

1 14B NCAC 16 .0905 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0905 DETERMINATION OF EXPERIENCE**

4 In determining the experience required under this Section, the provisions of Rule .0204 of this Chapter shall apply.

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

7 *Eff. June 1, 1984;*

8 *Transferred and Recodified from 12 NCAC 07D .0905 Eff. July 1, ~~2015~~; 2015;*

9 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0907

DEADLINE FOR RECEIPT: Friday, June 12, 2020

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 4, to be consistent with Rule .0906, should this say, 'A Certified Firearms Trainer'?

On line 4, please delete the comma after "Board"

On line 6, how is this form obtained? Does your regulated public know?

And I take it what is required in Items (1) through (5) is what is required in this report?

Consider beginning Items (1) through (5) with articles, like "the"

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: May 29, 2020

1 14B NCAC 16 .0907 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0907 PRE-DELIVERY REPORT FOR FIREARMS TRAINING COURSES**

4 Firearms Trainers shall submit to the Board, a pre-delivery report for all firearms training courses required by Rule
5 .0807 of this Chapter not less than five days prior to commencing any firearms training course. This report shall be
6 submitted on a Board form and shall contain the following information:

- 7 (1) Certified Firearms Trainer's name, address, and contact telephone number;
8 (2) Date, time, and location of classroom training;
9 (3) Date, time, and location of range qualification;
10 (4) Classroom and range telephone number(s);
11 (5) Number of students anticipated; and
12 (6) Certified Firearms Trainer's signature.

13
14 *History Note: Authority G.S. 74C-5; 74C-13;*
15 *Temporary Adoption Eff. October 2, 2002;*
16 *Temporary Adoption Expired July 29, 2003;*
17 *Eff. December 1, 2003;*
18 *Transferred and Recodified from 12 NCAC 07D .0907 Eff. July 1, ~~2015~~ 2015;*
19 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0908

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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 4, to be consistent with Rule .0906, should this say, 'A Certified Firearms Trainer'?

On line 6, how is this form obtained? Does your regulated public know?

And I take it what is required in Items (1) through (7) is what is required in this report?

Consider beginning Items (1) through (7) with articles, like "the"

In Item (5), is "successfully" as determined by Rule .0807, particularly Paragraph (d)?

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: May 29, 2020

1 14B NCAC 16 .0908 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .0908 POST-DELIVERY REPORT FOR FIREARMS TRAINING COURSES**

4 Firearms Trainers shall submit to the Board a post-delivery report for all firearms training courses required by Rule
5 .0807 of this Rule within 20 days after completion of the firearms training. The report shall be submitted on a Board
6 form and shall contain the following information:

- 7 (1) Certified Firearms Trainer's name;
8 (2) Date, time, and location of classroom training;
9 (3) Date, time, and location of range qualification;
10 (4) Full name of the students who completed the firearms training course;
11 (5) Certification by the Firearms Trainer that the applicant has successfully completed the firearms
12 classroom training;
13 (6) Range score for each student completing the firearms training course; and
14 (7) Certified Firearms Trainer's signature.

15
16 *History Note: Authority G.S. 74C-5; 74C-13;*
17 *Temporary Adoption Eff. October 2, 2002;*
18 *Temporary Adoption Expired July 29, 2003;*
19 *Eff. December 1, 2003;*
20 *Amended Eff. December 1, 2008; January 1, 2008;*
21 *Transferred and Recodified from 12 NCAC 07D .0908 Eff. July 1, ~~2015~~; 2015;*
22 *Readopted Eff. July 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: 14B NCAC 16 .1001, .1002, and .1003

RECOMMENDED ACTION:

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

COMMENT:

Staff recommends objection to the three cited rules for lack of statutory authority. These three rules comprise the entirety of 14B NCAC 16 .1000, named "Recovery Fund." These three rules address the process for an individual to apply to the Board for recovery of funds when he or she believes a member of the regulated public harmed them. All three rules cite to G.S. 74C-31 as sole authority for the rules.

G.S. 74C-31 was repealed by Session Law 2009-328. That Session Law further eliminated the Recovery Fund that was previously addressed in G.S. 74C, Article 2 and created an Education Fund. The roles of those funds do not appear to be similar.

Staff is not aware that the Board has any other authority to create requirements for the now defunct fund. Therefore, staff is recommending objection to all three rules for lack of statutory authority.

Amanda J. Reeder
Commission Counsel
Issued May 29, 2020

Article 2.

Private Protective Services Education Fund.

§ 74C-30. Private Protective Services Education Fund created; payments to Fund; management; use of funds.

(a) There is hereby created and established a special fund to be known as the "Private Protective Services Education Fund" (hereinafter Fund) which shall be set aside and maintained in the Office of the State Treasurer. The Fund shall be used in the manner provided in this Article for the education of licensees and registrants as deemed appropriate by the Board.

(b) Repealed by Session Laws 2009-328, s. 13, effective October 1, 2009.

(c) In addition to the fees provided for elsewhere in this Chapter, the Board shall charge the following fees which shall be deposited into the Fund:

(1) Repealed by Session Laws 2007-511, s. 10.

(2) The Board shall charge each new applicant for a licensee or trainee permit fifty dollars (\$50.00), provided that for purposes of this Article a new applicant is hereby defined as an applicant who did not possess a license or trainee permit on July 1, 1983; and

(3) The Board is authorized to charge each licensee and trainee an additional amount, not to exceed fifty dollars (\$50.00), on July 1 of any year in which the balance of the Fund is less than twenty-five thousand dollars (\$25,000), provided that any amount so assessed will be only so much as is needed to raise the level of the Fund to twenty-five thousand dollars (\$25,000).

(d) The State Treasurer shall invest and reinvest the moneys in the Fund in a manner provided by law. The Board, in its discretion, may use the Fund for any of the following purposes:

(1) To advance education and research in the private protective services field for the benefit of those licensed or registered under the provisions of this Chapter and for the improvement of the industry.

(2) To underwrite educational seminars, training centers and other educational projects for the use and benefit generally of licensees, registrants, and trainees.

(3) To sponsor, contract for and to underwrite any and all additional educational training and research projects of a similar nature having to do with the advancement of the private protective services field in North Carolina. The Board shall have the authority to sponsor courses given by private individuals, associations, or corporations. However, the Board shall only grant funds as necessary to offset the actual cost of the educational course. Any individual, association, or corporation receiving grant money from the Board shall make the course available to the industry at large. Any individual, association, or corporation receiving grant money from the Board and advertising the course to the industry is required to include in its advertising the following statement: "The course is being given in whole or in part by a grant from the Private Protective Services Board."

(e) By a unanimous vote of the Board, funds in the Fund in excess of fifty thousand dollars (\$50,000) may be converted to offset the operating expenses of the Board. However, in converting the funds, the Board shall make findings of fact by a written order or resolution supporting the need to make the conversion. (1983, c. 673, s. 2; 1985, c. 597, ss. 10, 11; 2007-511, s. 10; 2009-328, s. 13.)

§ 74C-31: Repealed by Session Laws 2009-328, s. 14, effective October 1, 2009.

§ 74C-32: Repealed by Session Laws 2009-328, s. 14, effective October 1, 2009.

§ 74C-33: Repealed by Session Laws 2009-328, s. 14, effective October 1, 2009.

1 14B NCAC 16 .1001 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1001 DEFINITIONS**

4 In addition to the definitions under Article 2 of Chapter 74C of the General Statutes of North Carolina, the following
5 definitions shall apply throughout this Section:

- 6 (1) "Board" means the Private Protective Services Board.
7 (2) "Fund" means the Recovery Fund of the Private Protective Services Act.
8 (3) "Aggrieved Party" means a person who has suffered a reimbursable loss because of a licensee's
9 defaulting on an obligation owed to the person while providing private protective services.
10 (4) "Licensee" means a person who, at the time of the act complained of, was licensed by the Private
11 Protective Services Board.
12 (5) "Reimbursable Loss" means:
13 (a) only those losses of money or other property which meet all of the following tests:
14 (i) The obligation was incurred on or after July 1, 1983;
15 (ii) The loss was caused by a licensee or trainee's defaulting on an obligation owed
16 where such obligation was entered into by the licensee or trainee within the scope
17 of the licensee's or trainee's employment in providing private protective services;
18 and
19 (iii) The aggrieved party has exhausted all civil remedies against the licensee or his
20 estate and has complied with these rules.
21 (b) the following shall be excluded from "reimbursable losses":
22 (i) Losses of spouses, children, parents, grandparents, siblings, partners, associates
23 and employees of the licensee or trainee causing the losses;
24 (ii) Losses covered by any bond, surety agreement, or insurance contract to the extent
25 covered thereby; and
26 (iii) Losses which have been otherwise received from or paid by or on behalf of the
27 licensee who defaulted on an obligation.
28 (6) "Trainee" means a person who, at the time of the act complained of, was licensed as a trainee by the
29 Private Protective Services Board.

30
31 *History Note: Authority G. S. 74C-31;*
32 *Eff. June 1, 1989;*
33 *Transferred and Recodified from 12 NCAC 07D .1001 Eff. July 1, ~~2015~~; 2015;*
34 *Readopted Eff. July 1, 2020.*

1 14B NCAC 16 .1002 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1002 PETITION FOR HEARING/APPLICATION FOR RELIEF**

4 The board shall prepare a Form of Petition for Hearing and Application for Relief which shall require the following
5 minimum information:

- 6 (1) The name and address of the aggrieved party;
- 7 (2) The name and address of the licensee or trainee who defaulted on an obligation;
- 8 (3) The amount of the alleged loss for which application is made;
- 9 (4) The date or period of time during which the alleged loss was incurred;
- 10 (5) A general statement of facts relative to the application;
- 11 (6) Verification by the aggrieved party;
- 12 (7) All supporting documents, including, but not limited to:
 - 13 (a) Copies of all contracts, invoices, returned checks, etc.;
 - 14 (b) Copies of all court proceedings against the licensee/trainee; and
 - 15 (c) Copies of all documents showing any reimbursement or receipt of funds in payment of any
16 portion of the loss.

