

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: All or several rules filed for review by the RRC

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

General Comments:

Several of the rules require the use of forms. Note that, pursuant to G.S. 150B-2(8a)(d), the form itself does not need to be in a rule, but the contents of the form must be in rule or law.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0102 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0102 LOCATION**

4 The administrative offices of the Private Protective Services Board are located at ~~4901 Glenwood Avenue, Suite 200,~~
5 ~~Raleigh, North Carolina 27612,~~ 3101 Industrial Drive, Suite 104, Raleigh, North Carolina 27609, telephone (919)
6 788-5320.

7

8 *History Note: Authority G.S. 74C-4; 74C-5;*

9 *Eff. June 1, 1984;*

10 *Amended Eff. July 1, 2012; March 1, 2001; December 1, 1993; December 1, 1987;*

11 *Transferred and Recodified from 12 NCAC 07D .0102 Eff. July 1, 2015.*

12

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0201

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Paragraphs (a), (b), (c), and (e) require the use of a form. Please see the general comment regarding forms.

Line 13 – do you mean “any” or “each”?

Line 21 – add “or her” after “his”

Line 23 – replace “must” with “shall”

Line 27 – replace the semicolon with a comma

Line 29 – what does “the administrative rules” mean – this Chapter? Please specify.

Lines 29-31 – consider revising this sentence as follows:

The applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the administrative rules with the Board's representative.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0201 is amended as published in 31:23 NCR 2335 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 original and one copy of the application to the Board.

5 The application shall be accompanied by:

6 (1) one set of classifiable fingerprints on an applicant fingerprint card;

7 (2) one head and shoulders digital photograph of the applicant in JPG format of acceptable quality for
8 identification, taken within six months prior to submission and submitted by e-mail to ~~PPSASL-~~
9 ~~Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

10 (3) a certified statement of the results of a criminal history records search by the ~~appropriate~~
11 ~~governmental authority housing criminal record information or clerk of superior court in each~~
12 ~~county where the applicant has resided within the immediately preceding 60 months; reporting~~
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for any state where the applicant has
14 resided within the preceding 60 months;

15 (4) the applicant's non-refundable application fee;

16 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
18 by the Private Protective Services Board; and

19 (6) an Equifax credit check run within 30 days of the license application submission date.

20 (b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board
21 and signed by the applicant and his prospective supervisor, stating that the trainee applicant shall at all times work
22 with and under the direct supervision of that supervisor.

23 (c) Private investigator trainees applying for a license must make available for inspection a log of experience on a
24 form provided by the Board.

25 (d) Each applicant must provide evidence of high school graduation either by diploma, G.E.D. certificate, or other
26 proof.

27 (e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee; the
28 Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall
29 discuss the provisions of G.S. 74C and the administrative rules during the personal meeting. The applicant shall sign
30 a form provided by the Board indicating that he or she has reviewed the information with the Board's representative
31 and that he or she has an understanding of G.S. 74C and the administrative rules.

32

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

34 *Eff. June 1, 1984;*

35 *Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; July 1, 1987;*

36 *December 1, 1985;*

37 *Transferred and Recodified from 12 NCAC 07D .0201 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0203

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Paragraphs (a) and (b) require the use of a form. Please see the general comment regarding forms.

Line 4 – consider replacing “Each applicant for a license or trainee permit renewal shall” with “Each applicant for renewal of a license or trainee permit shall”

Lines 13 and 28 – do you mean “any” or “each”?

Lines 32-33 – this rule differs for all others regarding payment for criminal background checks.

Line 37 – 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.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0203 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

4 (a) Each applicant for a license or trainee permit renewal shall submit an original and one copy of the renewal form.
5 This form shall be submitted to the Director not less than 30 days prior to expiration of the applicant's current license
6 or trainee permit and shall be accompanied by:

7 (1) a head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient
8 for identification, taken within six months of the application and submitted by e-mail to ~~PPSASL-~~
9 ~~Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

10 (2) statements of the result of a local criminal history records search by the ~~city county identification~~
11 ~~bureau or clerk of superior court in each county where the applicant has resided within the~~
12 ~~immediately preceding 24 months or a criminal record check from a third party criminal record~~
13 ~~check provider~~; reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for any state
14 where the applicant has resided within the preceding 24 months;

15 (3) the applicant's renewal fee; and

16 (4) proof of liability insurance as set out in G.S. 74C-10(e).

