



STATE OF NORTH CAROLINA  
**OFFICE OF ADMINISTRATIVE HEARINGS**

Mailing address:  
6714 Mail Service Center  
Raleigh, NC 27699-6700

Street address:  
1711 New Hope Church Rd  
Raleigh, NC 27609-6285

January 10, 2020

Jeff Gray, Rulemaking Coordinator  
Private Protective Services Board  
**Sent via email only: jgray@bdixon.com**

Re: Extension of the Period of Review of 14B NCAC 16 .0114, .0201, .0202, .0203, .0205, .0502, .0701, .0702, .0705, .0706, .0801, .0802, .0806, .0902, .0903, .0904, .0909, .0910, .0911, .0912, .1301, .1302, .1306, .1401, .1402, .1406

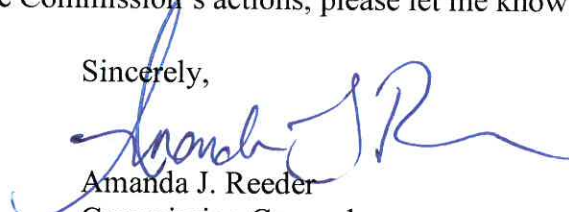
Dear Mr. Gray:

At its meeting on December 19, 2019, the Rules Review Commission extended the period of review for the above-referenced rules in accordance with G.S. 150B-21.10. They did so in response to a request from the agency to extend the period in order to allow the agency to address the Requests for Technical Changes and submit the rewritten rules at a later meeting.

Pursuant to G.S. 150B-21.13, when the Commission extends the period of review, it is required to approve or object to rules or call a public hearing on the same within 70 days.

If you have any questions regarding the Commission's actions, please let me know.

Sincerely,



Amanda J. Reeder  
Commission Counsel

cc: Charles McDarris

Administration  
919/431-3000  
fax: 919/431-3100

Rules Division  
919/431-3000  
fax: 919/431-3104

Judges and  
Assistants  
919/431-3000  
fax: 919/431-3100

Clerk's Office  
919/431-3000  
fax: 919/431-3100

Rules Review  
Commission  
919/431-3000  
fax: 919/431-3104

Civil Rights  
Division  
919/431-3036  
fax: 919/431-3103

## Burgos, Alexander N

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**Subject:** FW: [External] Private Protective Services Board Rules

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**From:** McDarris, Charles F. <[CMcDarris@bdixon.com](mailto:CMcDarris@bdixon.com)>  
**Sent:** Friday, December 13, 2019 8:44:01 AM  
**To:** Reeder, Amanda J <[amanda.reeder@oah.nc.gov](mailto:amanda.reeder@oah.nc.gov)>  
**Cc:** Gray, Jeffrey <[JGray@bdixon.com](mailto:JGray@bdixon.com)>  
**Subject:** [External] Private Protective Services Board Rules

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Amanda,

As you know, we have 26 rules from the Private Protective Services Board pending before the Rules Review Commission. We are in receipt of your Request for Technical Changes on those rules. I have made most of the changes but need to meet with staff to discuss a number of the items. Rules Coordinator Jeff Gray has been unavailable this week and the Board's Director is out also. After speaking with Jeff on Wednesday, we believe it best to continue the entire block of 26 rules until the next RRC meeting in January. The continuance will give us time to meet with staff to discuss the issues you have raised.

If you have questions, or I need to do anything further, please let me know.

Thank you for your help.

Charles McDarris

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0114

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

**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 call our office to inquire concerning the staff recommendation.

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

*On line 5, what is "necessary"? Is this what is required by individual rules in the Chapter? And please note the same question for "explanations"*

*On line 5, how will an interview be submitted via an online website? Is the intent that they be conducted online, or that there is a transcript to send?*

*On line 6, why do you need "official"? And what is the website address?*

*On line 7, under what circumstances will the Board request this?*

*On line 8, I am merely asking – do you need to retain "required or requested"? Why not state "Any failure to submit documents to complete..."?*

*In the History Note, why are you citing to G.S. 74C-12?*

*On line 13 of the History Note, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0114 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0114 APPLICATION COMPLETION DEADLINE**

5 All necessary photographs, record checks, proof of insurance, explanations, interviews, or requested documents shall  
6 be submitted online through the Board's official website by any applicant for a permit, license, registration, or  
7 certificate within 60 days of the Board's receipt of the application form or a request from Board staff, whichever is  
8 later. Any failure to submit required or requested documents to complete the application process within this 60-day  
9 period shall void the application and require re-application.

10  
11 *History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;*

12 *Eff. January 1, 2015;*

13 *Transferred and Recodified from 12 NCAC 07D .0116 Eff. July 1, 2015; December 1, 2019;*

14 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0201

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 5, do you want to state, "The Board's website" rather than "provided by the Board"?*

*And what is this website address?*

*In (a)(1), line 7, what do you mean by "classifiable"?*

*And I take it the address of the Board office is what is in Rule 14B .0102?*

*In (a)(3), line 14, where are these designated? Does your regulated public know?*

*In (a)(4), line 16, insert a comma after "fee," so it reads "fee, along with a four dollar..."*

*And I take it that this fee is allowed under G.S. 150B-19(5)(e)?*

*What is your authority for (a)(6)?*

*In (b), line 23, how is this provided? And I take it the contents of this form is what are set forth in lines 24-26?*

*And I take it this Paragraph is to implement G.S. 74C-8(b)(7)?*

*In (c), line 28, how is this form provided? And is the form simply a log to fill in the information required by this Paragraph?*

*In (e), how is it determined which party the applicant will meet with? Who determines it? And if it's not always a Board representative, then why on line 35 does it refer to a Board representative? (See that on line 32, you refer to a "Board representative" as one possible individual to meet with out of three possibilities, but then on line 35, you refer only to a Board representative.)*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

*On lines 33 and 34, do not insert "Chapter" See Rule 26 NCAC 02C .0109(b)(1).*

*In the History Note, why are you citing to G.S. 74C-12?*

*On Page 2, line 5 of the History Note, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0201 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS**

5 (a) Each applicant for a license or trainee permit shall submit an ~~original~~ online application on the website provided  
6 by and one copy of the application to the Board. The application shall be accompanied by:

- 7 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card;~~ card that shall be mailed  
8 separately to the Board's office;
- 9 (2) one head and shoulders digital photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format of  
10 acceptable sufficient quality for identification, taken within six months prior to ~~submission online~~  
11 application and submitted by ~~e-mail to PPSASL\_Photos@ncdps.gov or by compact disc;~~ uploading  
12 the photograph online with the application submission;
- 13 (3) upload online a certified statement of the results of a statewide criminal history records search by  
14 the 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 application ~~fee;~~ fee along with a four dollar (\$4.00) convenience fee  
17 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; and
- 21 (6) an Equifax credit check run within 30 days of the license application submission ~~date.~~ date, which  
22 will be submitted to the Board's investigator during the application process.

23 (b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board  
24 and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times  
25 work with and under the direct supervision of that ~~supervisor.~~ supervisor and the form shall be uploaded as part of the  
26 online application process.

27 (c) Private investigator trainees applying for a license shall make available for inspection a log of experience on a  
28 form provided by the Board.

29 (d) Each applicant must ~~provide~~ upload evidence of high school graduation either by diploma, G.E.D. certificate, or  
30 other proof.

