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From: Amanda Barham <abarham@bdixon.com>
Sent: Tuesday, December 12, 2023 8:58 AM
To: Rules, Oah
Cc: Liebman, Brian R; Burgos, Alexander N; Gray, Jeffrey
Subject: [External] 14B NCAC 16 Rules
Attachments: Rules 14B NCAC 16 .0701, .0902, .0904, .0910, .1109.12.12.23 (00598551xBFA5E).PDF; 14B NCAC 16 .0701.proposed amendment.12.05.23 (00598031xBFA5E).DOCX; 14B NCAC 16 .0902 proposed amendment.12.05.23 (00598033xBFA5E).DOCX; 14B NCAC 16 .0904 proposed amendment.12.05.23 (00598034xBFA5E).DOCX; 14B NCAC 16 .0910.proposed for amendment.12.05.23 (00598035xBFA5E).DOCX; 14B NCAC 16 .1109 proposed adoption.12.05.23 (00598039xBFA5E).DOCX

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Attached please find the following:

1. 14B NCAC 16 .0701, .0902, .0904, .0910, and .1109 in .pdf format
2. 14B NCAC 16 .0701 in Word format
3. 14B NCAC 16 .0902 in Word format
4. 14B NCAC 16 .0904 in Word format
5. 14B NCAC 16 .0910 in Word format
6. 14B NCAC 16 .1109 in Word format

Please let Jeff Gray know if you need anything further.

Sincerely,

Amanda Barham

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1 14B NCAC 16 .0701 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

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

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online application and
11 submitted by uploading the photograph online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 48 ~~60~~ months;
- 15 (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and
16 ~~a separate~~ credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of
18 Investigation to cover the cost of criminal record checks performed by the State Bureau of
19 Investigation, collected online by the Private Protective Services Board;
- 20 (6) one original signed SBI release of information form that shall be uploaded online with the original
21 mailed to the Board's administrative office;
- 22 (7) a statement signed by a certified trainer that the applicant has completed the training requirements
23 of Rule .0707 of this ~~Section if applicable; Section:~~ and
- 24 (8) a completed affidavit form and public notice statement form.

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

28 (c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card
29 that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall
30 be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

31 (d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the
32 individual applicant's personnel file in the employer's office.

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

Eff. June 1, 1984;

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

February 1, 1990; May 1, 1988;

Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0902 is proposed for amendment as published in 37:24 NCR 2277as follows:

2
3 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

4 Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online submission and
11 submitted by uploading online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 60 months;
- 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 online by the Private Protective Services Board;
- 18 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
19 ~~a separate~~ credit card transaction fee;
- 20 (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of
21 a licensee;
- 22 (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this
23 ~~Section, stating the training was completed within 60 days of the submission of the application and~~
24 ~~uploaded online as part of the online application process; and~~ Section or acceptable certificate of
25 other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- 26 (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice
27 Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice
28 Academy ~~or other entity~~ and collected as part of the online application process by the Private
29 Protective Services Board.

*History Note: Authority G.S. 74C-5; 74C-8.1(a); ~~74C-8(d);~~ 74C-13;
Eff. June 1, 1984;
Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;
Temporary Amendment Eff. July 17, 2001;
Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;
Amended Eff. November 1, 2017;*

Readopted Eff. March 1, 2020;
Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0904 is proposed for amendment as published in 37:24 NCR 2227 as follows:

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

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

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) ~~uploaded online~~ a statement of the results of a criminal history records search by the reporting
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has
14 resided within the preceding ~~48~~ 24 months; and
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and ~~a separate~~ credit
16 card transaction fee.

17 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under
18 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

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

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

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

28 (f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from
29 requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for
30 requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant
31 to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification
32 requirements have not been met.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; ~~93B-15.~~

Eff. June 1, 1984;

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

Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022;
Amended Eff. January 1, 2024; October 1, 2022.

1 14B NCAC 16 .0910 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

4 Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) ~~the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with a four~~
7 ~~dollar (\$4.00) convenience fee and credit card transaction fee; and~~
8 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
9 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
10 shall be mailed separately to the Board's office;
11 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
12 sufficient quality for identification, taken within six months prior to online submission and
13 submitted by uploading online with the application submission;
14 (3) [upload online] a statement of the results of a statewide criminal history records search by the
15 reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the
16 applicant has resided within the preceding 60 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 online by the Private Protective Services Board;
20 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
21 [a separate] credit card transaction fee;
22 (2)(6) ~~a certificate of successful completion of the required training. This training shall have been~~
23 ~~completed within 120 days of the submission of the application training required by Rule .0909(a)(3)~~
24 ~~or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.~~
25 (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community
26 College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part
27 of the online application process by the Private Protective Services Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;
Eff. October 1, 2004;
Amended Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.
Amended Eff. January 1, 2024.

