

1 14B NCAC 16 .0114 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 **of criminal charges, explanations of credit**
6 **history, interviews,** or requested documents shall be submitted online through the Board's **official** website by any
7 applicant for a permit, license, registration, or certificate within 60 days of the Board's receipt of the application form
8 or a request from Board staff, whichever is later. Any failure to submit required or requested documents to complete
9 the application process within this 60-day period shall void the application and require re-application.

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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*

14 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0201 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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 online 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 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; 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 another Board representative designated by the Director prior to being issued a license. The applicant
33 shall discuss the provisions of G.S. [Chapter] 74C and the administrative rules in this Chapter during the personal
34 meeting. The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. Chapter
35 74C and 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;*
6 *Readopted Eff. March 1, 2020.*

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

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

5 (a) Application, **license 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;*

33 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0203 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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 quality for identification, taken within six months ~~of prior to the online~~
11 application and ~~e-mail to PPSASL Photos@nedps.gov or by compact disc; submitted by uploading~~
12 the photograph online 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 fee, along with a four dollar (\$4.00) convenience fee and credit
17 card transaction fee; and
18 (4) for license applicants, 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 quality for identification, taken within six months ~~of prior to the online~~
27 application and ~~submitted by e-mail to PPSASL Photos@nedps.gov or by compact disc; submitted~~
28 by uploading 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 fee, along with a four dollar (\$4.00) convenience
33 fee 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.~~

1 ~~Investigations~~ Investigations, with payment to be paid online through the Board's online application
2 process.

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

7
8 *History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;*

9 *Eff. June 1, 1984;*

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

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

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

13 *Amended Eff. November 1, 2017;*

14 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0205 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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 Board's website ~~[provided by the Board]~~ an application for a company business license on a form provided by the
7 Board. Only a sole proprietorship which that is owned and operated by an individual licensee shall be exempt from
8 this Rule. This application for license shall ~~call for~~ require such information as the firm, association, or corporation
9 name; the address of its principal office within the State; any past conviction for criminal offenses of any company
10 director, or officer; information concerning the past revocation, ~~suspension~~ suspension, or denial of a business or
11 professional license to any ~~director, director~~ or officer; a list of all directors and officers of the firm, association, or
12 corporation; a list of all persons, firms, associations, corporations or other entities owning ~~ten~~ 10 percent or more of
13 the outstanding shares of any class of stock; 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 file with its application for a license, a copy of its certificate of authority to transact business in this state State
16 issued by the North Carolina Secretary of State in accordance with G.S. ~~55-15-01 and 55-15-01~~. The corporation shall
17 also file a consent to service of process and pleadings which that shall be authenticated by its corporate seal and
18 accompanied by a duly certified copy of the resolution of the board of directors authorizing the proper officer or
19 officers to execute ~~said the~~ consent.

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

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

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

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

1 *History Note:* *Authority G.S. 74C-2(a); 74C-5;*
2 *Eff. April 1, 1993;*
3 *Amended Eff. February 1, 1995;*
4 *Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015;*
5 *Readopted Eff. March 1, 2020.*

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

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

5 In addition to the requirements ~~of, of~~ Section .0200 of this ~~Chapter Chapter~~, the following requirements shall apply to
6 polygraph 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~~ **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 the** examinations are on school premises, under the direct
16 one-on-one supervision of a polygraph licensee, and the school provides written notice to the client
17 that such examinations are being conducted by students and not by licensed polygraph examiners.
18 The school shall maintain a copy of **such the** 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, 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;*
32 *Readopted Eff. March 1, 2020.*

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

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

5 (a) Each employer or his or her designee shall submit ~~and sign an application form~~ an online application for the
6 registration 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~~ 48 months;
- 16 (4) the applicant's non-refundable registration ~~fee;~~ and fee fee, along with a four dollar (\$4.00)
17 convenience 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 the 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 required by Paragraph ~~(d)~~ Subparagraph (a)(7) of this Rule shall be retained
35 by the licensee in the individual applicant's personnel file in the employer's office.

1 *History Note:* *Authority G.S. 74C-5; 74C-8.1; 74C-11;*
2 *Eff. June 1, 1984;*
3 *Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994;*
4 *February 1, 1990; May 1, 1988;*
5 *Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;*
6 *Amended Eff. November 1, 2017;*
7 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0702 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 along with** 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 paid online online, payment shall be by credit card, e-check card or~~
16 ~~other 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;*
26 *Readopted Eff. March 1, 2020.*

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 **with changes** 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;*

20 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0706 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 transaction fee; and
17 (4) ~~the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation~~
18 ~~to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected~~
19 ~~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;*
6 *Readopted Eff. March 1, 2020.*

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Private Protective Services Board

RULE CITATION: 14 NCAC 16 .0801

RECOMMENDED ACTION:

- Approve, but note staff's comment
- X Object, based on:
 - X Lack of statutory authority
 - Unclear or ambiguous
 - Unnecessary
 - Failure to comply with the APA
- Extend the period of review

COMMENT:

In Subparagraph (a)(6) of the Rule, the agency is requiring applicants for the armed security guard to be 21 years old. G.S. 74C-8(d) (attached) states:

§ 74C-8. License requirements.

