

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 794
HOUSE BILL 255

AN ACT TO AMEND GENERAL STATUTES CHAPTER 74C, THE PRIVATE
PROTECTIVE SERVICES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74C-3(a)(6) is amended on line 20 by inserting the following between "employer" and ";":

", except that if the employee is an armed private security officer and wears, carries, or possesses a firearm in the performance of his duties, the provisions of G.S. 74C-13 shall apply".

Sec. 2. G.S. 74C-5(9) is rewritten to read:

"(9) Establish rules governing detection of deception schools and alarm systems schools, and charge fees for reimbursement of costs incurred pursuant to approval of such schools."

Sec. 3. G.S. 74C-8(b)(4) is rewritten to read:

"(4) The full name and address of any partners in the business and the principal officers, directors and business manager, if any;".

Sec. 4. G.S. 74C-10(c) is amended by deleting from line 2 the words, "surety bond or" and by rewriting the second sentence to read:

"The holder of a trainee permit under this Article must satisfy the requirements of Article II of this Chapter before the permit is issued."

Sec. 5. G.S. 74C-16 is amended by adding a new subsection to read:

"(e) No licensee shall hold himself out as employed by or licensed by the State Bureau of Investigation."

Sec. 6. G.S. 74C-17 is amended by adding two new subsections to read:

"(c) In lieu of revocation or suspension of a license under G.S. 74C-12, a civil penalty of not more than two thousand dollars (\$2,000) may be assessed by the Board against any person or business who violates any provision of this Chapter or any rule of the Board adopted pursuant to this Chapter. In determining the amount of any penalty, the Board shall consider the degree and extent of harm caused by the violation.

(d) Proceedings for the assessment of civil penalties under this section shall be governed by Chapter 150A of the General Statutes. If the person assessed a civil penalty fails to pay the penalty to the Board, the Board may institute an action in the superior court of the county in which the person resides or has his principal place of business to recover the unpaid amount of the penalty. An action to recover a civil penalty under this section shall not relieve any party from any other penalty prescribed by law."

Sec. 7. G.S. 74C-4(b) is rewritten to read:

"(b) The Board shall consist of 10 members: the Attorney General or his designated representative, two persons appointed by the Attorney General, one person appointed by the Governor, two persons appointed by the General Assembly upon the recommendation of the President of the Senate, one person appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and three persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives. All appointments by the General Assembly shall be subject to the provisions of G.S. 120-121, and vacancies in the positions filled by those appointments shall be filled pursuant to G.S. 120-122. Those persons appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall be licensees under this Chapter; all other appointees may not be licensees of the Board nor licensed by the Board while serving as Board members. All persons appointed shall serve terms of three years. With the exception of the Attorney General or his designated representative, no person shall serve more than six consecutive years on the Board, including years of service prior and subsequent to July 1, 1983. Board members may continue to serve until their successors have been appointed."

Sec. 8. G.S. 74C-9(e)(3) is rewritten to read:

"(3) A new or renewal trainee permit fee in an amount not to exceed two hundred fifty dollars (\$250.00);".

Sec. 9. G.S. 14-401.6(a)(4) is amended by substituting "74C" for "74B".

Sec. 10. Schedule. It is the intent of the General Assembly to provide continuity in Board membership. Therefore, all current appointments shall expire on June 30, 1983. The following schedule of staggered terms shall apply to all new appointments: With regard to the persons appointed by the Attorney General, one shall serve a two-year term to expire on June 30, 1985, and one shall serve a three-year term to expire on June 30, 1986; the person appointed by the Governor shall serve a one-year term to expire on June 30, 1984; with regard to the persons appointed by the General Assembly upon recommendation of the President of the Senate, one shall serve a two-year term to expire on June 30, 1985, and one shall serve a three-year term to expire on June 30, 1986; the person appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall serve a one-year term to expire on June 30, 1984; and with regard to the persons appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives, one shall serve a one-year term to expire on June 30, 1984, one shall serve a two-year term to expire on June 30, 1985, and one shall serve a three-year term to expire on June 30, 1986. Upon the expiration of each of the above appointments, the appointing authority shall appoint successors for three-year terms as specified in G.S. 74C-4(b).

Sec. 11. G.S. 74C-8(d)(3) is amended by rewriting lines 3-6 to read: "in an investigative capacity as a member of any federal law enforcement agency, any State law enforcement agency, any municipal law enforcement department, or any county law enforcement or sheriff's department. After administrative remedies have been exhausted, disputes with the board arising under G.S. 74C-8(d)(3) may be carried directly to the General Court of Justice in the county where the complainant resides."

Sec. 12. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 18th day of July, 1983.