31 (e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the  
32 Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall  
33 discuss the provisions of G.S. Chapter 74C and the administrative rules in this Chapter during the personal meeting.  
34 The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. Chapter 74C and  
35 the administrative rules in this Chapter with the ~~board's~~ Board's representative.

36  
37 *History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;*

1                   *Eff. June 1, 1984;*  
2                   *Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987;*  
3                   *December 1, 1985;*  
4                   *Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;*  
5                   *Amended Eff. November 1, 2017; December 1, 2019;*  
6                   *Readopted Eff. January 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0202

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In Box 9B, please delete the two sentences relating to fees, as this Rule is not establishing or increasing a fee.*

*In (a), line 5, insert a comma after "license"*

*In the History Note, line 32, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0202 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS**

5 (a) Application, license and trainee permit fees are as follows:

- 6 (1) one hundred and fifty dollars (\$150.00) non-refundable application fee;  
7 (2) two hundred fifty dollar (\$250.00) annual fee for a new or renewal license, unless the applicant is  
8 requesting a new license be issued because of a transfer to a new company, which shall require a  
9 one hundred dollar (\$100.00) fee for issuance of the new license with the original expiration date in  
10 the new company name;  
11 (3) two hundred fifty dollar (\$250.00) annual trainee permit fee;  
12 (4) fifty dollars (\$50.00) new or renewal fee per year of the license term for each license in addition to  
13 the basic license;  
14 (5) twenty five dollars (\$25.00) duplicate license fee per year of the license term;  
15 (6) one hundred dollars (\$100.00) late renewal fee in addition to the renewal fee;  
16 (7) one hundred dollars (\$100.00) temporary permit fee;  
17 (8) fifty dollars (\$50.00) branch office license fee per year of the license term; and  
18 (9) fifty dollars (\$50.00) special limited guard and patrol licensee fee.

19 (b) Fees shall be paid as follows:

- 20 (1) ~~if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
21 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
22 (2) ~~if the application is submitted online, payment shall be online by credit card, e-check card or other~~  
23 form of electronic funds transfer.

24  
25 *History Note: Authority G.S. 74C-9;*

26 *Eff. June 1, 1984;*

27 *Amended Eff. July 1, 1987; December 1, 1985;*

28 *Temporary Amendment Eff. January 1, 1990 for a period of 180 days to expire on July 1, 1990;*

29 *ARRC Objection Lodged January 18, 1990;*

30 *Amended Eff. July 1, 2010; June 1, 2009; January 1, 2004; February 1, 1995; July 1, 1990;*

31 *Transferred and Recodified from 12 NCAC 07D .0202 Eff. July 1, 2015;*

32 *Amended Eff. January 1, 2018; December 1, 2019;*

33 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0203

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 6, do you want to state, "The Board's website" rather than "provided by the Board"?*

*And what is this website address?*

*On line 6, I am only asking – you use "online" here but not in Rule .0201(a), line 6. Is this difference intentional? I am guessing so, as you are inserting "online" in (b)(1), but I wanted to ask.*

*In (a)(1), line 10, and (b)(3), line 26, I recommend mirroring the language in Rule .0201 and replacing "a quality sufficient" with "sufficient quality"*

*I also not in (a)(1) and (b)(3), in similar rules, you say, "taken within six months prior to" Do you want to mirror that language here?*

*In (a)(2), line 14, and (b)(4), line 30, where are these designated? Does your regulated public know?*

*In (a)(3), line 16, and (b)(5), line 32, please insert a comma after "fee" And I take it that this fee is allowed under G.S. 150B-19(5)(e)?*

*In (a)(4), line 18, as stated in G.S. 74C-10(g), this doesn't apply to trainees, correct? I suggest clarifying this.*

*In (b)(2), line 23, what do you mean by "classifiable"?*

*In (b)(7), line 37, insert a comma after "Investigations"*

*In the History Note, Page 2, line 11, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: December 2, 2019

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0203 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

5 (a) Each applicant for renewal of a license or trainee permit shall submit an ~~original online and one copy of the~~  
6 ~~renewal form~~ application on the website provided by the Board. This ~~form~~ online application shall be submitted to  
7 ~~the Director~~ not less than 30 days prior to expiration of the applicant's current license or trainee permit and shall be  
8 accompanied by:

- 9 (1) ~~a one~~ head and shoulders digital color photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format  
10 of a quality sufficient for identification, taken within six months of the online application and ~~e-mail~~  
11 ~~to PPSASL Photos@ncdps.gov or by compact disc; submitted by uploading the photograph online~~  
12 with the application submission;  
13 (2) upload online a statement ~~statements~~ of the result of a ~~local~~ statewide criminal history records search  
14 by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where  
15 the applicant has resided within the preceding 24 months;  
16 (3) the applicant's renewal ~~fee; and~~ fee along with a four dollar (\$4.00) convenience fee and credit card  
17 transaction fee; and  
18 (4) proof of liability insurance as set out in G.S. 74C-10(e).

19 (b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be  
20 re-issued if application is made within three years of the expiration date and the following documentation is submitted  
21 to the Board:

- 22 (1) an online Application For Reinstatement of an Expired License;  
23 (2) one set of classifiable fingerprints on an applicant fingerprint ~~card; card that shall be mailed~~  
24 separately to the Board's office;  
25 (3) one head and shoulders digital color photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format  
26 of a quality sufficient for identification, taken within six months of the online application and  
27 ~~submitted by e-mail to PPSASL Photos@ncdps.gov or by compact disc; submitted by uploading~~  
28 the photograph online with the application submission;  
29 (4) upload online a statement ~~statements~~ of the result of a ~~local~~ statewide criminal history records search  
30 by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where  
31 the applicant has resided within the preceding 60 months;  
32 (5) the applicant's non-refundable application ~~fee; fee along with a four dollar (\$4.00) convenience fee~~  
33 and credit card transaction fee;  
34 (6) proof of liability insurance as set out in G.S. 74C-10(e); and  
35 (7) ~~a separate check or money order made payable~~ payment to the State Bureau of Investigations to  
36 cover the cost of criminal record checks performed by the State Bureau of ~~Investigations,~~  
37 Investigations with payment to be paid online through the Board's online application process.

