

12 NCAC 07D .0106 is amended **with changes** as published in 28:11 NCR 1179 as follows:

1 **12 NCAC 07D .0106 PROHIBITED ACTS**

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3 (a) In addition to the prohibited acts set forth elsewhere in these ~~Regulations~~ Rules and in Chapter 74C of the General
4 Statutes, any licensee, trainee, registrant, or firearms trainer who does any of the following may have his **or her** license, trainee
5 permit, registration, or firearms trainer certificate revoked or suspended:

- 6 (1) Displays or causes or allows to be displayed, or has in his **or her** possession any cancelled, revoked,
7 suspended, fictitious, fraudulently altered license, trainee permit, registration identification card, or
8 firearms trainer certificate, or any document simulating, purporting to be, or purporting to have been issued
9 as a license, trainee permit, registration identification card, or firearms trainer certificate;
- 10 (2) Lends his **or her** license, trainee permit, registration identification card, or firearms trainer certificate to any
11 person or allows the use thereof by another;
- 12 (3) Displays or represents any license, trainee permit, registration identification card, or firearms trainer
13 certificate not issued to him as being his **or her** license, trainee permit, registration identification card, or
14 firearms trainer certificate; or
- 15 (4) Includes in any advertisement a statement which implies official state authorized certification or approval
16 other than this statement: "Licensed by the Private Protective Services Board of the State of North
17 Carolina." Licensees must include their license number.

18 (b) In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74C of the General Statutes, it
19 shall be grounds for application denial or license registration suspension or revocation for an applicant, licensee, trainee,
20 registrant or trainer to make any false statement or give any false information to a third party in connection with any criminal
21 history record check provided to the Board.

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23 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-12; 74C-16;*
24 *Eff. June 1, 1984;*
25 *Amended Eff. May 1, 2014; July 1, 1987;*
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12 NCAC 07D .0501 is amended **with changes** as published in 28:11 NCR 1180 as follows:

SECTION .0500 - POLYGRAPH

12 NCAC 07D .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE

(a) In addition to the requirements of 12 NCAC 07D .0200, applicants for a polygraph license shall:

- (1) pass an examination and a performance test administered by a panel of polygraph examiners designated by the Board;
- (2) successfully complete a course of instruction at any polygraph school approved by the American Polygraph Association, the American Association of Police Polygraphist or the Board; and
- (3) have either:

(A) one year of polygraph experience; or

(B) complete at least six months of training as a holder of a polygraph trainee permit, and have administered no **less fewer** than 50 polygraph examinations; or

- (4) establish to the Board's satisfaction a military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed Forces performing polygraph examinations.

(b) In addition to the requirements of 12 NCAC 07D .0200, an applicant for a polygraph license **that who** is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- (1) the spouse holds a current license, certification or registration from another jurisdiction and the other jurisdiction's requirements are substantially equivalent to or exceed the Board's **requirements, requirements;** and
- (2) the spouse has two years **of** verifiable experience within the past five years performing polygraph examinations.

(c) Applicants for a polygraph license may take the examination required in Subparagraph (a)(1) of this Rule no more than twice in any calendar year. Any applicant who fails the polygraph examination four times shall retake the polygraph ~~school~~ course of instruction required in **Paragraph Subparagraph** (a)(2) of this Rule before taking the polygraph examination again.

(d) Polygraph operators who are duly licensed in another state may perform up to three examinations in this state without being licensed, provided that those examinations are for the purpose of an evaluation of that examiner and ~~provided that~~ the Director has given authorization for this evaluation in advance.

History Note: Authority G.S. 74C-5; G.S. 93B-15.1;

Eff. June 1, 1984;

Amended Eff. May 1, 2014; October 1, 2013; July 1, 2013; July 1, 2009; December 1, 1985.

12 NCAC 07D .0502 is amended **with changes** as published in 28:11 NCR 1180 as follows:

1 **12 NCAC 07D .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS**

2 In addition to the requirements of **12 NCAC 7D .0200, 12 NCAC 07D .0200** the following requirements shall apply to
3 polygraph trainees:

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

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23 *History Note: Authority G.S. 74C-5;*
24 *Eff. June 1, 1984;*
25 *Amended Eff. May 1, 2014; December 1, 1985.*

12 NCAC 07D .0503 is amended with changes as published in 28:11 NCR 1180 as follows:

12 NCAC 07D .0503 POLYGRAPH EXAMINATION REQUIREMENTS

Polygraph licensees and trainees ~~shall comply with the following:~~ shall:

- (1) Obtain written consent from the individual to be ~~examined which~~ examined. The consent form shall be signed in the presence of ~~both the examiner and examinee.~~ examiner. The consent form examiner and shall include a statement advising the examinee that he or she may terminate the examination at any ~~time;~~ time.
- (2) A printed or reproducible electronic copy of each chart collected collected, as well as documents associated with the examination such as reports, question ~~sets sets,~~ and signed consent ~~forms forms,~~ shall be retained by the examiner for a minimum of three years. The examiner shall record, at a minimum, record the following information: Each chart shall be kept by the examiner. The examiner shall label the beginning of the first chart with the following information:
 - (a) name of the examinee, examinee;
 - (b) date of the examination, examination;
 - (c) type of examination, examination;
 - (d) time the examination started, started;
 - (e) location of the examination, and examination; and
 - (f) name and license number of the examiner.

