as a temporary security~~
18 ~~guard at the start of employment.~~

19

20 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8;*
21 *Eff. June 1, 1984;*
22 *Amended Eff. October 1, 2013; August 1, 1998; May 1, 1988; July 1, 1987;*
23 *Transferred and Recodified from 12 NCAC 07D .0104 Eff. July 1, 2015;*
24 *Readopted Eff. August 1, 2020;*
25 *Amended Eff. September 1, 2025; January 1, 2023; March 1, 2022.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0105

DEADLINE FOR RECEIPT: Thursday, August 7, 2025.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (a)(1), line 7, consider saying “Displays, causes or allows to be displayed, or has in his or her possession,...”.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
RRC Commission Counsel
Submitted July 23, 2025

1 **14B NCAC 16 .0105 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

2
3 **14B NCAC 16 .0105 PROHIBITED ACTS**

4 (a) In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74C of the General Statutes,
5 any licensee, trainee, registrant, or firearms trainer who does any of the following may have his or her license, trainee
6 permit, registration, or firearms trainer certificate revoked or suspended:

- 7 (1) Displays or causes or allows to be displayed, or has in his or her possession any cancelled, revoked,
8 suspended, fictitious, or fraudulently altered license, trainee permit, registration identification card,
9 or firearms trainer certificate, or any document simulating, purporting to be, or purporting to have
10 been issued as a license, trainee permit, registration identification card, or firearms trainer
11 certificate;
- 12 (2) Lends his or her license, trainee permit, registration identification card, or firearms trainer certificate
13 to any person or allows the use thereof by another;
- 14 (3) Displays or represents any license, trainee permit, registration identification card, or firearms trainer
15 certificate not issued to him or her as being his or her license, trainee permit, registration
16 identification card, or firearms trainer certificate; or
- 17 (4) Includes in any advertisement a statement that implies official state authorized certification or
18 approval other than this statement: "Licensed by the Private Protective Services Board of the State
19 of North ~~Carolina.~~ Licensees must include their license number. Carolina" and license number
20 required by 14B NCAC 16 .0116.

21 (b) In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74C of the General Statutes, it
22 shall be grounds for application denial or license registration suspension or revocation for an applicant, licensee,
23 trainee, registrant, or trainer to make any false statement or give any false information to a third party in connection
24 with any criminal history record check provided to the Board.

25
26 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-12; 74C-16;*
27 *Eff. June 1, 1984;*
28 *Amended Eff. May 1, 2014; July 1, 1987;*
29 *Transferred and Recodified from 12 NCAC 07D .0106 Eff. July 1, 2015;*
30 *Readopted Eff. August 1, 2020.*
31 *Amended Eff. September 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0116

DEADLINE FOR RECEIPT: Thursday, August 7, 2025.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 4, consider adding commas after “media” and “Rules”.

On line 5, is “trade name” defined? If so, please add a cross-reference to the definition. Also, “is used” for what purpose?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
RRC Commission Counsel
Submitted July 23, 2025

1 **14B NCAC 16 .0116 is proposed for adoption as published in 39:21 NCR 1394-1398 as follows:**

2
3 **14B NCAC 16 .0116 ADVERTISING**

4 Any advertisement of private protective services in any advertising media as defined in these Rules shall include the
5 licensee's name and license number, whether or not a trade name is used.

6
7 *History Note: Authority G.S. 74C-5;*

8 *Eff. September 1, 2025.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0117

DEADLINE FOR RECEIPT: Thursday, August 7, 2025.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (c) or elsewhere in the Rule, consider including the contents of G.S. 150B-4(a1)(1)-(4) for transparency. Please make the time requirements for an agency to respond to the petitioner, and their right to judicial review, clear and unambiguous in the Rule.

In (d)(5), what are “other irregularities in the Board’s rule-making proceedings”?

In (f)(7), can this provision be added to (f)(2)? On line 37, consider changing it to, “considered prior to, or at the time of, adoption of the rule.”

On pg. 2, change “(13)” to “(11).” Also, remove “pending litigation” since that’s already stated in “(3).”

In (g), lines 18-19, did you intend to use “may” instead of “shall?”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
RRC Commission Counsel
Submitted July 23, 2025

14B NCAC 16 .0117 is proposed for adoption, with changes, as published in 39:21 NCR 1394-1398 as follows:

14B NCAC 16 .0117 DECLARATORY RULING PROCEDURES

(a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

(b) Each request for a declaratory ruling shall include the following information:

- (1) the name and address of person requesting the ruling;
- (2) the statute or rule to which the request relates;
- (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute or its potential application to him or her;
- (4) names and addresses of additional third persons known to the person aggrieved who may possibly be affected by the requested ruling;
- (5) a statement of all material facts;
- (6) a statement whether or not the person aggrieved is aware of any pending Board action or court action that may bear on the applicability of the statute or rule to the person's particular situation; and
- (7) a statement of the arguments and legal authority supporting the person's position on the applicability of this statute or rule; and

The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information supplied in the request is true and accurate.

