

~~(e) Where a declaratory ruling is deemed to be in the public interest, the Director shall issue the ruling within 60 days of receipt of the petition.~~

~~(f) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedures as may be appropriate. The Director may determine in a particular case.~~

~~(g) The Director may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.~~

~~(h) A record of all declaratory ruling procedures shall be maintained for as long as the ruling has validity. This record will contain:~~

- ~~(1) the original request,~~
- ~~(2) reasons for refusing to issue a ruling,~~
- ~~(3) all written memoranda and information submitted,~~
- ~~(4) any written minutes or audio tape or other record of the oral hearing, and~~
- ~~(5) a statement of the ruling.~~

~~This record will be maintained in a file at the Division Office, Division of Health Service Regulation, 2700 Mail Service Center, Raleigh, North Carolina, 27699-2701 and will be available for public inspection during regular office hours.~~

~~Authority G.S. 143B-10; 150B-4.~~

TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Private Protective Services Board intends to readopt with substantive changes the rules cited as 14B NCAC 16 .0110, .0804-.0809, .0901, .0904, .0906, .0909; and readopt without substantive changes the rules cited as 14B NCAC 16 .0101-.0109, .0111-.0114, .0201-.0205, .0301, .0302, .0401-.0405, .0501-.0504, .0601-.0603, .0701-.0707, .0801-.0803, .0902, .0903, .0905, .0907, .0908, .0910-.0912, .1001-.1003, .1101-.1108, .1201-.1207, .1301-.1308, and .1401-.1408.

Pursuant to G.S. 150B-21.2(c)(1), the text of rules to be readopted without substantive changes are not required to be published. The text of the rules is available on the OAH website: <http://reports.oah.nc.us/ncac.asp>.

Link to agency website pursuant to G.S. 150B-19.1(c):
<https://www.ncdps.gov/About-DPS/Boards-Commissions/Private-Protective-Services-Board>

Proposed Effective Date: June 1, 2019

Public Hearing:

Date: February 20, 2019

Time: 2:00 p.m.

Location: Private Protective Services Board, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609

Reason for Proposed Action: *This set of rules has completed the statutorily required review process and need to be readopted.*

Comments may be submitted to: *Phil Stephenson, Field Services Supervisor, 3101 Industrial Drive, Suite 104, Raleigh, NC 27609, phone (919) 788-5320, fax (919) 715-0370, email Phillip.Stephenson@ncdps.gov*

Comment period ends: April 2, 2019

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
- Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

SECTION .0100 - ORGANIZATION AND GENERAL PROVISIONS

14B NCAC 16 .0101 PURPOSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0102 LOCATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0103 DEFINITIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0104 UNIFORMS AND EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0105 PROHIBITED ACTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0106 DISCIPLINARY ACTIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0107 LAW ENFORCEMENT OFFICERS SPECIAL PROVISIONS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0108 RECORDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0109 RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0110 REPORTING REQUIREMENTS FOR THE DISCHARGE OF FIREARMS

(a) If any licensee or certificate holder is charged with any criminal offense that would constitute grounds to deny, suspend or revoke a license or certificate under this Chapter the licensee or certificate holder shall self-report the criminal charge to the Board either in person or by telephone no later than the first business day following the charge. The licensee or certificate holder shall provide a copy of the charging document and a written explanation to the Board within five working days.

(b) If any registrant is charged with any criminal offense that would constitute grounds to deny, suspend or revoke a license or certificate under this Chapter the licensee or certificate holder shall self-report the criminal charge to the Board either in person or by telephone no later than the first business day following knowledge of the charge. The licensee or certificate holder shall provide a copy of the charging document and a written explanation to the Board within five working days.

(c) If a licensee or registrant licensee, registrant or certificate holder discharges a firearm while engaged in the private protective services business, the licensee shall notify the Board either in person or by telephone no later than the first business day following the incident. The licensee shall also file a written report to the Board within five working days of the incident. In the report, the licensee shall state the name of the individual who discharged the firearm, the type of weapon discharged, the location of the incident, the law enforcement agency investigating the incident, the events leading to the discharge of the firearm, and any bodily injuries occurring from the incident. This Rule shall not be construed to apply to a weapon that is discharged during a training course that has been approved by the Board.