(d) Criminal Record Check. - An applicant must meet all of the following requirements and qualifications determined by a background investigation conducted by the Board in accordance with G.S. 74C-8.1 and upon receipt of an application:

- (1) That the applicant is at least 18 years of age.

Staff additionally notes that G.S. 93B-9 states:

§ 93B-9. Age requirements.

Except certifications issued by the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission pursuant to Chapters 17C, 17E, 74E, and 74G of the General Statutes, **no occupational licensing board may require that an individual be more than 18 years of age as a requirement for receiving a license** with the following exceptions: the North Carolina Criminal Justice Education and Training Standards Commission and the

Amanda J. Reeder
Commission Counsel
Issued February 5, 2020

North Carolina Sheriffs' Education and Training Standards Commission may establish a higher age as a requirement for holding certification through either Commission. (1973, c. 1356; 2010-97, s. 8; 2010-122, s. 27.)

As such, staff does not believe the agency has authority for setting the age requirement of 21 years old in this Rule.

The agency noted that SL 2019-91 (attached), in changes to G.S. 93B-1, classifies the Board as a State agency licensing Board. Staff notes that G.S. 93B-9 applies only to occupational licensing boards, not State agency licensing boards. Therefore, it is possible that G.S. 93B-9 is not applicable to this agency.

The applicable portion of the Session Law states:

"§ 93B-1. Definitions.

As used in this ~~Chapter~~Chapter, the following definitions apply:

~~"License" means any~~

(1) License. – Any license (other than a privilege license), certificate, or other evidence of qualification which an individual is required to obtain before he may engage in or represent himself to be a member of a particular profession or occupation.

~~"Occupational licensing board" means any~~

(2) Occupational licensing board. – Any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, ~~and/or~~and the conduct of persons within, a particular profession or occupation, and which is authorized to issue ~~licenses;~~licenses. The phrase "occupational licensing board" does not include State agencies, staffed by full-time State employees, which as a part of their regular functions may issue licenses.

(3) State agency licensing board. – Any State agency staffed by full-time State employees, which as part of their regular functions issue licenses. This section does not apply to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission. The following is a nonexclusive list of State agency licensing boards and the profession or occupation for which the board, agency, or officer may issue licenses:

h. The Department of Public Safety.

3. Private Protective Services Board.

From a plain reading of G.S. 93B-9, it appears that it no longer applies to the Board. However, staff notes that SL 2019-91 defines both the Criminal Justice Education and Training Standards Commission ("CJETS") and the Sheriffs' Education and Training Standards Commission ("SHETS") as State agency licensing boards. (Despite the exclusion of those agencies in the opening sentences of G.S. 93B-1(3).) G.S. 93B-9, which was not affected by this or another session law that staff could locate, specifically exempts those two agencies from its provisions. It is unusual for CJETS and SHETS to be "double exempted" by both the provisions of the statute itself and the

Amanda J. Reeder
Commission Counsel
Issued February 5, 2020

Session Law. As such, it appears to staff that there are drafting issues in SL 2019-91 that creates uncertainty as to whether G.S. 93B-9 is now applicable to this Board.

Staff believes that the Board does not have authority to require applicants to be at least 21 years of age in light of G.S. 74C-8 and 93B-9.

Amanda J. Reeder
Commission Counsel
Issued February 5, 2020

§ 74C-8. License requirements.

(a) License Required. - Any person, firm, association, or corporation desiring to carry on or engage in the private protective services profession in this State shall be licensed in accordance with this Chapter.

(b) Application. - To apply for a license, an applicant must submit a verified application in writing to the Board that includes all of the following:

- (1) Full name, home address, post office box, and the actual street address of the applicant's business.
- (2) The name under which the applicant intends to do business.
- (3) A statement as to the general nature of the business in which the applicant intends to engage.
- (4) The full name and address of any partners in the business and the principal officers, directors and business manager, if any.
- (5) The names of not less than three unrelated and disinterested persons as references of whom inquiry can be made as to the character, standing, and reputation of the persons making the application.
- (6) Such other information, evidence, statements, or documents as may be required by the Board.
- (7) Accompanying trainee permit applications only, a notarized statement signed by the applicant and his employer stating that the trainee applicant will at all times work with and under the direct supervision of a licensed private detective.

