

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 424

Short Title: Private Protective Svcs. Licensing Mods. (Public)

Sponsors: Senator Daniel (Primary Sponsor).

Referred to: Rules and Operations of the Senate

April 1, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE PRIVATE PROTECTIVE SERVICES
3 BOARD AND THE PRIVATE PROTECTIVE SERVICES PROFESSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Article 1 of Chapter 74C of the General Statutes reads as rewritten:

6 "Article 1.

7 "Private Protective Services Board.

8 ...

9 **"§ 74C-3. Private protective services profession defined.**

10 (a) As used in this Chapter, the term "private protective services profession" means and
11 includes the following:

12 ...

13 (3a) Close personal protection. – Any person, firm, association, or corporation
14 which, for a fee or other valuable consideration, provides or offers to provide
15 security measures to ensure the safety of a business executive, elected or
16 appointed public official, celebrity, or other individuals who may be exposed
17 to elevated personal risk because of the individual's employment, status,
18 wealth, associations, or geographical location.

19 ...

20 (5) Detection of deception examiner. – Any person, firm, association, or
21 corporation ~~which~~ which, for a fee or other valuable consideration, uses any
22 device or instrument, regardless of its name or design, for the purpose of the
23 detection of deception or any person who reviews the work product of an
24 examiner including charts, tapes or other methods of record keeping for the
25 purpose of detecting deception or determining accuracy.

26 (5a) Digital forensics examination. – Any individual, firm, association, or
27 corporation which, for a fee or other valuable consideration, provides or offers
28 to provide examination of digitally stored data to recover, image, analyze, or
29 examine the data by using software to determine responsibility or reconstruct
30 usage of the data for use in any criminal, civil, or administrative court
31 proceeding.

32 (5a)(5b) Electronic countermeasures profession. – Any person, firm, association, or
33 corporation ~~which~~ which, for a fee or other valuable ~~consideration~~
34 consideration, discovers, locates, or disengages by electronic, electrical, or
35 mechanical means any ~~listening~~ of the following:



- 1 a. Listening or other monitoring equipment surreptitiously placed to
- 2 gather information concerning any individual, firm, association, or
- 3 corporation.
- 4 b. Any device intended to block the transmission of any electronic signal.
- 5 ...
- 6 (8) Private detective or private investigator. – Any person who engages in the
- 7 profession of or accepts employment to furnish, agrees to make, or makes
- 8 inquiries or investigations concerning any of the following on a contractual
- 9 basis:
- 10 ...
- 11 f. ~~Protection of individuals from serious bodily harm or death.~~
- 12 ...
- 13 (b) "Private protective services" shall not include any of the following:
- 14 ...
- 15 (4) An attorney at law licensed to practice in North Carolina while engaged in the
- 16 practice of law ~~and or~~ the attorney's ~~agent, employee,~~ provided the ~~agent~~
- 17 employee is performing duties only in connection with his or her principal's
- 18 employer's practice of law.
- 19 ...
- 20 (17) A person engaged in ~~(i) computer or digital forensic services or in the~~
- 21 ~~acquisition, review, or analysis of digital or computer based information,~~
- 22 ~~whether for the purposes of obtaining or furnishing information for~~
- 23 ~~evidentiary or other purposes, or for providing expert testimony before a~~
- 24 ~~court; or (ii) network or system vulnerability testing, including network scans~~
- 25 ~~and risk assessment and analysis of computers connected to a~~
- 26 ~~network, network, and routine service or repair.~~
- 27 (18) A person under contract with an occupational licensing board, as defined by
- 28 G.S. 93B-1(2), or a State agency licensing board, as defined by G.S. 93B-1(3),
- 29 while performing an investigation solely for that board.

30 **"§ 74C-4. Private Protective Services Board established; members; terms; vacancies;**
 31 **compensation; meetings.**

- 32 ...
- 33 (d) Each member of the Board, before assuming the duties of his or her office, shall take
- 34 an oath for the faithful performance of his or her duties. A Board member may be removed at the
- 35 pleasure of the authority making the original appointment or by the Board for misconduct,
- 36 incompetence, or neglect of duty.
- 37 ...

38 **"§ 74C-5. Powers of the Board.**

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

- 41 ...
- 42 (13) Conduct investigations regarding unlicensed activity and issue cease and
- 43 desist letters with the concurrence of the Secretary of Public Safety.
- 44 (14) Acquire, hold, rent, encumber, alienate, and otherwise deal with real property
- 45 in the same manner as a private person or corporation, subject only to approval
- 46 of the Governor and Council of State. Collateral pledged by the Board for an
- 47 encumbrance is limited to the assets, income, and revenues of the Board.
- 48 (15) Adopt rules establishing standards for the use of any firearm or other weapon
- 49 approved by the Board.
- 50 ...