1 14B NCAC 16 .1109 is proposed for adoption as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .1109 PROBATIONARY EMPLOYEES**

4 (a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive
5 calendar days. The Director, upon written ~~request~~ request of the licensee, shall extend the probationary period
6 by 30 additional days.

7 (b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the intern's
8 educational institution's schedule.

9 (c) A private investigator licensee may employ an apprentice participating in a North Carolina Registered
10 Apprenticeship Program registered apprentice program as set forth in G.S. 93B-8.6 as a probationary employee for
11 the period prescribed in the federal guidelines as set forth therein.

12 (d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school,
13 community college, college college, or university, be in good standing with the educational institution, and the
14 internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

15 (e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee
16 as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

17 (f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure
18 the probationary employee shall comply with Rule .1102.

19 (g) Before a probationary employee engages in any activity defined as private investigation or has access to any
20 confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising
21 licensee, and the licensee shall conduct a criminal record check on the employee.

22 (h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in
23 writing the name, address, last four digits of social security number, confirmation that the results of the criminal
24 history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending
25 date of employment of the probationary employee. The Director shall confirm receipt within three business days of
26 receipt.

27 (i) Probationary employment which does not comply with this Rule is a violation of Rule .0204 (c)(2).

28 (j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

29 (k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for
30 any probationary employment, internship, or apprenticeship.

History Note: Authority G.S. 74C-5(2); G.S. 93B-8.6;
Eff. January 1, 2024.

1 14B NCAC 16 .0701 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

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

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online application and
11 submitted by uploading the photograph online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 48 ~~60~~ months;
- 15 (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and
16 ~~a separate~~ credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of
18 Investigation to cover the cost of criminal record checks performed by the State Bureau of
19 Investigation, collected online by the Private Protective Services Board;
- 20 (6) one original signed SBI release of information form that shall be uploaded online with the original
21 mailed to the Board's administrative office;
- 22 (7) a statement signed by a certified trainer that the applicant has completed the training requirements
23 of Rule .0707 of this ~~Section if applicable; Section;~~ and
- 24 (8) a completed affidavit form and public notice statement form.

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

28 (c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card
29 that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall
30 be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

31 (d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the
32 individual applicant's personnel file in the employer's office.

*History Note: Authority G.S. 74C-5; 74C-8.1; 74C-11;
Eff. June 1, 1984;
Amended Eff. May 1, 2012; July 1, 2011; August 1, 1998; December 1, 1995; June 1, 1994;
February 1, 1990; May 1, 1988;*

Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0902 is proposed for amendment as published in 37:24 NCR 2277as follows:

2
3 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

4 Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online submission and
11 submitted by uploading online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 60 months;
- 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 online by the Private Protective Services Board;
- 18 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
19 ~~a separate~~ credit card transaction fee;
- 20 (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of
21 a licensee;
- 22 (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this
23 ~~Section, stating the training was completed within 60 days of the submission of the application and~~
24 ~~uploaded online as part of the online application process; and~~ Section or acceptable certificate of
25 other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- 26 (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice
27 Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice
28 Academy ~~or other entity~~ and collected as part of the online application process by the Private
29 Protective Services Board.

History Note: Authority G.S. 74C-5; 74C-8.1(a); ~~74C-8(d);~~74C-13;
Eff. June 1, 1984;
Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;
Temporary Amendment Eff. July 17, 2001;
Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;
Amended Eff. November 1, 2017;

Readopted Eff. March 1, 2020;

Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0904 is proposed for amendment as published in 37:24 NCR 2227 as follows:

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

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

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) [uploaded online] a statement of the results of a criminal history records search by the reporting
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has
14 resided within the preceding 48 24 months; and
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and [a separate] credit
16 card transaction fee.

17 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under
18 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

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

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

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

28 (f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from
29 requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for
30 requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant
31 to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification
32 requirements have not been met.

*History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; [93B-15;]
Eff. June 1, 1984;
Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1,
1985;*

Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022;
Amended Eff. January 1, 2024; October 1, 2022.

