

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0701

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

***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)(3), line 12, omit "upload online".*

*In (a)(4), line 15, add "a separate" between "and" and "credit card".*

*In (a)(7), line 23, when is the training requirement in .0707 not "applicable"?*

*In (b), note that .0706(c) and .0806(c) use nearly identical language. I know you like to keep your language uniform when possible, so please compare.*

*Consider adding G.S. 74C-8(d) to the History Note, as that contains the requirements for the background investigation.*

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: November 27, 2023

1 14B NCAC 16 .0701 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2  
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 to  
5 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) upload online a statement of the results of a statewide criminal history records search by the  
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
14 applicant has resided within the preceding ~~48~~ 60 months;
- 15 (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and  
16 credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of  
18 Investigation to cover the cost of criminal record checks performed by the State Bureau of  
19 Investigation, collected online by the Private Protective Services Board;
- 20 (6) one original signed SBI release of information form that shall be uploaded online with the original  
21 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 if applicable; and
- 24 (8) a completed affidavit form and public notice statement form.

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

28 (c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card  
29 that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall  
30 be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

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

*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. January 1, 2024; July 1, 2021.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0708

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

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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:

*Please reformat for a repeal. Our formatting instructions for repeals is here:*

*<https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>*

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: November 27, 2023

- 1 14B NCAC 16 .0708 is proposed for repeal as published in 37:24 NCR 2227:  
2 **14B NCAC 16 .0708 TRAINER NAME TO BE SUBMITTED TO DIRECTOR**  
3 Licensees shall submit to the Director the name of the certified unarmed security guard trainer who will be conducting  
4 the unarmed security guard training.

*History Note: Authority G.S. 74C-5; 74C-13(m);  
Eff. July 1, 2021;  
Repealed Eff. January 1, 2024.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0902

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

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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 (3), line 12, omit "upload online".*

*In (5), line 18, add "a separate" between "and" and "credit card".*

*In (8), lines 27-28, I think you meant to delete "given by the N.C. Justice Academy" or add "or other entity".*

*Consider adding G.S. 74C-8(d) to the History Note, as that contains the requirements for the background investigation.*

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: November 27, 2023

1 14B NCAC 16 .0902 is proposed for amendment as published in 37:24 NCR 2277as follows:

2  
3 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

4 Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall  
5 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 submission and  
11 submitted by uploading online with the application submission;
- 12 (3) upload online a statement of the results of a statewide criminal history records search by the  
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the  
14 applicant has resided within the preceding 60 months;
- 15 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
16 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
17 online by the Private Protective Services Board;
- 18 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and  
19 credit card transaction fee;
- 20 (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of  
21 a licensee;
- 22 (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this  
23 ~~Section, stating the training was completed within 60 days of the submission of the application and~~  
24 ~~uploaded online as part of the online application process; and~~ Section or acceptable certificate of  
25 other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- 26 (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice  
27 Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice  
28 Academy and collected as part of the online application process by the Private Protective Services  
29 Board.

*History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*  
*Eff. June 1, 1984;*  
*Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;*  
*Temporary Amendment Eff. July 17, 2001;*  
*Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;*  
*Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;*  
*Amended Eff. November 1, 2017;*

*Readopted Eff. March 1, 2020;*  
*Amended Eff. January 1, 2024; July 1, 2021.*



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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

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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, and (a)(2), line 12, omit "upload online".*

*In (a)(3), line 15, add "a separate" between "and" and "credit card".*

*In (c), lines 22-23, "shall be furnished to the Board" is passive. Who sends the document? I assume the applicant, but it seems to me the issuing institutions could also do it. Please revise in the active tense.*

*In (e), line 26, what do you mean by "personal" requalification?*

*Please add G.S. 93B-15 to the History Note, as that is the statute requiring licensing agencies to implement the exception to licensing requirements for active military members.*

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: November 27, 2023

1 14B NCAC 16 .0904 is proposed for amendment as published in 37:24 NCR 2227 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~~ 24 months; and
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card  
16 transaction fee.