Authority G.S. 74C-5.

14B NCAC 16 .0111 CHANGE OF ADDRESS OR TELEPHONE NUMBER (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0112 SUSPENSION OF AUTHORITY TO EXPEND FUNDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0113 INVOLVEMENT IN ADMINISTRATIVE HEARING (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0114 APPLICATION COMPLETION DEADLINE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0200 - LICENSES: TRAINEE PERMITS

14B NCAC 16 .0201 APPLICATION FOR LICENSES AND TRAINEE PERMITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0202 FEES FOR LICENSES AND TRAINEE PERMITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0203 RENEWAL OR RE-ISSUE OF LICENSES AND TRAINEE PERMITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0204 DETERMINATION OF EXPERIENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0205 COMPANY BUSINESS LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0300 - SECURITY GUARD AND PATROL: GUARD DOG SERVICE

14B NCAC 16 .0301 EXPERIENCE REQUIREMENTS/SECURITY GUARD AND PATROL LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0302 EXPERIENCE REQUIREMENTS FOR GUARD DOG SERVICE LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0400 - PRIVATE INVESTIGATOR: ELECTRONIC COUNTERMEASURES

14B NCAC 16 .0401 EXPERIENCE REQUIREMENTS FOR A PRIVATE INVESTIGATOR LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0402 EXPERIENCE REQUIREMENTS FOR A COUNTERINTELLIGENCE LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0403 TRAINEE PERMIT REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0404 REPORTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0405 PRIVATE INVESTIGATOR'S USE OF A BADGE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0500 - POLYGRAPH

14B NCAC 16 .0501 EXPERIENCE REQUIREMENTS FOR A POLYGRAPH LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0502 POLYGRAPH TRAINEE PERMIT REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0503 POLYGRAPH EXAMINATION REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0504 POLYGRAPH INSTRUMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0600 - PSYCHOLOGICAL STRESS EVALUATOR (P.S.E.)

14B NCAC 16 .0601 EXPERIENCE REQUIREMENTS FOR A PSYCHOLOGICAL STRESS EVALUATOR LICENSE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0602 P.S.E. EXAMINATION REQUIREMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0603 P.S.E. INSTRUMENTS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0700 - SECURITY GUARD REGISTRATION (UNARMED)

14B NCAC 16 .0701 APPLICATION FOR UNARMED SECURITY GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0702 FEES FOR UNARMED SECURITY GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0703 MINIMUM STANDARDS FOR UNARMED SECURITY GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0704 INVESTIGATION FOR UNARMED SECURITY GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0705 UNARMED SECURITY GUARD REGISTRATION IDENTIFICATION CARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0706 RENEWAL OR REISSUE OF UNARMED SECURITY GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0707 TRAINING REQUIREMENTS FOR UNARMED SECURITY GUARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

14B NCAC 16 .0801 APPLICATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0802 FEES FOR ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0803 MINIMUM STDS/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0804 INVESTIGATION/ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

(a) After the administrator receives a complete application for registration, the administrator/Director may cause to be made such further investigation of the applicant as deemed necessary.

(b) Any denial of an applicant for registration by the administrator/Director shall be subject to review by the Board.

Authority G.S. 74C-5.

14B NCAC 16 .0805 ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT IDENT CARDS

(a) The provisions of ~~12 NCAC 7D .0705~~ 14B NCAC 16 .0705 are hereby made to apply to armed security officers/guards.

(b) Upon termination of employment of an armed security officer/guard, the employer shall return the employee's registration card to the Board within 15 days of the employee's termination.

Authority G.S. 74C-5; 74C-11; 74C-13.

14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

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

- (1) two head and shoulders color digital photographs of the applicant in JPG format of acceptable quality for identification, taken within six months prior to submission and submitted by e-mail to PPASL-Photos@ncdps.gov or by compact disc;
(2) statements of any criminal record obtained from the reporting service designated by the Board

pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;

- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

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

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

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

(e) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.

Authority G.S. 74C-5; 74C-11; 74C-13.

