

1 14B NCAC 16 .0201 is amended as published in 37:18 NCR 1883 with changes as follows:

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3 **14B NCAC 16 .0201 APPLICATION FOR LICENSE AND TRAINEE PERMITS**

4 (a) Each applicant for a license or trainee permit shall submit an online application on the website provided by the
5 Board. The online application 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 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 60 months;
- 15 (4) the applicant's non-refundable application 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) an Equifax credit check run within 30 days of the license application submission date, which will
21 be submitted to the Board's investigator during the application process; and
- 22 (7) five letters attesting to the good character and reputation of the applicant using the online character
23 letter submission process.

24 (b) Applications for trainee permits shall be accompanied by a notarized statement on a form provided by the Board
25 and signed by the applicant and his or her prospective supervisor, stating that the trainee applicant shall at all times
26 work with and under the direct supervision of that supervisor and the form shall be uploaded as part of the online
27 application process.

28 (c) Private investigator and digital forensics examination trainees applying for a license shall make available for
29 inspection a log of experience on a form provided by the ~~Board.~~ Board as required by Rule .0403 of this Chapter.

30 (d) Each applicant must upload evidence of high school graduation either by diploma, G.E.D. certificate, or other
31 proof.

32 (e) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the
33 Director, or another Board representative designated by the Director prior to being issued a license. The applicant
34 shall discuss the provisions of G.S. 74C and the administrative rules in this Chapter during the personal meeting. The
35 applicant shall sign a form provided by the Board indicating that he or she has reviewed G.S. 74C and the
36 administrative rules in this Chapter with the Board's representative. During a national or State declared state of

1 emergency that restricts or prohibits travel, the personal meeting requirement may be waived if requested by the
2 applicant in favor of alternative means of communication.

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

5 *Eff. June 1, 1984;*

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

7 *December 1, 1985;*

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

9 *Amended Eff. November 1, 2017;*

10 *Readopted Eff. March 1, 2020;*

11 *Emergency Amendment Eff. May 6, 2020;*

12 *Temporary Amendment Eff. July 24, 2020;*

13 *Temporary Amendment Expired May 14, 2021;*

14 *Amended Eff. January 1, 2022; July 1, 2021;*

15 *Temporary Amendment Eff. April 28, 2023;*

16 *Amended Eff. October 1, 2023.*

1 14B NCAC 16 .0205 is amended as published in 37:19 NCR 1940 as follows:

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3 **14B NCAC 16 .0205 COMPANY BUSINESS LICENSE**

4 (a) Any firm, association, or corporation required to be licensed pursuant to G.S. 74C-2(a) shall upload on the Board's
5 website an application for a company business license on a form provided by the Board. Only a sole proprietorship
6 that is owned and operated by an individual licensee shall be exempt from this Rule. This application for license shall
7 require such information as the firm, association, or corporation name; the address of its principal office within the
8 State; any past conviction for criminal offenses of any company director, or officer; information concerning the past
9 revocation, suspension, or denial of a business or professional license to any director or officer; a list of all directors
10 and officers of the firm, association, or corporation; a list of all persons, firms, associations, corporations or other
11 entities owning 10 percent or more of the outstanding shares of any class of stock; and the name and address of the
12 qualifying agent.

13 (b) In addition to the items required in Paragraph (a) of this Rule, an out-of-state corporation shall file with its
14 application for a license, a copy of its certificate of authority to transact business in this State issued by the North
15 Carolina Secretary of State in accordance with G.S. 55-15-01. The corporation shall also file a consent to service of
16 process and pleadings that shall be authenticated by its corporate seal and accompanied by a duly certified copy of the
17 resolution of the board of directors authorizing the proper officer or officers to execute the consent.

18 (c) After filing a completed application with the Board, the Board shall conduct a background investigation to
19 determine if the qualifying agent is in a management position. A management position means a position which
20 manages established divisions or subdivisions of the firm, association or corporation and directs the work of one or
21 more supervisors, has the authority to hire, reward, discipline or discharge employees, and may also provide
22 suggestions for changes in policy to senior executives with policy-making authority. The Board shall also determine
23 if the directors or officers have the requisite good moral character as defined in G.S. 74C-8(d)(2). For purposes of this
24 Rule, "conviction" means and includes the entry of a plea of guilty or no contest or a verdict rendered in open court
25 by a judge or jury.