17
18 *History Note: Authority G. S. 74C-31;*
19 *Eff. June 1, 1989;*
20 *Transferred and Recodified from 12 NCAC 07D .1002 Eff. July 1, ~~2015~~; 2015;*
21 *Readopted Eff. July 1, 2020.*

1 14B NCAC 16 .1003 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1003 PROCESSING APPLICATIONS**

4 (a) The board shall cause each application to be sent to the administrator for investigation and report. A copy of the
5 application shall be served upon or sent by registered mail to the last known address of the licensee/trainee who it is
6 claimed defaulted on an obligation.

7 (b) The administrator shall conduct such investigation in such manner as he deems necessary and desirable in order
8 to determine whether the application is for a reimbursable loss and in order to guide and advise the board in
9 determining the extent, if any, for which the application should be paid from the fund.

10 (c) A report from the administrator shall be submitted to the chairman of the board within a reasonable time.

11 (d) The board shall hold a hearing on every application filed by an aggrieved party. The hearing shall be held before
12 the board and shall follow the guidelines set out in Chapter 150B of the General Statutes of North Carolina.

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

15 *Eff. June 1, 1989;*

16 *Transferred and Recodified from 12 NCAC 07D .1003 Eff. July 1, ~~2015~~; 2015;*

17 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1101

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

So that I'm clear – in this Section, you are creating an apprenticeship for individuals who would be licensed as private investigators, as defined by G.S. 74C-3(8)? Is this a Board-approved training program contemplated by G.S. 74C-8(e)? Or is this what is addressed by 74C-2(c)? I think it is, and recommend inserting this citation into the History Note of at least this Rule within the Section, if not every rule in the Section.

On line 4, please replace "Chapter 74C of the General Statutes of North Carolina," with "G.S. 74C,"

On line 5, replace "will" with "shall"

Please put these terms in alphabetical order.

In (1), throughout this Rule and Section, you refer to both "Private Investigator Associate" and "Associate" (see line 17) So, why not state "Private Investigator Associate" or "Associate" refers to individuals..."

On line 7, consider stating "three training levels set out in this Section."

In (2), line 8, I believe "person-to-person" should be hyphenated.

On line 9, what is "personally and directly"?

On lines 10 and 11, what is "sponsoring" here?

On line 12, please state "his or her"

On lines 14 and 18, I believe the role of Administrator has been replaced by Director pursuant to G.S. 74C-6. Please update this reference.

On line 14, how is this requested?

On line 16, you say that the training requirement "may" be satisfied. When will it not if the Associate undergoes the training approved by the Director? Or do you mean "shall" here?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: May 29, 2020

On line 18, upon what grounds will this be approved?

In (3), who is creating this checklist? Is it a Board template or does each supervising Private Investigator create its own? If it's the Board, how is it obtained?

On line 19, please replace "which must indicate" with "that shall state"

On line 20, replace "must be" with "is"

On line 21, is the supervising Private Investigator required to provide this copy to the Associate? If so, why not state "The supervising Private Investigator shall be responsible for maintaining the training checklist and providing a copy of it to the Associate."?

On lines 21 and 22, isn't this part of maintenance?

On lines 22 and 30, you refer to "associate" lowercase, but generally elsewhere, the term is capitalized. Please be consistent with the capitalization.

On line 24, what is this reporting period? Is it what is on lines 27 and 28?

On line 31, define "immediate access"

In (4), who creates this log? The Board or the Associate? If it's the Board, how is it obtained?

On line 33, please replace "must" with "shall"

On line 34, define "specifically"

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 .1101 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1101 DEFINITIONS**

4 In addition to the definitions set forth in Chapter 74C of the General Statutes of North Carolina, the following
5 definitions will apply to this Section:

- 6 (1) "Private Investigator Associate" refers to individuals training to become Private Investigators. A
7 Private Investigator Associate must complete three levels of training requirements.
- 8 (2) "One-on-one Supervision" means person to person contact whereby the licensed investigator is
9 personally and directly supervising or training the Associate. The training investigator must be the
10 sponsoring licensed Private Investigator or any licensed Private Investigator who is a member of the
11 sponsoring Private Investigator's firm, association, or corporation. The Private Investigator
12 Associate may not subcontract his employment to another Private Investigator. However, the
13 sponsoring Private Investigator may subcontract the Private Investigator Associate if the sponsor
14 obtains prior approval from the Administrator by showing that the Private Investigator Associate
15 will receive an educational benefit from the subcontract employment and the Associate will receive
16 one-on-one supervision from another licensed Private Investigator. One-on-one supervision may
17 be satisfied if the Associate undergoes training from an individual or educational course approved
18 by the Administrator prior to the Associate receiving the training.
- 19 (3) "Training Checklist" refers to the document(s) which must indicate all areas of training and work
20 that the Associate has performed. The supervising Private Investigator must be responsible for
21 maintaining the training checklist and a copy must be given to the Associate. The Training Checklist
22 must further be updated to reflect the date the associate advances from one level to another. The
23 training checklist must be signed by the Associate and the sponsoring Private Investigator at the end
24 of each reporting period. In the event the Associate transfers employment to another Private
25 Investigator, the Associate must provide the new supervising Private Investigator with the training
26 checklist and the new sponsoring Private Investigator will then be responsible for the maintenance
27 of the checklist. The Training Checklist must be updated on a quarterly basis for Level One
28 associates and on a yearly basis for Level Two and Level Three associates. The training checklist
29 must be maintained pursuant to Rule .0108 of this Chapter. When an associate completes Level
30 Three, the Training Checklist must be made a part of the associate's application for a Private
31 Investigator's license. The Board shall have immediate access to the training checklist.
- 32 (4) "Associate Log" refers to the document(s) maintained by the sponsoring Private Investigator which
33 must list each case the Associate has worked, the number of hours spent on the case, and the type
34 of work performed. One-on-one training must be specifically documented within the Associate's
35 log.

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37 *History Note: Authority G.S. 74C-5(2);*
38 *Eff. July 1, 1994;*

- 1 *Transferred and Recodified from 12 NCAC 07D .1101 Eff. July 1, ~~2015~~. 2015;*
- 2 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1102

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

Throughout this Rule, the term "associate" is lower case. Should it be capitalized to be consistent with Rule .1101?

In (a), to mirror Rules .1103 and .1104, why not state "...experience, the applicant will be classified as a Level I Associate"?

On line 4, verifiable to whom?

On line 5, replace "will" with "shall"

In (b), lines 6 and 7, consider replacing "must" with "shall"

On line 7, define "actual work" You can give examples of what you mean if you'd prefer.

In (c), consider making "can not" into one word.

On line 10, please replace "must" with "shall"

On line 11, what is a "new" case? Do you even need the word new since you say on line 9 that the Associate cannot accept any employment independently?

In (d), line 12, what do you mean by "associated"?

On lines 13 and 14, please replace "must" with "shall"

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: May 29, 2020

1 14B NCAC 16 .1102 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1102 TRAINING AND SUPERVISION REQUIRED IN LEVEL ONE**

4 (a) If upon sponsorship, the associate has less than one year or 1,000 hours of verifiable training or experience, the
5 associate will undergo 160 hours of one-on-one supervision training.

6 (b) The first 40 hours of employment must be one-on-one supervision. The remaining 120 hours of one-on-one
7 supervision must be gathered over the first year of employment or the first 1,000 hours of actual work, whichever
8 comes first.

9 (c) A Level One Associate can not, independently of the sponsor, accept or contract employment. The Associate
10 must have direct face-to-face or telephone contact with the sponsor or another licensed Private Investigator within the
11 firm, association, or corporation before accepting employment or before accepting a new case.

12 (d) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation
13 must meet with the Level One associate to review the associate's work product. The Private Investigator's review may
14 be by telephone or face-to-face and must occur at least four times per month. The licensed Private Investigator must
15 review each case on which the associate is working or has worked since the last review. Review sessions may
16 encompass more than one case.

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

19 *Eff. July 1, 1994;*

20 *Transferred and Recodified from 12 NCAC 07D .1102 Eff. July 1, ~~2015~~; 2015;*

21 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1103

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

In (a), line 4, this is the only time in this Section that you refer to a "training permit" I suggest that you state this in Rule .1101, or at least use it in Rules .1102 and .1104.

On line 4, "verifiable" by whom?

On line 5, classified by whom? The Board?

On lines 6, 7, 10, 13, and 15, please replace "must" with "shall"

On line 8, what is "actual work"?

Also on line 8, please make "which ever" into one word, which will match the language in Rule .1102.

In (b), line 9, please make "can not" into one word.

In (c), line 12, what is "associated"?

On lines 13 and 15, shouldn't "Associate" be capitalized to match the rest of the Rule?

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: May 29, 2020

1 14B NCAC 16 .1103 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1103 TRAINING AND SUPERVISION REQUIRED IN LEVEL TWO**

4 (a) If upon initial application for a training permit, the applicant has at least one year or 1,000 hours of verifiable
5 training or experience, the applicant will skip Level One and be classified as a Level Two Private Investigator
6 Associate. An applicant that skips Level One must undergo 80 hours of one-on-one training. The first 40 hours of
7 one-on-one supervision must occur within the first 40 hours of employment. The remaining 40 hours must be gathered
8 over the first year of employment or the first 1,000 hours of actual work, which ever comes first.

9 (b) A Level Two Associate can not, independently of the sponsor, accept or contract employment. The Associate
10 must have direct face-to-face or telephone contact with the sponsor or another licensed Private Investigator within the
11 firm, association, or corporation before accepting employment or before accepting a new case.

12 (c) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation
13 must meet with the Level Two associate to review the associate's work product. The Private Investigator's review
14 may be by telephone or face-to-face and must occur at least four times per month. The licensed Private Investigator
15 must review each case on which the associate is working or has worked since the last review. Review sessions may
16 encompass more than one case.