51 **"§ 74C-7. Investigative powers of the Secretary of Public Safety.**

1 The Secretary of Public Safety for the State of North Carolina ~~shall have~~ has the power to
2 investigate or cause to be investigated any complaints, allegations, or suspicions of wrongdoing
3 or violations of this Chapter involving ~~individuals licensed, unlicensed individuals, licensed~~
4 individuals, or individuals to be licensed, licensed under this Chapter. The Secretary shall retain
5 the authority to enforce the provisions of this Chapter and impose any penalty authorized by
6 G.S. 74C-12(a) and G.S. 74C-17 against any person or entity who is under investigation for or
7 charged with a violation of this Chapter even if the person or entity's license or registration has
8 been surrendered or has lapsed. Any investigation conducted pursuant to this section is
9 confidential and is not subject to review under G.S. 132-1 until the investigation is complete and
10 a report is presented to the Board. However, the report may be released to the licensee after the
11 investigation is complete but before the report is presented to the Board.

12 **"§ 74C-8. License requirements.**

13 ...

14 (b) Application. – To apply for a license, an applicant must submit a verified application
15 in writing to the Board that includes all of the following:

16 ...

17 (7) Accompanying trainee permit applications only, a notarized statement signed
18 by the applicant and his or her employer stating that the trainee applicant will
19 at all times work with ~~and or~~ under the direct supervision of a licensed private
20 detective.

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

26 ...

27 (3) In the event that the qualifying agent upon whom the business entity relies in
28 order to do business ceases to perform his or her duties as qualifying agent,
29 the business entity shall notify the Director within 10 working days. The
30 business entity must obtain a substitute qualifying agent within ~~30-90~~ 90 days
31 after the original qualifying agent ceases to serve as qualifying agent unless
32 the Board, in its discretion, extends ~~this the~~ the 90-day period, for good cause, for
33 ~~a period of time not to exceed three months.~~ an additional 30 days upon the
34 filing of a petition by the business entity and upon a hearing by the Board. The
35 Board may require the payment of a late fee for a business entity failing to
36 obtain a substitute qualifying agent pursuant to the requirements of this
37 subdivision.

38 ...

39 (d) Criminal Record Check. – An applicant must meet all of the following requirements
40 and qualifications determined by a background investigation conducted by the Board in
41 accordance with G.S. 74C-8.1 and upon receipt of an application:

42 ...

43 (2) That the applicant is of good moral character and temperate habits. The
44 following shall be prima facie evidence that the applicant does not have good
45 moral character or temperate habits: conviction by any local, State, federal, or
46 military court of any crime involving the illegal use, carrying, or possession
47 of a ~~firearm; firearm~~ firearm or other deadly weapon; conviction of any crime
48 involving the illegal use, possession, sale, manufacture, distribution, or
49 transportation of a controlled substance, drug, narcotic, or alcoholic beverage;
50 conviction of a crime involving ~~felonious~~ assault or an act of violence;
51 conviction of a crime involving unlawful breaking or entering, burglary,

1 ~~larceny, or any offense involving moral turpitude; or larceny;~~ or a history of
 2 addiction to alcohol or a narcotic drug; provided that, for purposes of this
 3 subsection, "conviction" means and includes the entry of a plea of guilty or no
 4 contest or a verdict rendered in open court by a judge or jury.

5 ...

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

21 ...

22 **"§ 74C-9. Form of license; term; renewal; posting; branch offices; not assignable; late**
 23 **renewal fee.**

24 ...

25 (e) The Board is authorized to charge reasonable application and license fees as follows:

26 ...

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

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

32 ...

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

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

38 (f) A license or trainee permit granted under the provisions of this Chapter may be
 39 renewed by the Private Protective Services Board upon notification by the licensee or permit
 40 holder to the Director of intended renewal, the payment of the proper fee, and evidence of a
 41 ~~policy of liability insurance~~ policy as prescribed in G.S. 74C-10(e).

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

45 ...

46 **"§ 74C-10. Certificate of liability insurance required; form and approval; suspension for**
 47 **noncompliance.**

48 (a) through (d) Repealed by Session Laws 1983, c. 673, s. 4.