(c) Qualifying Agent. - A business entity, other than a sole proprietorship, that engages in private protective services is subject to all of the requirements listed in this subsection with respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Director. The requirements are:

- (1) The business entity shall employ a designated resident qualifying agent who meets the requirements for a license issued under this Chapter and who is, in fact, licensed under the provisions of this Chapter, unless otherwise approved by the Board. Provided however, that this approval shall not be given unless the business entity has and continuously maintains in this State a registered agent who shall be an individual resident in this State. Service upon the registered agent appointed by the business entity of any process, notice, or demand required by or permitted to be served upon the business entity by the Private Protective Services Board shall be binding upon the business entity and the licensee. Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a business entity in any other manner now or hereafter permitted by law.
- (2) Repealed by Session Laws 2009-328, s. 3, effective October 1, 2009.
- (3) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his duties as qualifying agent, the business entity shall notify the Director within 10 working days. The business entity must obtain a substitute qualifying agent within 30 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends this period, for good cause, for a period of time not to exceed three months.
- (4) The certificate authorizing the business entity to engage in a private protective services profession shall list the name of at least one designated qualifying agent. No licensee shall serve as the qualifying agent for more than one business entity without prior approval of the Director, subject to the approval of the Board.

(5) Repealed by Session Laws 2009-328, s. 3, effective October 1, 2009.

(d) Criminal Record Check. - An applicant must meet all of the following requirements and qualifications determined by a background investigation conducted by the Board in accordance with G.S. 74C-8.1 and upon receipt of an application:

- (1) That the applicant is at least 18 years of age.
- (2) That the applicant is of good moral character and temperate habits. The following shall be prima facie evidence that the applicant does not have good moral character or temperate habits: conviction by any local, State, federal, or military court of any crime involving the illegal use, carrying, or possession of a firearm; conviction of any crime involving the illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage; conviction of a crime involving felonious assault or an act of violence; conviction of a crime involving unlawful breaking or entering, burglary, larceny, or any offense involving moral turpitude; or a history of addiction to alcohol or a narcotic drug; provided that, for purposes of this subsection, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court by a judge or jury.
- (3) Repealed by Session Laws 1989, c. 759, s. 6.
- (4) That the applicant has the necessary training, qualifications, and experience in order to determine the applicant's competency and fitness as the Board may determine by rule for all licenses to be issued by the Board.

(e) Examination. - The Board may require the applicant to demonstrate the applicant's qualifications by oral or written examination or by successful completion of a Board-approved training program, or all three.

(f) Issuance. - Upon a finding that the application is in proper form, the completion of the background investigation, and the completion of an examination required by the Board, the Director shall submit to the Board the application and the Director's recommendations. Upon completion of the background investigation, the Director may issue a temporary license pending approval of the application by the Board at the next regularly scheduled meeting. The Board shall determine whether to approve or deny the application for a license. Upon approval by the Board, a license will be issued to the applicant upon payment by the applicant of the initial license fee and the required contribution to the Private Protective Services Education Fund, and certificate of liability insurance.

(1) through (5) Repealed by Session Laws 1989, c. 759, s. 6.

(g) Confidentiality. - Except for purposes of administering the provisions of this section and for law enforcement purposes, the home address or telephone number of an applicant, licensee, or the spouse, children, or parents of an applicant or licensee is confidential under G.S. 132-1.2, and the Board shall not disclose this information unless the applicant or licensee consents to the disclosure. The provisions of this subsection shall not apply when a licensee's home address or telephone number is also the licensee's business address and telephone number. Violation of this subsection shall constitute a Class 3 misdemeanor. (1973, c. 47, s. 2; c. 528, s. 1; 1975, c. 592, s. 1; 1977, c. 570, s. 2; 1979, c. 818, s. 2; 1983, c. 673, s. 3; c. 794, ss. 3, 11; 1985, c. 560; 1987, c. 657, ss. 2, 2.1; 1989, c. 759, s. 6; 1999-446, s. 1; 2001-487, s. 64(c); 2002-147, s. 3; 2009-328, s. 3.)

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SESSION LAW 2019-91
HOUSE BILL 770**

AN ACT TO CLARIFY AND SIMPLIFY A LICENSEE'S QUALIFICATIONS FOR LICENSURE
AND TO REQUIRE RECOGNITION BY LICENSING BOARDS OF CERTAIN
APPRENTICESHIP AND TRAINING EXPERIENCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-173.2(d) reads as rewritten:

"(d) Unless modified or revoked, a Certificate of Relief relieves all collateral sanctions, except those listed in G.S. 15A-173.3, those sanctions imposed by the North Carolina Constitution or federal law, and any others specifically excluded in the certificate. A Certificate of Relief does not automatically relieve a disqualification; however, an administrative agency, governmental official, or court in a civil proceeding ~~may~~ shall consider a Certificate of Relief favorably in determining whether a conviction should result in disqualification."

