

1 **14B NCAC 16 .0103 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

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3 **14B NCAC 16 .0103 DEFINITIONS**

4 In addition to the definitions set forth in G.S. 74C, the following definitions shall apply throughout this Subchapter:

5 (1) "Advertising medium" means any form of written, printed, broadcast or computer-based
6 advertising, or other promotional materials, except a telephone directory listing for which no
7 additional advertising charge is made.

8 ~~(1)~~ (2) "Agency Head" means the ~~Chairman~~ Chair of the Board.

9 ~~(2)~~ (3) "Applicant" means any person, firm, or corporation applying to the Board for a license, trainee
10 permit, registration, or firearms trainer certificate.

11 ~~(3)~~ (4) "Armed Security Guard" means an individual employed, full time or part time, by a contract security
12 company or a proprietary security organization:

13 (a) who at any time wears, carries, or possesses a firearm in the performance of his or her
14 duties; and

15 (b) whose principal duty is that of:

16 (i) an armed security guard, officer, patrol, or watchman;

17 (ii) an armed armored car service guard; or

18 (iii) an armed courier service guard.

19 ~~(4)~~ (5) "Board" means the Private Protective Services Board established by G.S. 74C.

20 ~~(5)~~ (6) "Branch Manager or Operator" means the individual endowed with the responsibility and liability
21 for a branch office.

22 ~~(6)~~ (7) "Branch Office" means a separate but dependent part of a central organization engaged in the
23 business of providing private protective services established for the purpose of extending the
24 activities of the central organization. The establishment of a telephone number or mailing address
25 in the company name constitutes prima facie evidence of a branch office. If an out-of-state person,
26 firm, association, or corporation opens an office in North Carolina, the North Carolina office shall
27 be deemed the principal place of business and shall have a resident licensed qualifying agent.

28 ~~(7)~~ (8) ~~"Chairman"~~ "Chair" means the ~~Chairman~~ Chair of the Private Protective Services Board.

29 ~~(8)~~ (9) "Contract Security Company" means any person, firm, association, or corporation engaging in a
30 private protective services business as defined in G.S. 74C-3 that provides the services on a
31 contractual basis for a fee or other valuable consideration to any other person, firm, association, or
32 corporation.

33 ~~(9)~~ (10) "Direct Supervision" means personal, face-to-face contact and direction of the trainee's activities on
34 a frequent and reasonable basis based upon the trainee's level of experience.

35 ~~(10)~~ (11) "Investigative Capacity" means any law enforcement agency position for which the majority of the
36 [duties] duties include conducting investigations and interviews, completing reports, and testifying
37 in courts, administrative hearings, or military tribunals.

(11) (12) "Law Enforcement Officer" means a sworn peace officer who has the power of arrest, and who is an employee of the United States, any state, or any political subdivision of a state.

(12) (13) "Licensee" means any person licensed to perform private protective services in North Carolina in accordance with G.S. 74C.

(13) (14) "Proprietary Security Organization" means any person, firm, association, corporation, or department that employs watchmen, security guards or "officers," patrol personnel, or couriers in connection with the business affairs of the employer.

(14) (15) "Qualifying Agent" means the individual licensee who is responsible for the private protective services business. If the licensee maintains an office in North Carolina, the Qualifying Agent must be a resident of North Carolina.

(15) (16) "Registered agent" means the individual resident of North Carolina designated by the business entity in lieu of the Qualifying Agent as allowed by G.S. 74C-8(c)(1) who may be, but is not required to be, the registered agent required by G.S. 55D-30.

~~(16) "Restored" means that an individual is no longer in need of psychiatric care as determined by a physician.~~

~~(17) "Temporary unarmed security guard" means an individual who is hired for a period of 30 days or less within a calendar year and who is designated by his or her employer as a temporary security guard at the start of employment.~~

History Note: Authority G.S. 74C-3; 74C-5; 74C-8;

Eff. June 1, 1984;

Amended Eff. October 1, 2013; August 1, 1998; May 1, 1988; July 1, 1987;

Transferred and Recodified from 12 NCAC 07D .0104 Eff. July 1, 2015;

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1 **14B NCAC 16 .0105 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

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3 **14B NCAC 16 .0105 PROHIBITED ACTS**