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

5  
6 *History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;*

7 *Eff. June 1, 1984;*

8 *Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994;*

9 *July 1, 1987; December 1, 1985;*

10 *Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;*

11 *Amended Eff. November 1, 2017; December 1, 2019;*

12 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0205

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 6, do you want to state, "The Board's website" rather than "provided by the Board"?*

*Also on line 6, what is required in this form? Is it what is stated on lines 8-13?*

*On line 7, replace "which" with "that"*

*On line 8, replace "call for such information as" with "require"*

*Consider making the language on lines 8-13 into a list, like so:*

*"This application for license shall require:*

- (1) the firm, association, or corporation name;*
- (2) the address..."*

*On line 10, insert a comma after "suspension"*

*On line 12, please replace "ten" with "10"*

*In (b), lines 14-15, why not delete "further qualify by filing with its application for a license" and replace it with "file"?*

*On line 15, please capitalize "State" since you mean NC.*

*On line 16, I suggest breaking up this very long sentence by inserting a period after the citation. Then state "The corporation shall also file a consent...."*

*On line 17, replace "which" with "that"*

*On line 17, what is "duly" certified here?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

*On line 18, who are the “proper” officers?*

*On line 18, replace “said” with “the”*

*In (c), line 20, consider replacing “ascertain” with “determine”*

*And I take it the language on line 20 is to ensure compliance with G.S. 74C-8(c)?*

*On line 20, please remove the comma after “directors”*

*On lines 21-28, this is reciting G.S. 74C-8(d)(2), but it slightly differs from statute in that this sets forth what is good character, whereas the statute states what is not good character. Why do you need to set this forth here, rather than relying upon the statute?*

*If you need to retain the language, on line 27, end the sentence after “drug.” Then begin the sentence, “For” Also, delete “means and” The sentence will state, “For the purposes of this Rule, “conviction” includes the entry of a plea...”*

*In (d), you state that upon satisfactory completion of the background investigation, the license “may” be issued. Under what circumstances will the Board not issue a license if the background investigation is satisfactory?*

*On line 30, define or delete “conspicuously” Or are you relying upon the term as used in G.S. 74C-9(b) for this term?*

*On line 30, “State of North Carolina” is redundant. Please either state “State” or “North Carolina” but not both.*

*In (e), what is the point of this? Construed by whom?*

*In (f), lines 33 and 34, please replace “in addition to the licensed issued to” with “and”*

*On line 34, please delete “Therefore” and begin the sentence “The”*

*In the History Note, Page 2, line 3, delete the errant “December 1, 2019;” Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019



1 14B NCAC 16 .0205 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0205 COMPANY BUSINESS LICENSE**

5 (a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall ~~submit~~ upload on the  
6 website provided by the Board an application for a company business license on a form provided by the Board. Only  
7 a sole proprietorship which is owned and operated by an individual licensee shall be exempt from this Rule. This  
8 application for license shall call for such information as the firm, association, or corporation name; the address of its  
9 principal office within the State; any past conviction for criminal offenses of any company director, or officer;  
10 information concerning the past revocation, suspension or denial of a business or professional license to any director,  
11 or officer; a list of all directors and officers of the firm, association, or corporation; a list of all persons, firms,  
12 associations, corporations or other entities owning ten percent or more of the outstanding shares of any class of stock;  
13 and the name and address of the qualifying agent.

14 (b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall further qualify by  
15 filing with its application for a license, a copy of its certificate of authority to transact business in this state issued by  
16 the North Carolina Secretary of State in accordance with G.S. 55-15-01 and a consent to service of process and  
17 pleadings which shall be authenticated by its corporate seal and accompanied by a duly certified copy of the resolution  
18 of the board of directors authorizing the proper officer or officers to execute said consent.

19 (c) After filing a completed written application with the Board, the Board shall conduct a background investigation  
20 to ascertain if the qualifying agent is in a management position. The Board shall also determine if the directors, or  
21 officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). It shall be prima facie evidence of  
22 good moral character if a director or officer has not been convicted by any local, State, federal, or military court of  
23 any crime involving the use, carrying, or possession of a firearm; conviction of any crime involving the use,  
24 possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic  
25 beverage; conviction of a crime involving assault or an act of violence; conviction of a crime involving breaking or  
26 entering, burglary, larceny, or any offense involving moral turpitude; or does not have a history of addiction to alcohol  
27 or a narcotic drug; provided that, for purposes of this Rule, "conviction" means and includes the entry of a plea of  
28 guilty or no contest or a verdict rendered in open court by a judge or jury.

29 (d) Upon satisfactory completion of the background investigation, a company business license may be issued. This  
30 license shall be conspicuously displayed at the principle place of business within the State of North Carolina.

31 (e) The company business license shall be issued only to the business entity and shall not be construed to extend to  
32 the licensing of its officers and employees.

33 (f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the  
34 license issued to the qualifying agent. Therefore, the qualifying agent for the firm, association, or corporation which  
35 has been issued the company business license shall be responsible for assuring compliance with G.S. 74C.

36  
37 *History Note: Authority G.S. 74C-2(a); 74C-5;*

1                   *Eff. April 1, 1993;*  
2                   *Amended Eff. February 1, 1995;*  
3                   *Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015; December 1, 2019;*  
4                   *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0502

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*I note that in the Submission for Permanent Rule form, Box 9B, you state that you are amending the Rule to allow for online submission of the application. However, you are not doing that here; instead, you are only updating the list of approved schools in (1).*

*On line 5, delete the comma after "of" and insert a comma after "Chapter"*

*In Item (1), line 9, I suggest inserting a comma after "Polygraphists"*

*And how will the Board approve these schools? Is that addressed by other rules in the Chapter?*

*In Item (3), lines 16 and 18, I suggest replacing "such" with "the"*

*In Item (4), line 21, delete the comma after "trainee"*

*In Item (6), line 26, how is this checklist provided by the Board? And what are the contents? Are they provided for in another Rule or law?*

*In the History Note, line 31, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0502 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS**

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

- 7 (1) The applicant shall successfully complete a formal course of instruction at any polygraph school  
8 approved by the American Polygraph Association, the American Association of Police  
9 Polygraphists or the Board. A list of approved schools can be found at:  
10 ~~http://www.ncdoj.gov/About DOJ/Law Enforcement Training and Standards/Private Protective~~  
11 ~~Services/Licensing Process.aspx~~; <https://www.ncdps.gov/list-polygraph-schools>;  
12 (2) The applicant shall be directly supervised by a polygraph examiner approved by the Board and that  
13 examiner shall supervise no more than three trainees at any given time;  
14 (3) An individual currently enrolled in a polygraph school may conduct examinations as a part of the  
15 course curriculum provided such examinations are on school premises, under the direct one-on-one  
16 supervision of a polygraph licensee, and the school provides written notice to the client that such  
17 examinations are being conducted by students and not by licensed polygraph examiners. The school  
18 shall maintain a copy of such written notification;  
19 (4) Trainees who wish to apply for a license must submit an application to the Board in accordance with  
20 Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance  
21 of a trainee, permit shall not be required to pay an additional application fee;  
22 (5) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be  
23 accompanied by an evaluation report of the trainee's performance submitted by the trainee's  
24 supervisor; and  
25 (6) In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports  
26 over the duration of the traineeship on a checklist provided by the Board.

27  
28 *History Note: Authority G.S. 74C-5;*  
29 *Eff. June 1, 1984;*  
30 *Amended Eff. May 1, 2014; December 1, 1985;*  
31 *Transferred and Recodified from 12 NCAC 07D .0502 Eff. July 1, 2015; December 1, 2019;*  
32 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0701

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 5, do you want to mirror the language in Rule .0801 and state "Each unarmed security employer"? (In Rule .0801, you state, "Each armed security employer" and since the name of the rule is not part of the rule, this would clarify which employer you are referring to.)*

*Also on line 5, state "his or her"*

*Also on line 5, how is this done? Is it via a website? If so, what is this website address?*

*In (a)(1), line 7, what do you mean by "classifiable"? Is this language to mimic G.S. 74C-11(a)(1)?*

*And I take it on line 8 that the address of the Board office is what is in Rule 14B .0102?*

*In (a)(2), I note that this language differs slightly from the language in Rule .0201(a)(2). (For example, the term "submission" on line 11 is not used in Rule .0201) I take it this difference is intentional?*

*In (a)(3), line 14, where are these designated? Does your regulated public know?*

*On line 15, what is your authority to require a 60-month period? G.S. 74C-11(a)(2) requires only through 48 months.*

### **§ 74C-11. Probationary employees and registration of regular employees; unarmed security guard required to have registration card.**

(a) All licensees may employ unarmed security guards as probationary employees for 20 consecutive calendar days. Upon completion of the probationary period and the desire of the licensee to hire an unarmed security guard as a regular employee, the licensee shall register the employee who will be engaged in providing private protective services covered by this Chapter with the Board within 30 days after the probationary

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

employment period ends, unless the Director, in the Director's discretion, extends the time period, for good cause. Before a probationary employee engages in private protective services, the employee shall complete any training requirements, and the licensee shall conduct a criminal record check on the employee, as the Board deems appropriate. The licensee shall submit a list of the probationary employees to the Director on a monthly basis. The list shall include the name, address, social security number, and dates of employment of the employees.