49 (e) No security guard and patrol, armored car, or special limited guard and patrol license
 50 shall be issued under this Chapter unless the applicant files with the Board evidence of a ~~policy~~
 51 ~~of liability insurance-insurance~~ policy. The policy must provide for the following minimum

1 coverage: fifty thousand dollars (\$50,000) because of bodily injury or death of one person as a
2 result of the negligent act or acts of the principal insured or his or her agents operating in the
3 course and scope of his or her employment; subject to said limit for one person, one hundred
4 thousand dollars (\$100,000) because of bodily injury or death of two or more persons as the result
5 of the negligent act or acts of the principal insured or his or her agents operating in the course
6 and scope of his or her agency; twenty thousand dollars (\$20,000) because of injury to or
7 destruction of property of others as the result of the negligent act or acts of the principal insured
8 or his agents operating in the course and scope of his or her agency. ~~If the licensee, a licensee or~~
9 ~~a trainee supervised by a licensee, other than a security guard and patrol, armored car, or special~~
10 ~~limited guard and patrol licensee, carries a firearm while engaged in private protective services~~
11 ~~activities, the licensee shall obtain a policy of liability insurance with a minimum coverage as~~
12 ~~specified above. A licensee or trainee is deemed to be "carrying a firearm" for purposes of this~~
13 ~~section while engaged in private protective services if the licensee or trainee has a firearm on the~~
14 ~~licensee's or trainee's person or in the automobile the licensee or trainee is using to perform~~
15 ~~private protective services. A licensee may provide coverage for a trainee under the licensee's~~
16 ~~supervision; however, failure of the licensee to provide coverage does not exempt the trainee~~
17 ~~from the requirements of this section.~~

18 (e) The Board shall approve the form, execution, and terms of the liability insurance
19 policy.

20 (f) An insurance carrier ~~shall have~~ has the right to cancel ~~such policy of a~~ liability
21 insurance policy upon giving a 30-day notice to the Board. Provided, however, that ~~such the~~
22 cancellation shall not affect any liability on the policy ~~which that~~ accrued prior thereto. ~~The~~
23 ~~policy of liability shall be approved by the Board as to form, execution, and terms thereon.~~

24 (g) ~~The holder of any trainee permit and persons~~ Persons registered pursuant to
25 G.S. 74C-11 ~~shall~~ are not be required to obtain a certificate of liability insurance.

26 ...
27 **"§ 74C-11. Probationary employees and registration of regular employees; unarmed**
28 **security guard required to have registration card.**

29 ...
30 (g) Notwithstanding the provisions of this section, during a disaster declaration or state
31 of emergency declared by the Governor pursuant to Article 1A of Chapter 166A of the General
32 Statutes, a licensee may employ a person properly registered or licensed as an armed security
33 guard in another state, provided that the licensee, prior to deploying the armed security guard in
34 this State, submit to the Director all of the following:

- 35 (1) The name, address, and social security number of the armed security guard.
- 36 (2) The name of the state of current registration or licensing of the armed security
37 guard.
- 38 (3) Proof of completion of the 4-hour training course mandated by
39 G.S. 74C-13(h)(1)a. and 14B NCAC 116 .0807(c)(1), administered by a North
40 Carolina certified trainer.
- 41 (4) Qualification by a firearms instructor certified by the North Carolina Private
42 Protective Services Board, based on the firearm the armed security guard
43 intends to carry, meeting the qualification requirements approved by the
44 Board and the Secretary of Public Safety for each firearm.

45 (h) The Director may approve the employment of the armed security guard in this State,
46 if the person meets all of the requirements of subsection (g) of this section. Qualification under
47 subsection (g) of this section shall be valid for a 12-month period. The duration of the deployment
48 of an armed security guard from another state by a licensee shall not exceed the length of the
49 disaster declaration or state of emergency.

50 **"§ 74C-12. Denial, suspension, or revocation of license, registration, or permit; duty to**
51 **report criminal arrests.**

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

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

8 ...

9 (6) Engaged in or knowingly permitted any employee to engage in a private
10 protective services profession when not lawfully in possession of a valid
11 license or registration issued under the provisions of this Chapter.

12 ...

13 (9) Committed an unlawful breaking or entering, assault, battery, ~~or~~
14 ~~kidnapping~~-kidnapping, or violated any State or federal firearms law.

15 ...

16 (24) Fraudulently held himself or herself out as employed by or licensed by the
17 ~~State Bureau of Investigation~~-Department of Public Safety or any other
18 governmental authority.