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

- 7 (1) ~~Displays or~~ **Displays.** causes or allows to be displayed, or has in his or her possession any
8 cancelled, revoked, suspended, fictitious, or fraudulently altered license, trainee permit, registration
9 identification card, or firearms trainer certificate, or any document simulating, purporting to be, or
10 purporting to have been issued as a license, trainee permit, registration identification card, or
11 firearms trainer certificate;
12 (2) Lends his or her license, trainee permit, registration identification card, or firearms trainer certificate
13 to any person or allows the use thereof by another;
14 (3) Displays or represents any license, trainee permit, registration identification card, or firearms trainer
15 certificate not issued to him or her as being his or her license, trainee permit, registration
16 identification card, or firearms trainer certificate; or
17 (4) Includes in any advertisement a statement that implies official state authorized certification or
18 approval other than this statement: "Licensed by the Private Protective Services Board of the State
19 of North ~~Carolina.~~ Licensees must include their license number. Carolina" and license number
20 required by 14B NCAC 16 .0116.

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

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26 *History Note: Authority G.S. 74C-5; 74C-8.1; 74C-12; 74C-16;*
27 *Eff. June 1, 1984;*
28 *Amended Eff. May 1, 2014; July 1, 1987;*
29 *Transferred and Recodified from 12 NCAC 07D .0106 Eff. July 1, 2015;*
30 *Readopted Eff. August 1, 2020.*
31 *Amended Eff. September 1, 2025.*

1 14B NCAC 16 .0116 is proposed for adoption, with changes, as published in 39:21 NCR 1394-1398 as follows:

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3 **14B NCAC 16 .0116 ADVERTISING**

4 Any advertisement of private protective services in any advertising ~~media~~ ~~media~~, as defined in these ~~Rules~~ ~~Rules~~,
5 shall include the licensee's name and license number, whether or not a trade name is ~~used~~ ~~used in advertising~~.

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

8 *Eff. September 1, 2025.*

1 14B NCAC 16 .0117 is proposed for adoption, with changes, as published in 39:21 NCR 1394-1398 as follows:

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3 **14B NCAC 16 .0117 DECLARATORY RULING PROCEDURES**

4 (a) All requests for declaratory rulings shall be in writing and mailed to the Board at the Board's address.

5 (b) Each request for a declaratory ruling shall include the following information:

6 (1) the name and address of person requesting the ruling;

7 (2) the statute or rule to which the request relates;

8 (3) a concise statement of the manner in which the requesting person is aggrieved by the rule or statute
9 or its potential application to him or her;

10 (4) names and addresses of additional third persons known to the person aggrieved who may possibly
11 be affected by the requested ruling;

12 (5) a statement of all material facts;

13 (6) a statement whether or not the person aggrieved is aware of any pending Board action or court action
14 that may bear on the applicability of the statute or rule to the person's particular situation; and

15 (7) a statement of the arguments and legal authority supporting the person's position on the applicability
16 of this statute or rule; and

17 The petitioner shall sign and verify the request before an officer qualified to administer oaths that the information
18 supplied in the request is true and accurate.

19 (c) [Upon Within 30 days of] receipt of a request for a declaratory ruling, the Board shall determine whether a ruling
20 is appropriate under the facts stated.

21 (d) The Board shall proceed to issue a declaratory ruling when the person requesting the rule shows that, with regard
22 to the facts presented:

23 (1) the rule or statute in question is unclear on its face;

24 (2) circumstances are so changed since the adoption of a rule that a declaratory ruling is warranted;

25 (3) the factors specified in the request were not given appropriate consideration by the Board at the time
26 the rule was adopted;

27 (4) the rule or statute is unclear in its application to the requesting person's facts; or

28 (5) a fair question exists regarding the validity of the rule because of an absence of authority for the
29 Board's adoption of the rule or other irregularities in the Board's rule-making proceedings.

30 (e) The Board shall not issue a declaratory ruling when the petitioner's request is the subject of, or materially related
31 to, an investigation or audit by the Board or contested case before the Board.

32 (f) When the Board determines for good cause that the issuance of a declaratory ruling is unnecessary, the Board shall
33 notify, in writing, the person requesting the ruling, stating the reasons for the denial of the request. The Board will
34 ordinarily decline to issue a declaratory ruling when:

35 (1) there has been a similar controlling factual determination made by the Board;

36 (2) the rule-making record shows that the factual issues raised by the request were specifically c
37 onsidered prior [to to, or at times of.] adoption of the rule;

(3) the subject matter of the request is involved in pending litigation in any state or federal court in North ~~Carolina; Carolina, or pending legislation or rulemaking;~~

(4) the request does not comply with the procedural guidelines within Paragraphs (a) and (b) of this Rule;

(5) the Board has previously issued a declaratory ruling on substantially similar facts;

(6) the Board has previously issued a final agency decision in a contested case on substantially similar facts;