1 14B NCAC 16 .0910 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

4 Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) ~~the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with a four~~
7 ~~dollar (\$4.00) convenience fee and credit card transaction fee; and~~
8 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
9 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
10 shall be mailed separately to the Board's office;
11 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
12 sufficient quality for identification, taken within six months prior to online submission and
13 submitted by uploading online with the application submission;
14 (3) [upload online] a statement of the results of a statewide criminal history records search by the
15 reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the
16 applicant has resided within the preceding 60 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 online by the Private Protective Services Board;
20 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
21 [a separate] credit card transaction fee;
22 (2)(6) ~~a certificate of successful completion of the required training. This training shall have been~~
23 ~~completed within 120 days of the submission of the application training required by Rule .0909(a)(3)~~
24 ~~or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.~~
25 (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community
26 College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part
27 of the online application process by the Private Protective Services Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;
Eff. October 1, 2004;
Amended Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.
Amended Eff. January 1, 2024.

1 14B NCAC 16 .1109 is proposed for adoption as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .1109 PROBATIONARY EMPLOYEES**

4 (a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive
5 calendar days. The Director, upon written [request may request of the licensee, shall] extend the probationary period
6 by 30 additional days.

7 (b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the [intern's]
8 educational institution's schedule.

9 (c) A private investigator licensee may employ an apprentice participating in a North Carolina [Registered
10 Apprenticeship Program registered apprentice program] as set forth in G.S. 93B-8.6 as a probationary employee for
11 the period prescribed in the federal guidelines as set forth therein.

12 (d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school,
13 community college, [college college,] or university, be in good standing with the educational institution, and the
14 internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

15 (e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee
16 as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

17 (f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure
18 the probationary employee shall comply with Rule .1102.

19 (g) Before a probationary employee engages in any activity defined as private investigation or has access to any
20 confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising
21 licensee, and the licensee shall conduct a criminal record check on the employee.

22 (h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in
23 writing the name, address, last four digits of social security number, confirmation that the results of the criminal
24 history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending
25 date of employment of the probationary employee. The Director shall confirm receipt within three business days of
26 receipt.

27 (i) Probationary employment which does not comply with this Rule is a violation of Rule .0204 (c)(2).

28 (j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

29 (k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for
30 any probationary employment, internship, or apprenticeship.

*History Note: Authority G.S. 74C-5(2); G.S. 93B-8.6;
Eff. January 1, 2024.*

Burgos, Alexander N

Subject: FW: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

From: Gray, Jeffrey <JGray@bdixon.com>

Sent: Monday, December 11, 2023 3:41 PM

To: Amanda Barham <abarham@bdixon.com>

Cc: Liebman, Brian R <brian.liebman@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: FW: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Amanda:

Would you please make the change as requested by Mr. Liebman in his message below, then resend all the rules (but not the correct Submission form) to the rules portal at the address in the last line of his e-mail.

Thanks!

J.

Jeffrey P. Gray

Of Counsel

Bailey & Dixon, LLP

434 Fayetteville Street, Suite 2500

P.O. Box 1351

Raleigh, NC 27601 (27602)

Telephone: 919-828-0731

Facsimile: 919-828-6592

E-mail: jgray@bdixon.com

d may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Friday, December 8, 2023 5:41 PM
To: Gray, Jeffrey <jgray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

Jeff,

Thanks for the responses and the changes. I'll be recommending approval of all rules, but please see the History note in .0904. I think the intended change went awry, and you've got 74C-15 instead of 93B-15. I think you'll want to fix that.

If you could, make that change, and then send the whole package over to oah.rules@oah.nc.gov, copying Alex and I. I'll let Alex and Dana know these are the final rules ready for filing and posting online.

Best,
Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law N.C.G.S. Chapter 132 and may be disclosed to third parties.

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Friday, December 8, 2023 2:01 PM
To: Liebman, Brian R <brian.liebman@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Brian:

Attached are each of the revised rules, including .0708 and .0912 in repeal format, as well as a corrected Submission for Permanent Rule form for .1109.

Below are my responses to your Requests and questions:

14B NCAC 16 .0701:

(a)(3), line 12, omitted.
(a)(4), line 15, change made.
(a)(7), line 23, I have no idea as to when it would not be applicable so omitted.
(b), language changed to conform to .0706(c) and .0806(c). Thank you.
History Note amended as requested.