26 (d) Upon satisfactory completion of the background investigation, a company business license shall be issued. This
27 license shall be conspicuously displayed at the principle principal place of business within North Carolina.

28 (e) The company business license shall be issued only to the business entity and shall not be construed to extend to
29 the licensing of its officers and employees.

30 (f) The issuance of the company business license is issued to the firm, association, or corporation in addition to the
31 license issued to the qualifying agent. The qualifying agent for the firm, association, or corporation which has been
32 issued the company business license shall be responsible for assuring compliance with G.S. 74C.

33 (g) Dissolution or administrative suspension of corporate status shall result in suspension of the company business
34 license by operation of law and may result in disciplinary action for unlicensed activity, if it is determined that the
35 suspension was due to intentional disregard of the law or inaction.

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37 *History Note: Authority G.S. 74C-2(a); 74C-5;*

1 *Eff. April 1, 1993;*
2 *Amended Eff. February 1, 1995;*
3 *Transferred and Recodified from 12 NCAC 07D .0205 Eff. July 1, 2015;*
4 *Readopted Eff. March 1, 2020;*
5 *Amended Eff. August 1, 2023.*

1 14B NCAC 16 .0403 is amended as published in 37:18 NCR 1883 with changes as follows:

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3 **14B NCAC 16 .0403 TRAINEE PERMIT REQUIREMENTS**

4 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a trainee permit in private
5 ~~investigation or countermeasures~~ investigation, electronic countermeasures, or digital forensics examination shall be
6 directly supervised by a licensee [approved by the Board] and that supervisor shall be responsible for the training and
7 ~~investigations~~ other professional activities of the trainee.

8 (b) Trainees who wish to apply for a license must submit an application to the Board in accordance with Rule .0201
9 of this Chapter.

10 (c) Private ~~investigator~~ investigator, electronic countermeasures, or digital forensics examination trainees shall
11 maintain a log on a form provided by the Board on its website as evidence of [experience, which sets forth the case
12 number, date, work or training activity and the number of hours. The log shall be signed and dated by both the trainee
13 and the sponsor.] This log must be available for inspection by Board staff when applying for a license.

14 (d) Any request for renewal of a trainee permit or for issuance of a license shall be accompanied by an evaluation
15 report of the trainee's performance on a form provided by the Board on its website and submitted by the trainee's
16 supervisor.

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18 *History Note: Authority G.S. 74C-2; 74C-5;*
19 *Eff. June 1, 1984;*
20 *Amended Eff. December 1, 1985;*
21 *Transferred and Recodified from 12 NCAC 07D .0403 Eff. July 1, 2015;*
22 *Readopted Eff. August 1, 2020;*
23 *Temporary Amendment Eff. April 28, 2023;*
24 *Amended Eff. October 1, 2023.*

1 14B NCAC 16 .0807 is amended as published in 37:18 NCR 1883 as follows:

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3 **14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED LICENSEES AND REGISTRANTS**

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

6 (b) Private ~~investigator~~ investigator, close personal protection, or any other **licensee licensees** applying for an armed
7 ~~security guard firearm registration~~ permit shall first complete a ~~five-hour~~ training course consisting of the courses set
8 forth in Rule .0707(a)(1) and (2) of this **[Chapter and all additional training requirements set forth in that Rule.**
9 **Chapter.]**

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

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

19 Subparagraph (c)(2), "operation" under Subparagraph (c)(3), and Subparagraph (c)(4) of this Rule shall be completed
20 prior to the applicant's participation in range firing.

21 (d) Applicants for either an armed licensee permit or an armed security guard firearm registration permit shall attain
22 a score of at least 80 percent accuracy on a firearms range qualification course established by the Board and the
23 Secretary of Public Safety, a copy of which is on file in the Director's office, once in three consecutive attempts.
24 Should a student fail to attain a score of 80 percent accuracy, the student **may shall** be given a second opportunity to
25 qualify once in three consecutive attempts on the course of fire the student did not pass. Failure to qualify after the
26 second series of attempts shall require the student to repeat the entire basic training course for armed security guards.
27 All attempts must take place within 20 days of the completion of the initial 20 hour course. For rifle qualification all
28 shots shall be located on the target.