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

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

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

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

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

*History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13;  
Eff. June 1, 1984;  
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,  
1985;*

*Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*  
*Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*  
*Readopted Eff. November 1, 2019;*  
*Amended Eff. March 1, 2020;*  
*Emergency Amendment Eff. May 6, 2020;*  
*Temporary Amendment Eff. July 24, 2020;*  
*Temporary Amendment Expired Eff. May 14, 2021;*  
*Amended Eff. July 1, 2022; January 1, 2022;*  
*Amended Eff. January 1, 2024; October 1, 2022.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0910

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

*In (3), line 14, omit "upload online".*

*In (5), line 20, add "a separate" between "and" and "credit card".*

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: November 27, 2023

1 14B NCAC 16 .0910 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2  
3 **14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

4 Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall  
5 be accompanied by:

- 6 ~~(1) the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with a four~~  
7 ~~dollar (\$4.00) convenience fee and credit card transaction fee; and~~  
8 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State  
9 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that  
10 shall be mailed separately to the Board's office;  
11 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of  
12 sufficient quality for identification, taken within six months prior to online submission and  
13 submitted by uploading online with the application submission;  
14 (3) upload online a statement of the results of a statewide criminal history records search by the  
15 reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the  
16 applicant has resided within the preceding 60 months;  
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 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and  
21 credit card transaction fee;  
22 ~~(2)(6) a certificate of successful completion of the required training. This training shall have been~~  
23 ~~completed within 120 days of the submission of the application training required by Rule .0909(a)(3)~~  
24 ~~or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.~~  
25 (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community  
26 College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part  
27 of the online application process by the Private Protective Services Board.

*History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*  
*Eff. October 1, 2004;*  
*Amended Eff. January 1, 2013;*  
*Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015;*  
*Readopted Eff. March 1, 2020.*  
*Amended Eff. January 1, 2024.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0912

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

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

*Please reformat for a repeal. Our formatting instructions for repeals is here:*

*<https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>*

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: November 27, 2023

1 14B NCAC 16 .0912 is proposed for repeal as published in 37:24 NCR 2227:

2

3 **14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES**

4 Each unarmed trainer shall upload on the Board's website all rosters of classes taught during the current unarmed  
5 trainer certification period by June 30 and by December 31 of each year.

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

*Eff. January 1, 2013;*

*Transferred and Recodified from 12 NCAC 07D .0912 Eff. July 1, 2015;*

*Readopted Eff. March 1, 2020.*

*Repealed Eff. January 1, 2024.*

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

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1109

**DEADLINE FOR RECEIPT: Friday, December 8, 2023.**

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

*The title of the Rule on your Form is different from the title in the Rule itself. Please correct one or the other.*

*In (a), line 5, please revise to add who must make the request to the Director.*

*In (a), line 5, under what circumstances or factors “may” the Director decide to extend the probationary period?*

*In (b), lines 6-7, what “educational institution” are you referring to? I assume it is the intern’s educational institution, but for clarity’s sake, please revise.*

*In (c), lines 8-9, what is a “North Carolina Registered Apprenticeship Program”? I looked in 93B-8.6 and didn’t see that term used. I saw “registered apprenticeship” but that was in the context of federal law. Please clarify in the Rule.*

*In (c), line 10, please clarify which federal guidelines specify the period of the internship, and if they are from the CFR, incorporate them by reference as provided in G.S. 150B-21.6.*

*In (d), line 12, add a comma following “college”.*

*In (g), line 20, is the “criminal record check” the same kind of background check as required in 74C-8, 8.1, and 11? If not, what standards govern this record check?*

*To be clear, does 74C-11 have any application here? I’m assuming it doesn’t, because this Rule applies to private investigators, and the statute refers to security guards. Please let me know if that’s incorrect.*

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: November 27, 2023



1 14B NCAC 16 .1109 is proposed for adoption as published in 37:24 NCR 2227 as follows:

2  
3 **14B NCAC 16 .1109 PROBATIONARY EMPLOYEES**

4 (a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive  
5 calendar days. The Director, upon written request, may extend the probationary period by 30 additional days.

6 (b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the educational  
7 institution's schedule.

8 (c) A private investigator licensee may employ an apprentice participating in a North Carolina Registered  
9 Apprenticeship Program as set forth in G.S. 93B-8.6 as a probationary employee for the period prescribed in the  
10 federal guidelines as set forth therein.

11 (d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school,  
12 community college, college or university, be in good standing with the educational institution, and the internship must  
13 be for credit towards a degree, diploma, or certificate issued by the educational institution.

14 (e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee  
15 as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

16 (f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure  
17 the probationary employee shall comply with Rule .1102.

18 (g) Before a probationary employee engages in any activity defined as private investigation or has access to any  
19 confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising  
20 licensee, and the licensee shall conduct a criminal record check on the employee.

21 (h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in  
22 writing the name, address, last four digits of social security number, confirmation that the results of the criminal  
23 history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending  
24 date of employment of the probationary employee. The Director shall confirm receipt within three business days of  
25 receipt.

26 (i) Probationary employment which does not comply with this Rule is a violation of Rule .0204 (c)(2).

27 (j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

28 (k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for  
29 any probationary employment, internship, or apprenticeship.

*History Note: Authority G.S. 74C-5(2); G.S. 93B-8.6;*  
*Eff. January 1, 2024.*