17 (b) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be
18 re-issued if application is made within three years of the expiration date and the following documentation is submitted
19 to the Board:

20 (1) an Application For Reinstatement of an Expired License;

21 (2) one set of classifiable fingerprints on an applicant fingerprint card;

22 (3) one head and shoulders digital color photograph of the applicant in JPG format of a quality sufficient
23 for identification, taken within six months of the application and submitted by e-mail to ~~PPSASL-~~
24 ~~Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

25 (4) statements of the result of a local criminal history records search by the ~~city county identification~~
26 ~~bureau or clerk of superior court in each county where the applicant has resided within the~~
27 ~~immediately preceding 60 months or a criminal record check from a third party criminal record~~
28 ~~check provider~~; reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for any state
29 where the applicant has resided within the preceding 60 months;

30 (5) the applicant's non-refundable application fee;

31 (6) proof of liability insurance as set out in G.S. 74C-10(e); and

32 (7) a separate check or money order made payable to the State Bureau of Investigations to cover
33 criminal record checks performed by the State Bureau of Investigations.

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

Permanent Amendment for Publication in the NCAC

38

39 *History Note:* Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;

40 *Eff. June 1, 1984;*

41 *Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994;*

42 *July 1, 1987; December 1, 1985;*

43 *Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0701

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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In reviewing this Rule, the staff recommends the following technical changes be made:

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 13– do you mean “any” or “each”?

Line 20 – replace “employers” with “employer’s” (correct the possessive singular).

Line 22 – replace “he is within” with “he or she is working within”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0701 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

4 (a) Each employer or his designee shall submit and sign an application form for the registration of each employee to
5 the Board. This form shall be accompanied by:

6 (1) one set of classifiable fingerprints on an applicant fingerprint card;

7 (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
8 quality for identification, taken within six months prior to submission and submitted by e-mail to
9 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

10 (3) a certified statement of the results of a criminal records search from the ~~appropriate governmental~~
11 ~~authority housing criminal record information or clerk of superior court in each area where the~~
12 ~~applicant has resided within the immediately preceding 48 months; reporting service designated by~~
13 the Board pursuant to G.S. 74C-8.1(a) for any state where the applicant has resided within the
14 preceding 60 months;

15 (4) the applicant's non-refundable registration fee; and

16 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
18 by the Private Protective Services Board.

19 (b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain
20 a copy of the application in the individual's personnel file in the employers' office.

21 (c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the
22 applicant when he is within the scope of his employment and that shall be exhibited upon the request of any law
23 enforcement officer or authorized representative of the Board.

24 (d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements
25 of Rule .0707 of this Section shall be submitted to the Director with the application.

26 (e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual
27 applicant's personnel file in the employer's office.

28

29 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11;*

30 *Eff. June 1, 1984;*

31 *Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994;*

32 *February 1, 1990; May 1, 1988;*

33 *Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0706

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 4 – add “or her” after “his” and delete the comma

Paragraphs (a) and (b) require the use of a form. Please see the general comment regarding forms.

Line 13– do you mean “any” or “each”?

Line 18 – add “or her” after “his”

Line 25 – replace “which will” with “that shall”

Line 28 – replace “are granted” with “shall receive”

Line 30 – 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.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0706 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0706 RENEWAL OR REISSUE OF UNARMED SECURITY GUARD REGISTRATION**

4 (a) Each applicant for renewal of a registration identification card or his employer, shall complete a form provided
5 by the Board. This form shall be submitted not fewer than 30 days prior to the expiration of the applicant's current
6 registration and shall be accompanied by:

7 (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
8 quality for identification, taken within six months prior to submission and submitted by e-mail to
9 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

10 (2) statements of any criminal record obtained from the ~~appropriate authority in each area where the~~
11 ~~applicant has resided within the immediate preceding 12 months or a criminal record check from a~~
12 ~~third party criminal record check provider;~~reporting service designated by the Board pursuant to
13 G.S. 74C-8.1(a) for any state where the applicant has resided within the preceding 12 months;

14 (3) the applicant's renewal fee; and

15 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
16 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
17 by the Private Protective Services Board.