To register an employee after the probationary period ends, a licensee must give the Board the following:

- (1) Set(s) of classifiable fingerprints on standard F.B.I. applicant cards; recent photograph(s) of acceptable quality for identification; and
- (2) Statements of any criminal records obtained from the appropriate authority in each area where the employee has resided within the immediately preceding 48 months.

*In (a)(4), line 16, insert a comma after "fee," so it reads "fee, along with a four dollar..."*

*In (a)(7), line 23, what is "successfully" here?*

*On line 24, when will this training not be applicable?*

*What are the documents in (a)(8)? What are the contents? Where are these found?*

*In (b), line 27, I suggest inserting a "the" before "affidavit", so it reads, "application, including the affidavit, in the ..."*

*In (d), line 34, replace "specified in" with "required by"*

*In the History Note, Page 2, line 5, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0701 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

5 (a) Each employer or his designee shall submit ~~and sign an application form~~ an online application for the registration  
6 of each employee to the Board. This online submission form shall be accompanied by:

- 7 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed  
8 separately to the Board's office;
- 9 (2) ~~two one~~ one head and shoulders color digital ~~photograph~~ photographs of the applicant in ~~JPG~~ JPG,  
10 JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months  
11 prior to online application submission and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or~~  
12 ~~by compact disc~~; uploading the photograph online with the application submission;
- 13 (3) ~~a certified statement~~ upload online a statement of the results of a statewide criminal history records  
14 search ~~from~~ by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each  
15 state where the applicant has resided within the preceding 60 months;
- 16 (4) the applicant's non-refundable registration ~~fee; and~~ fee along with a four dollar (\$4.00) convenience  
17 fee 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~~; Board;
- 21 (6) one original signed SBI release of information form that shall be uploaded online with the original  
22 mailed to the Board's administrative office;
- 23 (7) a statement signed by a certified trainer that the applicant has successfully completed the training  
24 requirements of Rule .0707 of this Section if applicable; 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 application and the completed  
27 affidavit form and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's~~ guard's  
28 personnel file in the employer's office.

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

32 ~~(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements~~  
33 ~~of Rule .0707 of this Section shall be submitted to the Director with the online application.~~

34 ~~(e)(d)~~ A copy of the statement specified in ~~Paragraph (d)~~ Subparagraph (a)(7) of this Rule shall be retained by the  
35 licensee in the individual applicant's personnel file in the employer's office.

36  
37 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11;*

1                   *Eff. June 1, 1984;*  
2                   *Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994;*  
3                   *February 1, 1990; May 1, 1988;*  
4                   *Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;*  
5                   *Amended Eff. November 1, 2017; December 1, 2019;*  
6                   *Readopted Eff. January 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0702

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I am confused – is the \$4 an extra fee, or is it included in the fee amounts in (a)(1) through (4)? If this is in addition to the fee, then why not state "along with" like you did in previous rules?*

*And I take it you are relying upon G.S. 150B-19(5) as authority to set this fee?*

*In (b), I am only noting that in Rule .0202 you use slightly different language, and state "Fees shall be paid online" I take it the difference here is intentional?*

*In the History Note, line 25, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0702 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION**

5 (a) Fees for unarmed security guards are as ~~follows:~~ follows, to include a four dollar (\$4.00) convenience fee and  
6 credit card transaction fee:

- 7 (1) thirty dollar (\$30.00) non-refundable initial registration fee;  
8 (2) thirty dollar (\$30.00) annual renewal, or reissue fee;  
9 (3) fifteen dollar (\$15.00) transfer fee; and  
10 (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration  
11 expires and to be paid in addition to the renewal fee.

12 (b) Fees shall be ~~paid as follows:~~

- 13 ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
14 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
15 ~~(2) if the application is submitted online online, payment shall be by credit card, e-check card or other~~  
16 ~~form of electronic funds transfer.~~

17  
18 *History Note: Authority G.S. 74C-9;*  
19 *Eff. June 1, 1984;*  
20 *Amended Eff. December 1, 1985;*  
21 *Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;*  
22 *ARRC Objection Lodged January 18, 1990;*  
23 *Amended Eff. July 1, 2010; May 1, 2010; December 1, 2003; July 1, 1990;*  
24 *Transferred and Recodified from 12 NCAC 07D .0702 Eff. July 1, 2015;*  
25 *Amended Eff. January 1, 2018; December 1, 2019;*  
26 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0705

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (b), line 8, what is an "authorized representative of the Board"?*

*In (c), line 9, define "immediately"*

*Also on line 9, what is "information relating to the holder's eligibility to continue holding such a card"?*

*In (d), line 11, so that I'm clear – is this fee what is in Rule .0702(a)(3)?*

*In the History Note, line 19, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0705 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0705 UNARMED SECURITY GUARD REGISTRATION IDENTIFICATION CARDS**

5 (a) The registration identification card shall be carried by the registrant when performing the duties of a private  
6 protective services employee.

7 (b) The registration identification card shall be exhibited upon the request of any law enforcement officer or any other  
8 authorized representative of the Board.

9 (c) Registration identification card holders shall immediately notify the Board upon receipt of any information relating  
10 to the holder's eligibility to continue holding such a card.

11 (d) The guard transfer online form and fee shall be submitted to the Board by the employer within 10 days of the  
12 beginning of employment.

13 (e) Upon revocation or suspension by the Board, a holder shall return the registration identification card to the  
14 administrator within 10 days of the date of the revocation or suspension.