(c) Upon receipt of a request for a declaratory ruling, the Board shall determine whether a ruling is appropriate under the facts stated.

(d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard to the facts presented:

- (1) the rule or statute in question is unclear on its face;
- (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;
- (3) the factors specified in the request were not given appropriate consideration by the Board at the time the rule was adopted;
- (4) the rule or statute is unclear in its application to the requesting person's facts; or
- (5) a fair question exists regarding the validity of the rule because of an absence of authority for the Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

(e) The Board shall not issue a declaratory ruling when the petitioner's request is the subject of, or materially related to, an investigation or audit by the Board or contested case before the Board.

(f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will ordinarily decline to issue a declaratory ruling when:

- (1) there has been a similar controlling factual determination made by the Board;
- (2) the rule-making record shows that the factual issues raised by the request were specifically considered prior to adoption of the rule;

- 1 (3) the subject matter of the request is involved in pending litigation in any state or federal court in
2 North Carolina;
- 3 (4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this
4 Rule;
- 5 (5) the Board has previously issued a declaratory ruling on substantially similar facts;
- 6 (6) the Board has previously issued a final agency decision in a contested case on substantially similar
7 facts;
- 8 (7) the facts underlying the request for a declaratory ruling were considered at the time of the adoption
9 of the rule in question;
- 10 (8) the subject matter is one concerning which the Board is without authority to make a decision binding
11 the Board or the petitioner;
- 12 (9) the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the
13 subject matter of the request;
- 14 (10) there is reason to believe that the petitioner or some other person or entity materially connected to
15 the subject matter of the request is acting in violation of the G.S. Chapter 74C or the rules adopted
16 by the Board; or
- 17 (13) the subject matter of the request is involved in pending litigation, legislation, or rulemaking.

18 (g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it
19 deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular
20 request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other
21 appropriate procedures.

22 (h) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially
23 exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-
24 making proceedings on the rule.

25 (i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The
26 record will contain:

- 27 (1) the request for a declaratory ruling;
- 28 (2) all written submissions filed in the request, whether filed by the person requesting the ruling or by
29 any other person;
- 30 (3) a record or summary of oral presentations, if any; and
- 31 (4) a copy of the declaratory ruling.

32

33 History Note: Authority G.S. 150B-4;
34 Eff. September 1, 2025.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0502

DEADLINE FOR RECEIPT: Thursday, August 7, 2025.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In (1), line 10, delete “and” after the semicolon.

Change “(4)” and “(5)” to “(3)” and “(4).”

Line 21, add “and” after the semicolon.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis C. Wiggs
RRC Commission Counsel
Submitted July 23, 2025

14B NCAC 16 .0502 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:

14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS

In addition to the requirements of Section .0200 of this Chapter, the following requirements shall apply to polygraph trainees:

- (1) ~~The applicant shall successfully~~ Successfully complete a formal course of instruction at any polygraph school approved by the American Polygraph Association, ~~the American Association of Police Polygraphists, or the Board.~~ Association or approved by the Board using standards established by the American Polygraph Association. A list of approved schools can be found at: <https://www.ncdps.gov/list-polygraph-schools>; and
- (2) ~~The applicant shall be~~ Be directly supervised by a North Carolina licensed polygraph examiner approved by the Board and that examiner shall supervise no more than three trainees at any given time; ~~examiner;~~
- (3) ~~An individual currently enrolled in a polygraph school may conduct examinations as a part of the course curriculum provided the examinations are on school premises, under the direct one on one supervision of a polygraph licensee, and the school provides written notice to the client that such examinations are being conducted by students and not by licensed polygraph examiners. The school shall maintain a copy of the written notification;~~
- (4) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance of a trainee permit shall not be required to pay an additional application fee;
- (5) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be accompanied by an evaluation report of the trainee's performance submitted by the trainee's supervisor; and supervisor.
- (6) ~~In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports over the duration of the traineeship on a checklist provided by the Board.~~

History Note: Authority G.S. 74C-5;
Eff. June 1, 1984;
Amended Eff. May 1, 2014; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0502 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.
Amended Eff. September 1, 2025.