14B NCAC 16 .0902:

(3), line 12, omitted.
(5), line 18, language added as requested.
(8), lines 27-28, correction made. Thank you.
History Note amended as requested.

14B NCAC 16 .0904:

(a)(1), line 7 and (a)(2), line 12, omitted.
(a)(3), line 12, change made.
(c), lines 22-23, changes made. (I would not want to delay an applicant as the Board staff awaits the verification from some government agency.)
(e), line 26, "personal requalification" is used to distinguish it from a requalification as an instructor. If a guard is also an instructor, the guard has to separately requalify for renewal of his or her instructor certification.
History Note amended as requested.

14B NCAC 16 .0910:

(3), line 14, omitted.
(5), line 20, change made.

14B NCAC 16 .1109:

Form corrected. (Attached.)
(a), language added as requested.
(a), line 5, changed to "shall."
(b), lines 6-7, language added to clarify.
(c), lines 8-9, this is a federal program under the NC Department of Commerce but administered by the NC Community College System. In some places these two entities capitalize "Registered Apprentice Program" as a proper noun; other places they do not. I capitalized it in the rule as a proper noun to distinguish it. I have removed the capitalization.
(c), line 10, I think it unwise to do any more than I have done. This is a federal program with resultant CFRs for which there is a reference in G.S. 93B-8.6. It is unnecessary to elaborate further. The legislature incorporated by reference, and I am merely incorporating the statute as written. If I specify any more detail in the rule, then I will need to monitor the CFRs to ensure this information remains accurate. That is much too complicated. All this rule says is if you are a program referenced in G.S. 93B-8.6, the Board will recognize you. That is all it needs to say.
(d), change made.
(g), line 20, yes, it is the same. There is a vendor approved by the Board (CRC.com) which is linked to the on-line application system.
This rule only applies to private investigators. (See, first three words of line 1.)

Jeff

Jeffrey P. Gray

Of Counsel
Bailey & Dixon, LLP
434 Fayetteville Street, Suite 2500
P.O. Box 1351
Raleigh, NC 27601 (27602)
Telephone: 919-828-0731
Facsimile: 919-828-6592
E-mail: jgray@bdixon.com

**Request for Changes Pursuant to
N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: “~~a~~Association”
 - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
 - Wrong: “day;; and”
 - Right: “~~day;~~ day; and”
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0701

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (a)(3), line 12, omit "upload online".

In (a)(4), line 15, add "a separate" between "and" and "credit card".

In (a)(7), line 23, when is the training requirement in .0707 not "applicable"?

In (b), note that .0706(c) and .0806(c) use nearly identical language. I know you like to keep your language uniform when possible, so please compare.

Consider adding G.S. 74C-8(d) to the History Note, as that contains the requirements for the background investigation.

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0708

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Please reformat for a repeal. Our formatting instructions for repeals is here:

<https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0902

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (3), line 12, omit "upload online".

In (5), line 18, add "a separate" between "and" and "credit card".

In (8), lines 27-28, I think you meant to delete "given by the N.C. Justice Academy" or add "or other entity".

Consider adding G.S. 74C-8(d) to the History Note, as that contains the requirements for the background investigation.

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0904

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (a)(1), line 7, and (a)(2), line 12, omit "upload online".

In (a)(3), line 15, add "a separate" between "and" and "credit card".

In (c), lines 22-23, "shall be furnished to the Board" is passive. Who sends the document? I assume the applicant, but it seems to me the issuing institutions could also do it. Please revise in the active tense.

In (e), line 26, what do you mean by "personal" requalification?

Please add G.S. 93B-15 to the History Note, as that is the statute requiring licensing agencies to implement the exception to licensing requirements for active military members.

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0910

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (3), line 14, omit "upload online".

In (5), line 20, add "a separate" between "and" and "credit card".

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0912

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

Please reformat for a repeal. Our formatting instructions for repeals is here:

<https://www.oah.nc.gov/documents/nc-general-statute-7a/permanent-repeal-publication-ncac/download?attachment>

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Private Protective Services Board

RULE CITATION: 14B NCAC 16 .1109

DEADLINE FOR RECEIPT: Friday, December 8, 2023.

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 email the reviewing attorney to inquire concerning the staff recommendation.

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

The title of the Rule on your Form is different from the title in the Rule itself. Please correct one or the other.

In (a), line 5, please revise to add who must make the request to the Director.

In (a), line 5, under what circumstances or factors “may” the Director decide to extend the probationary period?