17
18 *History Note: Authority G.S. 74C-5(2);*

19 *Eff. July 1, 1994;*

20 *Transferred and Recodified from 12 NCAC 07D .1103 Eff. July 1, ~~2015~~; 2015;*

21 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1104

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

In (a), line 5, why doesn't this language mirror the other rules and state "Associate Level III"?

Please replace "must" with "shall" on lines 5, 6, 12, 13, and 15.

What is the difference between the sentence in (a), line 5, and Paragraph (b)? What is the difference between training and supervision?

In (c), line 9, please consider putting the citations in numerical order.

On line 9, should "associate" be capitalized?

In (e), line 15, what is "contact" here?

And who determines what is "sufficient"?

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: May 29, 2020

1 14B NCAC 16 .1104 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1104 TRAINING AND SUPERVISION REQUIRED IN LEVEL THREE**

4 (a) If upon sponsorship the Associate has at least two years or 2,000 hours of verifiable training or experience, the
5 associate will be classified as a Private Investigator Associate and must undergo 40 hours of one-on-one training.

6 (b) The first 40 hours of employment for the Level Three Private Investigator Associate must be one-on-one
7 supervision.

8 (c) When the Level Three Associate completes the requirements of Level Three by fulfilling the licensing
9 requirements set forth in Rules .0401 and .0204 of this Chapter, the associate may apply for a private investigator's
10 license.

11 (d) The sponsor or another licensed Private Investigator associated with the sponsor's firm, association, or corporation
12 must meet with the Level Three associate to review the associate's work product. The licensed Private Investigator
13 must review each case on which the associate is working or has worked since the last review. Review sessions may
14 encompass more than one case.

15 (e) The sponsoring Private Investigator must have contact with the Level Three Associate sufficient to ensure
16 compliance with G.S. 74C.

17
18 *History Note: Authority G.S. 74C-5(2);*

19 *Eff. July 1, 1994;*

20 *Transferred and Recodified from 12 NCAC 07D .1104 Eff. July 1, ~~2015~~; 2015;*

21 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1105

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

I recommend that you change Paragraphs (a), (b), and (c) to mirror the language in Rule .0301(c), which was recently approved by the RRC. That language says:

(1) An applicant shall receive a minimum of 400 hours of experience credit for an associate's degree. The Board shall grant up to 100 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the associate's degree.

(2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the bachelor's degree.

(3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work related to the private protective services industry was received while obtaining the graduate degree.

That way, you address the use of "Administrator" in this Rule, the use of "may" and are consistent with other rules.

In (d), line 16, as well as (e), line 23, and (f), line 30, what is an "actual" trial?

On lines 16, 23, and 29, please make "can not" into one word.

On lines 18, 25, and 31, what do you mean by "indicate"? If you mean "state" please say that.

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: May 29, 2020

1 14B NCAC 16 .1105 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1105 EDUCATIONAL DEGREES AND NON-DEGREED TRAINING**

4 (a) An applicant will receive a minimum of 400 hours of experience credit for an associate's degree. The
5 Administrator or the Board may grant up to 100 additional hours if the applicant can demonstrate that further training
6 or course-work related to the private protective services industry was received while obtaining the associate's degree.

7 (b) An applicant will receive 800 hours of experience credit for a bachelor's degree. The Administrator or the Board
8 may grant up to 200 additional hours if the applicant can demonstrate that further training or course-work related to
9 the private protective services industry was received while obtaining the bachelor's degree.

10 (c) An applicant will receive 1,200 hours of experience credit for a graduate degree. The Administrator or the Board
11 may grant an additional 300 additional hours if the applicant can demonstrate that further training or course-work
12 related to the private protective services industry was received while obtaining the graduate degree.

13 (d) During the first 40 hours of one-on-one supervision, a Level One Associate may receive up to 4 hours of one-on-
14 one supervision credit for time spent in the courtroom observing a docketed trial. Of the remaining 120 hours of one-
15 on-one supervision required in Level One, the Associate may receive up to 12 hours of credit for time spent in the
16 courtroom observing an actual trial. Of the thousand hours of training required in Level One, the Associate can not
17 receive more than 100 hours of credit for time spent in the courtroom observing an actual trial. To receive credit for
18 courtroom observation, the Level One Associate must indicate in the Associate's Log the docket number of the trial
19 and the time spent observing the actual trial.

20 (e) During the first 40 hours of one-on-one supervision, a Level Two Associate may receive up to 4 hours of one-on-
21 one supervision credit for time spent in the courtroom observing a docketed trial. Of the remaining 80 hours of one-
22 on-one supervision required in Level Two, the Associate may receive up to 8 hours of credit for time spent in the
23 courtroom observing an actual trial. Of the thousand hours of training required in Level Two, the Associate can not
24 receive more than 100 hours of credit for time spent in the courtroom observing an actual trial. To receive credit for
25 courtroom observation, the Level Two Associate must indicate in the Associate's Log the docket number of the trial
26 and the time spent observing the actual trial.

27 (f) During the first 40 hours of one-on-one supervision, a Level Three Associate may receive up to 4 hours of one-
28 on-one supervision credit for time spent in the courtroom observing a docketed trial. Of the one thousand hours of
29 training required in Level Three, the Associate can not receive more than 100 hours of credit for time spent in the
30 courtroom observing an actual trial. To receive credit for courtroom observation, the Level Three Associate must
31 indicate in the Associate's Log the docket number of the trial and the time spent observing the actual trial.

32
33 *History Note: Authority G.S. 74C-5(2);*

34 *Eff. July 1, 1994;*

35 *Transferred and Recodified from 12 NCAC 07D .1105 Eff. July 1, 2015; 2015;*

36 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1106

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

In (a), line 4, what is "practical experience"? Why do you need "practical" at all, given that the rest of the Paragraph refers to simply "experience"? Or should this be "training or experience" to mirror the language in Rules .1102 - .1104?

In (a)(1), how can the applicant have had a valid license if they are an applicant? Should this refer to not having a permit?

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: May 29, 2020

1 14B NCAC 16 .1106 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1106 CONSIDERATION OF EXPERIENCE**

4 (a) The Board shall consider any practical experience gained prior to the application date. The Board shall not
5 consider experience claimed by the applicant if the experience was:

6 (1) gained by contracting private protective services to another person, firm, association, or corporation
7 while not in possession of a valid private protective services license; or

8 (2) gained when employed by a company contracting private protective services to another person, firm,
9 association, or corporation while the company is not in possession of a valid private protective
10 services license.

11 (b) The Board shall consider any educational experience referred to in Rule .1105 of this Section.

12
13 *History Note: Authority G.S. 74C-5(2);*

14 *Eff. July 1, 1994;*

15 *Amended Eff. January 1, 2013; April 1, 1999;*

16 *Transferred and Recodified from 12 NCAC 07D .1106 Eff. July 1, ~~2015~~; 2015;*

17 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1107

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

Who may deem this? Who will find this? The Board? If so, state that.

On line 5, what is "insufficient" here?

And what authority are you relying upon to hold the sponsor responsible? G.S. C-12?

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: May 29, 2020

1 14B NCAC 16 .1107 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1107 ENFORCEMENT**

4 A violation by the Associate may be deemed to be a violation of the sponsor if the violation is found to be the result
5 of insufficient supervision and may subject the sponsor to any enforcement actions pursuant to G.S. 74C-17.

6
7 *History Note: Authority G.S. 74C-5(2);*

8 *Eff. July 1, 1994;*

9 *Transferred and Recodified from 12 NCAC 07D .1107 Eff. July 1, ~~2015~~ 2015;*

10 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1108

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

What are you saying here? That a Level I Associate who transfers sponsors will have to begin the hours again? If so, I think you can state that more clearly. Consider: "If a Level One Associate transfers... Investigator, the one-on-one training hours shall not transfer and the Associate shall begin a new one-on-one training..."

On line 6, please replace "will" with "shall"

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: May 29, 2020

1 14B NCAC 16 .1108 is readopted as published in 33:15 NCR 1544 as follows:

2
3 **14B NCAC 16 .1108 TRANSFERABILITY OF TRAINING HOURS**

4 If a Level One associate transfers employment to another Private Investigator, the one-on-one training will not transfer
5 and the associate must undergo one-on-one supervised training with the new sponsoring Private Investigator. If a
6 Level Two or Level Three associate transfers employment to another Private Investigator, all training hours will be
7 transferred.

8
9 *History Note: Authority G.S. 74C-5(2);*

10 *Eff. July 1, 1994;*

11 *Transferred and Recodified from 12 NCAC 07D .1110 Eff. July 1, ~~2015~~; 2015;*

12 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1201

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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 4, did you mean to refer to Rule .0103 instead of .0104?

In (4), "licensee" is defined in Rule .0103(12) as:

"Licensee" means any person licensed to perform private protective services in North Carolina in accordance with G.S. 74C.

Assuming you intended to refer to Rule .0103 on line 4, do you need to retain this definition here?

In the History Note, why are you citing to G.S. 74C-2, 4, and 5?

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: May 29, 2020

1 14B NCAC 16 .1201 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1201 DEFINITIONS**

4 In addition to the definitions set forth in Rule .0104 of this Chapter, the following definitions shall apply to this
5 Section:

- 6 (1) "continuing education" or "CE" refers to any educational activity approved by the Board to be a
7 continuing education activity.
8 (2) "credit hour" means 60 minutes of continuing education instruction.
9 (3) "year" refers to the calendar year after the issuance of a new or renewal license.
10 (4) "licensee" shall refer to an individual who holds a private protective services license issued by the
11 Board.

12
13 *History Note:* *Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;*

14 *Eff. February 1, 2010;*

15 *Transferred and Recodified from 12 NCAC 07D .1301 Eff. July 1, ~~2015~~, 2015;*

16 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1202

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

As this Rule was amended under emergency procedures effective May 6, 2020, please do the following:

Update the Introductory Statement to say:

14B NCAC 16 .1202 is readopted as published in 33:15 NCR 1544 with changes as follows: (This Rule was amended via emergency rulemaking procedures effective May 6, 2020 and that language is shown in italics in the text below)

Show the changes made to this Rule through that process by putting the language in italics.