29 (e) All **[initial]** ~~armed security guard~~ training required by this **[Chapter Rule]** shall be administered by a certified
30 trainer and **[the training required by Subparagraph (c) of this Rule and the initial training for authorization for a rifle**
31 **or shotgun]** shall be completed no more than 90 days prior to the date of ~~issuance of~~ application for the licensee permit
32 or armed security guard firearm registration permit.

33 (f) All applicants for an armed security guard firearm registration permit shall obtain training under the provisions of
34 this Section using their duty weapon and their duty ammunition or ballistic equivalent ammunition, to include lead-
35 free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all
36 ~~weapons.~~ firearms.

1 (g) No more than six new or renewal licensee permit or armed security guard applicants per one instructor shall be
2 placed on the firing line at any one time during firearms range ~~training for armed security guards.~~ training.

3 (h) Applicants for re-certification of a [armed] licensee permit or an armed security guard firearm registration permit
4 shall complete ~~a~~ the basic recertification training course for armed security guards that consists of at least four hours
5 of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this
6 Rule. [Subparagraphs Subparagraph] (c)(2), operation under subparagraph (c)(3), and subparagraphs (c)(4) and (5) of
7 this Rule shall be reviewed prior to range [firing firing; and however] maintenance under Subparagraph (c)(3) may be
8 reviewed after range firing. The recertification course is valid for 180 days after completion of the course. Applicants
9 for recertification of a licensee permit or an armed security guard firearm registration permit shall also complete the
10 requirements of Paragraph (d) of this Rule.

11 (i) An armed guard registered with one company may be registered with a second company. The registration shall be
12 considered "dual." The registration with the second company shall expire at the same time that the registration expires
13 with the first company. An updated application shall be required to be submitted by the applicant, along with the
14 digital photograph, updated criminal records checks, and a forty dollar (\$40.00) registration fee. If the [guard will be
15 carrying a firearm of guard's duty firearm for all companies is] the same make, model, and caliber, then no additional
16 firearms training shall be required. The licensee shall submit a letter stating the guard will be carrying the same make
17 and model firearm. If the guard will be carrying a firearm of a different make and model, the licensee shall submit a
18 letter to the Board advising of the make, model, and caliber of the firearm the guard will be carrying and the guard
19 shall be required to qualify at the firing range on both the day and night qualification course. The qualification score
20 is valid for 180 days after completion of the course.

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

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

29 Subparagraph (j)(2), "operation" under Subparagraph (j)(3), and Subparagraph (j)(4) of this Rule shall be completed
30 prior to the applicant's participation in range firing.

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

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

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

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

9 Subparagraph (m)(2), "operation" under Subparagraph (m)(3), and Subparagraph (m)(4) of this Rule shall be
10 completed prior to the applicant's participation in range firing.

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

13 (o) An applicant may take the additional rifle training at a time after the initial training in Subsection (c) of this Rule.
14 If the rifle training is completed at a later time, the rifle certification shall run concurrent with the armed registration
15 permit. In addition to the requirements set forth in Paragraphs (m) and (n) of this Rule, applicants shall attain a score
16 of at least 80 percent accuracy on a rifle range qualification course established by the Board and the Secretary of
17 Public Safety, a copy of which is on file in the Director's office.

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

20 (q) Upon written request, an applicant for a [armed] licensee permit or an armed security guard firearm registration
21 permit who possesses a current firearms trainer certificate shall be given a firearms licensee permit or registration
22 permit that will run concurrent with the trainer certificate upon completion of an annual qualification with the
23 applicant's duty firearms as set forth in Paragraph (d) of this Rule.

24 (r) An armed licensee or security guard is required to qualify annually both for day and night firing with his or her
25 duty handgun, shotgun, and rifle, if applicable. If the licensee or security guard fails to qualify on any course of fire,
26 [the] licensee or [the] security guard shall not carry the firearm until such time as he or she meets the qualification
27 requirements. Upon failure to qualify, the firearm instructor shall notify the licensee or security guard [verbally] that
28 he or she is no longer authorized to carry the firearm and the firearm instructor shall notify the employer and the
29 Private Protective Services Board staff [in writing] on the next business day.