15  
16 *History Note: Authority G.S. 74C-5; 74C-11;*

17 *Eff. June 1, 1984;*

18 *Amended Eff. December 1, 1985;*

19 *Transferred and Recodified from 12 NCAC 07D .0705 Eff. July 1, 2015; December 1, 2019;*

20 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0706

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 2, there is no need to strike the part of the name you are repealing. Please submit a new form with just the new name. (Please note, continue to show the change on the Rule itself)*

*Also on the form in Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 6, do you want to state, "The Board's website" rather than "provided by the Board"?*

*And what is this website address?*

*In (a)(2), line 13, where are these designated? Does your regulated public know?*

*In (a)(3), line 15, please insert a comma after "fee" And I take it that this fee is allowed under G.S. 150B-19(5)(e)?*

*On line 16, should this be "transaction" (singular) to mirror the language in the other rules?*

*In (a)(4), lines 19 and 20, what are these forms? What are the contents? How does one get them?*

*In the History Note, Page 2, line 5, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0706 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0706 RENEWAL ~~OR REISSUE~~ OF UNARMED SECURITY GUARD REGISTRATION**

5 (a) Each applicant for renewal of a registration identification card or his or her employer shall complete ~~a~~ an online  
6 form on the website provided by the Board. This online form shall be submitted not fewer than ~~30~~ 90 days prior to the  
7 expiration of the applicant's current registration and shall be accompanied by:

- 8 (1) ~~two one~~ head and shoulders color digital ~~photograph~~ photographs of the applicant in ~~JPG~~ JPG,  
9 JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months  
10 prior to submission online application and submitted by ~~e-mail to PPSASL-Photos@ncdps.gov or~~  
11 ~~by compact disc; uploading the photograph online with the application submission;~~  
12 (2) upload online a statement of the results of a statewide ~~statements of any~~ criminal history records  
13 search record obtained from ~~by~~ the reporting service designated by the Board pursuant to G.S. 74C-  
14 8.1(a) for each state where the applicant has resided within the preceding 12 months;  
15 (3) the applicant's renewal ~~fee; fee along with the four dollar (\$4.00) convenience fee and credit card~~  
16 ~~transactions 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 ~~by the Private Protective Services Board. upload a completed affidavit form and public notice~~  
20 statement form.

21 ~~(b) Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign,~~  
22 ~~a form provided by the Board. This form shall be submitted to the Board and accompanied by:~~

- 23 ~~(1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable~~  
24 ~~quality for identification, taken within six months prior to submission and submitted by e-mail to~~  
25 ~~PPSASL-Photos@ncdps.gov or by compact disc; and~~  
26 ~~(2) the applicant's reissue fee.~~

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

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

36  
37 *History Note: Authority G.S. 74C-5; 74C-11;*

1                   *Eff. June 1, 1984;*  
2                   *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987;*  
3                   *December 1, 1985;*  
4                   *Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015;*  
5                   *Amended Eff. November 1, 2017; December 1, 2019;*  
6                   *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0801

### **DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I note that the language here differs slightly from Rule .0701. For example, on line 6, it says "shall submit an online application for the registration..." And on line 7, it states, "online application" rather than "online form" Is this difference intentional?*

*In (a)(1), line 9, what is "classifiable"?*

*In (a)(3), where are these designated? Does your regulated public know?*

*What is the difference between the fee in (a)(4) and (a)(7)?*

*In (a)(5), line 19, what is "successfully"?*

*On line 20, delete the "and"*

*In (a)(6), what is your authority to set this age limit, given G.S. 93B-9?*

*In (a)(7), line 22, please insert a comma after "Section"*

*In (a)(9), what are these forms? What are the contents of them? How are they obtained?*

*On Page 2, Paragraph (e), what does this mean? What is it intended to accomplish?*

*In the History Note, line 4, why are you citing to G.S. 74C-9? You do not cite to this in Rule .0701. If you need to retain it, please correct the citation and remove the space between "74" and "C" in 74C-9.*

*Also in the History Note, line 9, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: December 2, 2019



1 14B NCAC 16 .0801 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

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

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

- 9 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed  
10 separately to the Board's office;
- 11 (2) ~~two~~ one head and shoulders color digital photograph ~~photographs~~ of the applicant in ~~JPG~~ JPG,  
12 JPEG, or PNG format of sufficient quality for identification, taken within six months prior to  
13 ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or by~~  
14 ~~compact disc~~; uploading the photograph online with the application submission;
- 15 (3) ~~a certified statement~~ upload online a statement of the results of a statewide criminal history records  
16 search ~~from~~ by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each  
17 state where the applicant has resided within the preceding 60 months;
- 18 (4) the applicant's non-refundable registration fee; ~~and~~
- 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 certification by the applicant that he or she is at least 21 years of ~~age~~; age;
- 22 (7) the registration fee required by Rule .0802 of this Section along with a four dollar (\$4.00)  
23 convenience fee and credit card transaction fee;
- 24 (8) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
25 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
26 online by the Private Protective Services Board; and
- 27 (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~~ application, including affidavit and proof of course completion, in the ~~individual's guard's~~ individual's personnel file  
31 in the employer's office.

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

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

1 (e) 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.

3  
4 *History Note: Authority G.S. 74C-5; 74 C-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; December 1, 2019;*  
10 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0802

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I am confused – is the \$4 an extra fee, or is it included in the fee amounts in (a)(1) through (4)? If this is in addition to the fee, then why not state "along with" like you did in previous rules?*

*And I take it you are relying upon G.S. 150B-19(5) as authority to set this fee?*

*In (b), I am only noting that you are using "paid online" like you state in Rule .0202, but it is different from Rule .0702, which states "Fees shall be submitted online." Did you want all three to read the same?*

*In the History Note, line 23, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0802 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

5 (a) Fees for armed security guard firearm registration permits are as ~~follows:~~ follows, to include a four dollar (\$4.00)  
6 convenience fee and credit card transaction fee:

- 7 (1) thirty dollars (\$30.00) non-refundable initial registration fee;  
8 (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and  
9 (3) fifteen dollar (\$15.00) application fee.

10 (b) Fees shall be paid ~~as follows:~~

- 11 ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
12 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
13 ~~(2) if the application is submitted online, payment shall be online by credit card, ~~e-check~~ card or other~~  
14 ~~form of electronic funds transfer.~~

15  
16 *History Note: Authority G.S. 74C-9;*

17 *Eff. June 1, 1984;*

18 *Amended Eff. December 1, 1985;*

19 *Temporary Amendment Eff. January 1, 1990 for a Period of 180 Days to Expire on July 1, 1990;*

20 *ARRC Objection Lodged January 18, 1990;*

21 *Amended Eff. July 1, 2010; December 1, 2003; July 1, 1990;*

22 *Transferred and Recodified from 12 NCAC 07D .0802 Eff. July 1, 2015;*

23 *Amended Eff. January 1, 2018; December 1, 2019;*

24 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0806

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please note, this Rule is not being readopted, as it was already readopted effective November 1, 2019. As such:*

*On the Submission for Permanent Rule form:*

- *Box 3, please check "Amendment" and delete "Readoption"*
- *Box 6, give only the Register information for the amendment, which was the August 15, 2019 publication date and August 30, 2019 hearing.*
- *In Box 9B, delete the reference to the readoption.*

*In the Rule:*

- *Change the Introductory Statement to reflect that this is an amendment only.*
- *You are not reflecting the language that is currently in the NC Administrative Code. Go to the Code and pull that version of the Rule, and then show all changes you want to make to that language. (For example, you are missing all of Paragraph (e) that you added, effective November 1)*
- *Be sure to include the updated History Note from the Code.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0806 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

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

6 (a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her  
7 employer shall complete ~~a~~ an online form on the website provided by the Board. This online form shall be submitted  
8 not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall  
9 be accompanied by:

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

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

28 ~~(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has~~  
29 ~~successfully completed the training requirements of Rule .0807 of this Section.~~

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

35  
36 *History Note: Authority G.S. 74C-5; 74C-11; 74C-13;*  
37 *Eff. June 1, 1984;*

1                   *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1,*  
2                   *1985;*  
3                   *Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;*  
4                   *Amended Eff. January 1, 2018; November 1, 2017; December 1, 2019;*  
5                   *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0902