~~(7) the facts underlying the request for a declaratory ruling were considered at the time of the adoption of the rule in question;~~

~~(8)~~ (7) the subject matter is one concerning which the Board is without authority to make a decision binding the Board or the petitioner;

~~(9)~~ (8) the petitioner is not aggrieved by the rule or statute in question or otherwise has no interest in the subject matter of the request;

~~(10)~~ (9) there is reason to believe that the petitioner or some other person or entity materially connected to the subject matter of the request is acting in violation of the G.S. Chapter 74C or the rules adopted by the Board; or

~~(13) the subject matter of the request is involved in pending litigation, legislation, or rulemaking;~~

~~The denial of the request is immediately subject to judicial review in accordance with Article 4 of G.S. Chapter 150B.~~

(g) Prior to issuing a declaratory ruling, the Board may give notice of the declaratory proceedings to any persons it deems appropriate and may direct that fact-finding proceedings appropriate to the circumstances of the particular request be conducted by the Board. The proceedings may consist of written submissions, an oral hearing, or other appropriate procedures. ~~A written ruling on the merits shall be issued within 45 days of the decision to grant the request.~~

(h) If the Board finds evidence that the factors listed in Subdivisions (d)(1), (2), or (3) of this Rule exist or potentially exist beyond the specific facts presented in a particular petition for declaratory ruling, the Board shall consider rule-making proceedings on the rule.

(i) A record of each declaratory ruling and the procedures conducted therefor will be maintained by the Board. The record will contain:

(1) the request for a declaratory ruling;

(2) all written submissions filed in the request, whether filed by the person requesting the ruling or by any other person;

(3) a record or summary of oral presentations, if any; and

(4) a copy of the declaratory ruling.

History Note: Authority G.S. 150B-4;

Eff. September 1, 2025.

1 14B NCAC 16 .0501 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:

3 SECTION .0500 – POLYGRAPH

4 14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE

5 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a polygraph license shall:

- 6 (1) ~~pass an examination and a performance test administered by a panel of polygraph examiners~~
7 ~~appointed by an entity designated by the Board;~~
- 8 (2) (1) successfully complete a course of instruction at any polygraph school ~~approved~~ accredited by the
9 American Polygraph Association, ~~the American Association of Police Polygraphists, or the Board;~~
10 ~~and~~ Association or approved by the Board using standards established by the American Polygraph
11 Association; and
- 12 (3) (2) ~~have either:~~ have a minimum of
- 13 (A) one year of verifiable polygraph experience; or experience with verification or certification
14 of having conducted no less than 25 polygraph examinations; and
- 15 (B) complete at least six months of training as a holder of a polygraph trainee permit, and have
16 administered no fewer than 50 polygraph examinations; or
- 17 (3) pass a 100 question written examination, provide three sets of polygraph charts from polygraph
18 examinations conducted by the applicant, successfully complete a performance test of independent,
19 blind chart scoring, and successfully complete an oral examination conducted by a panel of
20 polygraph examiners appointed by the Board; or
- 21 (4) have a military occupational specialty and two years of verifiable experience within the past five
22 years in the U.S. Armed Forces performing polygraph examinations.

23 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a polygraph license who is the
24 spouse of an active duty member of the U.S. Armed Forces shall establish:

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

30 (c) Applicants for a polygraph license may ~~take the examination required~~ attempt to complete the requirements in
31 Subparagraph (a)(1) of this Rule no more than twice within a 12 month period. All portions of the examination
32 licensing process must be completed within that 12 month period. Any applicant who fails the polygraph examination
33 four times shall retake the polygraph course of instruction required in Subparagraph (a)(2) of this Rule before taking
34 the polygraph examination again.

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

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History Note: Authority G.S. 74C-5; 93B-15.1;
Eff. June 1, 1984;
Amended Eff. May 1, 2014; October 1, 2013; July 1, 2009; December 1, 1985;
Transferred and Recodified from 12 NCAC 07D .0501 Eff. July 1, 2015;
Readopted Eff. August 1, 2020;
Amended Eff. September 1, 2025; September 1, 2024; February 1, 2022.