In (b), lines 6-7, what “educational institution” are you referring to? I assume it is the intern’s educational institution, but for clarity’s sake, please revise.

In (c), lines 8-9, what is a “North Carolina Registered Apprenticeship Program”? I looked in 93B-8.6 and didn’t see that term used. I saw “registered apprenticeship” but that was in the context of federal law. Please clarify in the Rule.

In (c), line 10, please clarify which federal guidelines specify the period of the internship, and if they are from the CFR, incorporate them by reference as provided in G.S. 150B-21.6.

In (d), line 12, add a comma following “college”.

In (g), line 20, is the “criminal record check” the same kind of background check as required in 74C-8, 8.1, and 11? If not, what standards govern this record check?

To be clear, does 74C-11 have any application here? I’m assuming it doesn’t, because this Rule applies to private investigators, and the statute refers to security guards. Please let me know if that’s incorrect.

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

Brian Liebman
Commission Counsel

Date submitted to agency: November 27, 2023

1 14B NCAC 16 .0701 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION**

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

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online application and
11 submitted by uploading the photograph online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 48 ~~60~~ months;
- 15 (4) the applicant's non-refundable registration fee, along with a four dollar (\$4.00) convenience fee and
16 ~~a separate~~ credit card transaction fee;
- 17 (5) the actual cost charged to the Private Protective Services Board by the State Bureau of
18 Investigation to cover the cost of criminal record checks performed by the State Bureau of
19 Investigation, collected online by the Private Protective Services Board;
- 20 (6) one original signed SBI release of information form that shall be uploaded online with the original
21 mailed to the Board's administrative office;
- 22 (7) a statement signed by a certified trainer that the applicant has completed the training requirements
23 of Rule .0707 of this ~~Section if applicable; Section:~~ and
- 24 (8) a completed affidavit form and public notice statement form.

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

28 (c) The applicant's copy of the application and completed affidavit form shall serve as a temporary registration card
29 that shall be carried by the applicant when he or she is working within the scope of his or her employment and shall
30 be exhibited upon the request of any law enforcement officer or authorized representative of the Board.

31 (d) A copy of the statement required by Subparagraph (a)(7) of this Rule shall be retained by the licensee in the
32 individual applicant's personnel file in the employer's office.

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

Eff. June 1, 1984;

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

February 1, 1990; May 1, 1988;

Transferred and Recodified from 12 NCAC 07D .0701 Eff. July 1, 2015;
Amended Eff. November 1, 2017;
Readopted Eff. March 1, 2020;
Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0708 is proposed for repeal as published in 37:24 NCR 2227:

2

3 **14B NCAC 16 .0708** **TRAINER NAME TO BE SUBMITTED TO DIRECTOR**

4

5 *History Note:* *Authority G.S. 74C-5; 74C13(m);*

6 *Eff. July 1, 2021;*

7 *Repealed Eff. January 1, 2024.*

1 14B NCAC 16 .0902 is proposed for amendment as published in 37:24 NCR 2277as follows:

2
3 **14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE**

4 Each applicant for a firearms trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
8 shall be mailed separately to the Board's office;
- 9 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
10 sufficient quality for identification, taken within six months prior to online submission and
11 submitted by uploading online with the application submission;
- 12 (3) ~~upload online~~ a statement of the results of a statewide criminal history records search by the
13 reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the
14 applicant has resided within the preceding 60 months;
- 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 online by the Private Protective Services Board;
- 18 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
19 ~~a separate~~ credit card transaction fee;
- 20 (6) evidence of the liability insurance required by G.S. 74C-10(e) if the applicant is not an employee of
21 a licensee;
- 22 (7) a certificate of successful completion of the training required by Rule .0901(a)(3) and (4) of this
23 ~~Section, stating the training was completed within 60 days of the submission of the application and~~
24 ~~uploaded online as part of the online application process; and Section or acceptable certificate of~~
25 other current certification as set forth in Rule .0901(c) and (d) of this Section; and
- 26 (8) the actual cost charged to the Private Protective Services Board by the North Carolina Justice
27 Academy or other entity to cover the cost of the firearms training course given by the N.C. Justice
28 Academy ~~or other entity~~ and collected as part of the online application process by the Private
29 Protective Services Board.