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*I note that this language differs slightly from other application rules, such as Rule .0201. For example, on line 6, you do not say "The online application" like you do in Rule .0201. I take it these differences are intentional?*

*On line 6, how is this online application made? Is there a website you wish to add?*

*In (a)(1), line 7, what is "classifiable"?*

*In (a)(3), how does your regulated public know which services have been designated*

*In (a)(5), line 19, insert a comma after "fee"*

*In (a)(6), line 21, did you mean Rule .0901(a)(3) and (4)? Please insert the correct citation.*

*On line 22, insert a comma after "Section" and replace "indicating" with "stating"*

*In the History Note, line 35, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019



1 14B NCAC 16 .0902 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

5 Each applicant for a firearms trainer certificate shall submit an ~~original and one copy of the~~ online application to the  
6 Board. The application shall be accompanied by:

- 7 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card;~~ card that shall be mailed  
8 separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in ~~JPG~~ JPG, JPEG, or PNG format  
10 ~~of adequate~~ sufficient quality for identification, taken within six months prior to online submission  
11 and submitted by ~~e-mail to PPSASL-Photos@ncdps.gov or by compact disc~~ uploading online with  
12 the application submission;
- 13 (3) ~~a certified statement~~ upload online a statement of the ~~result~~ results of a statewide criminal history  
14 records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each  
15 state where the applicant has resided within the preceding 60 months;
- 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) the applicant's non-refundable ~~registration fee;~~ application fee along with a four dollar (\$4.00)  
20 convenience fee and credit card transaction fee;
- 21 (6) a certificate of successful completion of the training required by Rule .0901(3) and (4) of this  
22 ~~Section. This training shall have been completed~~ Section indicating the training was completed  
23 within 60 days of the submission of the application; application and uploaded online as part of the  
24 online application process; and
- 25 (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice  
26 Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and  
27 collected as part of the online application process by the Private Protective Services Board.

28  
29 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*  
30 *Eff. June 1, 1984;*  
31 *Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;*  
32 *Temporary Amendment Eff. July 17, 2001;*  
33 *Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;*  
34 *Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;*  
35 *Amended Eff. November 1, 2017; December 1, 2019;*  
36 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0903

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*Also on the form, in Boxes 7 and 9B, you state that this Rule establishes or increases a fee. However, you are not doing so with the proposed changes.*

*In (b), I am only noting that you are using "paid online" like you state in Rules .0202 and .0802, but it is different from Rule .0702, which states "Fees shall be submitted online." Did you want all of these Rules to read the same?*

*In the History Note, line 19, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0903 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE**

5 (a) Trainer certificate fees are as follows:

- 6 (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;  
7 (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant;  
8 (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

9 (b) Fees shall be paid ~~as follows:~~

- 10 ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
11 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
12 ~~(2) if the application is submitted online, payment shall be online by credit card, e-check card or other~~  
13 ~~form of electronic funds transfer.~~

14  
15 *History Note: Authority G.S. 74C-9;*  
16 *Eff. June 1, 1984;*  
17 *Amended Eff. January 1, 2005; January 1, 2004;*  
18 *Transferred and Recodified from 12 NCAC 07D .0903 Eff. July 1, 2015;*  
19 *Amended Eff. January 1, 2018; December 1, 2019;*  
20 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please note, this Rule is not being readopted, as it was already readopted effective November 1, 2019. As such:*

*On the Submission for Permanent Rule form:*

- *Box 3, please check "Amendment" and delete "Readoption"*
- *Box 6, give only the Register information for the amendment, which was the August 15, 2019 publication date and August 30, 2019 hearing.*
- *In Box 9B, delete the reference to the readoption.*

*In the Rule:*

- *Change the Introductory Statement to reflect that this is an amendment only.*
- *You are not reflecting the language that is currently in the NC Administrative Code. Go to the Code and pull that version of the Rule, and then show all changes you want to make to that language. (For example, you are missing all of Paragraphs (c) and (d) that you added, effective November 1)*
- *Be sure to include the updated History Note from the Code.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0904 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

5 (a) Each applicant for renewal of a firearms trainer certificate shall complete ~~a~~ an online renewal form on the website  
6 provided by the Board and available on its website at [www.ncdps.gov/PPS](http://www.ncdps.gov/PPS). Board. This form shall be submitted online  
7 not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

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

26  
27 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*

28 *Eff. June 1, 1984;*

29 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*  
30 *1985;*

31 *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*

32 *Amended Eff. February 1, 2016; October 1, 2015;*

33 *Amended Eff. November 1, 2017; December 1, 2019;*

34 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0909

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*Please note, this Rule is not being readopted, as it was already readopted effective November 1, 2019. As such:*

*On the Submission for Permanent Rule form:*

- *Box 3, please check "Amendment" and delete "Readoption"*
- *Box 6, give only the Register information for the amendment, which was the August 15, 2019 publication date and August 30, 2019 hearing.*
- *In Box 9B, delete the reference to the readoption.*

*In the Rule:*

- *Change the Introductory Statement to reflect that this is an amendment only.*
- *You are not reflecting the language that is currently in the NC Administrative Code. Go to the Code and pull that version of the Rule, and then show all changes you want to make to that language. Please recall, you added a new Paragraph (e) and you had to change language to satisfy RRC objection. This language must be included in the version you are proposing to amend.*
- *Be sure to include the updated History Note from the Code.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0909 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0909 UNARMED TRAINER CERTIFICATE**

5 (a) To receive an unarmed trainer certificate, an applicant shall meet the following requirements:

- 6 (1) comply with the requirements of Rule .0703 of this Chapter;  
7 (2) have a minimum of one year of experience in security with a contract security company or  
8 proprietary security organization, or one year of experience with any federal, state, county or  
9 municipal law enforcement agency;  
10 (3) successfully complete a training course approved by the Board and the Secretary of Public Safety  
11 which shall consist of a minimum of 24 hours classroom instruction to include the following topic  
12 areas:  
13 (A) civil liability for the security trainer -- (two hours);  
14 (B) interpersonal communications in instruction -- (three hours);  
15 (C) teaching adults -- (four hours);  
16 (D) principles of instruction -- (one hour);  
17 (E) methods and strategies of instruction -- (one hour);  
18 (F) principles of instruction: audio-visual aids -- (three hours); and  
19 (G) student performance -- (45 minute presentation);  
20 (4) receive a favorable recommendation from the employing or contracting licensee; and  
21 (5) submit the online application required by Rule .0910 of this ~~Section, which is available on the~~  
22 ~~Board's website at [www.ncdps.gov/PPS](http://www.ncdps.gov/PPS). Section.~~

23 (b) In lieu of completing the training course set forth in Subparagraph (a)(3) of this Rule, an applicant may submit to  
24 the Board:

- 25 (1) a Criminal Justice General Instructor Certificate from the North Carolina Criminal Justice Education  
26 and Training Standards Commission; or  
27 (2) any training certification that meets or exceeds the requirements of Subparagraph (a)(3) of this Rule  
28 and is approved by the Director of PPS.

29 (c) In lieu of the experience requirement of Subparagraph (a)(2) of this Rule and completing the training course set  
30 forth in Subparagraph (a)(3) of this Rule, an applicant may establish that the applicant satisfies the conditions set forth  
31 in G.S. 93B-15.1(a) for an unarmed trainer and two years of verifiable experience within the past five years in the  
32 U.S. Armed forces as an unarmed guard trainer.

