

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0806

**DEADLINE FOR RECEIPT: Wednesday, September 7, 2022.**

***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 paragraph (b), line 24, should the sentence read, “including a copy of the completed affidavit in the guard’s personnel file in the employer’s office”? Please revise.*

*In paragraph (d), apart from rail-mounted or other firearm-mounted lights, what is a dedicated light system? Is this a defined term or understood in the industry?*

*In paragraph (d), what is “requalification” or “requalifying” in reference to? Is this separate from the registration renewal?*

*In paragraph (e), what is the standard for an emergency which “restricts or prohibits”? Who makes this determination?*

*Also in paragraph (e), who must submit a written request to the Director for the Board to extend the deadline for requalification?*

*Also in paragraph (e), what does “conditionally” mean?*

*Finally, in your History Note, please add a reference to G.S. 74C-8.1 with respect to the background check requirement.*

*Also in your history note, please add a reference to G.S. 74C-9, with respect to fees.*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: August 23, 2022

1 **14B NCAC 16 .0806 is amended as published in 36:19 NCR 1554 as follows:**

2  
3 **14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION**  
4 **PERMIT**

5 (a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her  
6 employer shall complete an online form on the website provided by the Board. This online form shall be submitted  
7 not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- 8 (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
9 sufficient quality for identification, taken within six months prior to online application and  
10 submitted by uploading the photograph online with the application submission;
- 11 (2) upload online a statement of the results of a statewide criminal history search obtained by the  
12 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
13 applicant has resided within the preceding 12 months;
- 14 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
15 transaction fee;
- 16 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
18 online by the Private Protective Services Board;
- 19 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
20 requirements of Rule .0807 of this Section; and
- 21 (6) a completed affidavit form and public notice statement form.

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

25 (c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an  
26 extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and  
27 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
28 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
29 furnished to the Board.

30 (d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

31 (e) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard  
32 from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to  
33 ~~60~~ 90 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph  
34 shall be issued conditionally and shall automatically expire on the ~~60<sup>th</sup>~~ 90<sup>th</sup> day if requalification requirements have  
35 not been met.

36  
37 *History Note: Authority G.S. 74C-5; 74C-13;*

1                   *Eff. June 1, 1984;*  
2                   *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1,*  
3                   *1985;*  
4                   *Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;*  
5                   *Amended Eff. January 1, 2018; November 1, 2017;*  
6                   *Readopted Eff. November 1, 2019;*  
7                   *Amended Eff. March 1, 2020;*  
8                   *Emergency Amendment Eff. May 6, 2020;*  
9                   *Temporary Amendment Eff. July 24, 2020;*  
10                  *Temporary Amendment Expired Eff. May 14, 2021;*  
11                  *Amended Eff. July 1, 2022; January 1, 2022;*  
12                  *Amended Eff. October 1, 2022.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

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

*In paragraph (d), what is a dedicated light system?*

*In paragraph (c), what is the "minimum score"?*

*In paragraph (e), what is the standard for an emergency which "restricts or prohibits"? Who makes this determination?*

*Also in paragraph (e), who must submit a written request to the Director for the Board to extend the deadline for requalification?*

*Also in paragraph (e), what does "conditionally" mean?*

*In your History Note, please add a reference to G.S. 74C-9, with respect to fees.*

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

Brian Liebman  
Commission Counsel

Date submitted to agency: August 23, 2022

1 **14B NCAC 16 .0904 is amended as published in 36:19 NCR 1554 as follows:**

2  
3 **14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate and shall be accompanied by:

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved  
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom  
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,  
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This  
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) uploaded online a statement of the results of a criminal history records search by the reporting  
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has  
14 resided within the preceding 48 months;
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
16 transaction fee; and
- 17 (4) 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 (b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
21 extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and  
22 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
23 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be  
24 furnished to the Board.

25 (c) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue  
26 to instruct during the period between the failure to qualify and the expiration of his or her permit.

27 (d) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal  
28 requalification.

29 (e) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from  
30 requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to ~~60~~ 60  
31 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall  
32 be issued conditionally and shall automatically expire on the ~~60<sup>th</sup>~~ 90<sup>th</sup> day if requalification requirements have not  
33 been met.

34  
35 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*

36 *Eff. June 1, 1984;*

37 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*

1                   1985;  
2                   *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*  
3                   *Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*  
4                   *Readopted Eff. November 1, 2019;*  
5                   *Amended Eff. March 1, 2020;*  
6                   *Emergency Amendment Eff. May 6, 2020;*  
7                   *Temporary Amendment Eff. July 24, 2020;*  
8                   *Temporary Amendment Expired Eff. May 14, 2021;*  
9                   *Amended Eff. July 1, 2022; January 1, 2022;*  
10                  *Amended Eff. October 1, 2022.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0911

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

*In paragraph (b), what does “adjudicated” mean?*

*In paragraph (d), what is the standard for an emergency which “restricts or prohibits”?  
Who makes this determination?*

*Also in paragraph (d), who must submit a written request to the Director for the Board to extend the deadline for requalification?*

*Also in paragraph (d), what does “conditionally” mean?*

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

1 **14B NCAC 16 .0911 is amended as published in 36:19 NCR 1554 as follows:**

2  
3 **14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

4 (a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website  
5 provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the  
6 applicant's current certificate. In addition, the applicant shall include the following:

- 7 (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the  
8 application process;
- 9 (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed  
10 instruction performed during the current unarmed trainer certification period;
- 11 (3) a statement verifying the classes taught during the current unarmed trainer certification period on a  
12 form provided by the Board as part of the online application process; and
- 13 (4) uploaded online a statement of the results of a 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 24 months.

16 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under  
17 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

18 (c) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an  
19 extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and  
20 to complete any continuing education requirements prescribed by the Board. A copy of the military order or the  
21 extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be  
22 furnished to the Board.

23 (d) During a national or State declared state of emergency that restricts or prohibits an unarmed trainer from  
24 performing the instruction required by Subparagraph (a)(2) of this Rule, the Board shall, upon written request to the  
25 Director, extend the deadline for renewal up to 90 days beyond the effective period of the state of emergency. Any  
26 certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th  
27 day if instruction requirements have not been met.

28  
29 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*  
30 *Eff. August 1, 2004;*  
31 *Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;*  
32 *Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;*  
33 *Readopted Eff. March 1, 2020;*  
34 *Amended Eff. July 1, 2022;*  
35 *Amended Eff. October 1, 2022.*