In addition, update the History Note to show the emergency amendment. It will look like this:

*History Note: Authority G.S. 74C-2; 74C-5; 74C-22;
Eff. February 1, 2010;
Amended Eff. May 1, 2014;
Transferred and Recodified from 12 NCAC 07D .1302 Eff. July 1, 2015;
Emergency Amendment May 6, 2020;
Readopted Eff. July 1, 2020.*

In (c), line 7, what is "complete" and "regularly scheduled" here? By complete, do you mean the entire meeting?

On line 7, consider deleting "Private Protective Services" as Rule .0103 defines "Board" as the Private Protective Services Board.

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: May 29, 2020

1 14B NCAC 16 .1202 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1202 REQUIRED CONTINUING EDUCATION HOURS**

4 (a) Each licensee shall complete 12 credit hours of continuing education training during each two year renewal period.

5 (b) Credit shall be given only for classes that have been approved by the Board as set forth in Rule .1203 of this
6 Section.

7 (c) A licensee who attends a complete meeting of a regularly scheduled meeting of the Private Protective Services
8 Board shall receive two credit hours for each meeting that the licensee attends, with credit being given for a maximum
9 of two meetings per year with no more than four credit hours per year and eight credit hours per renewal period.

10
11 *History Note: Authority G.S. 74C-2; 74C-5; 74C-22;*

12 *Eff. February 1, 2010;*

13 *Amended Eff. May 1, 2014;*

14 *Transferred and Recodified from 12 NCAC 07D .1302 Eff. July 1, ~~2015~~ 2015;*

15 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1203

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

As this Rule was amended under emergency procedures effective May 6, 2020, please do the following:

Update the Introductory Statement to say:

14B NCAC 16 .1203 is readopted as published in 33:15 NCR 1544 with changes as follows: (This Rule was amended via emergency rulemaking procedures effective May 6, 2020 and that language is shown in italics in the text below)

Please show the language you added and removed via emergency rulemaking by putting that language in italics. Please show the struck language in italics, as well.

In addition, update the History Note to show the emergency amendment. It will look like this:

*History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;
Eff. February 1, 2010;
Amended Eff. October 1, 2011;
Transferred and Recodified from 12 NCAC 07D .1303 Eff. July 1, 2015;
Emergency Amendment Eff. May 6, 2020;
Readopted Eff. July 1, 2020.*

In (a), line 4, (b), line 10, and (c), line 24, why are you referring to "sanction" when the rest of the Rule refers to "approval"? I recommend using "approval" throughout this Rule.

Also on lines 4 and 10, consider simply stating "the Board"

In (a)(3), line 8, what do you mean by "segment"? Does your regulated public know?

In (a)(4), line 9, what do you mean by "identity"? Do you just want a name, or is there more required to establish identity?

Why do you need Paragraph (b)? This reads as internal management.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 29, 2020

If you do need it, what is “pertinent” to the industry?

And in (b)(2) and (3), you refer to a “stated objective” but (a)(2) refers to “objective or goals” Should the same language be used here?

In (c), lines 24-26, this is a recitation of the language in (b), which leads again to my question of why you need Paragraph (b).

Here, what is “pertinent to the industry” and should be it be “objectives and goals”?

In (d), line 27, delete or defined “validly”

So that I understand line 28, if the nature and purpose of the course changes, or the goals change, that’s fine – it’s only if the identity of the instructor changes that the course is no longer approved?

In (e), line 29, and elsewhere the term is used, what are “CEU hours”? Rule .1201 only defines “CE.” Should the term “CEU” be defined in that Rule?

Also on line 29, what do you mean by “actual”?

In (f), you are not allowing accreditation by any outside agencies other than State agencies?

On line 32, please capitalize “State” if you mean “NC”

On line 34, what is a “contact hour”? Rule .1201 defines a “credit hour” Should that be the term used here?

In the History Note, Page 2, why are you citing to G.S. 74C-2, 4, and 5?

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 .1203 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1203 ACCREDITATION STANDARDS**

4 (a) CE courses may obtain the sanction of the Private Protective Services Board by submitting the following
5 information to the Board for consideration:

- 6 (1) the nature and purpose of the course;
7 (2) the course objectives or goals;
8 (3) the outline of the course, including the number of training hours for each segment; and
9 (4) the identity of the instructor.

10 (b) To determine if a course will receive sanctioning from the Private Protective Services Board, the Board shall
11 complete the following review:

- 12 (1) The matter shall be referred to the Training and Education Committee for the appointment of a sub-
13 committee that shall review the course under consideration. The sub-committee shall consist of at
14 least two industry members of the Training and Education Committee. Other members of the sub-
15 committee may be appointed at the discretion of the Training and Education Committee Chairman.
16 (2) The sub-committee shall review the course to determine if the course is pertinent to the industry,
17 and if the course meets its stated objectives.
18 (3) When the sub-committee completes its review, it shall report to the Training and Education
19 Committee. The Training and Education Committee shall review the course to determine if the
20 course is pertinent to the industry, and if the course meets its stated objective. The Training and
21 Education Committee shall then report the findings with a recommendation of acceptance or denial
22 to the Private Protective Services Board.

23 (c) Upon receipt of the Training and Education Committee report, the Private Protective Services Board shall
24 determine by majority vote if the course will be sanctioned for continuing education credits. In making its
25 determination, the Board shall review the course to determine if the course is pertinent to the industry, and if the course
26 meets its stated objective.

27 (d) Each approved course shall remain a validly approved course for four years from the date of approval by the
28 Board, unless the identity of the course instructor changes.

29 (e) Trainers and instructors shall receive CEU credit of five hours for every actual teaching hour with an eight hour
30 cap of CEU credit every two years.

31 (f) Colleges, universities, trade schools, and other degree granting institutions shall be granted standing approval
32 when the institutions are accredited, certified, or approved by the Department of Public Instruction or by other state
33 agencies and the course is related to law, criminal justice, security profession, finance, ethics, forensics, crime
34 prevention, and investigation. Approval is one hour per contact hour not to exceed eight contact hours.

35 (g) Online courses shall be approved by the Board based on compliance with the standards set forth in Paragraph (a)
36 of this Rule. No more than six hours of CEU credit shall be given during a renewal period for online courses.

37 (h) No course offering CEU credits may be taken for credit more than one time during a renewal period.

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History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;
Eff. February 1, 2010;
Amended Eff. October 1, 2011;
Transferred and Recodified from 12 NCAC 07D .1303 Eff. July 1, ~~2015~~; 2015;
Readopted Eff. July 1, 2020.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1204

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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 lines 6 and 7, I suggest you replace "North Carolina Private Protective Services Board" with simply "Board"

On line 7, I recommend replacing "sanctioning" with "approving" Please note the same for line 8.

On line 8, what is "pertinent" here?

On line 9, I believe you mean "objective" instead of "objection." And please note earlier queries about whether "goals" should be added.

In the History Note, why are you citing to G.S. 74C-2, 4, and 5?

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: May 29, 2020

1 14B NCAC 16 .1204 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1204 NON-RESIDENT LICENSEE CONTINUING EDUCATION CREDITS**

4 A non-resident licensee shall obtain the required continuing education credits as set forth in Rule .1202 of this Section.
5 If a non-resident licensee resides in a state that requires continuing education for a private protective services business
6 license, then the continuing education courses to be offered in the state of residence may be considered by the North
7 Carolina Private Protective Services Board for sanctioning in North Carolina on an individual course basis. In
8 determining if the course is to be sanctioned, the Board shall review the course to determine if the course is pertinent
9 to the industry, and if the course meets its stated objection.

10
11 *History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;*

12 *Eff. February 1, 2010;*

13 *Transferred and Recodified from 12 NCAC 07D .1304 Eff. July 1, ~~2015~~; 2015;*

14 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1205

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

In (a), I recommend ending the sentence on line 5 after "renewal" Then state, "For each course taken, the report shall include..."

On line 6, what do you mean by "indicates"? Should this say "states"?

Delete "indicates" on line 6 before "the date of" and on line 7 before "the number"

On line 8, do you mean "before" rather than "from"?

On line 10, please replace "Said" with "The"

In (b), line 12, and elsewhere the term is used, what is a "CE Certificate"? Is it different from the "certificate of course certification" in (a)?

On line 13, who will designate the application as "new"? The applicant or the Board? What about the designations on line 16?

In the History Note, why are you citing to G.S. 74C-2, 4, and 5?

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: May 29, 2020

1 14B NCAC 16 .1205 is readopted as published in 33:15 NCR 1544 as follow:
2

3 **14B NCAC 16 .1205 RECORDING AND REPORTING CONTINUING EDUCATION CREDITS**

4 (a) Each licensee shall be responsible for recording and reporting continuing education credits to the Board at the
5 time of license renewal, and for each course taken such report shall include a certificate of course completion that is
6 signed by at least one course instructor, indicates the name of the licensee who completed the course, indicates the
7 date of course completion, and indicates the number of hours taken by the licensee. Credit shall not be given if a
8 certificate of course completion is dated more than two years from the license renewal date. Each course instructor
9 shall be required to maintain a course roster and shall verify the identity of each participant by a government issued
10 photo identification, such as a driver's license. Said roster shall be delivered to the Board's office within two weeks
11 of the completion date of the course.

12 (b) All applications for renewal of a license shall have a CE Certificate(s) attached verifying completion of the
13 required number of credit hours. If an applicant is filing an application designated as "new" and the applicant has
14 been licensed for any period of time within the previous two years, the applicant shall attach a CE Certificate(s)
15 verifying completion of the required number of credit hours. An applicant shall not be required to submit a CE
16 Certificate if the applicant is filing an application designated as a "transfer" or "duplicate" and if the applicant has a
17 current license issued by the Board.
18

19 *History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;*

20 *Eff. February 1, 2010;*

21 *Transferred and Recodified from 12 NCAC 07D .1305 Eff. July 1, ~~2015~~; 2015;*

22 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1206

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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 4, you do not need to retain "of the rules" You can just say "fails to comply with this Section" If you want to retain the term "rules" then state, 'If a licensee fails to comply with the rules of this Section, ..."

