

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

AGENCY: N.C. Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0807

DEADLINE FOR RECEIPT: December 9, 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:

Page 1, Line 21, (d) and Page 2, Line 27, (k): In what way was the “range qualification course” “adopted”? is it in a rule?

Page 1 Line 26, (d): What does “all shots shall be located on the target” mean? Does that mean that every shot fired must hit the target?

Page 1, Line 27, (e): As the term “initial armed security guard training” is undefined, what does the Board mean by “initial”? If the initial training is the same as that required in Subparagraph (c), the rule should so state.

Page 2, Line 4 (i): How does an armed guard become registered? Is there a rule citation which can be added?

Page 3, Line 6, (o): What does the Board mean by “initial”? If the initial training is the same as that required in Subparagraph (c), the rule should so state.

Page 3, Line 17, (r): How must the guard qualify annually?

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

William W. Peaslee
Commission Counsel

Date submitted to agency: November 23, 2022

1 14B NCAC 16 .0807 is amended as published in 37:01 NCR 25 as follows:

2
3 **14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS**

4 (a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed security
5 guard training course set forth in Rule .0707 of this Chapter.

6 (b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete
7 a five-hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all
8 additional training requirements set forth in that Rule.

9 (c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for armed
10 security guards which consists of at least 20 hours of classroom instruction including:

- 11 (1) legal limitations on the use of handguns and on the powers and authority of an armed security guard,
12 including familiarity with rules and regulations relating to armed security guards (minimum of four
13 hours);
14 (2) handgun safety, including range firing procedures (minimum of one hour);
15 (3) handgun operation and maintenance (minimum of three hours);
16 (4) handgun fundamentals (minimum of eight hours); and
17 (5) night firing (minimum of four hours).

18 Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed
19 prior to the applicant's participation in range firing.

20 (d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent
21 accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of
22 which is on file in the Director's office, once in three consecutive attempts. Should a student fail to attain a score of
23 80 percent accuracy, the student may be given a second opportunity to qualify once in three consecutive attempts on
24 the course of fire the student did not pass. Failure to qualify after the second series of attempts shall require the student
25 to repeat the entire basic training course for armed security guards. All attempts must take place within 20 days of the
26 completion of the initial 20 hour course. For rifle qualification all shots shall be located on the target.

27 (e) All initial armed security guard training required by this Chapter shall be administered by a certified trainer and
28 shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration
29 permit.

30 (f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of
31 this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-
32 free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all
33 weapons.

34 (g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the firing
35 line at any one time during firearms range training for armed security guards.

36 (h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic
37 recertification training course for armed security guards that consists of at least four hours of classroom instruction

1 and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification
2 course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard
3 firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

4 (i) An armed guard registered with one company may be registered with a second company. The registration shall be
5 considered "dual." The registration with the second company shall expire at the same time that the registration expires
6 with the first company. An updated application shall be required to be submitted by the applicant, along with the
7 digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the guard will be
8 carrying a firearm of the same make, model, and caliber, then no additional firearms training shall be required. The
9 licensee shall submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be
10 carrying a firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make,
11 model, and caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing
12 range on both the day and night qualification course. The qualification score is valid for 180 days after completion of
13 the course.

14 (j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security
15 guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, six hours
16 of classroom training that shall include the following:

- 17 (1) legal limitations on the use of shotgun (minimum of one hour);
- 18 (2) shotgun safety, including range firing procedures (minimum of one hour);
- 19 (3) shotgun operation and maintenance (minimum of one hour);
- 20 (4) shotgun fundamentals (minimum of two hours); and
- 21 (5) night firing (minimum of one hour).

22 Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed
23 prior to the applicant's participation in range firing.

24 (k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun
25 training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit.
26 In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80
27 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a
28 copy of which is on file in the Director's office.

29 (l) Applicants for shotgun recertification shall complete one hour of classroom training covering the topics set forth
30 in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

31 (m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant
32 shall complete, in addition to the requirements of Paragraphs (a), (c), and (d) of this Rule, 16 hours of classroom
33 training which shall include the following:

- 34 (1) legal limitations on the use of rifles (minimum of one hour);
- 35 (2) rifle safety, including range firing procedures (minimum of one hour);
- 36 (3) rifle operation and maintenance (minimum of two hours);
- 37 (4) rifle fundamentals (minimum of ten hours); and

1 (5) night firing (minimum two hours).

2 Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be
3 completed prior to the applicant's participation in range firing.

4 (n) The applicant shall pass a skills course that tests each basic rifle skill and the test of each skill shall be completed
5 within three attempts.

6 (o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle training
7 is completed at a later time, the rifle certification shall run concurrent with the armed registration permit. In addition
8 to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of at least 80 percent
9 accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which
10 is on file in the Director's office.

11 (p) Applicants for rifle recertification shall complete an additional one hour of classroom training covering the topics
12 set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this Rule.

13 (q) Upon written request, an applicant for an armed security guard firearm registration permit who possesses a current
14 firearms trainer certificate shall be given a firearms registration permit that will run concurrent with the trainer
15 certificate upon completion of an annual qualification with the applicant's duty firearms as set forth in Paragraph (d)
16 of this Rule.

17 (r) An armed security guard is required to qualify annually both for day and night firing with his or her duty handgun,
18 shotgun, and rifle, if applicable. If the security guard fails to qualify on any course of fire, the security guard shall not
19 carry the firearm until such time as he or she meets the qualification requirements. Upon failure to qualify, the firearm
20 instructor shall notify the security guard that he or she is no longer authorized to carry the firearm and the firearm
21 instructor shall notify the employer and the Private Protective Services Board staff on the next business day.

22 (s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment
23 of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying
24 a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall
25 submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a
26 firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and
27 caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both
28 the day and night qualification course. The qualification score is valid for 180 days after completion of the course.
29 However, nothing herein shall extend the period of time the qualification is valid.

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31 *History Note: Authority G.S. 74C-5; 74C-9; 74C-13;*

32 *Eff. June 1, 1984;*

33 *Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;*

34 *Temporary Amendment Eff. January 14, 2002;*

35 *Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;*

36 *Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;*

37 *Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015;*

- 1 *Readopted Eff. November 1, 2019;*
- 2 *Amended Eff. January 1, 2023; February 1, 2022.*