14B NCAC 16 .0807 TRAINING REQUIREMENTS FOR ARMED SECURITY GUARDS

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

(b) Private investigator licensees applying for an armed security guard firearm registration permit shall first complete a four hour training course consisting of the courses set forth in Rule .0707(a)(1) and (2) of this Chapter and all additional training requirements set forth in that Rule.

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

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

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

(d) Applicants for an armed security guard firearm registration permit shall attain a score of at least 80 percent accuracy on a firearms range qualification course adopted by the Board and the Secretary of Public Safety, a copy of which is on file in the Director's office. For rifle qualification all shots shall be located on the target. Should a student fail to attain a score of 80 percent accuracy, the student may be given three additional attempts to qualify on the course of fire the student did not pass. Failure to meet the qualification after three attempts shall require the student to repeat the entire Basic Training Course for Armed Security Guards. All additional attempts must take place within 20 days of the completion of the initial 20 hour course.

(e) All armed security guard training required by this Chapter shall be administered by a certified trainer and shall be completed no more than 90 days prior to the date of issuance of the armed security guard firearm registration permit.

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

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

(h) Applicants for re-certification of an armed security guard firearm registration permit shall complete a basic recertification training course for armed security guards that consists of at least four hours of classroom instruction and is a review of the requirements set forth in Subparagraphs (c)(1) through (c)(5) of this Rule. The recertification course is valid for 180 days after completion of the course. Applicants for recertification of an armed security guard firearm registration permit shall also complete the requirements of Paragraph (d) of this Rule.

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

(j) To be authorized to carry a standard 12 gauge shotgun in the performance of his or her duties as an armed security guard, an applicant shall complete, in addition to the requirements of

Paragraphs (a), (c), and (d) of this Rule, six hours of classroom training that shall include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

Authority G.S. 74C-5; 74C-9; 74C-13.

14B NCAC 16 .0808 CONCEALED WEAPONS

(a) Nothing in G.S. 74C or this Chapter shall be construed as permitting the carrying of concealed weapons by licensees, trainees, registrants or firearms trainers while in performance of duties regulated by the Private Protective Services Act, ~~unless the Act. However, a licensee, trainer, or registrant who~~ has complied with all provisions of G.S. 14, Article 54B and applicable rules ~~promulgated~~ adopted by the N.C. Criminal Justice Education and Training Standards Commission pursuant thereto and has been issued a current concealed handgun permit by a ~~Sheriff. Additionally, applicants shall comply~~ Sheriff may carry a concealed handgun after complying with the concealed ~~firearm~~ handgun provisions for training and qualifications set forth in Paragraph (b) of this Rule.

(b) A licensee, ~~trainer, or registrant~~ trainee, registrant or firearms trainer shall comply with each of the following requirements to carry a ~~Concealed Firearm~~ concealed handgun while engaged in a private protective services business.

- (1) ~~An individual shall hold~~ Hold a current Armed Security Guard Registration Permit by complying with all requirements for armed registration as prescribed in this Section.
- (2) ~~An individual shall complete~~ Complete standards set forth by the N.C. Criminal Justice Education and Training Standards Commission

to include knowledge of North Carolina firearms laws including, but not limited to, the limitation on concealed ~~weapon~~ handgun possession on specified ~~grounds~~ property and within certain buildings.

- (3) ~~An individual meeting the requirements of this Section shall be issued a concealed firearm endorsement to the current Armed Security Guard Registration Permit for the term of the Armed Security Guard Registration Permit without additional permit fees, but any additional training costs necessary to comply with this Section shall be borne directly by the applicant.~~

(c) Upon application to the Board, a licensee, trainee, registrant, or firearms trainer meeting the requirements of this Section may be issued a concealed handgun endorsement to the current Armed Security Guard Registration Permit for the term of the Armed Security Guard Registration Permit without additional permit fees, but any additional training costs necessary to comply with this Section shall be borne directly by the applicant. The endorsement shall be renewed at the time of the Armed Security Guard Registration Permit renewal pursuant to the applicable provisions of this Section on payment of the armed security guard registration renewal fee and proof of possession of a current Concealed Handgun Permit. There shall be no additional fee for the concealed ~~firearms~~ handgun endorsement renewal.

