

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0807

**DEADLINE FOR RECEIPT: Friday, January 15, 2016**

**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:

*The proper way to show changes made after publication to an amended rule is set forth in Rule 26 NCAC 02C .0405(b)(2). Therefore, you will highlight changes made after publication, and bracket deletion of proposed text that was not adopted.*

*In the Introductory Statement, please follow Rule 26 NCAC 02C .0404 and show that the Rule is amended with changes*

*The Rule as submitted does not contain the amendments made effective October 1, 2015. Please go back to the version that you published to ensure you do not inadvertently erase portions of the Rule. If you intended the deletions, you must show them pursuant to Rule 26 NCAC 02C .0405. (See Page 1, Paragraph (d), lines 23 -25; Page 2, Paragraph (k), line 22; Page 3, Paragraph (q), line 15.) If the removal was inadvertent, please use the version of the Rule you published in the Register to ensure you are not accidentally deleting language that is currently in the Administrative Code that you need to retain. If you intended to delete the language, you must show that. (See Rule 26 NCAC 02C .0405)*

*Throughout this Rule, you use the terms "at least" and "minimum." Generally, those terms are not preferred in rules, as rules set the minimum requirements. However, I take it you need to retain the terms here?*

*In (c)(1) through (5), this is not formatted the same as published or in the Code. You have dashes between the last word and the parenthesis "minimum." If you wish to delete them, please show the deletion.*

*In (d), you are now requiring rifle qualification to be 100 percent accuracy? If this is not what "all shots must be located on target" means, then what percentage of accuracy is required? And this was added after publication? Was this a change in response to public comment?*

*Also in (d), line 21, insert a comma after "qualification" and replace "must" with "shall"*

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: December 31, 2015

*In (f), line 29, please change “must” back to “shall” as it currently appears in the Code.*

*In (h), line 36, please change “which” back to “that” as it currently appears in the Code.*

*In Paragraph (i), Page 2, line 7, please insert a comma after “checks”*

*On line 8, please insert a comma after “model” and “caliber”*

*On line 11, please delete the comma after “caliber”*

*In Paragraph (j), please insert a comma after “(c)”*

*On line 16, please underline “six” Since you published it like that, you won’t need to show it as a change.*

*Also on line 16, please change “which” to “that”*

*In Paragraph (m), line 31, please insert a comma after “(c)”*

*In Paragraph (n), Page 3, line 1, and Paragraph (o), line 3, an applicant for what?*

*Also on line 1, please replace “must” with “shall” both places.*

*How does Paragraph (o), which requires 80 percent accuracy on a rifle range, interact with the proposed additional language in Paragraph (d)?*

*In Paragraph (p), please simply remove the “as” It was not published, so you can simply remove it.*

*The current Paragraphs (r) and (q) were published in different order in the NC Register. Assuming the change of order is intentional, please show the publication and the changes. For example:*

*(m) ~~(q)~~ (r)*

*In what is currently Paragraph (q), please insert a comma after “qualify” on line 17.*

*On lines 17 and 18, please change “must” back to “shall” as it currently appears in the Code.*

*In the History Note, you deleted G.S. 74C-9 without showing it. If you intend to delete it, please show it.*

*Also in the History Note, this Rule was amended October 1, 2015. Please add that to the 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: December 31, 2015

1 **14B NCAC 16 .0807** has been adopted with additions from Public Comment following publication in 30:07  
2 NCR728 as follows:

3  
4 **14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS**

5 (a) Applicants for an armed security guard firearm registration permit shall first complete the basic unarmed  
6 security guard training course set forth in Rule .0707 of this Chapter.

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

10 (c) Applicants for an armed security guard firearm registration permit shall complete a basic training course for  
11 armed security guards which consists of at least 20 hours of classroom instruction including:

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

19 (d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent  
20 accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy  
21 of which is on file in the Director's office. For rifle qualification all shots must be located on the target. Should a  
22 student fail to attain a score of 80 percent accuracy, the student will be given three additional attempts to qualify  
23 on the course of fire they did not pass. Failure to meet the qualification after three attempts shall require the  
24 student to repeat the entire Basic Training Course for Armed Security Guards. All additional attempts must take  
25 place within 20 days of the completion of the initial 20 hour course.