*History Note: Authority G.S. 74C-5; 74C-8.1(a); [74C-8(d);]74C-13;
Eff. June 1, 1984;
Amended Eff. August 1, 1998; December 1, 1995; July 1, 1987; December 1, 1985;
Temporary Amendment Eff. July 17, 2001;
Amended Eff. January 1, 2013; May 1, 2012; August 1, 2002;
Transferred and Recodified from 12 NCAC 07D .0902 Eff. July 1, 2015;
Amended Eff. November 1, 2017;*

Readopted Eff. March 1, 2020;
Amended Eff. January 1, 2024; July 1, 2021.

1 14B NCAC 16 .0904 is proposed for amendment as published in 37:24 NCR 2227 as follows:

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

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

- 7 (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved
8 by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom
9 and practical range training in safety and maintenance of the applicable firearm (i.e. handgun,
10 shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This
11 training shall be completed within 180 days of the submission of the renewal application;
- 12 (2) ~~uploaded online~~ a statement of the results of a criminal history records search by the reporting
13 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has
14 resided within the preceding ~~48~~ 24 months; and
- 15 (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and ~~a separate~~ credit
16 card transaction fee.

17 (b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under
18 G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated.

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

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

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

28 (f) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from
29 requalifying, the Board shall, upon written request to the Director by the licensee, extend the deadline for
30 requalification up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant
31 to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if requalification
32 requirements have not been met.

History Note: Authority G.S. 74C-5; 74C-8.1(a); 74C-9; 74C-13; ~~74C-15;~~

Eff. June 1, 1984;

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

Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;
Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;
Readopted Eff. November 1, 2019;
Amended Eff. March 1, 2020;
Emergency Amendment Eff. May 6, 2020;
Temporary Amendment Eff. July 24, 2020;
Temporary Amendment Expired Eff. May 14, 2021;
Amended Eff. July 1, 2022; January 1, 2022;
Amended Eff. January 1, 2024; October 1, 2022.

1 14B NCAC 16 .0910 is proposed for amendment as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .0910 APPLICATION FOR AN UNARMED TRAINER**

4 Each applicant for an unarmed trainer certificate shall submit an online application to the Board. The application shall
5 be accompanied by:

- 6 (1) ~~the certified trainer application fee established in Rule .0903(a)(2) of this Section, along with a four~~
7 ~~dollar (\$4.00) convenience fee and credit card transaction fee; and~~
8 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
9 Bureau of Investigations or one set of classifiable fingerprints on an applicant fingerprint card that
10 shall be mailed separately to the Board's office;
11 (2) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of
12 sufficient quality for identification, taken within six months prior to online submission and
13 submitted by uploading online with the application submission;
14 (3) [upload online] a statement of the results of a statewide criminal history records search by the
15 reporting service designated by the Board pursuant to G. S. 74C-8.1(a) for each state where the
16 applicant has resided within the preceding 60 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 online by the Private Protective Services Board;
20 (5) the applicant's non-refundable application fee, along with a four dollar (\$4.00) convenience fee and
21 [a separate] credit card transaction fee;
22 (2)(6) ~~a certificate of successful completion of the required training. This training shall have been~~
23 ~~completed within 120 days of the submission of the application training required by Rule .0909(a)(3)~~
24 ~~or current certificate of other acceptable certification as set forth in Rule .0909(b) of this Section.~~
25 (7) the actual cost charged to the Private Protective Services Board by Wake Technical Community
26 College, or other entity, to cover the cost of the unarmed guard trainer course and collected as part
27 of the online application process by the Private Protective Services Board.

History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;
Eff. October 1, 2004;
Amended Eff. January 1, 2013;
Transferred and Recodified from 12 NCAC 07D .0910 Eff. July 1, 2015;
Readopted Eff. March 1, 2020.
Amended Eff. January 1, 2024.

1 14B NCAC 16 .0912 is proposed for repeal as published in 37:24 NCR 2227:

2

3 **14B NCAC 16 .0912 ROSTERS OF UNARMED TRAINER CLASSES**

4

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

6 *Eff. January 1, 2013;*

7 *Transferred and Recodified from 12 NCAC 07D .0912 Eff. July 1, 2015;*

8 *Readopted Eff. March 1, 2020.*

9 *Repealed Eff. January 1, 2024.*

1 14B NCAC 16 .1109 is proposed for adoption as published in 37:24 NCR 2227 as follows:

2
3 **14B NCAC 16 .1109 PROBATIONARY EMPLOYEES**

4 (a) A private investigator licensee may employ a potential trainee as a probationary employee for 60 consecutive
5 calendar days. The Director, upon written ~~request~~ request of the licensee, shall extend the probationary period
6 by 30 additional days.