Authority G.S. 74C-5; 74C-13.

14B NCAC 16 .0809 AUTHORIZED FIREARMS

Armed licensees or registrants are authorized, while in the performance of official duties or traveling directly to and from work, to carry a standard revolver from .32 caliber to .357 caliber, a standard semi-automatic pistol from .354 caliber to .45 caliber, any standard 12 gauge shotgun, or any standard semi-automatic or bolt action ~~.223 or .223, .308, 5.56 X 45 mm NATO caliber~~ caliber, or any above handgun caliber rifle as long as the licensee or registrant has been trained pursuant to Rule .0807 of this Section. For purposes of this Section, a "standard" firearm means a firearm that has not been modified or altered from its original manufactured design.

Authority G.S. 74C-5; 74C-13.

SECTION .0900 – TRAINER CERTIFICATE

14B NCAC 16 .0901 REQUIREMENTS FOR A FIREARMS TRAINER CERTIFICATE

- (a) Firearms trainer applicants shall:
- (1) meet the minimum standards established by Rule .0703 of this Chapter;
 - (2) have a minimum of one year of ~~supervisory~~ supervisory experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;

- (3) attain a 90 percent score on a firearm's prequalification course approved by the Board and the Secretary of Public Safety, with a copy of the firearm's course certificate to be kept on file in the administrator's office;
- (4) to teach handgun qualification, complete a training course approved by the Board and the Secretary of Public Safety that shall consist of a minimum of 32 hours of classroom and practical range training in safety and maintenance, range operations, night firearm training, control and safety procedures, and methods of handgun firing;
- (5) to teach shotgun ~~or rifle~~ qualification, complete a training course approved by the Board and the Secretary of Public Safety that shall consist of a minimum of ~~24~~ 12 hours of classroom and practical range training in shotgun ~~and rifle~~ safety and maintenance, range operations, night firearm training, control and safety procedures, and methods of shotgun ~~and rifle~~ firing;
- (6) to teach rifle qualification, complete a training course approved by the Board and the Secretary of Public Safety that shall consist of a minimum of 16 hours of classroom and practical range training in rifle safety and maintenance, range operations, night firearm training, control and safety procedures, and methods of rifle firing;
- ~~(7)~~ pay the certified trainer application fee established in Rule .0903(a)(1) of this Section; and
- ~~(7)~~(8) successfully complete the requirements of the Unarmed Trainer Certificate set forth in Rule .0909 of this Section.

- (b) The applicant's score on the prequalification course set forth in Subparagraph (a)(3) of this Rule is valid for 180 days after completion of the course.
- (c) In lieu of completing the training course set forth in Subparagraph (a)(4) of this Rule, an applicant may submit to the Board a current Criminal Justice Specialized Law Enforcement Firearms Instructor Certificate from the North Carolina Criminal Justice Education and Training Standards Commission.
- (d) In lieu of Subparagraphs (a)(2) and (4) of this Rule, an applicant may establish that the applicant satisfies the conditions set forth in G.S. 93B-15.1(a) for firearm instruction and two years of verifiable experience within the past five years in the U.S. Armed Forces as a firearms instructor.
- (e) All applicants subject to Paragraphs (c) and (d) of this Rule shall comply with the provisions of Subparagraph (a)(3), pay the application fee amount as set forth in Rule .0903 of this Section, and complete the eight-hour course given by the Board on rules and regulations.
- (f) In addition to the requirement of Section .0200 of this Chapter, an applicant for a firearms trainer certificate who is the spouse of an active duty member of the U.S. Armed Forces shall establish that the application satisfies the conditions set forth in G.S. 93B-15.1(b).
- (g) A Firearms Trainer Certificate expires two years after the date of issuance.

Authority G.S. 74C-5; 74C-9; 74C-13; 93B-15.1.

14B NCAC 16 .0902 APPLICATION FOR FIREARMS TRAINER CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0903 FEES FOR TRAINER CERTIFICATE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

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

(a) Each applicant for renewal of a firearms trainer certificate shall complete a renewal form provided by the Board and available on its website at www.ncdps.gov/PPS. This form shall be submitted not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) certification of the successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun or rifle), range operations, control and safety procedures, ~~and~~ methods of ~~firing~~, firing, and night firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) a certified statement of the result of a criminal records search from the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected by the Private Protective Services Board.