18 (b) Each applicant for reissue of a registration identification card shall complete, and his employer shall sign, a form
19 provided by the Board. This form shall be submitted to the Board and accompanied by:

20 (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
21 quality for identification, taken within six months prior to submission and submitted by e-mail to
22 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc; and

23 (2) the applicant's reissue fee.

24 (c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the
25 application which will serve as a record of application for renewal or reissue and shall retain a copy of the application
26 in the individual's personnel file in the employer's office.

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

32

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

34 *Eff. June 1, 1984;*

35 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; July 1, 1987;*

36 *December 1, 1985;*

37 *Transferred and Recodified from 12 NCAC 07D .0706 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0801

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 5 – add “or her” after “his”

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 17 – do you mean “any” or “each”?

Line 19 – delete “and”

Line 21 – add “and” at the end of this line

Line 26 – replace “he is within” with “he or she is working within”

Lines 28-29 – compare with .1401(d). Do you intend this difference?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0801 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION**
4 **PERMIT**

5 (a) Each armed security guard employer or his designee shall submit and sign an application form for the registration
6 of each armed security guard applicant to the Board. This form shall be accompanied by:

7 (1) one set of classifiable fingerprints on an applicant fingerprint card;

8 (2) two head and shoulders color digital photographs of the applicant in JPG format of sufficient quality
9 for identification, taken within six months prior to submission and submitted by e-mail to ~~PPSASL-~~
10 ~~Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

11 (3) a certified statement of the results of a criminal records search from the ~~clerk of superior court in~~
12 ~~each county where the applicant has resided within the immediate preceding 48 months. If the~~
13 ~~applicant has resided out of state within the immediate preceding 48 months, the applicant shall~~
14 ~~provide a certified statement of the result of a criminal records search from the appropriate~~
15 ~~governmental authority housing criminal record information in each area where the applicant has~~
16 ~~resided within the immediate preceding 48 months;~~reporting service designated by the Board
17 pursuant to G.S. 74C-8.1(a) for any state where the applicant has resided within the preceding 60
18 months;

19 (4) the applicant's non-refundable registration fee; and

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;

22 (6) a certification by the applicant that he or she is at least 21 years of age.

23 (b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain
24 a copy of the application in the individual's personnel file in the employer's office.

25 (c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the
26 applicant when he is within the scope of his employment and that shall be exhibited upon the request of any law
27 enforcement officer or authorized representative of the Board.

28 (d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve
29 as temporary registration cards.

30 (e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is
31 terminated within 30 days of employment.

32

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

34 *Eff. June 1, 1984;*

35 *Amended Eff. May 1, 2012; April 1, 2008; August 1, 1998; December 1, 1995; February 1, 1990;*

36 *May 1, 1988; July 1, 1987;*

37 *Transferred and Recodified from 12 NCAC 07D .0801 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0806

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 5 – add “or her” after “his” and delete the comma

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 14 – do you mean “any” or “each”?

Line 20 – replace “will” with “shall”

Line 25 – replace “are granted” with “shall receive”

Line 27 – 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.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0806 is amended as published in 31:23 NCR 2335 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
6 employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days nor fewer
7 than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

8 (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
9 quality for identification, taken within six months prior to submission and submitted by e-mail to
10 PPSASL-Photos@ncdoj.gov or by compact disc;

11 (2) statements of any criminal record obtained from the ~~appropriate area where the applicant has~~
12 ~~resided within the immediate preceding 12 months or a criminal record check from a third party~~
13 ~~criminal record check provider; reporting service designated by the Board pursuant to G.S. 74C-~~
14 ~~8.1(a) for any state where the applicant has resided within the preceding 12 months;~~

15 (3) the applicant's renewal fee; and

16 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
17 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
18 by the Private Protective Services Board.