19 ...

20 (d) A licensee shall report to the Board in writing within 30 days any charge, arrest for,
21 or conviction of a misdemeanor or felony for any of the following:

22 ...

23 ~~(6) Any offense involving moral turpitude.~~

24 For purposes of this section, the term "conviction" includes the entry of a plea of guilty, a plea
25 of nolo contendere, prayer for judgment continued, adjudication withheld, or a finding of guilt
26 by a court of competent jurisdiction. The licensee's failure to report a charge, arrest for, or
27 conviction of a misdemeanor or felony is grounds for revocation of the license.

28 **"§ 74C-13. Armed licensee or registered employee required to have firearm registration
29 permit; firearms training.**

30 (a) It shall be unlawful for any person performing private protective services duties to
31 carry a firearm in the performance of those duties without first having met the qualifications of
32 this section and having been issued a firearm registration permit by the Board. A licensee or
33 proprietary employer, as described in G.S. 74C-3(b)(13), shall register any individual carrying a
34 firearm within 30 days of employment. Before engaging in any private protective services
35 activity, the individual shall receive any required training prescribed by the ~~Board~~-Board, unless
36 exempted from training under G.S. 74C-13.1.

37 (a1) The following definitions apply in this section:

38 ...

39 (4) Armed armored car guard. – An individual employed by a contract armored
40 car company, who has a principal duty of an armored car service guard, and
41 who, at any time, wears, carries, or possesses a firearm in the performance of
42 duty.

43 (b) It shall be unlawful for any person, firm, association, or corporation and its agents
44 and employees to employ an armed security guard or an armed private investigator and
45 knowingly authorize or permit the armed security guard or armed private investigator to carry a
46 firearm during the course of performing his or her duties as an armed security guard or an armed
47 private investigator if the Board has not issued him or her a firearm registration permit under this
48 section or if the person, firm, association, or corporation permits an armed security guard or an
49 armed private investigator to carry a firearm during the course of performing his or her duties
50 whose firearm registration permit has been suspended, revoked, or has otherwise expired:

51 ...

1 (2) All firearms carried by authorized armed security guards or armed licensees
2 in the performance of their duties shall be owned or leased by the employer.
3 Personally owned firearms not leased to the employer shall not be carried by
4 an armed security guard or armed licensee in the performance of his or her
5 duties.

6 (c) The applicant for a firearm registration permit shall submit an application to the Board
7 on a form provided by the Board.

8 (d) Each firearm registration permit issued under this section to an armed security guard
9 shall be in the form of a pocket card designed by the Board and shall identify the contract security
10 company or proprietary security organization by whom the holder of the firearm registration
11 permit is employed. A firearm registration permit issued to an armed security guard expires one
12 year after the date of its issuance and must be renewed annually unless the permit holder's
13 employment terminates before the expiration of the permit. The Board may require all permit
14 holders to complete continuing education courses approved by the Board before renewal of their
15 permits.

16 (d1) Each firearm registration permit issued under this section to an armed private
17 investigator shall be in the form of a pocket card designed by the Board and shall identify the
18 name of the armed private investigator. While carrying a firearm and engaged in private
19 protective services, the armed private investigator shall carry the firearms registration permit
20 issued by the Board, together with valid identification, and shall disclose to any law enforcement
21 officer that the person holds a valid permit and is carrying a firearm, whether concealed or in
22 plain view, when approached or addressed by the law enforcement officer, and shall display both
23 the permit and the proper identification upon the request of a law enforcement officer. A private
24 investigator firearm registration permit expires one year from the date of issuance and shall be
25 renewed annually. The Board may require all permit holders to complete continuing education
26 courses approved by the Board before renewal of their permits.

27 (d2) A proprietary security organization that employs an armed security guard shall submit
28 an application to the Board for a license on a form, provided by the Board. A proprietary security
29 organization shall renew its license every two years.

30 ...

31 (g) The Board may suspend, revoke, or deny a firearm registration permit if the holder or
32 applicant has been convicted of any crime ~~involving moral turpitude or any crime involving the~~
33 ~~illegal use, carrying, or possession of a deadly weapon set forth in G.S. 74C-8(d)~~ or for violation
34 of this section or rules promulgated by the Board to implement this section. The Director may
35 summarily suspend a firearm registration permit pending resolution of charges ~~involving the~~
36 ~~illegal use, carrying, or possession of a firearm lodged against the holder of the permit for any of~~
37 the offenses set forth in G.S. 74C-12 or any crime set forth in G.S. 74C-8(d).