SECTION 2. G.S. 93B-1 reads as rewritten:

§ 93B-1. Definitions.

As used in this ~~Chapter~~ Chapter, the following definitions apply:

~~"License" means any~~

- (1) License. – Any license (other than a privilege license), certificate, or other evidence of qualification which an individual is required to obtain before he may engage in or represent himself to be a member of a particular profession or occupation.

~~"Occupational licensing board" means any~~

- (2) Occupational licensing board. – Any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, ~~and/or~~ and the conduct of persons within, a particular profession or occupation, and which is authorized to issue ~~licenses;~~ licenses. The phrase "occupational licensing board" does not include State agencies, staffed by full-time State employees, which as a part of their regular functions may issue licenses.

- (3) State agency licensing board. – Any State agency staffed by full-time State employees, which as part of their regular functions issue licenses. This section does not apply to the North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission. The following is a nonexclusive list of State agency licensing boards and the profession or occupation for which the board, agency, or officer may issue licenses:

a. The Department of Agriculture and Consumer Services.

1. Commissioner of Agriculture.

I. Scale Technician. Article 6 of Chapter 81A of the General Statutes.

- II. Seed Dealer. Article 31 of Chapter 106 of the General Statutes.
 - III. Livestock Dealer. Article 35B of Chapter 106 of the General Statutes.
 - 2. North Carolina Pesticide Board.
 - I. Pesticide Applicators and Pesticide Dealers. Parts 3 and 4 of Article 52 of Chapter 143 of the General Statutes.
 - 3. North Carolina Board of Agriculture.
 - I. Boarding Kennel Operator and Pet Shop Owner. Article 3 of Chapter 19A of the General Statutes.
 - II. Poultry, Hatcheries, and Chick Dealers. Article 40 of Chapter 106 of the General Statutes.
 - 4. Structural Pest Control Committee.
 - I. Exterminator and Structural Pest Control Applicator. Article 4C of Chapter 106 of the General Statutes.
- b. The Department of Environmental Quality.
 - 1. Well Contractors Certification Commission.
 - I. Well Contractor. Article 7A of Chapter 87 of the General Statutes.
- c. The Department of Health and Human Services.
 - 1. North Carolina Medical Care Commission.
 - I. Ambulance Attendant, Emergency Medical Technician. Article 7 of Chapter 131E of the General Statutes.
- d. The Department of Insurance.
 - 1. Commissioner of Insurance.
 - I. Bail Bond Runner, Professional Bondsman, Surety Bondsman. Article 71 of Chapter 58 of the General Statutes.
 - II. Insurance Agent, Insurance Company Adjuster, Motor Vehicle Damage Appraiser, Self-Employed Insurance Adjuster. Article 33 of Chapter 58 of the General Statutes.
 - 2. Code Officials Qualifications Board.
 - I. Building Inspector, Code Enforcement Official, Electrical Inspector, Fire Inspector, Mechanical Inspector, Plumbing Inspector. Article 9C of Chapter 58 of the General Statutes.
 - 3. Home Inspection Licensure Board.
 - I. Home Inspector. Article 9F of Chapter 143 of the General Statutes.
 - 4. Manufactured Housing Board.
 - I. Manufactured Housing Salesperson. Article 9A of Chapter 143 of the General Statutes.
- e. The Department of Justice.
 - 1. North Carolina Sheriffs' Education and Training Standards Commission.
 - I. Justice Officer. Chapter 17E of the General Statutes.
 - 2. North Carolina Criminal Justice Education and Training Standards Commission.
 - I. Law Enforcement Officer. Article 1 of Chapter 17C of the General Statutes.
- f. The Department of Labor.

1. Boiler Safety Bureau.
 - I. Boiler Inspector. Article 7A of Chapter 95 of the General Statutes.
- g. The Department of Public Instruction.
 1. State Board of Education.
 - I. Teacher, Principal, Superintendent. Article 71E of Chapter 115C of the General Statutes.
- h. The Department of Public Safety.
 1. Alcohol Law Enforcement Branch.
 - I. Boxer, Kickboxer, Mixed Martial Arts, Promoter. Article 8 of Chapter 143 of the General Statutes.
 2. The Alcohol Beverage Control Board.
 - I. Alcoholic Beverage Distributor. Article 9 of Chapter 18B.
 3. Private Protective Services Board.
 - I. Counter Intelligence Licensee, Guard Dog Service Operator, Polygraph Examiner, Private Investigator, Psychological Stress Evaluator, Security Guard, and Patrol Licensee. Article 1 of Chapter 74C of the General Statutes.
- i. The Department of the Secretary of State.
 1. The Secretary of State.
 - I. Athletic Agent. Article 9 of Chapter 78C of the General Statutes.
 - II. Investment Advisor. Article 3 of Chapter 78C of the General Statutes.
 - III. Securities Broker, Securities Dealer, Security Salesman. Article 5 of Chapter 78A of the General Statutes.
 - IV. Professional Solicitor. Article 3 of Chapter 131F of the General Statutes.
- j. The Department of Transportation.
 1. Division of Motor Vehicles.
 - I. New and Used Motor Vehicle Dealer, Motor Vehicle Sales Representative, Distributor, Distributor Branch, Distributor Representative, Wholesaler. Article 12 of Chapter 20 of the General Statutes.
 - II. Commercial Driver, Truck Driver. Article 2 of Chapter 20 of the General Statutes.
 - III. Safety Inspection Mechanic. Article 3A of Chapter 20 of the General Statutes."