30 (s) A firearm training certificate of an armed security guard remains valid even if the guard leaves the employment
31 of one company for the employment of another. The range qualifications shall remain valid if the guard will be carrying
32 a firearm of the same make, model, and caliber and no additional firearms training shall be required. The licensee shall
33 submit a letter stating the guard will be carrying the same make and model firearm. If the guard will be carrying a
34 firearm of a different make and model, the licensee shall submit a letter to the Board advising of the make, model, and
35 caliber of the firearm the guard will be carrying and the guard shall be required to qualify at the firing range on both
36 the day and night qualification course. The qualification score is valid for 180 days after completion of the course.
37 However, nothing herein shall extend the period of time the qualification is valid.

1 *History Note: Authority G.S. 74C-5; 74C-9; 74C-13;*
2 *Eff. June 1, 1984;*
3 *Amended Eff. November 1, 1991; February 1, 1990; July 1, 1987;*
4 *Temporary Amendment Eff. January 14, 2002;*
5 *Amended Eff. October 1, 2013; October 1, 2010; June 1, 2009; February 1, 2006; August 1, 2002;*
6 *Transferred and Recodified from 12 NCAC 07D .0807 Eff. July 1, 2015;*
7 *Amended Eff. January 1, 2018; February 1, 2016; October 1, 2015;*
8 *Readopted Eff. November 1, 2019;*
9 *Amended Eff. January 1, 2023; February 1, 2022;*
10 *Temporary Amendment Eff. April 28, 2023;*
11 *Amended Eff. October 1, 2023.*

1 14B NCAC 16 .1101 is amended as published in 37:19 NCR 1940 as follows:

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3 **14B NCAC 16 .1101 DEFINITIONS**

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

- 5 (1) "Private Investigator Associate" refers to an individual training to become a Private Investigator. A
6 Private Investigator Associate may also be referred to as a "trainee" in these Rules. A Private
7 Investigator Associate must complete three training levels as set out in this Section.
- 8 (2) "One-on-one Supervision" means person-to-person contact whereby the licensed investigator is
9 personally and directly supervising or training the Associate. The training investigator must be the
10 sponsoring licensed Private Investigator or any licensed Private Investigator who is a member of the
11 sponsoring Private Investigator's firm, association, or corporation. The Private Investigator
12 Associate may not subcontract his or her employment to another Private Investigator. However, the
13 sponsoring Private Investigator may subcontract the Private Investigator Associate if the sponsor
14 obtains prior written approval from the Board's Director by showing that the Private Investigator
15 Associate will receive an educational benefit from the subcontract employment and the Associate
16 will receive one-on-one supervision from another licensed Private Investigator. ~~[One-on-one
17 supervision may also be satisfied if the Associate undergoes training from an individual or
18 educational course approved by the Board's Director prior to the Associate receiving the training.]~~
- 19 (3) "Training Checklist" ~~[refers to means]~~ the ~~[document(s) documents]~~ that shall state all areas of
20 training and work that the Associate has performed. The ~~[supervising sponsoring]~~ Private
21 Investigator is responsible for maintaining the training checklist and providing a copy of the
22 checklist to the Associate. The Training Checklist must reflect the date the Associate advances from
23 one level to another. The training checklist must be signed by the Associate and the sponsoring
24 Private Investigator at the end of each reporting period. In the event the Associate transfers
25 employment to another Private Investigator, the Associate must provide the new ~~[supervising
26 sponsoring]~~ Private Investigator with the training checklist and the new sponsoring Private
27 Investigator will then be responsible for the maintenance of the checklist. The Training Checklist
28 must be updated on a quarterly basis for Level One Associates and on a yearly basis for Level Two
29 and Level Three Associates. The training checklist must be maintained pursuant to Rule .0108 of
30 this Chapter. When an Associate completes Level Three, the Training Checklist must be made a
31 part of the Associate's application for a Private Investigator's license. The Board shall have
32 immediate access to the training ~~[checklist. checklist upon request.]~~
- 33 (4) "Associate Log" ~~[refers to means]~~ the ~~[document(s) documents]~~ maintained by the ~~sponsoring
34 Private Investigator Associate~~ which shall list each case the Associate has worked, the number of
35 hours spent on the case, and the type of work performed. ~~[Details of the one on one training must
36 be documented within the Associate's log.]~~