This requirement may be completed by labeling the beginning of the first printed chart by hand, or by entering the information into the electronic polygraph file.
- (3) The examiner shall give the examinee a reasonable opportunity prior to concluding the examination to explain reactions on the ~~charts~~ charts.
- (4) The examiner shall not issue or permit an employee of his to issue an examination report which is misleading, biased, or ~~falsified;~~ falsified.
- (5) Each examination report shall be a factual, impartial, and objective account of the pertinent information developed during the examination and the examiner's professional conclusion, based on upon the analysis of the ~~charts;~~ charts.
- (6) All questions to be considered for chart analysis shall be documented in writing or an electronic question set and shall be reviewed with the examinee prior to any ~~testing;~~ testing.
- (7) An examiner shall not make a conclusive verbal or written examination report without having administered two or more ~~tests~~ charts consisting of the same questions; and questions.
- (8) An examiner shall not inquire into the sexual conduct or preferences of a person to whom a polygraph examination is being given unless pertinent to an alleged sex-related crime, nor shall an examiner inquire into the activities, affiliations or beliefs on religion, politics or race, except where there is specific relevancy to an investigation.
- (9) Each chart shall be signed at the end of the chart by the examinee and the examiner, at the end of the chart examiner before the end of the ~~recording;~~ recording if using an analog instrument or retaining printed and

1 ~~not not retaining~~ electronic copies of the charts for the ~~specified three year period.~~ period required by
2 [Subsection] Item (2) of this Rule. Retaining reproducible electronic copies of all charts noting the names
3 of the examiner and examinee as well as the date and time of testing will also meet the requirements of this
4 [Subsection.] Item.

5 (10) An examiner shall conduct no more than ~~ten~~ five examinations in a 24 hour ~~period; and~~ period.

6 (11) For adequate auditing of polygraph ~~examiners~~ examiners, each examiner shall keep a daily log of
7 examinations.

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

10 *Eff. June 1, 1984;*

11 *Amended Eff. May 1, 2014; December 1, 1987; July 1, 1987; December 1, 1985.*

12 NCAC 07D .0504 is amended with changes as published in 28:11 NCR 1181 as follows:

1 **12 NCAC 07D .0504 POLYGRAPH INSTRUMENTS**

2 (a) A polygraph examiner shall not conduct an examination unless the instrument used makes a simultaneous recording of at
3 least three physiological tracings including: the pneumograph, the cardiophymograph, and the galvanograph. including the
4 pneumo cardio and electrodermal changes. This recording must be in a form suitable for examination capable of review by
5 another polygraph examiner. Such recordings examiner and shall be available to the Board or its designated representative.
6 This requirement shall not prohibit recording additional physiological phenomenon phenomena on the same charts.

7 (b) A polygraph examiner shall not conduct an examination on an instrument unless the manufacturer has provided
8 information for self-calibration and sensitivity standards for that instrument. A polygraph examiner shall calibrate his
9 instrument at least monthly and keep a signed and dated record of the dates of calibration as well as a signed and dated chart
10 of that calibration. examiner has ensured the instrument is properly functioning. functioning as designed.

11 (c) A polygraph examiner shall:

12 (1) complete a functionality check or calibration of the instrument at time intervals that comply with the
13 manufacturer's recommendations; and

14 (2) maintain a signed and dated record of the charts collected during the functionality check or calibration for a
15 period of three years.

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

18 *Eff. June 1, 1984;*

19 *Amended Eff. May 1, 2014; August 1, 1998; December 1, 1985.*

12 NCAC 07D .1302 is amended with changes as published in 28:11 NCR 1181 as follows:

1 **12 NCAC 07D .1302 REQUIRED CONTINUING EDUCATION HOURS**

2 (a) Each licensee shall complete ~~at least~~ 12 credit hours of continuing education training during each two year
3 renewal period.

4 (b) Credit shall be given only for classes that have been approved by the Board as set forth in Rule .1303 of this
5 Section.

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

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

12 *Eff. February 1, 2010;*

13 *Amended Eff. May 1, 2014;*