14B NCAC 16 .0502 is proposed for amendment, with changes, as published in 39:21 NCR 1394-1398 as follows:

14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS

In addition to the requirements of Section .0200 of this Chapter, the following requirements shall apply to polygraph trainees:

- (1) ~~The applicant shall successfully~~ Successfully complete a formal course of instruction at any polygraph school approved by the American Polygraph Association, ~~the American Association of Police Polygraphists, or the Board.~~ Association or approved by the Board using standards established by the American Polygraph Association. A list of approved schools can be found at: <https://www.ncdps.gov/list-polygraph-schools>; and
- (2) ~~The applicant shall be~~ Be directly supervised by a North Carolina licensed polygraph examiner approved by the Board and that examiner shall supervise no more than three trainees at any given time; examiner;
- (3) ~~An individual currently enrolled in a polygraph school may conduct examinations as a part of the course curriculum provided the examinations are on school premises, under the direct one on one supervision of a polygraph licensee, and the school provides written notice to the client that such examinations are being conducted by students and not by licensed polygraph examiners. The school shall maintain a copy of the written notification;~~
- (4) (3) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201 of this Chapter. Applicants meeting license qualifications within one year of the issuance of a trainee permit shall not be required to pay an additional application fee; and
- (5) (4) Any request for renewal of a trainee permit or for issuance of a polygraph license shall be accompanied by an evaluation report of the trainee's performance submitted by the trainee's supervisor; and supervisor.
- (6) ~~In addition to the final evaluation report, supervisors shall submit five monthly evaluation reports over the duration of the traineeship on a checklist provided by the Board.~~

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

Eff. June 1, 1984;

Amended Eff. May 1, 2014; December 1, 1985;

Transferred and Recodified from 12 NCAC 07D .0502 Eff. July 1, 2015;

Readopted Eff. March 1, 2020.

Amended Eff. September 1, 2025.

1 **14B NCAC 16 .0503 is proposed for amendment as published in 39:21 NCR 1394-1398 as follows:**

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3 **14B NCAC 16 .0503 POLYGRAPH EXAMINATION REQUIREMENTS**

4 Polygraph licensees and trainees shall adhere to the following:

- 5 (1) Obtain written consent from the individual to be examined. The consent form shall be signed in the
6 presence of the examiner and shall include a statement advising the examinee that he or she may
7 terminate the examination at any time.
- 8 (2) A printed or reproducible electronic copy of each chart collected, as well as documents associated
9 with the examination such as reports, question sets, and signed consent forms, shall be retained by
10 the examiner for a minimum of three years. The examiner shall record the following information:
11 (a) the name of the examinee;
12 (b) the date of the examination;
13 (c) the type of examination;
14 (d) the time the examination started;
15 (e) the location of the examination; and
16 (f) the name and license number of the examiner.
- 17 This requirement may be completed by labeling the beginning of the first printed chart by hand, or
18 by entering the information into the electronic polygraph file.
- 19 (3) The examiner shall give the examinee an opportunity prior to concluding the examination to explain
20 reactions on the charts.
- 21 (4) The examiner shall not issue or permit an employee to issue an examination report that is misleading,
22 biased, or falsified.
- 23 (5) Each examination report shall be a factual, impartial, and objective account of the pertinent
24 information developed during the examination and the examiner's professional conclusion, based
25 upon the analysis of the charts.
- 26 (6) All questions considered for chart analysis shall be documented in writing or an electronic question
27 set and shall be reviewed with the examinee prior to any testing.
- 28 (7) An examiner shall not make a conclusive verbal or written examination report without having
29 administered two or more charts consisting of the same questions.
- 30 (8) An examiner shall not inquire into the sexual conduct or preferences of a person to whom a
31 polygraph examination is being given unless pertinent to an alleged sex-related ~~crime~~, crime or
32 while conducting Post Conviction Sex Offender Testing (POST), nor shall an examiner inquire into
33 the activities, affiliations, or beliefs on religion, politics, or race, except where there is relevancy to
34 an investigation.
- 35 (9) Each chart shall be signed at the end of the chart by the examinee and the examiner before the end
36 of the recording if using an analog instrument. If an analog instrument is used, the examiner shall
37 retain printed and not electronic copies of the charts for a minimum of three years. Retaining

1 reproducible electronic copies of all charts noting the names of the examiner and examinee as well
2 as the date and time of testing will also meet the requirements of this Item.

3 (10) An examiner shall conduct no more than five examinations in a 24 hour period.

4 (11) Each examiner shall keep a daily log of examinations. The daily log of examinations shall be
5 maintained by the licensee for a minimum of three years and shall be subject to inspections by the
6 Director or the Director's designee between 8:00 a.m. – 5:00 p.m. Monday through Friday.

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

9 *Eff. June 1, 1984;*

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

11 *Transferred and Recodified from 12 NCAC 07D .0503 Eff. July 1, 2015;*

12 *Readopted Eff. August 1, 2020.*

13 *Amended Eff. September 1, 2025.*