On line 4, state his or her

In the History Note, why are you citing to G.S. 74C-2, 4, and 5?

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: May 29, 2020

1 14B NCAC 16 .1206 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1206 NON-COMPLIANCE**

4 If a licensee fails to comply with this Section of the rules, his license shall not be renewed.

5
6 *History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;*

7 *Eff. February 1, 2010;*

8 *Transferred and Recodified from 12 NCAC 07D .1306 Eff. July 1, ~~2015~~; 2015;*

9 *Readopted Eff. July 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: 14B NCAC 16 .1207

RECOMMENDED ACTION:

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

COMMENT:

Staff recommends objection to the cited rule for lack of necessity. This Rule merely repeats the requirements of Rule .1205(b) and is therefore unnecessary.

Amanda J. Reeder
Commission Counsel
Issued June 15, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1207

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

Why is this Rule necessary? What is it saying that Rule .1205 is not?

If you do need it, delete the first sentence. Then delete "After January 1, 2012,"

In the History Note, why are you citing to G.S. 74C-2, 4, and 5?

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: May 29, 2020

1 14B NCAC 16 .1207 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1207 CREDIT FOR CE COURSES**

4 Licensees shall receive credit for completion of CE courses approved by the Board after January 1, 2010. After
5 January 1, 2012, all licensees shall submit certificates of CE completion with their renewal applications.

6
7 *History Note: Authority G.S. 74C-2; 74C-4; 74C-5; 74C-22;*

8 *Eff. February 1, 2010;*

9 *Transferred and Recodified from 12 NCAC 07D .1307 Eff. July 1, ~~2015~~, 2015;*

10 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1303

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

This Rule is very similar to Rule .0703, which was approved by the RRC at its March 2020 meeting. I recommend you make the following changes to this Rule to mirror that Rule:

In (3)(e), line 19, replace "Item" with "Rule"

In (4), please use the language in Rule .0703(4), which states:

(4) not have been judicially declared incompetent or not have been involuntarily committed to an institution for treatment of mental illness. When an individual has been treated and found to have been restored, the Board will consider this evidence and determine whether the applicant meets the requirements of this Rule; and

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: May 29, 2020

1 14B NCAC 16 .1303 is readopted as published in 33:15 NCR 1544 as follow:
2

3 **14B NCAC 16 .1303 MINIMUM STANDARDS FOR UNARMED ARMORED CAR SERVICE GUARD**
4 **REGISTRATION**

5 An applicant for registration as an unarmed armored service guard shall:

- 6 (1) be at least 18 years of age;
7 (2) be a citizen of the United States or a resident alien;
8 (3) be of good moral character and temperate habits. Any of the following within the last five years
9 shall be prima facie evidence that the applicant does not have good moral character or temperate
10 habits:
11 (a) conviction by any local, state, federal, or military court of any crime involving the illegal
12 use, carrying, or possession of a firearm;
13 (b) conviction of any crime involving the illegal use, possession, sale, manufacture,
14 distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic
15 beverage;
16 (c) conviction of a crime involving felonious assault or an act of violence;
17 (d) conviction of a crime involving unlawful breaking or entering, burglary, larceny, or any
18 offense involving moral turpitude; or
19 (e) a history of addiction to alcohol or a narcotic drug. For purposes of this Item, "conviction"
20 means the entry of a plea of guilty, plea of no contest, or a verdict of guilty;
21 (4) not have been declared by any court of competent jurisdiction incompetent by reason of mental
22 disease or defect, or not have been involuntarily committed to an institution for treatment of mental
23 disease or defect by a district court judge. When an individual has been treated and found to have
24 been restored by a psychiatrist, the Board shall consider this evidence and determine whether the
25 applicant is mentally competent; and
26 (5) not have had a revocation by the Board.
27

28 *History Note: Authority G.S. 74C-3; 74C-5;*

29 *Eff. January 1, 2013;*

30 *Transferred and Recodified from 12 NCAC 07D .1403 Eff. July 1, ~~2015~~; 2015;*

31 *Readopted Eff. July 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: 14B NCAC 16 .1304

RECOMMENDED ACTION:

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

COMMENT:

Staff recommends objection to this Rule for ambiguity and lack of statutory authority. This Rule is being readopted pursuant to G.S. 150B-21.3A, and appears to be governing applications to register as an unarmed armored car service guard.

In the History Note, the Board cites to G.S. 74C-3, which contains definitions, and to G.S. 74C-5, which is the general rulemaking authority of the Board.

The language throughout the Rule states that the "administrator" will make a determination. However, there is no longer an "administrator" following changes to G.S. 74C by SL 2001-487, which established the position of Director. Therefore, staff believes the Rule is ambiguous when it uses the term "administrator," as the position does not appear to exist.

In Paragraph (a), the Rule states that there shall be "such further investigation of the applicant as deemed necessary." The Rule does not say who will deem the investigation necessary, nor how the necessity will be determined. Staff believes that the agency is relying upon G.S. 74C-5(5) to approve the individual applicants, so staff is not recommending objection to this Paragraph based upon lack of statutory authority at this time. However, there is no guidance in this Rule as to how or when this investigation will occur. Therefore, staff believes this Paragraph is ambiguous as written.

In Paragraph (b), the Rule states that any denial of the registration by the administrator will be subject to review of the Board. However, G.S. 74C-12 states that any denial of an application will

Amanda J. Reeder
Commission Counsel
Issued May 29, 2020

be made by the Board. The agency does not cite to any authority for the administrator to issue a denial such that it is reviewable by the Board, nor any authority of the Board to delegate this decision. Further, staff believes the law is clear that the Board must make the decision. Therefore, staff believes the agency lacks statutory authority for this Paragraph.

Staff notes that as part of this readoption process, the agency also readopted and then submitted other rules that contained this language. The RRC has objected to all of those Rules. In response, the agency repealed those rules and they were removed from the Code.

§ 74C-3. Private protective services profession defined.

(a) As used in this Chapter, the term "private protective services profession" means and includes the following:

(1) Armored car profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration provides secured transportation and protection from one place or point to another place or point of money, currency, coins, bullion, securities, checks, documents, stocks, bonds, jewelry, paintings, and other valuables. This definition does not include a person operating an armored car business pursuant to a motor carrier certificate or permit issued by the North Carolina Utilities Commission which grants operating rights for such business; however, armed armored car service guards shall be subject to the provisions of G.S. 74C-13.

(2) Repealed by Session Laws 1983, c. 786, s. 2.

(3) Redesignated as subdivision (a)(5a) by the Revisor of Statutes. See Editor's notes.

(4) Courier service profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration transports or offers to transport from one place or point to another place or point documents, papers, maps, stocks, bonds, checks, or other small items of value which require expeditious services. Armed courier service guards shall be subject to the provisions of G.S. 74C-13.

(5) Detection of deception examiner. - Any person, firm, association, or corporation which uses any device or instrument, regardless of its name or design, for the purpose of the detection of deception or any person who reviews the work product of an examiner including charts, tapes or other methods of record keeping for the purpose of detecting deception or determining accuracy.

(5a) Electronic countermeasures profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration discovers, locates, or disengages by electronic, electrical, or mechanical means any listening or other monitoring equipment surreptitiously placed to gather information concerning any individual, firm, association, or corporation.

(6) Security guard and patrol profession. - Any person, firm, association, or corporation that provides a security guard on a contractual basis for another person, firm, association, or corporation for a fee or other valuable consideration and performs one or more of the following functions:

a. Prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property.

b. Prevention, observation, or detection of any unauthorized activity on private property.

c. Protection of patrons and persons lawfully authorized to be on the premises or being escorted between premises of the person, firm, association, or corporation that entered into the contract for security services.

d. Control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of properties.

(7) Guard dog service profession. - Any person, firm, association, or corporation which for a fee or other valuable consideration contracts with another person, firm, association, or corporation to place, lease, rent, or sell a trained dog for the purpose of protecting lives or property.

(8) Private detective or private investigator. - Any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning any of the following on a contractual basis:

a. Crimes or wrongs done or threatened against the United States or any state or territory of the United States.

b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.

c. The location, disposition, or recovery of lost or stolen property.

d. The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to properties.

e. Securing evidence to be used before any court, board, officer, or investigative committee.

f. Protection of individuals from serious bodily harm or death.

(9) Special limited guard and patrol profession. - Any person who is licensed under Chapter 74D of the General Statutes of North Carolina and provides armed alarm responders pursuant to G.S. 74C-13. Applicants for this limited license shall not be required to meet the experience requirements for a security guard and patrol license. Any experience gained under this limited license shall not be counted as experience for a security guard and patrol license.

(b) "Private protective services" shall not include any of the following:

(1) Licensed insurance adjusters legally employed as such and who engage in no other investigative activities unconnected with adjustment or claims against an insurance company.

(2) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or her employment with the United States, this State, or any political subdivision of either.

(3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:

- a. Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer,
 - b. Information for employment purposes,
 - c. Information for the underwriting of insurance involving the consumer,
 - d. Information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility, or
 - e. A legitimate business need for the information in connection with a business transaction involving the consumer.
- (4) An attorney at law licensed to practice in North Carolina while engaged in the practice of law and the attorney's agent, provided the agent is performing duties only in connection with his or her principal's practice of law.
- (5) The legal owner or lien holder, and his or her agents and employees, of personal property which has been sold in a transaction wherein a security interest in personal property has been created to secure the sales transaction, who engage in repossession of the personal property.
- (6) Repealed by Session Laws 1989, c. 759, s. 3.
- (7) Repealed by Session Laws 1981, c. 807, s. 1.
- (8) Employees of a licensee who are employed exclusively as undercover agents; provided that for purposes of this section, undercover agent means an individual hired by another person, firm, association, or corporation to perform a job for that person, firm, association, or corporation and, while performing the job, to act as an undercover operative, employee, or independent contractor of a licensee, but under the supervision of a licensee.
- (9) A person who is engaged in an alarm systems business subject to the provisions of Chapter 74D of the General Statutes.
- (10) A person who obtains or verifies information regarding applicants for employment, with the knowledge and consent of the applicant, and is (i) engaged in business as a private personnel service as defined in G.S. 95-47.1 or engaged in business as a private employer fee pay personnel service, (ii) engaged in the business of obtaining or verifying information regarding applicants for employment, or (iii) an employer with whom the applicant has applied for employment.
- (11) A person who conducts efficiency studies. An efficiency study is an analysis of an employer's business, made at the request of the employer, to determine one or more of the following:
- a. The most efficient procedures by which an employee of the business can perform the employee's assigned duties.

b. The adequacy of an employee's performance of the employee's assigned duties that require interaction with a client or customer of the business.

