



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

14B NCAC 16 .0201 Application for Licenses and Trainee Permits

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule:

☒ Yes

Effective date: May 6, 2020

☐ No

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: April 29, 2020

b. Proposed Temporary Rule published on the OAH website: May 4, 2020

c. Public Hearing date: May 12, 2020

d. Comment Period: May 6, 2020 - May 29, 2020

e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 8, 2020

f. Adoption by agency on: June 18, 2020

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 24, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
☐ A recent change in federal or state budgetary policy.
Effective date of change:
☐ A recent federal regulation.
Cite:
Effective date:
☐ A recent court order.
Cite order:
☐ State Medical Facilities Plan.
☒ Other: Governor's Executive Order No. 116 and 117

Explain:

On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. These various Orders closed the North Carolina Justice Academy — the only source for firearms instructor training — have limited in-class offerings for continuing education, which would not be in compliance with the Governor's Executive Order and have limited travel.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19 virus, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Since the closure of various training facilities will occur during this worldwide pandemic, those regulated by the Board, as well as those applying to the Board for licensure, will be forced into non-compliant situations.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:

(919) 828-0731

E-Mail:

jgray@bdixon.com

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



Vice Chairman & Acting Chairman

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent "Bud" Cesera

Title:

PPSB Chairman

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: All Temporary Rules Submitted

DEADLINE FOR RECEIPT: Friday, July 10, 2020

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Temporary Rulemaking Findings of Need Form:

In Box 5(a), you state that the comment period was May 6 – May 29. This ensured the correct amount of time for the comment period. However, when you initially noticed it on the OAH website, the notice said comment ended on May 20. I take it you notified your regulated public of the extended comment period?

In Box 5(e), you state that you sent notice to your interested persons on May 8. If that date is correct, this means you did not give notice to the interested persons 30 business days prior to adoption, as required by G.S. 150B-21.1(a3)(2). Instead, you would have given 28 business days notice. Please review and confirm if this date is correct.

In Box 6, I recommend you do not cite to Executive Orders as authority to engage in temporary rulemaking. I would think that the “serious and unforeseen threat” would be sufficient, and you can certainly retain reference to the Executive Orders in the explanation.

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: July 2, 2020

TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0201

DEADLINE FOR RECEIPT: Friday, July 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (e), line 34, why is "National" capitalized?

On line 34, replace "which" with "that"

Also on line 34, insert a comma after "travel"

And does the state of emergency have to expressly restrict travel or are you getting to the effect of the state of emergency?

On line 35, you state it "may" be waived. Under what circumstances will it not be waived? Do you mean "shall"?

In the History Note, please include the Emergency Amendment date and reflect the Temporary Amendment Eff. date. It will look like this:

*History Note: Authority G.S. 74C-2; 74C-5; 74C-8; 74C-8.1; 74C-12;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987;
December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020.*

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: July 2, 2020

1 **14B NCAC 16 .0201 is amended under temporary procedures as follows:**

2
3 **14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS**

4 (a) Each applicant for a license or trainee permit shall submit an online application on the website provided
5 by the Board. The online application shall be accompanied by:

- 6 (1) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed
7 separately to the Board's office;
- 8 (2) one head and shoulders digital photograph of the applicant in JPG, JPEG, or PNG format
9 of sufficient quality for identification, taken within six months prior to online application
10 and submitted by uploading the photograph online with the application submission;
- 11 (3) upload online a statement of the results of a statewide criminal history records search
12 by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state
13 where the applicant has resided within the preceding 60 months;
- 14 (4) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience
15 fee and credit card transaction fee;
- 16 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of
17 Investigation to cover the cost of criminal record checks performed by the State Bureau of
18 Investigation, collected online by the Private Protective Services Board; and
- 19 (6) an Equifax credit check run within 30 days of the license application submission date,
20 which will be submitted to the Board's investigator during the application process.

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

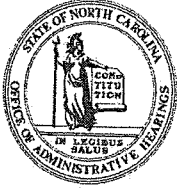
25 (c) Private investigator trainees applying for a license shall make available for inspection a log of experience
26 on a form provided by the Board.

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

29 (e) Each applicant for a license shall meet personally with a Board investigator, the Screening Committee,
30 the Director, or another Board representative designated by the Director prior to being issued a license. The
31 applicant shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the
32 personal meeting. The applicant shall sign a form provided by the Board indicating that he or she has
33 reviewed G.S. 74C and the administrative rules in this Chapter with the Board's representative. During a
34 National or State declared state of emergency which restricts or prohibits travel the personal meeting
35 requirement may be waived in lieu of alternative means of communication.