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

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

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

Authority G.S. 74C-5; 74C-8.1(a); 74C-13.

14B NCAC 16 .0905 DETERMINATION OF EXPERIENCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0906 RECORDS RETENTION

(a) A Certified Firearms Trainer shall retain the following in the individual's armed certification file:

- (1) a copy of the post delivery report listing the name(s) of individual(s) who qualified or attempted to qualify for armed security guard registration, and hour(s) of training, ~~weapon~~ firearms qualification scores and any other information thereon;
- (2) a copy of the individual's Firearm Training Certificate; and
- (3) the individual's B-27 target and the Certified Firearms Trainer's Documentation Record.

(b) The individual's B-27 qualification attempt target shall be retained for a minimum of 18 calendar months from the date of each qualification attempt. Each B-27 target must contain the full name of the individual that fired the qualification course of fire, the date that qualification attempt took place, the printed name and signature of the private protective service certified firearms trainer who scored the target and the score. The qualification target shall also show letter "N" or "D" to indicate if the qualification attempt was a day time ("D") or night time ("N") qualification attempt. The information required by this Paragraph shall be placed on the B-27 target in ink or permanent marker.

Authority G.S. 74C-5; 74C-13.

14B NCAC 16 .0907 PRE-DELIVERY REPORT FOR FIREARMS TRAINING COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0908 POST-DELIVERY REPORT FOR FIREARMS TRAINING COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .0909 UNARMED TRAINER CERTIFICATE

(a) To receive an unarmed trainer certificate, an applicant shall meet the following requirements:

- (1) comply with the requirements of Rule .0703 of this Chapter;
- (2) have a minimum of one year of experience in security with a contract security company or proprietary security organization, or one year of experience with any federal, state, county or municipal law enforcement agency;
- (3) successfully complete a training course approved by the Board and the Secretary of Public Safety which shall consist of a minimum of 24 hours classroom instruction to include the following topic areas:
 - (A) civil liability for the security trainer -- (two hours);
 - (B) interpersonal communications in instruction -- (three hours);

- (C) teaching adults -- (four hours);
- (D) principles of instruction -- (one hour);
- (E) methods and strategies of instruction -
- (one hour);
- (F) principles of instruction: audio-visual
aids -- (three hours); and
- (G) student performance -- (45 minute
presentation);

- (4) receive a favorable recommendation from the
employing or contracting ~~licensee~~; licensee or
other individual knowledgeable of the
applicant's experience and teaching skills; and
- (5) submit the application required by Rule .0910
of this Section, which is available on the
Board's website at www.ncdps.gov/PPS.

(b) In lieu of completing the training course set forth in
Subparagraph (a)(3) of this Rule, an applicant may submit to the
Board:

- (1) a Criminal Justice General Instructor
Certificate from the North Carolina Criminal
Justice Education and Training Standards
Commission; or
- (2) any training certification that meets or exceeds
the requirements of Subparagraph (a)(3) of this
Rule and is approved by the Director of PPS.

(c) In lieu of the experience requirement of Subparagraph (a)(2)
of this Rule and completing the training course set forth in
Subparagraph (a)(3) of this Rule, an applicant may establish that
the applicant satisfies the conditions set forth in G.S. 93B-15.1(a)
for an unarmed trainer and two years of verifiable experience
within the past five years in the U.S. Armed forces as an unarmed
guard trainer.

(d) In addition to the requirements of Section .0200 of this
Chapter, an applicant for an unarmed guard trainer certificate that
is the spouse of an active duty member of the U.S. Armed Forces
shall establish that the applicant satisfies the conditions set forth
in G.S. 93B-15.1(b).

~~(e) An Unarmed Trainer Certificate shall expire two years after
the date of issuance.~~

(e) The holder of an unarmed trainer certificate may teach as:

- (1) an employee of a licensed security guard and
patrol business;
- (2) as a contractor of a licensed security guard and
patrol business; and
- (3) in a program sponsored by a public high school
defined by G.S. 115C-75(a)(2) or a community
college established pursuant to G.S. 115D-2(2).