38 (h) The Board and the Secretary of Public Safety shall establish a firearms training
39 program for licensees and registered employees to be conducted by agencies and institutions
40 approved by the Board and the Secretary of Public Safety. The Board and the Secretary of Public
41 Safety may approve training programs conducted by a contract security company and the security
42 department of a proprietary security organization, if the contract security company or security
43 department of a proprietary security organization offers the courses listed in subdivision (1) of
44 this subsection and if the instructors of the training program are certified trainers approved by
45 the Board and the Secretary of Public Safety:

46 (1) The basic training course approved by the Board and the Secretary of Public
47 Safety shall consist of a minimum of four hours of classroom training which
48 shall include all of the following:

- 49 a. Legal limitations on the use of ~~hand guns~~ firearms and on the powers
50 and authority of an armed security guard.
51 b. Familiarity with this section.

1 c. Range firing and procedure and ~~hand gun~~ firearm safety and
2 maintenance.

3 ...

4 (o) The Board shall not knowingly issue a firearm registration permit to an individual
5 who is prohibited by federal or State law from possessing a firearm.

6 **"§ 74C-13.1. Exemption from firearms training requirements.**

7 (a) The following persons shall be exempt from the firearms training requirements of
8 G.S. 74C-13:

9 (1) Any person who has successfully completed the North Carolina Basic Law
10 Enforcement Training (BLET) and the first year of probationary employment.

11 (2) Persons who have retired or separated in good standing within three years
12 preceding the date of application, including by years of service or medical
13 disability, as a sworn law enforcement officer from a federal, state, county, or
14 municipal law enforcement agency that included in their duty the use and
15 qualification of a firearm.

16 (3) Military personnel who have been honorably discharged within three years
17 preceding the date of application, and whose military occupational specialty
18 included Military Police or Criminal Investigative Division (CID) within three
19 years preceding the date of application.

20 (4) Employees of a nuclear power plant that are required to comply with 10 C.F.R.
21 § 73.55 Appendix B, "Training and Qualification of Security Personnel," as
22 supplemented by the United States Nuclear Regulatory Commission
23 Regulatory Guide 5.75.

24 (b) An applicant claiming an exemption contained in subsection (a) of this section must
25 provide the Board the following documentation, as appropriate:

26 (1) A copy of a North Carolina BLET training certificate and a letter from the
27 applicant's department that verifies the probationary employment period of the
28 applicant has been completed.

29 (2) Retirement documentation from within the preceding three years that verifies
30 the applicant's previous sworn status, or the card issued by the North Carolina
31 Criminal Justice Training & Standards Division that authorizes concealed
32 carry under the United States Law Enforcement Officers' Safety Act of 2004.

33 (3) Documentation from a United States Department of Defense Form DD-214,
34 Form DD-215, or Form NGB-22 noting a Military Police or CID military
35 occupational specialty.

36 (4) Retirement or separation from employment documentation from a federal law
37 enforcement agency with a United States Office of Personnel Management
38 job series of 1811.

39 (5) Documentation of current and direct employment with a nuclear power plant
40 located in this State.

41 (c) The Board shall deny the exemption claimed by the applicant if the applicant fails to
42 provide the documentation, as appropriate, as described in subsection (b) of this section.

43 (d) The applicant must qualify within the first three attempts on the required firearm
44 qualification course when applying for an exemption under this section. If the applicant fails to
45 qualify on the firearm training course, the applicant shall be required to undergo the entire
46 20-hour course of instruction.

47 (e) When utilizing this exemption, the applicant must complete the legal block of
48 instruction required by G.S. 74C-13(h)(1) and the Board's administrative rules.

49 ...

50 **"§ 74C-15. Pocket identification cards issued to licensees and trainees.**

1 (a) Upon the issuance of a license or trainee permit, a pocket identification card of design,
2 size, and content approved by the Board shall be issued by the Board without charge to each
3 licensee or trainee. The holder must have this card in his or her possession at all times when he
4 or she is on duty and working within the scope of his or her employment. When a licensee or
5 trainee to whom a card has been issued terminates his or her position as a licensee or trainee, the
6 card must be surrendered to the Director of the Board within 10 working days thereafter.

7 ...

8 **"§ 74C-17. Enforcement.**

9 ...