7 (b) A private investigator licensee may supervise an intern as a probationary employee concurrent with the intern's
8 educational institution's schedule.

9 (c) A private investigator licensee may employ an apprentice participating in a North Carolina Registered
10 Apprenticeship Program registered apprentice program as set forth in G.S. 93B-8.6 as a probationary employee for
11 the period prescribed in the federal guidelines as set forth therein.

12 (d) To qualify as an "intern" the potential probationary employee must be enrolled as a student in a high school,
13 community college, college college, or university, be in good standing with the educational institution, and the
14 internship must be for credit towards a degree, diploma, or certificate issued by the educational institution.

15 (e) Upon completion of the probationary period and the desire of the licensee to supervise the probationary employee
16 as a private investigator trainee, the potential trainee shall apply pursuant to Section .0200 of this Chapter.

17 (f) For hours gained during probationary employment, an internship, or apprenticeship to be considered for licensure
18 the probationary employee shall comply with Rule .1102.

19 (g) Before a probationary employee engages in any activity defined as private investigation or has access to any
20 confidential client information, the employee shall complete 40 hours of one-on-one supervision by the supervising
21 licensee, and the licensee shall conduct a criminal record check on the employee.

22 (h) Before engaging the probationary employee, intern, or apprentice the licensee shall submit to the Director in
23 writing the name, address, last four digits of social security number, confirmation that the results of the criminal
24 history record check contain no prohibitions as set forth in G.S. 74C-8(d)(2), and anticipated start date and ending
25 date of employment of the probationary employee. The Director shall confirm receipt within three business days of
26 receipt.

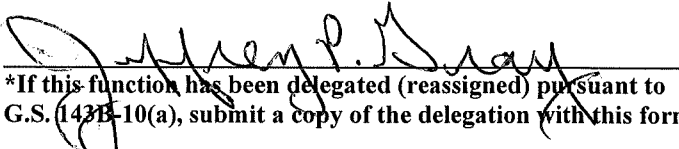
27 (i) Probationary employment which does not comply with this Rule is a violation of Rule .0204 (c)(2).

28 (j) Any probationary employee, intern, or apprentice shall be a minimum of 18 years of age.

29 (k) The use of the terms "employee" and "employment" in this Rule does not require or mandate compensation for
30 any probationary employment, internship, or apprenticeship.

History Note: Authority G.S. 74C-5(2); G.S. 93B-8.6;
Eff. January 1, 2024.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Private Protective Services Board	
2. Rule citation & name (name not required for repeal): 14B NCAC 16 .1109 Probationary Employees	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: June 15, 2023 Link to Agency notice: https://www.ncdps.gov/about-dps/boards-commissions/private-protective-services-board Hearing on: July 11, 2023 Adoption by Agency on: October 19, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The private investigator industry expressed to the Board an interest in being able to employ interns and participate in apprenticeship programs. (Since apprenticeships had not previously existed the Board did not comply with G. S. 93B-8.6 when enacted.) New .1109 allows for probationary employees, interns and apprentices.	
10. Rulemaking Coordinator: Jeffrey P. Gray Jeffrey P. Gray Phone: (919) 828-0731 E-Mail: jgray@bdixon.com Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jeffrey P. Gray Title: Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Burgos, Alexander N

From: Gray, Jeffrey <JGray@bdixon.com>
Sent: Thursday, November 30, 2023 10:38 AM
To: Liebman, Brian R
Cc: Burgos, Alexander N
Subject: [External] RE: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Brian:

RECEIVED. And I will hopefully have these back to you early, before the 12/8 deadline.

Jeff

Jeffrey P. Gray

Of Counsel
Bailey & Dixon, LLP
434 Fayetteville Street, Suite 2500
P.O. Box 1351
Raleigh, NC 27601 (27602)
Telephone: 919-828-0731
Facsimile: 919-828-6592
E-mail: jgray@bdixon.com

From: Liebman, Brian R <brian.liebman@oah.nc.gov>
Sent: Monday, November 27, 2023 4:26 PM
To: Gray, Jeffrey <JGray@bdixon.com>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: PPSB - 14B NCAC 16 Requests for Changes - December 2023 RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Board for the December 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, December 14 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, December 8, 2023.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984)236-1948
brian.liebman@oah.nc.gov

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