

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 12 NCAC 07D .0901

DEADLINE FOR RECEIPT: Thursday, June 5, 2014

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 Submission for Permanent Rule Form, please correct the date of certification. The RRC certified this Rule on December 19, 2013.

In Subparagraph (a)(5) of the Rule, change 12 NCAC 07D .0903(a)(1) to "Rule .0903(a)(1) of this Section."

In Subparagraph (a)(6), line 16, please change "Subchapter" to "Section" so it reads, "Rule .0909 of this Section."

In Paragraph (e), I don't read Rule .0903 to set a course fee. Is (a)(3) intended to cover a course, or should there be a different citation here?

12 NCAC 07D .0903 FEES FOR TRAINER CERTIFICATE

(a) Trainer certificate fees are as follows:

- (1) forty dollar (\$40.00) non-refundable initial application fee for firearms trainer applicants;
- (2) twenty-five dollar (\$25.00) non-refundable initial application fee for an unarmed trainer applicant;
- (3) twenty-five dollar (\$25.00) biennial fee for a renewal or replacement trainer certificate.

(b) Fees shall be paid in the form of a check or money order made payable to the Private Protective Services Board.

If this is the correct citation, on line 26, please state, "Rule .0903 of this Section"

Also in (e), does the Board have rules on the course referenced?

In (f), line 29, "Boards" should be "Board's". Note the same in (f)(1), line 31.

In (f)(2), line 32, it appears that "firearms" is misprinted. Please review to ensure there are no issues with the document.

I recommend you add G.S. 74C-9 to the History Note, since it's the authority to charge the fee. I know that G.S. 93B-15.1 allows charging, as well, but I think you should add 74C-9.

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 21, 2014

12 NCAC 07D .0901 is proposed for amendment as published in 28:15 NCR 1715 as follows:

12 NCAC 07D .0901 REQUIREMENTS FOR A FIREARMS TRAINER CERTIFICATE

(a) Firearms trainer applicants shall:

- (1) meet the minimum standards established by Rule .0703 of this Subchapter;
- (2) have a minimum of one year of supervisory experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;
- (3) attain a 90 percent score on a firearm's prequalification course approved by the Board and the Attorney General, with a copy of the firearm's course certificate to be kept on file in the administrator's office;
- (4) complete a training course approved by the Board and the Attorney General which shall consist of a minimum of 40 hours of classroom and practical range training in handgun and shotgun safety and maintenance, range operations, night firearm training, control and safety procedures, and methods of handgun and shotgun firing;
- (5) pay the certified trainer application fee established in 12 NCAC 07D .0903(a)(1); and
- (6) successfully complete the requirements of the Unarmed Trainer Certificate set forth in Rule .0909 of this Subchapter.

(b) The applicant's score on the prequalification course set forth in Subparagraph (a)(3) of this Rule is valid for 180 days after completion of the course.

(c) In lieu of completing the training course set forth in Subparagraph (a)(4) of this Rule, an applicant may submit to the Board a current Criminal Justice Specialized Law Enforcement Firearms Instructor Certificate from the North Carolina Criminal Justice Education and Training Standards Commission.

(d) In lieu of Subparagraphs (a)(2) and (4) of this Rule, an applicant may 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 as a firearms instructor.

(e) All applicants subject to ~~this~~ Paragraphs (c) and (d) of this Rule shall comply with the provisions of Subparagraph (a)(3), pay ~~one-half~~ the course fee ~~amount~~, amount as set forth in Rule .0903 of this Subchapter, and complete the eight hour course given by the Board on rules and regulations.

(f) In addition to the requirement of 12 NCAC 07D .0200, an applicant for a firearms trainer certificate ~~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; and
- (2) the spouse has two years of verifiable experience within the past five years as a firearms instructor.

(g) A Firearms Trainer Certificate expires two years after the date of issuance.

*History Note: Authority G.S. 74C-5; 74C-13; 93B-15.1;
Eff. June 1, 1984;*

37 *Amended Eff. June 1, 2014; October 1, 2013; December 1, 2008; January 1, 2008; August 1, 2004;*
38 *November 1, 1991.*