If a person making an efficiency study observes an instance of theft or another illegal act committed by an employee of the business, the person may report the instance to the employer without violating G.S. 74C-3(a)(8).

(12) Research laboratories and consultants who analyze, test, or in any way apply their expertise to interpreting, evaluating, or analyzing facts or evidence submitted by another in order to determine the cause or effect of physical or psychological occurrences, and give their opinions and findings to the requesting source or to a designee of the requestor.

(13) A person who works regularly and exclusively as an employee of an employer in connection with the business affairs of that employer. If the employee is an armed security guard and wears, carries, or possesses a firearm in the performance of the employee's duties, the provisions of G.S. 74C-13 apply.

(14) An employee of a security department of a private business or other employee whose primary duty involves loss prevention or that conducts investigations on matters internal to the business affairs of the business or related to the location, disposition, or recovery of lost or stolen property reasonably believed to be owned by the business.

(15) Representatives of nonprofit organizations funded all or in part by business improvement districts who provide information and directions to local tourists and residents, engage in street cleaning and beautification services within the business improvement districts, and notify local law enforcement of any illegal activity observed by the representatives within the business improvement districts.

(16) Emergency medical services personnel credentialed under Article 7 of Chapter 131E of the General Statutes who engage in search and rescue activities at the request of either the State, a political subdivision of the State, or one of the following types of facilities: an adult care home licensed under Chapter 131D of the General Statutes, a health care facility or agency licensed under Chapter 131E of the General Statutes, or a facility licensed to offer mental health, developmental disabilities, or substance abuse services under Chapter 122C of the General Statutes. For the purposes of this subdivision, "search and rescue" means activities and documents relating to efforts to locate an individual following the individual's disappearance. This exemption shall not apply if the emergency medical services provider provides services beyond emergency search and rescue and said activities meet the definition of private protective services as defined in G.S. 74C-3.

(17) A person engaged in (i) computer or digital forensic services or in the acquisition, review, or analysis of digital or computer-based information, whether for the purposes of obtaining or furnishing information for evidentiary or other purposes, or for providing expert testimony before a court; or (ii) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network. (1973, c. 528, s. 1; 1977, c. 481; 1979, c. 818, s. 2; 1981, c. 807, ss. 1-3; 1983, c. 259; c. 786, ss. 2, 3; c. 794, s. 1; 1987, c. 284; c. 657, s. 1; 1989, c. 759, s. 3; 2001-487, s. 64(a); 2006-264, s. 46; 2007-469, s. 6; 2007-511, s. 1; 2009-328, s. 1; 2019-193, s. 1(a).)

Amanda J. Reeder
Commission Counsel
Issued May 29, 2020

§ 74C-5. Powers of the Board.

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

- (1) Adopt rules necessary to carry out and administer the provisions of this Chapter including the authority to require the submission of reports and information by licensees under this Chapter.
- (2) Determine minimum qualifications, establish and require written or oral examinations, and establish minimum education, experience, and training standards for applicants and licensees under this Chapter.
- (3) Conduct investigations regarding alleged violations and to make evaluations as may be necessary to determine if licensees and trainees under this Chapter are complying with the provisions of this Chapter.
- (4) Adopt and amend bylaws, consistent with law, for its internal management and control.
- (5) Approve individual applicants to be licensed or registered according to this Chapter.
- (6) Deny, suspend, or revoke any license or trainee permit issued or to be issued under this Chapter to any applicant, licensee, or permit holder who fails to satisfy the requirements of this Chapter or the rules established by the Board. The denial, suspension, or revocation shall be in accordance with Chapter 150B of the General Statutes of North Carolina.
- (7) Issue subpoenas to compel the attendance of witnesses and the production of pertinent books, accounts, records, and documents. The district court shall have the power to impose punishment pursuant to G.S. Chapter 5A, Article 2, for acts occurring in matters pending before the Private Protective Services Board which would constitute civil contempt if the acts occurred in an action pending in court.
- (8) Repealed by Session Laws 1989, c. 759, s. 5.
- (9) Adopt rules governing detection of deception schools, and charge fees for reimbursement of costs incurred pursuant to approval of the schools.
- (10) Contract for services as necessary to carry out the functions of the Board.
- (11) Approve training schools, instructors, and course materials for any person, firm, association, or corporation wishing to provide training described in this Chapter.
- (12) Approve a design for a badge or shield that indicates a person is licensed or registered to engage in private protective services. The badge or shield shall be approved by the North Carolina Sheriffs' Association and the North Carolina Association of Chiefs of Police. (1973, c. 528, s. 1; c. 1331, s. 3; 1979, c. 818, s. 2; 1981 (Reg. Sess., 1982), c. 1359, s. 3; 1983, c. 794, s. 2; c. 810; 1989, c. 759, s. 5; 1999-456, s. 19; 2007-511, s. 2.)

§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, registrant, or permit holder has done any of the following acts:

- (1) Made any false statement or given any false information in connection with any application for a license, registration, or permit or for the renewal or reinstatement of a license, registration, or permit.
- (2) Violated any provision of this Chapter.
- (3) Violated any rule adopted by the Board pursuant to the authority contained in this Chapter.
- (4) Repealed by Session Laws 1989, c. 759, s. 10.
- (5) Impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this State, any other state, or any political subdivision of a state.
- (6) Engaged in or permitted any employee to engage in a private protective services profession when not lawfully in possession of a valid license issued under the provisions of this Chapter.
- (7) Willfully failed or refused to render to a client service as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties.
- (8) Knowingly made any false report to the employer or client for whom information is being obtained.
- (9) Committed an unlawful breaking or entering, assault, battery, or kidnapping.
- (10) Knowingly violated or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee.
- (11) Repealed by Session Laws 1989, c. 759, s. 10.
- (12) Undertaken to give legal advice or counsel or to in any way falsely represent that he or she is representing any attorney or he or she is appearing or will appear as an attorney in any legal proceeding.
- (13) Issued, delivered, or uttered any simulation of process of any nature which might lead a person to believe that such simulation - written, printed, or typed - may be a summons, warrant, writ or court process, or any pleading in any court proceeding.
- (14) Failed to make the required contribution to the Private Protective Services Education Fund or failed to maintain the certificate of liability insurance required by this Chapter.

Amanda J. Reeder
Commission Counsel
Issued May 29, 2020

- (15) Violated the firearm provisions set forth in this Chapter.
- (16) Repealed by Session Laws 1989, c. 759, s. 10.
- (17) Failed to notify the Director by a business entity other than a sole proprietorship licensed pursuant to this Chapter of the cessation of employment of the business entity's qualifying agent within the time set forth in this Chapter.
- (18) Failed to obtain a substitute qualifying agent by a business entity within 30 days after its qualifying agent has ceased to serve as the business entity's qualifying agent.
- (19) Been judged incompetent by a court having jurisdiction under Chapter 35A or former Chapter 35 of the General Statutes or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122C-3, by a court under G.S. 122C-271.
- (20) Failed or refused to offer a report to a client within 30 days of the client's written request after the client has paid for services rendered.
- (21) Been previously denied a license, registration, or permit under this Chapter or previously had a license, registration, or permit revoked for cause. The denial or revocation shall include a principal in the applicant's business.
- (22) Engaged in a private protective services profession under a name other than the name under which the license was obtained under the provisions of this Chapter.
- (23) Divulged to any person, except as required by law, any information acquired by the license holder except at the direction of the employer or client for whom the information was obtained. A licensee may divulge to any law enforcement officer or district attorney or district attorney's representative any information the law enforcement officer may require to investigate a criminal offense with the prior approval and consent of the client.
- (24) Fraudulently held himself or herself out as employed by or licensed by the State Bureau of Investigation or any other governmental authority.
- (25) Demonstrated intemperate habits or a lack of good moral character. The acts that are prima facie evidence of intemperate habits or lack of good moral character under G.S. 74C-8(d)(2) are prima facie evidence of the same under this subdivision.
- (26) Advertised or solicited business using a name other than that in which the license was issued.
- (27) Worn, carried, or accepted any badge or shield purporting to indicate that the person is a law enforcement officer while licensed under the provisions of this Chapter as a private investigator.
- (28) Possessed or displayed a badge or shield while providing private protective services that was not designed and approved by the Board pursuant to G.S. 74C-5(12).
- (29) Failed or refused to reasonably cooperate with the Board or its agents during an investigation of any complaint, allegation, suspicion of wrongdoing, or violation of this Chapter.

(30) Failed to properly make any disclosure to the Board or provide documents or information required by this Chapter or rules adopted by the Board.

(31) Engaged in conduct constituting dereliction of duty or otherwise deceived, defrauded, or harmed the public in the course of professional activities or services.

(32) Demonstrated a lack of financial responsibility.

(b) The denial, revocation, or suspension of a license, registration, or permit by the Board shall be in writing, be signed by the Director of the Board, and state the grounds upon which the Board decision is based. The aggrieved person shall have the right to appeal from this decision as provided in Chapter 150B of the General Statutes. The aggrieved person shall file the appeal within 60 days of receipt of the Board's decision.

(c) The following persons may not be issued a license under this Chapter:

(1) A sworn court official.