1 *History Note: Authority G.S. 74C-2(c); 74C-5(2);*
2 *Eff. July 1, 1994;*
3 *Transferred and Recodified from 12 NCAC 07D .1101 Eff. July 1, 2015;*
4 *Readopted Eff. July 1, 2020;*
5 *Amended Eff. October 1, 2023.*

1 14B NCAC 16 .1501 is adopted as published in 37:18 NCR 1883 as follows:

2
3 **SECTION .1500 - CLOSE PERSONAL PROTECTION**

4
5 **14B NCAC 16 .1501 EXPERIENCE REQUIREMENTS FOR A CLOSE PERSONAL PROTECTION**
6 **LICENSE**

7 (a) In addition to the requirements of G.S. 74C-8 and Section .0200 of this Chapter, applicants for a close personal
8 protection license shall:

- 9 (1) establish ~~[to the Board's satisfaction]~~ three years of verifiable experience while conducting close
10 personal protection services as set forth in G.S. 74C-3(a)(3a) with a private person, firm, association,
11 or corporation within the last 10 years;
12 (2) establish ~~[to the Board's satisfaction]~~ three years of verifiable experience while conducting close
13 personal protection services as set forth in G.S. 74C-3(a)(3a) with any federal, state, county or
14 municipal law enforcement agency, or other governmental agency within the last 10 years;
15 (3) establish ~~[to the Board's satisfaction]~~ a military occupational specialty and two years of verifiable
16 experience within the past five years in the U.S. Armed Forces while conducting close personal
17 protection services as set forth in G.S. 74C-3(a)(3a) while serving in an official capacity; or
18 (4) have completed a course in close personal protection approved by the Board given by a school
19 specializing in close personal protection (or "executive protection") that consists of a minimum of
20 40 hours of actual classroom and practical instruction within the last 2 ~~years;~~ and years as required
21 by Rule .1502 of this Chapter.]
22 ~~[(5) possess a basic first aid certificate from the American Red Cross and a valid CPR and AED~~
23 ~~certification from the American Red Cross, American Heart Association, American Safety and~~
24 ~~Health Institute, or National Safety Council.]~~

25 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a close personal protection license
26 that is the spouse of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- 27 (1) the spouse holds a current license, certification, or registration from another jurisdiction and the
28 other jurisdiction's requirements are substantially equivalent to or exceed the Board's requirements;
29 and
30 (2) the spouse has two years verifiable experience within the past five years while conducting close
31 personal protection as set forth in in G.S. 74C-3(a)(3a) while serving in an official capacity with
32 any entity described in Paragraph (a) of this rule.

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34 *History Note: Authority G.S. 74C-5(2); 93B-15.1;*
35 *Temporary Adoption Eff. April 28, 2023;*
36 *Eff. October 1, 2023.*

1 14B NCAC 16 .1502 is adopted as published in 37:18 NCR 1883 with changes as follows:

2
3 **14B NCAC 16 .1502 TRAINING REQUIREMENTS FOR CLOSE PERSONAL PROTECTION**
4 **LICENSE**

5 (a) Applicants for a close personal protection license who do not have the experience set forth in Rule .1501(a)(1)
6 through (3) or (b)(1) and (2) shall complete a basic close personal protection (or “executive protection”) training
7 course approved by the Board within the previous 24 months. The course shall consist of a minimum of 40 hours of
8 classroom and practical instruction [~~including:~~ including as a minimum:]

9 (1) Fundamentals of personal protection, including [as a minimum] mission planning, performing site
10 surveys, route selection (primary, secondary, etc.), medical evacuation, walking formations (single,
11 multiple, etc.), communications with protectees, and transitional movements (arrivals, departures,
12 plan changes, hasty movements, etc.) – (minimum of 26 hours);

13 (2) Practical exercises – (minimum of 12 hours); and

14 (3) Legal Issues, including the rules set forth in this Section; G.S. 74C-17 and 14B NCAC 16 .0807
15 [applicable to each of the below blocks of instruction and this Section] and North Carolina’s laws
16 on use of force, and the federal and State firearms law. The 3 hour unarmed guard block of
17 instruction, [set forth in 14B NCAC 16 .0707] if performing services unarmed, or the 4 hour armed
18 guard block of instruction [set forth in 14B NCAC 16 .0807(c)(1) if performing services armed]
19 taught by a certified [~~instructor, or an equivalent block of instruction,~~ instructor] shall fulfill this
20 requirement – (minimum of 2 hours).