19 (b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application that
20 will serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel
21 file in the employer's office.

22 (c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has
23 successfully completed the training requirements of Rule .0807 of this Section.

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

29

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

31 *Eff. June 1, 1984;*

32 *Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1,*
33 *1985;*

34 *Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0902

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

This Rule requires the use of a form. Please see the general comment regarding forms.

Line 15 – do you mean “any” or “each”?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0902 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

4 Each applicant for a firearms trainer certificate shall submit an original and one copy of the application to the Board.

5 The application shall be accompanied by:

6 (1) one set of classifiable fingerprints on an applicant fingerprint card;

7 (2) one head and shoulders color digital photograph of the applicant in JPG format of adequate quality
8 for identification, taken within six months prior to submission and submitted by e-mail to ~~PPSASL-~~
9 ~~Photos@ncdoj.gov~~ PPSASL-Photos@ncdps.gov or by compact disc;

10 (3) a certified statement of the result of a criminal history records search by the ~~appropriate~~
11 ~~governmental authority housing criminal record information or clerk of superior court in each~~
12 ~~county where the applicant has resided within the immediate preceding 60 months, and if any~~
13 ~~address history contains an out of state address, a criminal record check from the reporting service~~
14 ~~designated by the Board pursuant to G.S. 74C-8.1(a);~~ reporting service designated by the Board
15 pursuant to G.S. 74C-8.1(a) for any state where the applicant has resided within the preceding 60
16 months;

17 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
18 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
19 by the Private Protective Services Board;

20 (5) the applicant's non-refundable registration fee;

21 (6) a certificate of successful completion of the training required by Rule .0901(3) and (4) of this
22 Section. This training shall have been completed within 60 days of the submission of the application;
23 and

24 (7) the actual cost charged to the Private Protective Services Board by the North Carolina Justice
25 Academy to cover the cost of the firearms training course given by the N.C. Justice Academy and
26 collected by the Private Protective Services Board.

27

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

29 *Eff. June 1, 1984;*

30 *Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;*

31 *Temporary Amendment Eff. July 17, 2001;*

32 *Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;*

33 *Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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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:

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 17 – do you mean “any” or “each”?

Line 23 – replace “are granted” with “shall receive”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .0904 is amended as published in 31:23 NCR 2335 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 a renewal form provided by the Board
5 and available on its website at www.ncdps.gov/PPS. This form shall be submitted not less than 30 days prior to the
6 expiration of the applicant's current certificate and shall be accompanied by:

7 (1) certification of the successful completion of a firearms trainer refresher course approved by the
8 Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and
9 practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun
10 or rifle), range operations, control and safety procedures, and methods of firing. This training shall
11 be completed within 180 days of the submission of the renewal application;

12 (2) a certified statement of the result of a criminal records search from the ~~appropriate governmental~~
13 ~~authority housing criminal record information or clerk of superior court in each county where the~~
14 ~~applicant has resided within the immediately preceding 48 months, and if any address history~~
15 ~~contains an out of state address, a criminal record check from the reporting service designated by~~
16 ~~the Board pursuant to G.S. 74C-8.1(a); reporting service designated by the Board pursuant to G.S.~~
17 74C-8.1(a) for any state where the applicant has resided within the preceding 48 months;

18 (3) the applicant's renewal fee; and

19 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
20 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
21 by the Private Protective Services Board.

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

27

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

29 *Eff. June 1, 1984;*

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

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

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

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1301

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 5 – add “or her” after “his”

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 16 – do you mean “any” or “each”?