SECTION 3. G.S. 93B-2 reads as rewritten:

"(a) No later than October 31 of each year, each occupational licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

- ...
- (9a) The number of applicants for a license and, of that number, the number granted a license.
 - (9b) The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction.

...

(e) No later than October 31 of each year, each State agency licensing board shall file electronically with the Secretary of State, the Attorney General, and the Joint Legislative Administrative Procedure Oversight Committee an annual report containing all of the following information:

- (1) The number of applicants for a license and, of that number, the number granted a license.
- (2) The number of applicants with a conviction record and, of that number, the number granted a license, denied a license for any reason, and denied a license because of a conviction."

SECTION 4. G.S. 93B-8.1 reads as rewritten:

"§ 93B-8.1. Use of criminal history records.

(a) The following definitions apply in this section:

- (1) Applicant. – A person who makes application for licensure from an occupational licensing board.
- (2) Board. – An occupational licensing board or a State agency licensing board as defined in G.S. 93B-1.
- (3) Criminal history record. – A State or federal history of conviction of a crime, whether a misdemeanor or felony, that bears upon an applicant's or a licensee's fitness to be licensed or disciplined.
- (4) Licensee. – A person who has obtained a license to engage in or represent himself or herself to be a member of a particular profession or occupation.

(b) ~~Unless the law governing a particular occupational licensing board provides otherwise, a board shall not automatically deny licensure on the basis of an applicant's criminal history. If the board is authorized to deny a license to an applicant on the basis of conviction of any crime or for commission of a crime involving fraud or moral turpitude, and the applicant's verified criminal history record reveals one or more convictions of any crime, the board may deny the license if it finds that denial is warranted after consideration of the~~ Unless federal law governing a particular board provides otherwise, a board may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant's criminal conviction history is directly related to the duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding any other provision of law, a board shall not automatically deny licensure on the basis of an applicant's criminal history, and no board may deny an applicant a license based on a determination that a conviction is for a crime of moral turpitude. The board shall make its determination based on the factors specified in subsection (b1).

(b1) Before a board may deny an applicant a license due to a criminal conviction under subsection (b) of this section, the board must specifically consider all of the following factors:

- (1) The level and seriousness of the crime.
- (2) The date of the crime.
- (3) The age of the person at the time of the crime.
- (4) The circumstances surrounding the commission of the crime, if known.
- (5) The nexus between the criminal conduct and the prospective duties of the applicant as a licensee.
- (6) The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
- (6a) The completion of, or active participation in, rehabilitative drug or alcohol treatment.
- (6b) A Certificate of Relief granted pursuant to G.S. 15A-173.2.
- (7) The subsequent commission of a crime by the applicant.

(8) Any affidavits or other written documents, including character references.

(b2) If the board denies an applicant a license under this section, the board shall:

(1) Make written findings specifying the factors in subsection (b1) of this section the board deemed relevant to the applicant and explaining the reason for the denial.

The board's presiding officer must sign the findings.

(2) Provide or serve a signed copy of the written findings to the applicant within 60 days of the denial.

(3) Retain a signed copy of the written findings for no less than five years.

(b3) Each board shall include in its application for licensure and on its public Web site all of the following information:

(1) Whether the board requires applicants to consent to a criminal history record check.

(2) The factors under subsection (b1) of this section which the board shall consider when making a determination of licensure.

(3) The appeals process pursuant to Chapter 150B of the General Statutes if the board denies an applicant licensure in whole or in part because of a criminal conviction.

(b4) If a board requires an applicant to submit a criminal history record, the board shall require the provider of the criminal history record to provide the applicant with access to the applicant's criminal history record or otherwise deliver a copy of the criminal history record to the applicant. If an applicant's criminal history includes matters that will or may prevent the board from issuing a license to the applicant, the board shall notify the applicant in writing of the specific issues in sufficient time for the applicant to provide additional documentation supporting the application for consideration by the board prior to any final decision to deny the application. After being notified of any potential issue with licensure due to criminal conviction(s), an applicant shall have 30 days to respond by either correcting any inaccuracy in the criminal history record or submitting evidence of mitigation or rehabilitation for consideration by the board.

