

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

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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

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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.

§ 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.*