Line 24 – replace “he is within” with “he or she is working within”

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .1301 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD**
4 **REGISTRATION**

5 (a) Each armored car employer or his designee shall submit and sign an application form for the registration of each
6 unarmed armored car service guard employee to the Board. This form shall be accompanied by:

7 (1) one set of classifiable fingerprints on an applicant fingerprint card;

8 (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
9 quality for identification, taken within six months prior to submission and submitted by e-mail to
10 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

11 (3) a certified statement of the result of a criminal records search from the ~~appropriate governmental~~
12 ~~authority housing criminal record information or clerk of superior court in each county where the~~
13 ~~applicant has resided within the immediately preceding 48 months, and if any address history~~
14 ~~contains an out of state address, a criminal record check from the reporting service designated by~~
15 ~~the Board pursuant to G.S. 74C-8.1(a);~~reporting service designated by the Board pursuant to G.S.
16 74C-8.1(a) for any state where the applicant has resided within the preceding 60 months;

17 (4) the applicant's non-refundable registration fee; and

18 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
19 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
20 by the Private Protective Services Board.

21 (b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain
22 a copy of the application in the individual's personnel file in the employer's office.

23 (c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the
24 applicant when he is within the scope of his employment and that shall be exhibited upon the request of any law
25 enforcement officer or authorized representative of the Board.

26 (d) A statement signed by a certified trainer that the applicant has successfully completed the training requirements
27 of Rule .1307 of this Section shall be submitted to the Director with the application.

28 (e) A copy of the statement specified in Paragraph (d) of this Rule shall be retained by the licensee in the individual
29 applicant's personnel file in the employer's office.

30

31 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a);*

32 *Eff. January 1, 2013;*

33 *Transferred and Recodified from 12 NCAC 07D .1401 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1306

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 5 – add “or her” after “his”

Line 6 – delete the comma

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 11 – do you mean “any” or “each”?

Line 14 – add “or her” after “his”

Line 14 – add a comma after “sign”

Line 21 – replace “will” with “shall”

Line 24 – replace “are granted” with “shall receive”

Line 26 – 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.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .1306 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD**
4 **REGISTRATION**

5 (a) Each applicant for renewal of an unarmed armored car service guard registration identification card or his
6 employer, shall complete a form provided by the Board. This form shall be submitted not fewer than 30 days prior to
7 the expiration of the applicant's current registration and shall be accompanied by:

8 (1) statements of any criminal record obtained from the ~~appropriate authority in each area where the~~
9 ~~applicant has resided within the immediately preceding 12 months or a criminal record check from~~
10 ~~the reporting service designated by the Board pursuant to G.S. 74C-8.1(a); and reporting service~~
11 designated by the Board pursuant to G.S. 74C-8.1(a) for any state where the applicant has resided
12 within the preceding 12 months; and

13 (2) the applicant's renewal fee.

14 (b) Each applicant for reissue of a registration identification card shall complete, and his employer shall sign a form
15 provided by the Board. This form shall be submitted to the Board and accompanied by:

16 (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
17 quality for identification, taken within six months prior to submission and submitted by e-mail to
18 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc; and

19 (2) the applicant's reissue fee.

20 (c) The employer of each applicant for a registration renewal or reissue shall give the applicant a copy of the
21 application that will serve as a record of application for renewal or reissue and shall retain a copy of the application
22 in the individual's personnel file in the employer's office.

23 (d) Members of the armed forces whose registration 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 registration renewal fee and to
25 complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension
26 approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the
27 Board.

28

29 *History Note: Authority G.S. 74C-3; 74C-5; 78C-8.1(a);*

30 *Eff. January 1, 2013;*

31 *Transferred and Recodified from 12 NCAC 07D .1406 Eff. July 1, 2015.*

32

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1401

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 5 – add “or her” after “his”

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 16 – do you mean “any” or “each”?

Line 24 – replace “he is within” with “he or she is working within”

Line 28 – delete “satisfactory to the Director”

Lines 28-29 – compare with .0801(d). Do you intend this difference?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .1401 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM**
4 **REGISTRATION PERMIT**

5 (a) Each armored car employer or his designee shall submit and sign an application form for the registration of each
6 armed armored car service guard applicant to the Board. This form shall be accompanied by:

7 (1) one set of classifiable fingerprints on an applicant fingerprint card;

8 (2) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
9 quality for identification, taken within six months prior to submission and submitted by e-mail to
10 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