(b5) If, following a hearing, a board denies an application for licensure, the board's written order shall include specific reference to any criminal conviction(s) considered as part or all of any basis for the denial and the rationale for the denial, as well as a reference to the appeal process and the applicant's ability to reapply. No applicant shall be restricted from reapplying for licensure for more than two years from the date of the most recent application.

(b6) Notwithstanding any other provisions in the law, an individual with a criminal history may petition a board at any time, including before an individual starts or completes any mandatory education or training requirements, for a predetermination of whether the individual's criminal history will likely disqualify the individual from obtaining a license. This petition shall include a criminal history record report obtained by the individual from a reporting service designated by the board, the cost of which shall be borne by the applicant. Criminal history records relating to a predetermination petition shall not be considered public records under Chapter 132 of the General Statutes. A board may predetermine that the petitioner's criminal history is likely grounds for denial of a license only after the board has applied the requirements of subsection (b) of this section. Each board shall delegate authority for such a predetermination to its Executive Director or their equivalent, or a committee of the board, so that the predeterminations can be made in a timely manner. No board member having served on a predetermination committee for an individual shall be required to recuse in any later determinations or hearings involving the same applicant. The board shall inform the individual of the board's determination within 45 days of receiving the petition from the individual. The board may charge a fee to recoup its costs not to exceed forty-five dollars (\$45.00) for each petition. If the board determines an applicant would likely be denied licensure based on their criminal history, the board shall notify the individual in writing of the following:

(1) The grounds and reasons for the predetermination.

(2) That the petitioner has the right to complete any requirements for licensure and apply to the board and have their application considered by the board under its application process.

(3) That further evidence of rehabilitation will be considered upon application.

(b7) A predetermination made under this section that a petitioner's criminal history would likely prevent them from licensure is not a final agency decision and shall not entitle the individual to any right to judicial review under Article 4 of Chapter 150B of the General Statutes.

(b8) A predetermination made under subsection (b6) of this section that a petitioner is eligible for a license shall be binding if the petitioner applies for licensure and fulfills all other requirements for the occupational license and the applicant's submitted criminal history was correct and remains unchanged at the time of application for a license.

(c) The board may deny licensure to an applicant who refuses to consent to a criminal history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories.

(d) This section does not apply to The North Carolina Criminal Justice Education and Training Standards Commission and the North Carolina Sheriffs' Education and Training Standards Commission."

SECTION 5. Chapter 93B of the General Statutes is amended by adding a new section to read:

"§ 93B-8.6. Recognition of apprenticeships and training.

(a) The following definitions shall apply in this section:

(1) Apprenticeship. – A program that meets the federal guidelines for registered apprenticeships set out in 29 C.F.R. Part 29 and 29 U.S.C. § 50. An apprenticeship can be completed under a State-licensed practitioner of that occupation or at a State-licensed school.

(2) Career technical education. – Programs of study, clusters, and pathways approved by the North Carolina State Board of Education or the State Board of Community Colleges.

(3) Licensing. – Any required training, education, or fee to work in a specific profession.

(b) Unless otherwise required by federal law, including requirements pertaining to eligibility for federal grant funding, an occupational licensing board shall grant a license to any applicant who meets the following criteria:

(1) Completed an apprenticeship approved by the North Carolina State Approving Agency or federal Department of Labor, or otherwise permitted under State or federal law.

(2) Passed an examination, if one is deemed to be necessary by the licensing authority.

(3) With the exception of any preclicensing education requirements, has met any other requirements for licensure set forth in the law or rules related to the particular board.

(b1) This section shall not apply to occupational licensing boards governing professions requiring advanced knowledge acquired by a prolonged course of specialized intellectual study, including those requiring a bachelor's or advanced degree.

(c) Each occupational licensing board shall establish a passing score for the board's examinations which shall not exceed the passing score that is required under the board's standard licensing processes. If the relevant law or rule does not require an examination for the standard licensing process, no examination may be required for applicants who complete an apprenticeship in that occupation. Except as otherwise required by federal law, apprenticeships for an occupation shall

not be required to exceed the number of hours required by the relevant licensing authority or statute for that occupation.

(d) Applicants for licensure shall be permitted to apply training hours earned through career technical education provided by North Carolina public schools and colleges towards the requirements for licensure in the same occupation in accordance with the standards and procedures authorized in accordance with this Chapter.

(e) The State Board of Community Colleges and occupational licensing boards shall adopt rules for the implementation of this section."

SECTION 6. This act becomes effective October 1, 2019, and applies to Certificates of Relief granted or applications for licensure submitted on or after that date.