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

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



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

14B NCAC 16 .0806 Renewal of Armed Security Guard Firearm Registration Permit

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☒ Yes
☐ No

Effective date: May 6, 2020

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: April 29, 2020

b. Proposed Temporary Rule published on the OAH website: May 4, 2020

c. Public Hearing date: May 12, 2020

d. Comment Period: May 6, 2020 - May 29, 2020

e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 8, 2020

f. Adoption by agency on: June 18, 2020

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 24, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
☐ A recent change in federal or state budgetary policy.
Effective date of change:
☐ A recent federal regulation.
Cite:
Effective date:
☐ A recent court order.
Cite order:
☐ State Medical Facilities Plan.
☒ Other: Governor's Executive Order No. 116 and 117

Explain:

On March 16, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. These various Orders closed the North Carolina Justice Academy — the only source for firearms instructor training — have limited in-class offerings for continuing education, which would not be in compliance with the Governor's Executive Order and have limited travel.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19 virus, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Since the closure of various training facilities will occur during this worldwide pandemic, those regulated by the Board, as well as those applying to the Board for licensure, will be forced into non-compliant situations.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:

(919) 828-0731

E-Mail:

jgray@bdixon.com

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



Vice Chairman & Acting Chairman

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent "Bud" Cesena

Title:

PPSB Chairman

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0806

DEADLINE FOR RECEIPT: Friday, July 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Introductory Statement, this is an amendment, not an adoption.

In (e), line 32, why is "National" capitalized?

On line 32, replace "which" with "that"

Also on line 33, insert a comma after "requalifying"

And does the state of emergency have to expressly restrict travel or are you getting to the effect of the state of emergency?

On line 33, you state it "may" be extended. Under what circumstances will that not occur? Do you mean "shall"? Or will this be on a case-by-case basis, which accounts for the "up to" language for the time frame?

On line 34, please replace "in reliance on this exemption" with "pursuant to this Paragraph"

On line 35, what do you mean by "conditionally"? Is this to address the requirement for requalifying annually in G.S. 74C-13(h)(3)?

On line 35, it appears you are granting 60 days, but on line 33, it is "up to" 60 days. Please clarify the amount of time here.

In the History Note, please include the Emergency Amendment date and reflect the Temporary Amendment Eff. date. It will look like this:

*History Note: Authority G.S. 74C-5; 74C-13;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;
Amended Eff. January 1, 2018; November 1, 2017;
Readopted Eff. November 1, 2019;*

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 2, 2020

Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020.

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: July 2, 2020

1 **14B NCAC 16 .0806 is adopted under temporary procedures as follows:**

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

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

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

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

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

31 (d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

32 (e) During a National or State declared state of emergency which restricts or prohibits a registered armed security
33 guard from requalifying the Board may extend the deadline for requalification up to 60 days beyond the effective
34 period of the state of emergency. Any registration renewed in reliance on this exemption shall be issued
35 conditionally and shall automatically expire on the 60th day if requalification requirements have not been met.
36

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

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



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

14B NCAC 16 .0904 Renewal of a Firearms Trainer Certificate

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☒ Yes
☐ No

Effective date: May 6, 2020

5. Provide dates for the following actions as applicable:

a. Proposed Temporary Rule submitted to OAH: April 29, 2020

b. Proposed Temporary Rule published on the OAH website: May 4, 2020

c. Public Hearing date: May 12, 2020

d. Comment Period: May 6, 2020 - May 29, 2020

e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 8, 2020

f. Adoption by agency on: June 18, 2020

g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 24, 2020

h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
☐ A recent change in federal or state budgetary policy.
Effective date of change:
☐ A recent federal regulation.
Cite:
Effective date:
☐ A recent court order.
Cite order:
☐ State Medical Facilities Plan.
☒ Other: Governor's Executive Order No. 116 and 117

Explain:

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8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:

(919) 828-0731

E-Mail:

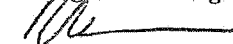
jgray@bdixon.com

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



Active Chairman - Vice Chairman

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent "Bud" Cesena

Title:

PPSB Chairman

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

DEADLINE FOR RECEIPT: Friday, July 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Introductory Statement, this is an amendment, not an adoption.

In (e), line 29, why is "National" capitalized?

On line 29, replace "which" with "that"

On line 30, insert a comma after "requalifying"

And does the state of emergency have to expressly restrict travel or are you getting to the effect of the state of emergency?