33 (d) In addition to the requirements of Section .0200 of this Chapter, an applicant for an unarmed guard trainer  
34 certificate that is the spouse of an active duty member of the U.S. Armed Forces shall establish that the applicant  
35 satisfies the conditions set forth in G.S. 93B-15.1(b).

36 (e) An Unarmed Trainer Certificate shall expire two years after the date of issuance.  
37

1    *History Note:*    *Authority G.S. 74C-8; 74C-9; 74C-11; 93B-15.1;*  
2                            *Eff. October 1, 2004;*  
3                            *Amended Eff. October 1, 2013; January 1, 2013; January 1, 2008;*  
4                            *Transferred and Recodified from 12 NCAC 07D .0909 Eff. July 1, 2015;*  
5                            *Amended Eff. October 1, 2015; December 1, 2019;*  
6                            *Readopted Eff. January 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0910

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*On line 5, how is this submitted? Is there a website you wish to include?*

*In Item (1), line 7, please insert a comma after "Section"*

*In Item (2), consider stating "required training."*

*In the History Note, line 16, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0910 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

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

- 7 (1) the certified trainer application fee established in Rule .0903(a)(2) of this ~~Section and; Section along~~  
8 with a four dollar (\$4.00) convenience fee and credit card transaction fee; and  
9 (2) a certificate of successful completion of the training required. This training shall have been  
10 completed within 120 days of the submission of the application or current certificate of other  
11 acceptable certification as set forth in Rule .0909(b) of this Section.

12  
13 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*

14 *Eff. October 1, 2004;*

15 *Amended Eff. January 1, 2013;*

16 *Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015; December 1, 2019;*

17 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0911

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 6, why are you saying, "a website provided by the Board"? Can you not provide a url?*

*In (a)(2), line 10, is this requirement for 16 hours (and what that entails, including how it is Board approved) in another Rule?*

*In (a)(3), line 13, what are the contents of this form?*

*In the History Note, why are you citing to G.S. 74C-9 and 74C-13 (as that pertains to armed licensees and this rule is for unarmed trainers)?*

*Also in the History Note, line 23, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0911 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

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

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

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

19  
20 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;*

21 *Eff. August 1, 2004;*

22 *Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;*

23 *Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015; December 1, 2019;*

24 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0912

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In the History Note, line 10, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .0912 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES**

5 Each unarmed trainer shall ~~send to the Board training officer, by e-mail,~~ upload on the Board's website all rosters of  
6 classes taught during the current unarmed trainer certification period by June 30 and by December 31 of each year.

7  
8 *History Note: Authority G.S. 74C-5; 74C-13;*

9 *Eff. January 1, 2013;*

10 *Transferred and Recodified from 12 NCAC 07D .0912 Eff. July 1, 2015; December 1, 2019;*

11 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1301

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I note that the language here differs slightly from Rule .0801. For example, on line 7, you state, "online form" but in Rule .0801, it says "online submission" Should these read the same?*

*In (a)(1), line 8, what is "classifiable"?*

*In (a)(3), where are these designated? Does your regulated public know?*

*In (a)(4), line 17, please insert a comma after "fee"*

*In (a)(6), line 22, what is "successfully"?*

*On line 23, when will this training not be applicable? And please insert a comma after "Section"*

*In (a)(7), what are these forms? What are the contents of them? How are they obtained?*

*In the History Note, Page 2, line 2, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1301 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

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

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

- 8 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed  
9 separately to the Board's office;
- 10 (2) ~~two one~~ head and shoulders color digital ~~photograph~~ photographs of the applicant in ~~JPG~~ JPG,  
11 JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months  
12 prior to online ~~submission~~ application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or~~  
13 ~~by compact disc~~; uploading the photograph online with the application submission;
- 14 (3) ~~a certified statement~~ upload online a statement of the result of a statewide criminal history records  
15 search ~~from~~ by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each  
16 state where the applicant has resided within the preceding 60 months;
- 17 (4) the applicant's non-refundable registration ~~fee; and fee~~ along with a four dollar (\$4.00) convenience  
18 fee and credit card transaction fee;
- 19 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation  
20 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected  
21 online by the Private Protective Services ~~Board~~. Board;
- 22 (6) a statement signed by a certified trainer that the applicant has successfully completed the training  
23 requirements of Rule .1307 of this Section if applicable; and
- 24 (7) 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 online application and  
26 completed affidavit and shall retain a copy of the ~~application~~ application, including affidavit, in the ~~individual's~~ guard's  
27 personnel file in the 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 is within the scope of his or her employment and ~~that~~  
30 shall be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

31 ~~(d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements~~  
32 ~~of Rule .1307 of this Section shall be submitted to the Director with the application.~~

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

35  
36 *History Note:* Authority G.S. 74C-3; 74C-5; 74C-8.1(a);

37 *Eff. January 1, 2013;*



1                   *Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;*  
2                   *Amended Eff. November 1, 2017; December 1, 2019;*  
3                   *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1302

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I am confused – is the \$4 an extra fee, or is it included in the fee amounts in (a)(1) through (4)? If this is in addition to the fee, then why not state "along with" like you did in previous rules?*

*And I take it you are relying upon G.S. 150B-19(5) as authority to set this fee?*

*In the History Note, line 21, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1302 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION**

5 (a) Fees for unarmed armored car service guards are as ~~follows:~~ follows, to include a four dollar (\$4.00) convenience  
6 fee and credit card transaction fee:

- 7 (1) thirty dollar (\$30.00) non-refundable initial registration fee;  
8 (2) thirty dollar (\$30.00) annual renewal, or reissue fee;  
9 (3) fifteen dollar (\$15.00) transfer fee; and  
10 (4) twenty-five dollars (\$25.00) late renewal fee to be paid within 90 days from the date the registration  
11 expires and to be paid in addition to the renewal fee.

12 (b) Fees shall be paid ~~as follows:~~

- 13 ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
14 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
15 ~~(2) if the application is submitted online, payment shall be and by credit card, e-check card or other~~  
16 ~~form of electronic funds transfer.~~

17  
18 *History Note: Authority G.S. 74C-3; 74C-5; 74C-9;*  
19 *Eff. January 1, 2013;*  
20 *Transferred and Recodified from 12 NCAC 07D .1402 Eff. July 1, 2015;*  
21 *Amended Eff. January 1, 2018; December 1, 2019;*  
22 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1306

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 7, how is this form provided? Do you not wish to refer to the "website provided by the Board" like in other Rules or the url itself?*

*In (a)(1), how will the regulated public know what service was designated?*

*On line 11, delete the "and" after "months;"*

*In (a)(2), line 12, why are you including the "along with the \$4 fee" when that appears to be required by Rule .1302?*

*If you need to retain the language, please insert a comma after "fee"*

*In (a)(3), line 19, should this read "uploading the photograph online with the application submission"? This would make it mirror language in other rules.*

*In (a)(4), what are these forms? What are the contents? How are these provided by the Board?*

*Since you are making (b) part of Paragraph (a), you will need to make (c) into (b) and (d) into (c).*

*In (c), line 24, consider inserting an "and" before "affidavit"*

*In the History Note, line 35, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1306 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD**  
5 **REGISTRATION**

6 (a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his or her  
7 employer shall complete ~~a~~ an online form provided by the Board. This online form shall be submitted not fewer than  
8 ~~30~~ 90 days prior to the expiration of the applicant's current registration and shall be accompanied by:

- 9 (1) ~~statements of any~~ upload online a statement of the results of a statewide criminal record history  
10 records search obtained from the reporting service designated by the Board pursuant to G.S. 74C-  
11 8.1(a) for each state where the applicant has resided within the preceding 12 months; and  
12 (2) the applicant's renewal ~~fee.~~ fee along with a four dollar (\$4.00) convenience fee and credit card  
13 transaction fee.