In the General Assembly read three times and ratified this the 28th day of June, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Sarah Stevens
Speaker Pro Tempore of the House of Representatives

s/ Roy Cooper
Governor

Approved 11:49 a.m. this 8th day of July, 2019

1 14B NCAC 16 .0801 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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 submission form shall be
8 accompanied 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 fee, along with a four dollar (\$4.00) convenience~~
19 ~~fee 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 .0807 of this Section; and
- 22 (6) a certification by the applicant that he or she is at least 21 years of ~~age~~; age;
23 ~~[(7)] [the registration fee required by Rule .0802 of this Section along with a four dollar (\$4.00)~~
24 ~~convenience fee and credit card transaction fee;]~~
- 25 ~~(8) (7)~~ the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
26 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
27 online by the Private Protective Services Board; and
- 28 ~~(9) (8)~~ a completed affidavit form and public notice statement form.

29 (b) The employer of each applicant for registration shall give the applicant a copy of the online application, the
30 completed affidavit form, and proof of completion of a Board approved firearms course and shall retain a copy of the
31 ~~application~~ application, including affidavit and proof of course completion, in the ~~individual's guard's~~ personnel file
32 in the employer's office.

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

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

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

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

7 *Eff. June 1, 1984;*

8 *Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990;*

9 *May 1, 1988; July 1, 1987;*

10 *Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015;*

11 *Amended Eff. November 1, 2017;*

12 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0802 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 along with** a four
6 dollar (\$4.00) 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;*

24 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0806 is proposed for amendment with changes as published in 34:04 NCR 290 as follows:

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

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

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

24 (b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application
25 and a copy of the completed affidavit form ~~that shall~~ to serve as a record of application for renewal and shall retain a
26 copy of the ~~application~~ application, including affidavit in the ~~individual's~~ guard's personnel file in the employer's
27 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 ~~(e)(d)~~ A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

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

1 *Eff. June 1, 1984;*
2 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1,*
3 *1985;*
4 *Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;*
5 *Amended Eff. January 1, 2018; November 1, 2017;*
6 *Readopted Eff. November 1, 2019;*
7 *Amended Eff. March 1, 2020.*

1 14B NCAC 16 .0902 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 fee,~~ fee 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)~~ .0901(a)(3) and (4)
22 of this ~~Section. This training shall have been completed~~ Section ~~Section.~~ indicating stating the
23 training was completed within 60 days of the submission of the ~~application;~~ application and
24 uploaded online as part of the 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;*
36 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0903 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 **and**
9 (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

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. January 1, 2005; January 1, 2004;*
19 *Transferred and Recodified from 12 NCAC 07D .0903 Eff. July 1, 2015;*
20 *Amended Eff. January 1, 2018;*
21 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .0904 is proposed for amendment as published in 34:04 NCR 290 with changes as follows:

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

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

- 7 (1) ~~certification uploaded online a certificate of the~~ successful completion of a firearms trainer refresher
8 course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight
9 hours of classroom and practical range training in safety and maintenance of the applicable firearm
10 (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of
11 firing. This training shall be completed within 180 days of the submission of the renewal application;
12 (2) ~~a certified statement uploaded online a statement of the result~~ results of a criminal history records
13 search ~~from~~ by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each
14 state where the applicant has resided within the preceding 48 months;
15 (3) the applicant's renewal ~~fee; fee,~~ along with the four dollar (\$4.00) convenience fee and credit card
16 transaction fee; and
17 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
18 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
19 online by the Private Protective Services Board.

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

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

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

29
30 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*

31 *Eff. June 1, 1984;*

32 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*
33 *1985;*

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

35 *Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*

36 *Readopted Eff. November 1, 2019;*

37 *Amended Eff. March 1, 2020.*

1 14B NCAC 16 .0909 is proposed for amendment as published in 34.04 NCR 290 as follows:

2
3 **14B NCAC 16 .0909 UNARMED TRAINER CERTIFICATE**

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

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

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

23 the Board:

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

28 (c) In lieu of the experience requirement of Subparagraph (a)(2) of this Rule and completing the training course set

29 forth in Subparagraph (a)(3) of this Rule, an applicant may establish that the applicant satisfies the conditions set forth

30 in G.S. 93B-15.1(a) for an unarmed trainer and two years of verifiable experience within the past five years in the

31 U.S. Armed forces as an unarmed guard trainer. No application fee shall be required.

32 (d) In addition to the requirements of Section .0200 of this Chapter, an applicant for an unarmed guard trainer

33 certificate that is the spouse of an active duty member of the U.S. Armed Forces shall establish that the applicant

34 satisfies the conditions set forth in G.S. 93B-15.1(b). No application fee shall be required.