On line 30, you state it "may" be extended. Under what circumstances will that not occur? Do you mean "shall"? Or will this be on a case-by-case basis, which accounts for the "up to" language for the time frame?

On line 31, please replace "in reliance on this exemption" with "pursuant to this Paragraph"

On line 31, what do you mean by "conditionally"? Is this to address the requirement for requalifying annually in G.S. 74C-13(h)(3)?

On line 32, it appears you are granting 60 days, but on line 30, it is "up to" 60 days. Please clarify the amount of time here.

In the History Note, please include the Emergency Amendment date and reflect the Temporary Amendment Eff. date. It will look like this:

*History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;
Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;*

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 2, 2020

Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020.

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: July 2, 2020

1 **14B NCAC 16 .0904 is adopted under temporary procedures as follows:**

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

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

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

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

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

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

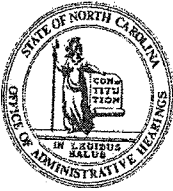
29 (e) During a National or State declared state of emergency which restricts or prohibits a certified firearms trainer
30 from requalifying the Board may extend the deadline for requalification up to 60 days beyond the effective period of
31 the state of emergency. Any certificate renewed in reliance on this exemption shall be issued conditionally and shall
32 automatically expire on the 60th day if requalification requirements have not been met.

33
34 *History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-13;*

35 *Eff. June 1, 1984;*

36 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*
37 *1985;*

1 *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*
2 *Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;*
3 *Readopted Eff. November 1, 2019;*
4 *Amended Eff. March 1, 2020.*
5 *Amended Eff. August 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

14B NCAC 16 .1202 Required Continuing Education Hours

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☒ Yes
☐ No

Effective date: May 6, 2020

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: April 29, 2020
- b. Proposed Temporary Rule published on the OAH website: May 4, 2020
- c. Public Hearing date: May 12, 2020
- d. Comment Period: May 6, 2020 - May 29, 2020
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 8, 2020
- f. Adoption by agency on: June 18, 2020
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 24, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☒ Other: Governor's Executive Order No. 116 and 117

Explain:

On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. These various Orders closed the North Carolina Justice Academy — the only source for firearms instructor training — have limited in-class offerings for continuing education, which would not be in compliance with the Governor's Executive Order and have limited travel.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19 virus, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Since the closure of various training facilities will occur during this worldwide pandemic, those regulated by the Board, as well as those applying to the Board for licensure, will be forced into non-compliant situations.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:
Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Jeffrey P. Gray

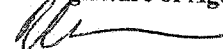
Phone:

(919) 828-0731

E-Mail:

jgray@bdixon.com

10. Signature of Agency Head*:


Vice Chairman & Acting Chairman

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent "Bud" Cesena

Title:

PPSB Chairman

E-Mail:

Agency contact, if any:

Phone:

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1202

DEADLINE FOR RECEIPT: Friday, July 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Introductory Statement, this is an amendment, not an adoption.

This Rule was readopted effective July 1, 2020. Please use that version of the Rule to show these changes. (Specifically, you deleted "Private Protective Services" in (c), line 8, so that it reads only "the Board" and the History Note will be as set forth below)

In (d), lines 12 and 14, please state "online" to be consistent with Rule .1203.

Also on line 12, change "that" to "than"

On line 13, why is "National" capitalized?

On line 13, replace "which" with "that"

Also on line 14, insert a comma after "'Board"

And does the state of emergency have to expressly restrict travel or are you getting to the effect of the state of emergency?

In the History Note, please include the Emergency Amendment date, the readoption date, and reflect the Temporary Amendment Eff. date. 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 July 1, 2020;
Temporary Amendment Eff. July 24, 2020.*

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: July 2, 2020

1 **14B NCAC 16 .1202 is adopted under temporary procedures as follows:**

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
5 period.

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

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

12 (d) No more than six hours of CEU credit shall be given during a renewal period for on-line courses. However,
13 during a National or State declared state of emergency which restricts or prohibits a licensee from attending live
14 continuing education courses or a meeting of the Board all required hours may be obtained on-line and credit shall
15 be given upon written request to the Director.