11 (3) a certified statement of the result of a criminal records search from the ~~appropriate governmental~~
12 ~~authority housing criminal record information or clerk of superior court in each county where the~~
13 ~~applicant has resided within the immediately preceding 48 months, and if any address history~~
14 ~~contains an out of state address, a criminal record check from the reporting service designated by~~
15 ~~the Board pursuant to G.S. 74C-8.1(a);~~reporting service designated by the Board pursuant to G.S.
16 74C-8.1(a) for any state where the applicant has resided within the preceding 60 months;

17 (4) the applicant's non-refundable registration fee;

18 (5) a statement signed by a certified trainer that the applicant has successfully completed the training
19 requirements of Rule .1407 of this Section; and

20 (6) a certification by the applicant that he or she is at least 18 years of age.

21 (b) The employer of each applicant for registration shall give the applicant a copy of the application and shall retain
22 a copy of the application in the individual's personnel file in the employer's office.

23 (c) The applicant's copy of the application shall serve as a temporary registration card that shall be carried by the
24 applicant when he is within the scope of his employment and that shall be exhibited upon the request of any law
25 enforcement officer or authorized representative of the Board.

26 (d) Applications submitted without proof of completion of a Board approved firearms training course shall not serve
27 as temporary registration cards unless the armored car employer has obtained prior approval from the Director. The
28 Director shall grant prior approval if the armored car employer provides proof satisfactory to the Director that the
29 applicant has received prior firearms training.

30 (e) The provisions of Paragraphs (a), (b), and (c) of this Rule also apply to any employee whose employment is
31 terminated within 30 days of employment.

32

33 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*

34 *Eff. January 1, 2013;*

35 *Transferred and Recodified from 12 NCAC 07D .1501 Eff. July 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1406

DEADLINE FOR RECEIPT: Thursday, October 12, 2017

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:

Line 6 – add “or her” after “his”

Paragraph (a) requires the use of a form. Please see the general comment regarding forms.

Line 16 – do you mean “any” or “each”?

Line 22 – replace “will” with “shall”

Line 27 – replace “are granted” with “shall receive”

Line 29 – 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.

Jason Thomas
Commission Counsel
Date submitted to agency: September 28, 2017

Permanent Amendment for Publication in the NCAC

1 14B NCAC 16 .1406 is amended as published in 31:23 NCR 2335 as follows:

2

3 **14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM**
4 **REGISTRATION PERMIT**

5 (a) Each applicant for renewal of an armed armored car service guard firearm registration permit identification card
6 or his employer shall complete a form provided by the Board. This form shall be submitted not more than 90 days
7 nor fewer than 30 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

8 (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable
9 quality for identification, taken within six months prior to submission and submitted by e-mail to
10 ~~PPSASL-Photos@ncdoj.gov~~PPSASL-Photos@ncdps.gov or by compact disc;

11 (2) a certified statement of the result of a criminal records search from the ~~appropriate governmental~~
12 ~~authority housing criminal record information or clerk of superior court in each county where the~~
13 ~~applicant has resided within the immediately preceding 12 months, and if any address history~~
14 ~~contains an out of state address, a criminal record check from the reporting service designated by~~
15 ~~the Board pursuant to G.S. 74C-8.1(a); reporting service designated by the Board pursuant to G.S.~~
16 74C-8.1(a) for any state where the applicant has resided within the preceding 12 months;

17 (3) the applicant's renewal fee; and

18 (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation
19 to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected
20 by the Private Protective Services Board.

21 (b) The employer of each applicant for a registration renewal shall give the applicant a copy of the application that
22 will serve as a record of application for renewal and shall retain a copy of the application in the individual's personnel
23 file in the employer's office.

24 (c) Applications for renewal shall be accompanied by a statement signed by a certified trainer that the applicant has
25 successfully completed the training requirements of Rule .1407 of this Section.

26 (d) 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 are granted that same extension of time to pay the registration renewal fee and to
28 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 must be
30 furnished to the Board.

31

32 *History Note: Authority G.S. 74C-3; 74C-5; 74C-8.1(a); 74C-13;*

33 *Eff. January 1, 2013;*

34 *Transferred and Recodified from 12 NCAC 07D .1506 Eff. July 1, 2015.*