21 (b) In addition to the minimum classroom and practical instruction required by subsection (a) of this Rule, the
22 applicant must possess a basic first aid certificate from the American Red Cross and a valid CPR and AED certification
23 from the American Red Cross, American Heart Association, American Safety and Health Institute, or National Safety
24 Council.

25 (c) Subsection (a)(3) of this Rule may be conducted remotely as provided for by 14B NCAC 16 .0707(c).

26
27 *History Note: Authority G.S. 74C-5;*
28 *Temporary Adoption Eff. April 28, 2023;*
29 *Eff. October 1, 2023.*

1 14B NCAC 16 .1601 is adopted as published in 37:18 NCR 1883 with changes as follows:

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3 **SECTION .1600 – DIGITAL FORENSICS EXAMINER**

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5 **14B NCAC 16 .1601 EXPERIENCE REQUIREMENTS FOR A DIGITAL FORENSICS EXAMINER**
6 **LICENSE**

7 (a) In addition to the requirements of Section .0200 of this Chapter, applicants for a Digital Forensic Examiner
8 (D.F.E.) license shall:

- 9 (1) establish [to the Board's satisfaction] three years of verifiable experience within the past five years
10 conducting digital forensic examinations as defined by G.S. 74C-3(a)(5a) individually, or with any
11 private company or federal, state, county or municipal agency;
12 (2) hold a North Carolina private investigator license, or private investigator license from a state
13 reciprocal with North Carolina, [and] have completed a course of instruction consisting of not less
14 than 40 hours of live classroom and practical instruction in digital [forensics forensics,] and obtained
15 certification from a certifying entity approved by the Board within the previous two years;
16 (3) establish [to the Board's satisfaction] that the applicant has been qualified as an expert witness in
17 an area of digital forensics in a court of law using the standard set forth by the United States Supreme
18 Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny cases,
19 within the previous three years; or
20 (4) establish [to the Board's satisfaction] a military occupational specialty and two years of verifiable
21 experience conducting digital forensics examinations within the past five years in the U.S. Armed
22 Forces.

23 (b) In addition to the requirements of Section .0200 of this Chapter, an applicant for a D.F.E. license that is the spouse
24 of an active duty member of the U.S. Armed Forces shall establish to the Board's satisfaction:

- 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 conducting digital forensics examinations within
29 the past five years.

30 (c) [Using the formula in Rule .0204(d) of this Chapter, the The] Board shall give credit toward the experience
31 requirements set forth in Paragraphs (a) and (b) of this Rule as follows:

- 32 (1) An applicant shall receive 400 hours of experience credit for an associate's degree. The Board shall
33 grant up to 100 additional hours if the applicant can demonstrate that further training or course-work
34 related to digital forensics examination was received while obtaining the associate's degree.
35 (2) An applicant shall receive 800 hours of experience credit for a bachelor's degree. The Board shall
36 grant up to 200 additional hours if the applicant can demonstrate that further training or course-work
37 related to digital forensics examination was received while obtaining the bachelor's degree.

1 (3) An applicant shall receive 1,200 hours of experience credit for a graduate degree. The Board shall
2 grant an additional 300 additional hours if the applicant can demonstrate that further training or
3 course-work related to digital forensics examination was received while obtaining the graduate
4 degree.

