

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 299

Short Title: Occ.Lic./Private Protective Svcs. Act Changes-AB (Public)

Sponsors: Representatives Burr and McNeill (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary II, if favorable, Finance.

March 19, 2015

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES ACT AND TO CREATE CERTAIN FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74C-5 reads as rewritten:

§ 74C-5. Powers of the Board.

In addition to the powers conferred upon the Board elsewhere in this Chapter, the Board shall have the power to do all of the following:

- (13) Conduct investigations regarding unlicensed activity and, with the concurrence of the Secretary of Public Safety, issue cease and desist letters.

SECTION 2. G.S. 74C-7 reads as rewritten:

§ 74C-7. Investigative powers of the Secretary of Public Safety.

The Secretary of Public Safety for the State of North Carolina shall have the power to investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing or violations of this Chapter involving individuals unlicensed, licensed, or to be licensed, under this Chapter. Any investigation conducted pursuant to this section is confidential and is not subject to review under G.S. 132-1 until the investigation is complete and a report is presented to the Board. However, the report may be released to the licensee after the investigation is complete but before the report is presented to the Board.

SECTION 3. G.S. 74C-8 reads as rewritten:

§ 74C-8. License requirements.

(c) Qualifying Agent. - A business entity, other than a sole proprietorship, that engages in private protective services is subject to all of the requirements listed in this subsection with respect to a qualifying agent. For purposes of this Chapter, a "qualifying agent" is an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Director. The requirements are:

- (3) In the event that the qualifying agent upon whom the business entity relies in order to do business ceases to perform his duties as qualifying agent, the business entity shall notify the Director within 10 working days. The business entity must obtain a substitute qualifying agent within 30-90 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends this the 90-day period, for good cause,



1 ~~for a period of time not to exceed three months.~~an additional 30 days upon
2 the filing of a petition by the business entity and upon a hearing by the
3 Board. The Board may require the payment of a late fee for a business entity
4 failing to obtain a substitute qualifying agent pursuant to the requirements of
5 this subsection.

6 (4) The certificate authorizing the business entity to engage in a private
7 protective services profession shall list the name of at least one designated
8 qualifying agent. No licensee shall serve as the qualifying agent for more
9 than one business entity without prior approval of the Director, subject to the
10 approval of the Board.

11 (5) Repealed by Session Laws 2009-328, s. 3, effective October 1, 2009.

12 ...
13 (f) Issuance. – Upon a finding that the application is in proper form, the completion of
14 the background investigation, and the completion of an examination required by the Board, the
15 Director shall submit to the Board the application and the Director's recommendations. Upon
16 completion of the background investigation, the Director may issue a temporary license
17 pending approval of the application by the Board at the next regularly scheduled meeting. The
18 Board shall determine whether to approve or deny the application for a license. Upon approval
19 by the Board, a license will be issued to the applicant upon payment by the applicant of the
20 initial license fee and the required contribution to the Private Protective Services Education
21 Fund, and certificate of liability insurance. The applicant must pay the initial license fee and
22 make the required contribution to the Fund within 90 days from the date the applicant receives
23 notice of pending licensure approval unless the Board, in its discretion, extends the 90-day
24 period, for good cause, for an additional 30 days upon the filing of a petition by the applicant
25 and upon a hearing by the Board. The Board may require the payment of a late fee for an
26 applicant failing to pay the initial license fee or failing to make the contribution to the Fund
27 pursuant to the requirements of this subsection.

28 (1) through (5) Repealed by Session Laws 1989, c. 759, s. 6.

29"

30 **SECTION 4.** G.S. 74C-9 reads as rewritten:

31 "**§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late**
32 **renewal fee.**

33 ...
34 (e) The Board is authorized to charge reasonable application and license fees as
35 follows:

36 ...
37 (7) An application fee for a firearm registration permit for all applicants and
38 licensees subject to G.S. 74C-13 not to exceed fifty dollars (\$50.00).

39 (8) A new, renewal, replacement, or reissuance fee for a firearm registration
40 permit for all applicants and licensees subject to G.S. 74C-13 not to exceed
41 thirty dollars (\$30.00).

42 ...
43 (16) A late fee for a business entity subject to G.S. 74C-8(c)(3) or an applicant
44 for licensure under G.S. 74C-8(f) not to exceed one hundred dollars
45 (\$100.00).

46 Except as provided in G.S. 74C-13(k), all fees collected pursuant to this section shall be
47 expended, under the direction of the Board, for the purpose of defraying the expenses of
48 administering this Chapter.

49 (f) A license or trainee permit granted under the provisions of this Chapter may be
50 renewed by the Private Protective Services Board upon notification by the licensee or permit

holder to the Director of intended renewal, the payment of the proper fee, and evidence of a policy of liability insurance as prescribed in G.S. 74C-10(e).

The renewal shall be finalized before the expiration date of the license. In no event will renewal be granted more than three months after the date of expiration of a license or trainee permit.

(f1) If a licensee, trainee, or registrant provides documentation to the Director that the licensee, trainee, or registrant is temporarily unable to complete the renewal application requirements because of a physical disability or medical condition, the Board may grant a 90-day extension to complete the renewal requirements. To satisfy any requirements of the Board, the Director shall request documentation of the condition upon which the request is based. The documentation shall be submitted from a licensed medical practitioner and shall state that a condition exists that prevents the licensee, trainee, or registrant from completing the application or training requirements. Information provided pursuant to this subsection shall not be considered a public record under Chapter 132 of the General Statutes.

...."

SECTION 5. G.S. 74C-12 reads as rewritten:

"§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to report criminal arrests.

(a) The Board may, after compliance with Chapter 150B of the General Statutes, deny, suspend or revoke a license, certification, registration, or permit issued under this Chapter if it is determined that the applicant, licensee, trainee, registrant, or permit holder has done any of the following acts:

(1) Made any false statement or given any false information in connection with any application for a license, certification, registration, or permit or for the renewal or reinstatement of a license, certification, registration, or permit.

...."

SECTION 6. G.S. 74C-13 is amended by adding a new subsection to read:

"§ 74C-13. Armed licensee or registered employee required to have firearm registration permit; firearms training.

...

(d2) A proprietary employer who employs an armed guard as defined under G.S. 74C-3(b)(13) shall submit an application to the Board on a form provided by the Board for that purpose. The proprietary employer shall renew its license every two years.

...."

SECTION 7. This act becomes effective July 1, 2015.