10 (b) Any person, firm, association, or corporation or their agents and employees violating
11 any of the provisions of this Chapter or knowingly violating any rule promulgated to implement
12 this Chapter shall be guilty of a Class 1 misdemeanor. The Attorney General, or his or her
13 representative, shall have concurrent jurisdiction with the district attorneys of this State to
14 prosecute violations of this Chapter.

15 (c) In lieu of revocation or suspension of a license or permit under G.S. 74C-12, a civil
16 penalty of not more than two thousand dollars (\$2,000) per violation may be assessed by the
17 Board against any person or business who violates any provision of this Chapter or any rule of
18 the Board adopted pursuant to this Chapter. In determining the amount of any penalty, the Board
19 shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil
20 penalties provided for in this subsection shall be remitted to the Civil Penalty and Forfeiture Fund
21 in accordance with G.S. 115C-457.2.

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

28 **"§ 74C-18. Reciprocity; temporary permit.**

29 ...

30 (b) The Director, in his or her discretion and subject to the approval of the Board, may
31 issue a temporary permit to a nonresident who has complied with the provisions of G.S. 74C-10
32 and who is validly licensed in another state to engage in a private protective service activity
33 incidental to a specific case originating in another state. A temporary permit may be issued for a
34 period of no more than 30 days and may be renewed. A temporary permit may contain ~~such~~
35 restrictions which the Board, in its discretion, deems appropriate.

36 ...

37 **"§ 74C-21. Law enforcement officer provisions.**

38 ...

39 (b) An off-duty law enforcement officer may be employed during his or her off-duty
40 hours by a licensed security guard and patrol company on an employer-employee basis. An
41 off-duty law enforcement officer shall not wear his police officer's uniform or use the police
42 equipment while working for a security guard and patrol company.

43 ...

44 **"§ 74C-23. Acquisition or change of ownership or control of licensed firm, association, or
45 corporation.**

46 In the event a company, firm, or corporation licensed under this Chapter transfers ownership,
47 control, or a majority of assets to another person, firm, association, or corporation, the person,
48 firm, association, or corporation acquiring control or ownership shall have the following
49 responsibilities:

50 ...

- 1 (4) Provide to the Director within ~~60-10~~ calendar days ~~from prior to~~ the effective
- 2 date of the transaction ~~the following:~~
- 3 a. ~~A~~ a list of all registrants or licensees affected by the transaction.
- 4 b. ~~Written confirmation of completion of any changes necessary for the~~
- 5 ~~acquiring party to comply with the requirements of this Chapter or any~~
- 6 ~~applicable rules adopted by the Board on a form approved by the~~
- 7 ~~Director.~~
- 8 (5) Provide to the Director within 60 calendar days from the effective date of the
- 9 transaction written confirmation of completion of any changes necessary for
- 10 the acquiring party to comply with the requirements of this Chapter or any
- 11 applicable rules adopted by the Board on a form approved by the Director."

12 **SECTION 1.(b)** This section becomes effective October 1, 2021.

13 **SECTION 2.(a)** G.S. 74C-3, as amended by Section 1 of this act, is amended by
14 adding a new subsection to read:

15 "(c) A private investigator licensed under this Chapter licensed on or before December 31,
16 2021, or a private investigator trainee permitted under this Chapter on or before December 31,
17 2021, may continue to provide services pursuant to sub-subdivision f. of subdivision (8) of
18 subsection (a) of this section and shall not be subject to the provisions of the close personal
19 protection provision in subdivision (3a) of subsection (a) of this section. This exception shall be
20 indicated by an endorsement on the existing private investigator license or trainee permit."

21 **SECTION 2.(b)** This section becomes effective January 1, 2022, and applies to
22 licenses and permits granted on or after that date.

23 **SECTION 3.(a)** G.S. 14-269.3 reads as rewritten:

24 "**§ 14-269.3. Carrying weapons into assemblies and establishments where alcoholic**
25 **beverages are sold and consumed.**

26 ...
27 (b) This section shall not apply to any of the following:

- 28 ...
- 29 (4) A person registered ~~or hired~~ as a security guard as defined in
- 30 G.S. 74C-3(b)(13), who is hired by the owner, lessee, or person or
- 31 organization sponsoring the event ~~event~~ or a person employed by a business
- 32 licensed pursuant to G.S. 74C-2, who is hired by the owner, lessee, or person
- 33 or organization sponsoring the event.

34"

35 **SECTION 3.(b)** This section becomes effective December 1, 2021, and applies to
36 offenses committed on or after that date.

37 **SECTION 4.** Except where otherwise provided, this act is effective when it becomes
38 law.