16 (e) No course offering CEU credits may be taken for credit more than one time during a renewal period.
17

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

19 *Eff. February 1, 2010;*

20 *Amended Eff. May 1, 2014;*

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

22 *Amended Eff. August 1, 2020.*



TEMPORARY RULE-MAKING FINDINGS OF NEED

[Authority G.S. 150B-21.1]

OAH USE ONLY

VOLUME:

ISSUE:

1. Rule-Making Agency:

Private Protective Services Board

2. Rule citation & name:

14B NCAC 16 .1203 Accreditation Standards

3. Action:

☐ Adoption

☒ Amendment

☐ Repeal

4. Was this an Emergency Rule: ☒ Yes
☐ No

Effective date: May 6, 2020

5. Provide dates for the following actions as applicable:

- a. Proposed Temporary Rule submitted to OAH: April 29, 2020
- b. Proposed Temporary Rule published on the OAH website: May 4, 2020
- c. Public Hearing date: May 12, 2020
- d. Comment Period: May 6, 2020 - May 29, 2020
- e. Notice pursuant to G.S. 150B-21.1(a3)(2): May 8, 2020
- f. Adoption by agency on: June 18, 2020
- g. Proposed effective date of temporary rule [if other than effective date established by G.S. 150B- 21.1(b) and G.S. 150B-21.3]: July 24, 2020
- h. Rule approved by RRC as a permanent rule [See G.S. 150B-21.3(b2)]:

6. Reason for Temporary Action. Attach a copy of any cited law, regulation, or document necessary for the review.

- ☒ A serious and unforeseen threat to the public health, safety or welfare.
- ☐ The effective date of a recent act of the General Assembly or of the U.S. Congress.
Cite:
Effective date:
- ☐ A recent change in federal or state budgetary policy.
Effective date of change:
- ☐ A recent federal regulation.
Cite:
Effective date:
- ☐ A recent court order.
Cite order:
- ☐ State Medical Facilities Plan.
- ☒ Other: Governor's Executive Order No. 116 and 117

Explain:

On March 10, 2020, the Governor of North Carolina, by issuing Executive Order No. 116, declared a state of emergency to coordinate a response and enact protective measures to help prevent the spread of COVID-19. On March 12, 2020, the Governor of North Carolina and the NC Department of Health and Human Services recommended high risk persons stay at home, that schools implement plans for distance or e-learning, that employers and employees use teleworking technologies, and that mass gatherings should cancel, postpone, and modify these events or offer online streaming services. On March 14, 2020, the Governor of North Carolina issued Executive Order No. 117 that prohibited mass gatherings, closed schools, and urged social distancing. These various Orders closed the North Carolina Justice Academy — the only source for firearms instructor training — have limited in-class offerings for continuing education, which would not be in compliance with the Governor's Executive Order and have limited travel.

7. Why is adherence to notice and hearing requirements contrary to the public interest and the immediate adoption of the rule is required?

COVID-19 is a respiratory disease that can result in serious illness or death. The COVID-19 virus, previously unidentified in humans, spreads easily from person to person. Once an outbreak of the COVID-19 begins, it is difficult to contain. The World Health Organization, the Center for Disease Control and Prevention, and the United States Department of Health and Human Services have declared COVID-19 a public health threat and emergency. Since the closure of various training facilities will occur during this worldwide pandemic, those regulated by the Board, as well as those applying to the Board for licensure, will be forced into non-compliant situations.

8. Rule establishes or increases a fee? (See G.S. 12-3.1)

☐ Yes

Agency submitted request for consultation on:

Consultation not required. Cite authority:

☒ No

9. Rule-making Coordinator:

Jeffrey P. Gray

Phone:

(919) 828-0731

E-Mail:

jgray@bdixon.com

Agency contact, if any:

Phone:

E-Mail:

10. Signature of Agency Head*:



Vice Chairman & Acting Chairman

* If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name:

Vincent "Bud" Cesena

Title:

PPSB Chairman

E-Mail:

RULES REVIEW COMMISSION USE ONLY

Action taken:

Submitted for RRC Review:

☐ Date returned to agency:

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TEMPORARY RULES
REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1203

DEADLINE FOR RECEIPT: Friday, July 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In the Introductory Statement, this is an amendment, not an adoption.

This Rule was readopted effective July 1, 2020. Please use that version of the Rule to show these changes, including updating the History Note.

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: July 2, 2020

1 **14B NCAC 16 .1203 is adopted under temporary procedures as follows:**

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
11 shall complete the following review:

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

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

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

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

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

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

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

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

7 *Eff. February 1, 2010;*

8 *Amended Eff. October 1, 2011;*

9 *Transferred and Recodified from 12 NCAC 07D .1303 Eff. July 1, 2015.*

10 *Amended Eff. August 1, 2020.*