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6 *History Note: Authority G.S. 74C-5; 93B-15.1;*
7 *Temporary Adoption Eff. April 28, 2023;*
8 *Eff. October 1, 2023.*

1 14B NCAC 16 .1701 is adopted as published in 37:18 NCR 1883 as follows:

2
3 **SECTION .1700 – TRAINING AND SUPERVISION FOR DIGITAL FORENSICS**
4 **EXAMINER (D.F.E.) ASSOCIATES**

5
6 **14B NCAC 16 .1701 DEFINITIONS**

7 In addition to the definitions set forth in G.S. 74C, the following definitions shall apply to this Section:

- 8 (1) "Digital Forensics Examiner Associate" [refers to means] an individual training to become a digital
9 forensics examiner licensee. A Digital Forensics Examiner Associate may also be referred to as a
10 "trainee" in these Rules. A Digital Forensics Examiner Associate must complete three training levels
11 as set out in this Section.
- 12 (2) "One-on-one Supervision" means person-to-person contact whereby the licensee is personally and
13 directly supervising or training the Associate. The training licensee must be the sponsoring digital
14 forensics examiner licensee. The Digital Forensics Examiner Associate may not subcontract his or
15 her employment to another licensee. However, the sponsoring digital forensics examiner licensee
16 may subcontract the Digital Forensics Examiner Associate if the sponsor obtains prior written
17 approval from the Board's Director by showing that the Digital Forensics Examiner Associate will
18 receive an educational benefit from the subcontract employment and the Associate will receive one-
19 on-one supervision from another licensee.
- 20 (3) "Training Checklist" [refers to means] the [document(s) documents] that shall state all areas of
21 training and work that the Associate has performed. The [supervising licensee sponsor] is
22 responsible for maintaining the training checklist and providing a copy of the checklist to the
23 Associate. The Training Checklist must reflect the date the Associate advances from one level to
24 another. The training checklist must be signed by the Associate and the [sponsoring licensee
25 sponsor] at the end of each reporting period. In the event the Associate transfers employment to
26 another licensee, the Associate must provide the new [supervising licensee sponsor] with the
27 training checklist and the new [sponsoring licensee sponsor] will then be responsible for the
28 maintenance of the checklist. The Training Checklist must be updated on a quarterly basis for Level
29 One Associates and on a yearly basis for Level Two and Level Three Associates. The training
30 checklist must be maintained pursuant to Rule .0108 of this Chapter. When an Associate completes
31 Level Three, the Training Checklist must be made a part of the Associate's application for a digital
32 forensics examiner license. The Board shall have immediate access to the training [checklist
33 checklist upon request.]
- 34 (4) "Associate Log" [refers to means] the [document(s) documents] maintained by the Associate which
35 shall list each case the Associate has worked, the number of hours spent on the case, and the type of
36 work performed. [Details of the one on one training must be documented within the Associate's
37 log.]

- 1 *History Note: Authority G.S. 74C-2(c); 74C-5(2);*
- 2 *Temporary Adoption Eff. April 28, 2023;*
- 3 *Eff. October 1, 2023.*

1 14B NCAC 16 .1706 is adopted as published in 37:18 NCR 1883 with changes as follows:

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3 **14B NCAC 16 .1706 CONSIDERATION OF [PRACTICAL] EXPERIENCE**

4 ~~[(a)]~~ The Board shall consider any practical experience [in computer science or digital forensics examination] gained
5 [by the applicant] prior to the application date. The Board shall not consider experience claimed by the applicant if
6 the experience was gained after December 1, 2022:

7 (1) by contracting private protective services to another person, firm, association, or corporation while
8 not in possession of a valid private protective services license; or

9 (2) when employed by a company contracting private protective services to another person, firm,
10 association, or corporation while the company is not in possession of a valid private protective
11 services license.

12 (b) The Board shall consider any educational experience referred to in Rule .1705 of this Section.

13

14 *History Note: Authority G.S. 74C-5(2);*

15 *Temporary Adoption Eff. April 28, 2023;*

16 *Eff. August 1, 2023.*

1 14B NCAC 16 .1707 is adopted as published in 37:18 NCR 1883 with changes as follows:

2

3 **14B NCAC 16 .1707 ENFORCEMENT**

4 A violation [of this Chapter or G. S. Chapter 74C] by the Associate may be deemed by the Board to be a violation [of
5 by] the sponsor if the violation is found to be the result of [insufficient supervision a failure to supervise which resulted
6 in the violation] and may subject the sponsor to [any an] enforcement [actions action] pursuant to [G.S. 74C-17. G.S.
7 74C-12(a) or G.S. 74C-17(c).]

8

9 *History Note: Authority G.S. 74C-2(c); 74C-5(2); 74C-12;*

10 *Temporary Adoption Eff. April 28, 2023;*

11 *Eff. August 1, 2023.*