(f) An Unarmed Trainer Certificate shall expire two years after
the date of issuance.

Authority G.S. 74C-8; 74C-9; 74C-11; 93B-15.1.

**14B NCAC 16 .0910 APPLICATION FOR AN
UNARMED TRAINER CERTIFICATE (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .0911 RENEWAL OF AN UNARMED
TRAINER CERTIFICATE (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .0912 ROSTERS OF UNARMED
TRAINER CLASSES (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

SECTION .1000 - RECOVERY FUND

**14B NCAC 16 .1001 DEFINITIONS (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1002 PETITION FOR
HEARING/APPLICATION FOR RELIEF (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1003 PROCESSING APPLICATIONS
(READOPTIO WITHOUT SUBSTANTIVE CHANGES)**

**SECTION .1100 - TRAINING AND SUPERVISION FOR
PRIVATE INVESTIGATOR ASSOCIATES**

**14B NCAC 16 .1101 DEFINITIONS (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1102 TRAINING AND SUPERVISION
REQUIRED IN LEVEL ONE (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1103 TRAINING AND SUPERVISION
REQUIRED IN LEVEL TWO (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1104 TRAINING AND SUPERVISION
REQUIRED IN LEVEL THREE (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1105 EDUCATIONAL DEGREES AND
NON-DEGREED TRAINING (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1106 CONSIDERATION OF
EXPERIENCE (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1107 ENFORCEMENT (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

**14B NCAC 16 .1108 TRANSFERABILITY OF
TRAINING HOURS (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

SECTION .1200 – CONTINUING EDUCATION

**14B NCAC 16 .1201 DEFINITIONS (READOPTIO
WITHOUT SUBSTANTIVE CHANGES)**

14B NCAC 16 .1202 REQUIRED CONTINUING EDUCATION HOURS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1203 ACCREDITATION STANDARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1204 NON-RESIDENT LICENSEE CONTINUING EDUCATION CREDITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1205 RECORDING AND REPORTING CONTINUING EDUCATION CREDITS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1206 NON-COMPLIANCE (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1207 CREDIT FOR CE COURSES (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1300 – ARMORED CAR SERVICE GUARD REGISTRATION (UNARMED)

14B NCAC 16 .1301 APPLICATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1302 FEES FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1303 MINIMUM STANDARDS FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1304 INVESTIGATION FOR UNARMED ARMORED CAR SERVICE GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1305 UNARMED ARMORED CAR SERVICE GUARD REGISTRATION IDENTIFICATION CARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1306 RENEWAL OR REISSUE OF UNARMED ARMORED CAR SERVICE GUARD REGISTRATION (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1307 TRAINING REQUIREMENTS FOR UNARMED ARMORED CAR SERVICE GUARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1308 UNIFORMS AND EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

SECTION .1400 - ARMED ARMORED CAR SERVICE GUARDS FIREARM REGISTRATION PERMIT

14B NCAC 16 .1401 APPLICATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1402 FEES FOR ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1403 MINIMUM STDS/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1404 INVESTIGATION/ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1405 ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT IDENTIFICATION CARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1406 RENEWAL OF ARMED ARMORED CAR SERVICE GUARD FIREARM REGISTRATION PERMIT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1407 TRAINING REQUIREMENTS FOR ARMED ARMORED CAR SERVICE GUARDS (READOPTION WITHOUT SUBSTANTIVE CHANGES)

14B NCAC 16 .1408 UNIFORMS AND EQUIPMENT (READOPTION WITHOUT SUBSTANTIVE CHANGES)

TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice is hereby given in accordance with G.S. 150B-21.2 that the Wildlife Resources Commission intends to amend the rules cited as 15A NCAC 10F .0307 and .0320.

Link to agency website pursuant to G.S. 150B-19.1(c): www.ncwildlife.org

Proposed Effective Date: July 1, 2019

Public Hearing Date: May 6, 2019 Time: 9:00 a.m.

Location: WRC Headquarters, 1752 Varsity Drive, Raleigh, NC 27606