35 (e) The holder of an unarmed trainer certificate may teach as:

- 36 (1) an employee of a licensed security guard and patrol business;
- 37 (2) as a contractor of a licensed security guard and patrol business; and

1 (3) in a program sponsored by a public high school defined by G.S. 115C-75(a)(2) or a community
2 college defined by G.S. 115D-2(2).

3 (f) An Unarmed Trainer Certificate expires two years after the date of issuance.
4

5 *History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 93B-15.1;*

6 *Eff. October 1, 2004;*

7 *Amended Eff. October 1, 2013; January 1, 2013; January 1, 2008;*

8 *Transferred and Recodified from 12 NCAC 07D .0909 Eff. July 1, 2015;*

9 *Amended Eff. January 1, 2020; October 1, 2015;*

10 *Readopted Eff. November 1, 2019;*

11 *Amended Eff. March 1, 2020.*

1 14B NCAC 16 .0910 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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~~
8 Section, along 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~~ required training. This training shall
10 have been completed within 120 days of the submission of the application or current certificate of
11 other 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;*
17 *Readopted Eff. March 1, 2020.*

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 with changes 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~~ developed
11 armed or 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;*

24 *Readopted Eff. March 1, 2020.*

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;*

11 *Readopted Eff. March 1, 2020.*

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 with changes 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 complete an online application form for the
7 registration of each unarmed armored car service guard employee applicant to the Board. This online form shall be
8 accompanied 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 online ~~submission~~ application and submitted by ~~e-mail to PPSASL Photos@ncdps.gov or~~
14 ~~by compact disc~~; uploading the photograph online with the application submission;
- 15 (3) ~~a certified statement~~ upload online a statement of the result 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 fee fee, along with a four dollar (\$4.00)
19 convenience fee and credit card transaction fee;
- 20 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
21 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
22 online by the Private Protective Services ~~Board~~. Board;
- 23 (6) a statement signed by a certified trainer that the applicant has successfully completed the training
24 requirements of Rule .1307 of this [Section] Section, if applicable; and
- 25 (7) 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 online application and
27 completed affidavit and shall retain a copy of the ~~application~~ application, including the affidavit, in the ~~individual's~~
28 guard's 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 is 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 .1307 of this Section shall be submitted to the Director with the application.~~

34 ~~(e)(d)~~ A copy of the statement specified in ~~Paragraph (d)~~ Subparagraph (a)(6) 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-3; 74C-5; 74C-8.1(a);*

1 *Eff. January 1, 2013;*
2 *Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015;*
3 *Amended Eff. November 1, 2017;*
4 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .1302 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 along with a four dollar (\$4.00)
6 convenience 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;*
22 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .1306 is proposed for readoption with changes as published in 33:15 NCR 1544 and amendment as
2 published in 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 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 uploading the photograph 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)(b)~~ 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 application and affidavit,~~
25 affidavit in the individual's guard's personnel file in the employer's office.

26 ~~(d)(c)~~ 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;*

36 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .1401 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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] affidavit, and training certification shall serve as a
31 temporary registration card that shall be carried by the applicant when he or she is working within the scope of his or
32 her employment and ~~that~~ shall be exhibited upon the request of any law enforcement officer or authorized
33 representative 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 **Board approved** firearms training.

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-3; 74C-5; 74C-8.1(a); 74C-13;*
5 *Eff. January 1, 2013;*
6 *Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;*
7 *Amended Eff. November 1, 2017;*
8 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .1402 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 along**
7 **with a four 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;*
21 *Readopted Eff. March 1, 2020.*

1 14B NCAC 16 .1406 is proposed for readoption **with changes** as published in 33:15 NCR 1544 and amendment as
2 published in 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 fee,~~ along with a 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;
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, the completed affidavit form, to serve as a record of
27 application for renewal and shall retain a copy of the ~~application~~ application, including affidavit, online application
28 and affidavit in the ~~individual's guard's~~ individual's personnel file in the employer's 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;*
4 *Readopted Eff. March 1, 2020.*



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

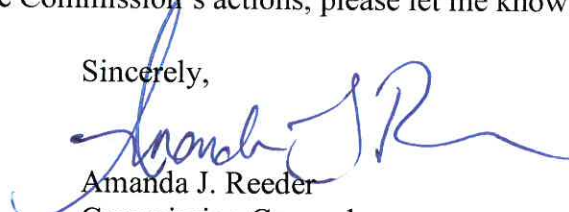
Dear Mr. Gray:

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

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

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

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov <<mailto:report.spam@nc.gov>>

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

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.

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.

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.

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~~ 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. 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. 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.

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-3; 74C-5; 74C-8.1(a); 74C-13;*
5 *Eff. January 1, 2013;*
6 *Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015;*
7 *Amended Eff. November 1, 2017; December 1, 2019;*
8 *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.*