14 ~~(b) Each applicant for reissue of a registration identification card shall complete, and his or her employer shall sign,~~  
15 ~~a form provided by the Board. This form shall be submitted to the Board and accompanied by:~~

- 16 ~~(1)(3) two one~~ head and shoulders color digital photographs photograph of the applicant in ~~JPG~~ JPG,  
17 JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months  
18 prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL-Photos@ncdps.gov or~~  
19 ~~by compact disc; uploaded online with application submission; and~~  
20 (2) ~~the applicant's reissue fee.~~  
21 (4) a completed affidavit form and public notice statement form.

22 (c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the  
23 ~~application~~ online application, including the completed affidavit form, that shall serve as a record of application for  
24 renewal or reissue and shall retain a copy of the ~~application-online application, including affidavit,~~ in the ~~individual's~~  
25 guard's personnel file in the employer's office.

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

31  
32 *History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);*  
33 *Eff. January 1, 2013;*  
34 *Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015;*  
35 *Amended Eff. November 1, 2017; December 1, 2019;*  
36 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1401

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a)(1), line 9, what is "classifiable"?*

*In (a)(3), where are these designated? Does your regulated public know?*

*In (a)(4), why do you need the new language regarding the \$4 fee when it is captured in Rule .1402? If you do need to retain it, please insert a comma after "Fee"*

*In (a)(5), line 20, what is "successfully"?*

*In (a)(8), what are these forms? What are the contents of them? How are they obtained?*

*In (d), line 37, just so I am clear – any firearms training will do, and there is no time limit for it?*

*On Page 2, Paragraph (e), what does this mean? What is it intended to accomplish?*

*In the History Note, line 7, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1401 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

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

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

- 9 (1) one set of classifiable fingerprints on an applicant fingerprint ~~card~~; card that shall be mailed  
10 separately to the Board's office;
- 11 (2) ~~two~~ one head and shoulders color digital ~~photograph~~ photographs of the applicant in ~~JPG~~ JPG,  
12 JPEG, or PNG format of ~~acceptable~~ sufficient quality for identification, taken within six months  
13 prior to ~~submission~~ online application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or~~  
14 ~~by compact disc~~; uploading the photograph online with application submission;
- 15 (3) ~~a certified statement~~ upload online a statement of the result of a statewide criminal history records  
16 search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state  
17 where the applicant has resided within the preceding 60 months;
- 18 (4) the applicant's non-refundable registration ~~fee~~; fee along with a four dollar (\$4.00) convenience fee  
19 and credit card transaction fee;
- 20 (5) a statement signed by a certified trainer that the applicant has successfully completed the training  
21 requirements of Rule .1407 of this Section; ~~and~~
- 22 (6) a certification by the applicant that he or she is at least 18 years of ~~age~~; age;
- 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 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~~ application, including affidavit, in the ~~individual's~~  
29 guard's personnel file in the employer's office.

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

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

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

*History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*  
*Eff. January 1, 2013;*  
*Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;*  
*Amended Eff. November 1, 2017; December 1, 2019;*  
*Readopted Eff. January 1, 2020.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1402

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), I am confused – is the \$4 an extra fee, or is it included in the fee amounts in (a)(1) through (4)? If this is in addition to the fee, then why not state "along with" like you did in previous rules?*

*And I take it you are relying upon G.S. 150B-19(5) as authority to set this fee?*

*In the History Note, line 20, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1402 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM**  
5 **REGISTRATION PERMIT**

6 (a) Fees for armed armored car service guard firearm registration permits are as ~~follows:~~ follows, to include a four  
7 dollar (\$4.00) convenience fee and credit card transaction fee:

- 8 (1) thirty dollars (\$30.00) non-refundable initial registration fee;  
9 (2) thirty dollars (\$30.00) annual renewal, or reissue fee; and  
10 (3) fifteen dollars (\$15.00) application fee.

11 (b) Fees shall be paid ~~as follows:~~

- 12 ~~(1) if the application is submitted by hand delivery, U.S. Mail, or delivery service, payment shall be in~~  
13 ~~the form of a check or money order made payable to the Private Protective Services Board; or~~  
14 ~~(2) if the application is submitted online, payment shall be by credit card, e-check card or other form of~~  
15 ~~electronic funds transfer.~~

16  
17 *History Note: Authority G.S. 74C-3; 74C-5; 74C-9; 74C-13;*  
18 *Eff. January 1, 2013;*  
19 *Transferred and Recodified from 12 NCAC 07D .1502 Eff. July 1, 2015;*  
20 *Amended Eff. January 1, 2018; December 1, 2019;*  
21 *Readopted Eff. January 1, 2020.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1406

**DEADLINE FOR RECEIPT: Friday, December 13, 2019**

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 call our office to inquire concerning the staff recommendation.

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

*On the Submission for Permanent Rule form, Box 3, please check "Amendment" in addition to readoption.*

*In (a), line 7, how is this form provided? Do you not wish to refer to the "website provided by the Board" like in other Rules or the url itself?*

*I am simply asking – did you intentionally set a different timeframe in this Rule for renewal than the one you established in Rule .1306?*

*In (a)(2), how will the regulated public know what service was designated?*

*In (a)(3), line 17, why are you including the "along with the \$4 fee" when that appears to be required by Rule .1402 already?*

*If you need to retain the language, please insert a comma after "fee"*

*In (a)(5), line 22, what is "successfully" here?*

*In (a)(6), what are these forms? What are the contents? How are these provided by the Board?*

*In (b), line 26, should this mirror the language in Rule .1306 and state "including the completed affidavit form"?*

*On line 27, consider inserting an "and" before "affidavit"*

*In the History Note, Page 2, line 3, delete the errant "December 1, 2019;" Do not show it as a change, as you did not publish it – just delete it.*

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

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: December 2, 2019

1 14B NCAC 16 .1406 is proposed for readoption as published in 33:15 NCR 1544 and amendment as published in  
2 34.04 NCR 290 as follows:

3  
4 **14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM**  
5 **REGISTRATION PERMIT**

6 (a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card  
7 ~~or~~ his or her employer or designee shall complete ~~a~~ an online form provided by the Board. This online form shall be  
8 submitted not more than 90 days nor fewer than 30 days prior to expiration of the applicant's current armed registration  
9 and shall be accompanied by:

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

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

29 ~~(c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has~~  
30 ~~successfully completed the training requirements of Rule .1407 of this Section.~~

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

36  
37 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*

1                   *Eff. January 1, 2013;*  
2                   *Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015;*  
3                   *Amended Eff. November 1, 2017; December 1, 2019;*  
4                   *Readopted Eff. January 1, 2020.*