26 (e) All armed security guard training required by this Chapter shall be administered by a certified trainer and  
27 shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm  
28 registration permit.

29 (f) All applicants for an armed security guard firearm registration permit must obtain training under the provisions  
30 of this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include  
31 lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition,  
32 for all weapons.

33 (g) No more than six new or renewal armed security guard applicants per one instructor shall be placed on the  
34 firing line at any one time during firearms range training.

35 (h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic  
36 recertification training course for armed security guards which consists of at least four hours of classroom  
37 instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The

recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

(i) An armed guard currently registered with one company may be registered with a second company. Such registration shall be considered "dual." The registration with the second company shall expire at the same time that the registration expires with the first company. An updated application shall be required, along with the digital photograph, updated criminal records checks and a forty dollar (\$40.00) registration fee. If the guard will be carrying a ~~weapon firearm~~ of the same ~~make and model~~, make, model and caliber then no additional firearms training is required. The licensee shall submit a letter stating the guard will be carrying the same make and model ~~weapon firearm~~. If the guard will be carrying a ~~weapon firearm~~ of a different make and model, the licensee shall submit a letter to the Board advising of the ~~make and model~~ make, model and caliber, of the ~~weapon firearm~~ the guard will be carrying and the guard shall be required to qualify at the firing range on both the day and night qualification course. The qualification score is valid for 180 days after completion of the course.

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c) and (d) of this Rule, ~~four~~ six hours of classroom training which shall include the following:

- (1) legal limitations on the use of ~~shotguns~~; shotgun (minimum of one hour);
- (2) shotgun safety, including range firing ~~procedures~~; procedures (minimum of one hour);
- (3) shotgun operation and ~~maintenance~~; and maintenance (minimum of one hour);
- (4) shotgun ~~fundamentals~~; fundamentals; (minimum of two hours); and
- (5) night firing (minimum of one hour).

(k) An applicant may take the additional shotgun training at a time after the initial training in this Rule. If the shotgun training is completed at a later time, the shotgun certification shall run concurrent with the armed registration permit. In addition to the requirements set forth in Paragraph (j) of this Rule, applicants shall attain a score of at least 80 percent accuracy on a shotgun range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office.

(l) Applicants for shotgun recertification shall complete ~~an additional~~ one hour of classroom training as covering the topics set forth in Paragraph (j) of this Rule and shall also complete the requirements of Paragraph ~~(k)~~ (d) of this Rule.

(m) To be authorized to carry a rifle in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of Paragraphs (a), (c) and (d) of this Rule, 16 hours of classroom training which shall include the following:

- (1) legal limitations on the use of rifles (minimum of one hour);
- (2) rifle safety, including range firing procedures (minimum of one hour);
- (3) rifle operation and maintenance (minimum of two hours); and
- (4) rifle fundamentals (minimum of ten hours); and
- (5) night firing (minimum two hours).

1 (n) The applicant must pass a skills course that tests each basic rifle skill and the test of each skill must be  
2 completed within three attempts.

3 (o) An applicant may take the additional rifle training at a time after the initial training in this Rule. If the rifle  
4 training is completed at a later time, the rifle certification shall run concurrent with the armed registration permit.

5 In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score of  
6 at least 80 percent accuracy on a rifle range qualification course adopted by the Board and the Secretary of Public  
7 Safety, a copy of which is on file in the Director's office.

8 (p) Applicants for rifle recertification shall complete an additional one hour of classroom training as covering  
9 the topics set forth in Paragraph (m) of this Rule and shall also complete the requirements of Paragraph (d) of this  
10 Rule.

11 ~~(m)~~ (r) Applicants for an armed security guard firearm registration permit who possess a current firearms trainer  
12 certificate shall be given, upon their written request, a firearms registration permit that will run concurrent with  
13 the trainer certificate upon completion of an annual qualification with their duty weapons as set forth in Paragraph  
14 (d) of this Rule.

