

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

AGENCY: NC Private Protective Services Board

RULE CITATION: 14B NCAC 16

DEADLINE FOR RECEIPT: August 19, 2024

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 had several questions related to multiple rules:

On the cover sheet for each of these rules you provide the same explanation in item 9B, and that explanation seems to only apply to one of the rules. Am I correct in assuming that this was an error? If so, I don't see a problem with relying on the explanations provided in the register when these went out for comment if that is still the Board's intent.

In several of these rules (see e.g. 14B NCAC 16 .0201), you replace a specific four-dollar fee with "the convenience fee charged by the Board's on-line application vendor." Is this a fee for a "data processing service" under G.S. 150B-19(5)? Or is there another exception the agency believes it is operating under?

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

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

AGENCY: NC Private Protective Services Board

RULE CITATION: 14B NCAC 16 .0203

DEADLINE FOR RECEIPT: August 19, 2024

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:

On line 13, you left in the reference to a specific four-dollar convenience fee, while you removed it in the other rules. Was this intentional?

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

Seth Ascher
Commission Counsel

Date submitted to agency: August 5, 2024

1 14B NCAC 16 .0203 is amended as published in 38:19 NCR 1229-1243 as follows:

2
3 **14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS**

4 (a) Each applicant for renewal of a license or trainee permit shall submit an online renewal application on the website
5 provided by the Board. This online application shall be submitted not less than 30 days prior to expiration of the
6 applicant's current license or trainee permit and shall be accompanied by:

- 7 (1) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of
8 sufficient quality for identification, taken within six months prior to online application and
9 submitted by uploading the photograph online with the application submission;
- 10 (2) upload online a statement of the result of a statewide criminal history records search by the reporting
11 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has
12 resided within the preceding 24 months;
- 13 (3) the applicant's renewal fee, along with a four dollar (\$4.00) convenience fee and credit card
14 transaction fee; ~~and~~
- 15 (4) for license applicants, proof of liability insurance as set out in G.S. 74C-10(e); ~~and~~
- 16 (5) ~~proof of having completed continuing education as require by Rule .1202 of this Chapter.~~

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

- 22 (1) an online Application For Reinstatement of an Expired License;
- 23 (2) one set of classifiable fingerprints on an applicant fingerprint card that shall be mailed separately to
24 the Board's office;
- 25 (3) one head and shoulders digital color photograph of the applicant in JPG, JPEG, or PNG format of
26 sufficient quality for identification, taken within six months prior to online application and
27 submitted by uploading the photograph online with the application submission;
- 28 (4) upload online a statement of the result of a statewide criminal history records search by the reporting
29 service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has
30 resided within the preceding 60 months;
- 31 (5) the applicant's non-refundable application fee, along with ~~a four dollar (\$4.00)~~ the convenience fee
32 charged by the Board's on-line application vendor and credit card transaction fee;
- 33 (6) proof of liability insurance as set out in G.S. 74C-10(e); ~~and~~
- 34 (7) payment to the State Bureau of Investigations to cover the cost of criminal record checks performed
35 by the State Bureau of Investigations, with payment to be paid online through the Board's online
36 application process; ~~and~~
- 37 (8) ~~proof of having completed continuing education as required by Rule .1202 of this Chapter.~~

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

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6 *History Note: Authority G.S. 74C-5; 74C-8; 74C-8.1; 74C-9;*
7 *Eff. June 1, 1984;*
8 *Amended Eff. October 1, 2013; May 1, 2012; October 1, 2010; November 1, 2007; January 4, 1994;*
9 *July 1, 1987; December 1, 1985;*
10 *Transferred and Recodified from 12 NCAC 07D .0203 Eff. July 1, 2015;*
11 *Amended Eff. November 1, 2017;*
12 *Readopted Eff. March 1, 2020;*
13 *Amended Eff. September 1, 2024; July 1, 2022; July 1, 2021.*