(2) A holder of a company police commission under Chapter 74E of the General Statutes.

(d) A licensee shall report to the Board in writing within 30 days any charge, arrest for, or conviction of a misdemeanor or felony for any of the following:

(1) Crimes that have as an essential element dishonesty, deceit, fraud, or misrepresentation.

(2) Illegal use, possession, sale, manufacture, distribution, or transportation of a controlled substance, drug, narcotic, or alcoholic beverage.

(3) Illegal use, carrying, or possession of a firearm.

(4) Acts involving assault.

(5) Acts involving unlawful breaking or entering, burglary, or larceny.

(6) Any offense involving moral turpitude.

For purposes of this section, the term "conviction" includes the entry of a plea of guilty, a plea of nolo contendere, prayer for judgment continued, or a finding of guilt by a court of competent jurisdiction. The licensee's failure to report a charge, arrest for, or conviction of a misdemeanor or felony is grounds for revocation of the license. (1979, c. 818, s. 2; 1981, c. 807, s. 6; 1987, c. 550, s. 20; c. 657, s. 6; 1989, c. 759, s. 10; 1991 (Reg. Sess., 1992), c. 1043, s. 5; 2001-487, s. 64(g); 2007-511, s. 7; 2009-328, ss. 8, 9.)

1 14B NCAC 16 .1304 is readopted as published in 33:15 NCR 1544 as follow:
2

3 **14B NCAC 16 .1304 INVESTIGATION FOR UNARMED ARMORED CAR SERVICE GUARD**
4 **REGISTRATION**

5 (a) After the administrator receives a complete application for registration as an armored car service guard, the
6 administrator shall cause to be made such further investigation of the applicant as the administrator deems necessary
7 based upon the criminal history, financial history, or other information received.

8 (b) Any denial of an applicant for registration by the administrator is subject to review by the Board.
9

10 *History Note: Authority G.S. 74C-3; 74C-5;*

11 *Eff. January 1, 2013;*

12 *Transferred and Recodified from 12 NCAC 07D .1404 Eff. July 1, ~~2015~~; 2015;*

13 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1305

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

I note that this Rule is similar to Rule .0705, which was approved by the RRC at its February meeting. To be consistent with that Rule, I suggest:

In (c), line 9, why do you have both "within five business days" and "upon receipt"? Rule .0705 refers only to "upon receipt"

In (d), is this not an online form?

In (e), line 14, I believe "administrator" should be replaced with "Director"

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: May 29, 2020

1 14B NCAC 16 .1305 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1305 UNARMED ARMORED CAR SERVICE GUARD REGISTRATION**
4 **IDENTIFICATION CARDS**

5 (a) A registration identification card shall be carried by an armored car service guard registrant when performing the
6 duties of a private protective services employee.

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

9 (c) Registration identification card holders shall within five business days notify the Board upon receipt of any
10 information relating to the holder's eligibility to continue holding the card.

11 (d) The guard transfer form and fee shall be submitted to the Board by the employer within 10 days of the beginning
12 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-3; 74C-5;*

17 *Eff. January 1, 2013;*

18 *Transferred and Recodified from 12 NCAC 07D .1405 Eff. July 1, ~~2015~~, 2015;*

19 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1307

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

I note this Rule is similar to Rule .0707, which was approved by the RRC at its April 2020 meeting. To that end, I recommend the following changes to be consistent with that Rule:

In (a), I note that (a)(1) through (3) are in Rule .0707. However, what you have in (a)(5), "Emergency Situations" is "Emergency Responses" in .0707. Should the title be the same here?

On line 15, what is a "regular" armored car service? In Rule .0707, you state:

A minimum of four hours of classroom instruction shall be completed within 20 calendar days of any security guard, including probationary, being placed on a duty station.

In (b), I am simply asking – this is a different requirement than in Rule .0707(b), which says:

(b) Licensees shall submit to the Director the name of the certified unarmed security guard trainer who will be conducting the unarmed security guard training.

Is this difference intentional?

In (c), line 20, please replace "approved" after "Board" with "created"

On line 21, please move "by the Board" to behind "available"

On lines 21-22, what does this mean? Rule .0707(c) says:

The Board may approve other media training materials that deliver the training requirements of Paragraph (a) of this Rule.

In (d), line 23, please replace "interactively" with "remotely"

In (d)(1), line 24, please just say "presented by a Board certified"

In (d)(2), is the name of the manual the "Private Protective Services unarmed armored car service guard training manual"? If so, then why is the name in (d)(8) different with "NC"?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 29, 2020

In (d)(5), line 32, please replace “done” with “delivered”

In (d)(6), line 35, is this the correct name of the course? It’s not the “unarmed armored car” security officer training course?

In (d)(8), Page 2, consider using the language from Rule .0707(d)(8), which states:

Any additional training beyond the Board mandated training in the unarmed security guard training manual is taught either before or after the 16 hour unarmed security officer training.

In (d)(9), line 4, delete “of Private Protective Services”

On line 5, so that I’m clear – the Board is requiring the location of the trainer? What do you mean by that? I understand asking for the location of the classroom, but what is the “location” of the trainer? Home address? Business addresss?

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 .1307 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1307 TRAINING REQUIREMENTS FOR UNARMED ARMORED CAR SERVICE**
4 **GUARDS**

5 (a) Applicants for an unarmed armored car service guard registration shall complete a basic training course for
6 unarmed armored car service guards within 30 days from the date of permanent hire. The course shall consist of a
7 minimum of 16 hours of classroom instruction including:

- 8 (1) The Security Officer in North Carolina – (minimum of one hour);
- 9 (2) Legal Issues for Security Officers – (minimum of three hours);
- 10 (3) Deportment – (minimum of one hour);
- 11 (4) Armored Security Operations – (minimum of five hours);
- 12 (5) Emergency Situations – (minimum of three hours); and
- 13 (6) Safe Driver Training – (minimum of three hours);

14 A minimum of four hours of classroom instruction shall be completed within 20 calendar days of a probationary or
15 regular armored car service guard being placed on a duty station. These four hours shall include The Security Officer
16 in North Carolina and Legal Issues for Security Officers. Unarmed armored car service guard training is not
17 transferable to qualify as unarmed security guard training.

18 (b) Licensees shall submit their names and resumes for proposed certified unarmed trainer registrations to the Director
19 for Board approval.

20 (c) Training shall be conducted by a Board certified unarmed trainer. A Board approved lesson plan covering the
21 training requirements in Paragraph (a) of this Rule shall be made available to each trainer by the Board. The trainer
22 may use other media training materials that deliver the training requirements of Paragraph (a) of this Rule.

23 (d) The 16 hours of training may be delivered interactively under the following conditions:

- 24 (1) The training is presented by a Private Protective Services Board certified unarmed trainer.
- 25 (2) Each student is given a copy of the Private Protective Services unarmed armored car service guard
26 training manual to use for the duration of the 16 hour training course.
- 27 (3) The technology used allows the trainer to see the students and the students to see the trainer in real
28 time during the training.
- 29 (4) All students in each classroom are able to see and read the screen or monitor, and they must be able
30 to hear and understand the audio presentation. All monitors used in each classroom must be at least
31 32 inches wide.
- 32 (5) The technology used is of sufficient quality so that the training audio and video is done smoothly
33 and without interruption.
- 34 (6) Each student is taught to use the audio and video equipment in the classroom prior to the start of the
35 16 hour unarmed security officer training course.
- 36 (7) The total number of students receiving the interactive training at one time does not exceed 35
37 students.

- 1 (8) All training not included in the NC Private Protective Services unarmed armored car service guard
2 training manual is done either before or after the 16 hour unarmed armored car service guard
3 training.
- 4 (9) The Director of Private Protective Services is notified five days prior to training of the location of
5 each classroom, the name and location of the certified trainer, and the number of students who will
6 be present.
- 7 (10) The sponsoring agency allows the Director or designee access via computer to the training during
8 the time that it is taking place.
9

10 *History Note:* *Authority G.S. 74C-3; 74C-5;*
11 *Eff. January 1, 2013;*
12 *Transferred and Recodified from 12 NCAC 07D .1407 Eff. July 1, ~~2015~~; 2015;*
13 *Readopted Eff. July 1, 2020.*

1 14B NCAC 16 .1308 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1308 UNIFORMS AND EQUIPMENT**

4 The provisions of Rule .0104 of this Chapter apply to unarmed armored car service guards.

5
6 *History Note: Authority G.S. 74C-5; 74C-12; 74C-15;*

7 *Eff. January 1, 2015;*

8 *Transferred and Recodified from 12 NCAC 07D .1408 Eff. July 1, ~~2015~~; 2015;*

9 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1403

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

The name of a Rule is not within the scope of the RRC's review. However, to be consistent with changes you made recently to other rules, consider spelling out "Standards" in the Rule name. If you do that, you will need to submit a new Submission for Permanent Rule form with the new name noted in Box 2.

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: May 29, 2020

1 14B NCAC 16 .1403 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1403 MINIMUM STDS/ARMED ARMORED CAR SERVICE GUARD FIREARM**
4 **REGISTRATION PERMIT**

5 Applicants for an armed armored car firearms registration shall meet all the requirements of Rules .1303 and .1307 of
6 this Chapter.

7
8 *History Note: Authority G.S. 74C-3; 74C-5; 74C-13:*

9 *Eff. January 1, 2013;*

10 *Transferred and Recodified from 12 NCAC 07D .1503 Eff. July 1, ~~2015~~, 2015;*

11 *Readopted Eff. July 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: 14B NCAC 16 .1404

RECOMMENDED ACTION:

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

COMMENT:

Staff recommends objection to this Rule for ambiguity and lack of statutory authority. This Rule is being readopted pursuant to G.S. 150B-21.3A, and appears to be governing applications to register as an armed armored car service guard.

The language throughout the Rule states that the "administrator" will make a determination. However, there is no longer an "administrator" following changes to G.S. 74C by SL 2001-487, which established the position of Director. Therefore, staff believes the Rule is ambiguous when it uses the term "administrator," as the position does not appear to exist.