15 ~~(n)~~ (q) The armed security officer is required to qualify annually both day and night. If the security officer fails  
16 to qualify on either course of fire, the security officer cannot carry a the firearm until such time as he or she meets  
17 the qualification requirements. Upon failure to qualify the firearm instructor must notify the security officer that  
18 he or she is no longer authorized to carry a the firearm and the firearm instructor must notify the employer and  
19 the Private Protective Services Board staff on the next business day.

20  
21 *History Note: Authority G.S. 74C-5; 74C-13;*

22 *Eff. June 1, 1984;*

23 *Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;*

24 *Temporary Amendment Eff. January 14, 2002;*

25 *Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;*

26 *Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;*

27 *Amended Eff. February 1, 2016.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0809

**DEADLINE FOR RECEIPT: Friday, January 15, 2016**

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, please follow Rule 26 NCAC 02C .0404 and show that the Rule is amended with changes*

*Please consider inserting a comma after "rifle" on line 7*

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: December 31, 2015

1 **14B NCAC 16. 0809** has been adopted as published in 30:07 NCR 729 as follows:

2  
3 **14B NCAC 16 .0809 AUTHORIZED FIREARMS**

4 Armed licensees or registrants are authorized, while in the performance of official duties or traveling directly to  
5 and from work, to carry a standard revolver from .32 caliber to .357 caliber, a standard semi-automatic pistol  
6 from .354 caliber to .45 caliber, ~~or~~ any standard 12 gauge shotgun, or any standard semi-automatic or boltaction  
7 .223 or 5.56 X 45 mm NATO caliber rifle as long as the licensee or registrant has been trained pursuant to Rule  
8 .0807 of this Section. For purposes of this Section, a "standard" firearm means a firearm that has not been modified  
9 or altered from its original manufactured design.

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

12 *Eff. June 1, 1984;*

13 *Amended Eff. January 1, 2015; June 1, 1993; November 1, 1991; July 1, 1987;*

14 *Transferred and Recodified from 12 NCAC 07D .0809 Eff. July 1, 2015;*

15 *Amended Eff. February 1, 2016.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0901

**DEADLINE FOR RECEIPT: Friday, January 15, 2016**

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

*In the Introductory Statement, please follow Rule 26 NCAC 02C .0404 and show that the Rule is amended with changes*

*The Rule as submitted does not contain the amendments made effective October 1, 2015. Please go back to the version that you published to ensure you do not inadvertently erase portions of the Rule that are currently in the Administrative Code. If you intended the deletions, you must show them pursuant to Rule 26 NCAC 02C .0405. (See (a)(4), lines 12 and 13; Paragraph (d), lines 28-29; Paragraph (e), line 32; and Paragraph (f), Page 1, lines 35 through Page 2, line 2.)*

*Throughout this Rule, you use the term "minimum." Generally, those terms are not preferred in rules, as rules set the minimum requirements. However, I take it you need to retain the terms here?*

*In (a)(4), line 12, please change "which" to "that"*

*In (a)(5), lines 17, please change "which" to "that"*

*In the History Note, this Rule was amended October 1, 2015. Please add that to the 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: December 31, 2015



1 **14B NCAC 16 .0901 has been adopted as published in 30:07 NCR 73 as follows:**

2  
3 **14B NCAC 16 .0901      REQUIREMENTS FOR A FIREARMS TRAINER CERTIFICATE**

4 (a) Firearms trainer applicants shall:

- 5           (1)      meet the minimum standards established by Rule .0703 of this Chapter;
- 6           (2)      have a minimum of one year of supervisory experience in security with a contract security
- 7                      company or proprietary security organization, or one year of experience with any federal, state,
- 8                      county or municipal law enforcement agency;
- 9           (3)      attain a 90 percent score on a firearm's prequalification course approved by the Board and the
- 10                     Attorney General, with a copy of the firearm's course certificate to be kept on file in the
- 11                     administrator's office;
- 12           (4)      to teach handgun qualification, complete a training course approved by the Board and the Attorney
- 13                     General which shall consist of a minimum of ~~40~~ 32 hours of classroom and practical range
- 14                     training in ~~handgun and shotgun~~ safety and maintenance, range operations, night firearm training,
- 15                     control and safety procedures, and methods of handgun ~~and shotgun~~ firing;
- 16           (5)      to teach shotgun or rifle qualification, complete a training course approved by the Board and the
- 17                     Secretary of Public Safety which shall consist of a minimum of 24 hours of classroom and
- 18                     practical range training in shotgun and rifle safety and maintenance, range operations, night
- 19                     firearm training, control and safety procedures, and methods of shotgun and rifle firing;
- 20           ~~(5)(6)~~      pay the certified trainer application fee established in Rule .0903(a)(1) of this Section; and
- 21           ~~(6)(7)~~      successfully complete the requirements of the Unarmed Trainer Certificate set forth in Rule .0909
- 22                     of this Section.

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

24 days after completion of the course.

25 (c) In lieu of completing the training course set forth in Subparagraph (a)(4) of this Rule, an applicant may submit

26 to the Board a current Criminal Justice Specialized Law Enforcement Firearms Instructor Certificate from the North

27 Carolina Criminal Justice Education and Training Standards Commission.

28 (d) In lieu of Subparagraphs (a)(2) and (4) of this Rule, an applicant may establish to the Board's satisfaction a

29 military occupational specialty and two years of verifiable experience within the past five years in the U.S. Armed

30 Forces as a firearms instructor.

31 (e) All applicants subject to Paragraphs (c) and (d) of this Rule shall comply with the provisions of Subparagraph

32 (a)(3), pay the application amount as set forth in Rule .0903 of this Section, and complete the eight hour course

33 given by the Board on rules and regulations.

34 (f) In addition to the requirement of Section .0200 of this Chapter, an applicant for a firearms trainer certificate who

35 is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction that:

- 36           (1)      the spouse holds a current license, certification, or registration from another jurisdiction and the
- 37                     other jurisdiction's requirements are substantially equivalent to or exceed the Board's
- 38                     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-9; 74C-13; 93B-15.1;*

*Eff. June 1, 1984;*

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

*Transferred and Recodified from 12 NCAC 07D .0901 Eff. July 1, 2015.*

*Amended Eff. February 1, 2016.*

1 **14B NCAC 16 .0904** has been amended as published in 30:07 NCR 730 as follows:

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

5 (a) Each applicant for renewal of a firearms trainer certificate shall complete a renewal form provided by the  
6 Board and available on its website at [www.ncdps.gov/PPS](http://www.ncdps.gov/PPS). This form shall be submitted not less than 30 days  
7 prior to the expiration of the applicant's current certificate and shall be accompanied by:

- 8 (1) certification of the successful completion of a firearms trainer refresher course approved by the  
9 Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom  
10 and practical range training in ~~handgun and shotgun~~ safety and maintenance of the applicable  
11 firearm (i.e. handgun, shotgun or rifle), range operations, control and safety procedures, and  
12 methods of ~~handgun and shotgun~~ firing. This training shall be completed within 180 days of  
13 the submission of the renewal application;
- 14 (2) a certified statement of the result of a criminal records search from the appropriate  
15 governmental authority housing criminal record information or clerk of superior court in each  
16 county where the applicant has resided within the immediately preceding 48 months, and if any  
17 address history contains an out of state address, a criminal record check from the reporting  
18 service designated by the Board pursuant to G.S. 74C-8.1(a);
- 19 (3) the applicant's renewal fee; and
- 20 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of  
21 Investigation to cover the cost of criminal record checks performed by the State Bureau of  
22 Investigation, collected by the Private Protective Services Board.

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

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

30 *Eff. June 1, 1984;*

31 *Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,*  
32 *1985;*

33 *Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;*

34 *Amended Eff. February 1, 2016; October 1, 2015;*