In Paragraph (a), the Rule states that there shall be "such further investigation of the applicant as deemed necessary." The Rule does not say who will deem the investigation necessary, nor how the necessity will be determined. Staff believes that the agency is relying upon G.S. 74C-5(5) to approve the individual applicants, so staff is not recommending objection to this Paragraph based upon lack of statutory authority at this time. However, there is no guidance in this Rule as to how or when this investigation will occur. Therefore, staff believes this Paragraph is ambiguous as written.

In Paragraph (b), the Rule states that any denial of the registration by the administrator will be subject to review of the Board. However, G.S. 74C-12 states that any denial of an application will be made by the Board. The agency does not cite to any authority for the administrator to issue a denial such that it is reviewable by the Board, nor any authority of the Board to delegate this

Amanda J. Reeder
Commission Counsel
Issued May 29, 2020

decision. Further, staff believes the law is clear that the Board must make the decision. Therefore, staff believes the agency lacks statutory authority for this Paragraph.

Staff notes that as part of this readoption process, the agency also readopted and then submitted other rules that contained this language. The RRC has objected to all of those Rules. In response, the agency repealed those rules and they were removed from the Code.

1 14B NCAC 16 .1404 is readopted as published in 33:15 NCR 1544 as follow:
2

3 **14B NCAC 16 .1404 INVESTIGATION/ARMED ARMORED CAR SERVICE GUARD FIREARM**
4 **REGISTRATION PERMIT**

5 (a) After the administrator receives a complete application for registration as an armed armored car service guard, the
6 administrator shall cause to be made such further investigation of the applicant as the administrator deems necessary,
7 based upon the criminal history, financial history, or other information received.

8 (b) Any denial of an applicant for registration by the administrator is subject to review by the Board.
9

10 *History Note: Authority G.S. 74C-3; 74C-5; 74C-13;*

11 *Eff. January 1, 2013;*

12 *Transferred and Recodified from 12 NCAC 07D .1504 Eff. July 1, ~~2015~~; 2015;*

13 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1405

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

In (b), line 7, I believe you mean "15 business days" to comply with G.S. 74C-13(e).

Alternatively, do you need this Paragraph given that this is required by statute? (Please note, if you decide to delete it, you will delete the (a) on line 5, as you cannot have an (a) without a (b).)

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: May 29, 2020

1 14B NCAC 16 .1405 is readopted as published in 33:15 NCR 1544 as follow:
2

3 **14B NCAC 16 .1405 ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION**
4 **PERMIT IDENTIFICATION CARDS**

5 (a) The provisions of Rule .1305 of this Chapter apply to armed armored car service guards.

6 (b) Upon termination of employment of an armed armored car service guard, the employer shall return the employee's
7 registration card to the Board within 15 days of the employee's termination.
8

9 *History Note: Authority G.S. 74C-3; 74C-5; 74C-13;*

10 *Eff. January 1, 2013;*

11 *Transferred and Recodified from 12 NCAC 07D .1505 Eff. July 1, ~~2015~~, 2015;*

12 *Readopted Eff. July 1, 2020.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1407

DEADLINE FOR RECEIPT: Friday, June 10, 2020

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:

This Rule is very similar to Rule .0807, which was readopted effective November 1, 2019. To be consistent with that Rule, I suggest:

In (a), line 6, what is the "basic unarmed armored care service guard training course"? That is not the name of the course in Rule .1307(a).

The language on lines 6-14 is confusing. Why not parrot the language in Rule .0807(b), which states:

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

On line 14, what other training requirements are in Rule .1307(a) that aren't addressed already?

In (c), line 24, please insert a comma after "Safety" Please note the same for (i), Page 2, line 20.

On lines 25-26, delete "as referenced above" and insert a comma after "student" on line 25.

On line 26, replace "they" with "he or she"

On line 26, you refer to an "additional three attempts" but then on line 28, you refer only to "three attempts" Should line 28 refer to "three additional attempts"?

On lines 28-29, what is this course? The one in Rule .0807?

In (d), line 30, replace "Subchapter" with "Chapter"

In (h), Page 2, line 9, state "his or her"

In (h)(1) through (4), I am asking – there is no minimum amount of time for each topic, as there is in Rule .0807?

In (l), line 31, insert a comma after "qualify"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: May 29, 2020

On line 33, delete "so" before "notify"

Also on line 33, either insert "Board" after "Private Protective Services" or just delete that phrase and replace it with "Board"

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: May 29, 2020

1 14B NCAC 16 .1407 is readopted as published in 33:15 NCR 1544 as follo:
2

3 **14B NCAC 16 .1407 TRAINING REQUIREMENTS FOR ARMED ARMORED CAR SERVICE**
4 **GUARDS**

5 (a) Prior to applying, applicants for an armed armored car service guard firearm registration permit shall complete
6 the basic unarmed armored car service guard training course set forth in Rule .1307(a) of this Chapter. Private
7 Investigator Licensees applying for an armed armored car service guard firearm registration permit shall complete a
8 four hour training course consisting of blocks of instruction "The Security Officer in North Carolina" and "Legal
9 Issues for Security Officers" as set forth in Rule .1307(a) of this Chapter. Private Investigator Licensees applying for
10 an armed armored car service guard firearm registration permit are not required to complete the following training
11 blocks found in the basic training course referenced in Rule .1307(a) of this Chapter: "Emergency Situations,"
12 "Department," "Armored Security Operations," and "Safe Driver Training." A Private Investigator Licensee applying
13 for an armed armored car service guard firearm registration permit shall meet all additional training requirements set
14 forth in Rule .1307(a) of this Chapter as well as the training requirements set forth in this Rule.

15 (b) Applicants for an armed armored car service guard firearm registration permit shall complete a basic training
16 course for armed security guards that consists of at least 20 hours of classroom instruction including:

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

23 (c) Applicants for an armed armored service guard firearm registration permit shall attain a score of at least 80 percent
24 accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety a copy of
25 which is on file in the Director's office. Should a student fail to attain a score of 80 percent accuracy as referenced
26 above, the student shall be given an additional three attempts to qualify on the course of fire they did not pass, which
27 additional attempts shall take place within 20 days of the completion of the initial 20 hour course. Failure to meet the
28 qualification after three attempts shall require the student to repeat the entire Basic Training Course for Armed Security
29 Guards.

30 (d) All armed security guard training required by this Subchapter shall be administered by a certified trainer and shall
31 be successfully completed no more than 90 days prior to the date of issuance of the armed armored car service guard
32 firearm registration permit.

33 (e) All applicants for an armed armored car service guard firearm registration permit shall obtain training under the
34 provisions of this Rule using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to
35 include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition,
36 for all weapons.

1 (f) No more than six new or renewal armed armored car service guard applicants per one instructor shall be placed
2 on the firing line at any one time during firearms range training.

3 (g) Applicants for re-certification of an armed armored car service guard firearm registration permit shall complete a
4 basic recertification training course for armed armored car guards that consists of at least four hours of classroom
5 instruction and is a review of the requirements set forth in Subparagraphs (b)(1) through (b)(5) of this Rule. The
6 recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed
7 armored car service guard firearm registration permit shall also complete the requirements of Paragraph (c) of this
8 Rule.

9 (h) To be authorized to carry a standard 12 gauge shotgun in the performance of his duties as an armed armored car
10 service guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (b) and (c) of this Rule,
11 four hours of classroom training that shall include the following:

- 12 (1) legal limitations on the use of shotguns;
- 13 (2) shotgun safety, including range firing procedures;
- 14 (3) shotgun operation and maintenance; and
- 15 (4) shotgun fundamentals.

16 An applicant may take the additional shotgun training at a time after the initial training in Subparagraph (b) of this
17 Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrently with the
18 armed registration permit.

19 (i) In addition to the requirements set forth in Paragraph (h) of this Rule, applicants shall attain a score of at least 80
20 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety a
21 copy of which is on file in the Director's office.

22 (j) Applicants for shotgun recertification shall complete an additional one hour of classroom training as set forth in
23 Subparagraphs (h)(1) through (h)(4) of this Rule and shall also complete the requirements of Paragraph (i) of this
24 Rule.

25 (k) Applicants for an armed armored car service guard firearm registration permit who possess a current firearms
26 trainer certificate shall be given, upon their written request, a firearms registration permit that will run concurrently
27 with the trainer certificate upon completion of an annual qualification with their duty weapons as set forth in Paragraph
28 (c) of this Rule.

29 (l) An armed armored car service guard shall qualify annually for both day and night firing with his or her duty
30 weapon and shotgun, if applicable. If the armed armored car service guard fails to qualify on either course of fire, the
31 guard cannot carry a firearm until such time as he or she meets the qualification requirements. Upon failure to qualify
32 the firearm instructor shall notify the armed armored car service guard that he or she is no longer authorized to carry
33 a firearm, and the firearm instructor shall so notify the employer and the Private Protective Services staff on the next
34 business day.

35 (m) Armed armored car service guard personnel may also work as armed security guards only if they hold an unarmed
36 or armed security guard registration.

1 *History Note:* *Authority G.S. 74C-3; 74C-5; 74C-13;*
2 *Eff. January 1, 2013;*
3 *Transferred and Recodified from 12 NCAC 07D .1507 Eff. July 1, 2015;*
4 *Amended Eff. October 1, ~~2015~~ 2015;*
5 *Readopted Eff. July 1, 2020.*

1 14B NCAC 16 .1408 is readopted as published in 33:15 NCR 1544 as follow:

2
3 **14B NCAC 16 .1408 UNIFORMS AND EQUIPMENT**

4 The provisions of Rule .0104 of this Chapter apply to armed armored car service guards.

5
6 *History Note: Authority G.S. 74C-5; 74C-12; 74C-15;*
7 *Eff. January 1, 2015;*
8 *Transferred and Recodified from 12 NCAC 07D .1508 Eff. July 1, ~~2015~~; 2015;*
9 *Readopted Eff. July 1, 2020.*