

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 657
SENATE BILL 457

AN ACT TO AMEND THE PRIVATE PROTECTIVE SERVICES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74C-3(b) is amended by adding a new subdivision to read:

"(10) A consultant who analyzes, tests, or in any way applies his expertise to interpreting, evaluating, or analyzing facts or evidence submitted by another in order to determine the cause or effect of physical or psychological occurrences, and furnishes his opinion and findings to the requesting source or to a designee of requestor."

Sec. 2. G.S. 74C-8(c) is rewritten to read:

"(c) A business entity other than a sole proprietorship shall not do business under this Chapter unless the business entity has in its employ a designated resident qualifying agent who meets the requirements for a license issued under this Chapter and who is, in fact, licensed under the provisions of this Chapter, unless otherwise approved by the Board. Provided however, that this approval shall not be given unless the licensee signs a statement agreeing to waive jurisdiction or unless the licensee agrees to appoint a resident agent for service of process by the Board. For the purposes of the Chapter a qualifying agent means an individual in a management position who is licensed under this Chapter and whose name and address have been registered with the Administrator. 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 Administrator within 10 working days. The business entity must obtain a substitute qualifying agent within 30 days after the original qualifying agent ceases to serve as qualifying agent unless the Board, in its discretion, extends this period, for good cause, for a period of time not to exceed three months. The certificate authorizing the business entity to engage in a private protective service business shall list the name of at least one designated qualifying agent."

Sec. 2.1. G.S. 74C-8(d)(3) is rewritten to read:

"(3) For a private detective license, that he has had at least three years experience within the past five years in private investigative work, or 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. The Board may provide by rule that post-secondary education is experience under the preceding sentence. Time spent teaching police science subjects at a post-secondary educational institution (such as a community college, college or university) shall toll the time for the minimum year requirements in the preceding two sentences. 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. 3. G.S. 74C-9(d) is rewritten to read:

"(d) The operator or manager of any branch office shall be properly licensed or registered. The license shall be posted at all times in a conspicuous place in the branch office. This license shall be issued for a term of one year. Every business covered under the provisions of this Chapter shall file in writing with the Board the addresses of each of its branch offices, if any, within 10 working days after the establishment, closing, or changing of the location of any branch office."

Sec. 4. G.S. 74C-11(a) is rewritten to read:

"(a) All licensees, within 20 days of the beginning of employment of an employee who will be engaged in the providing of private protective services covered by this Chapter unless the Administrator, in his discretion, extends the time period, for good cause, shall furnish the Board with the following:

- (1) Set(s) of classifiable fingerprints on standard F.B.I. applicant cards; recent photograph(s) of acceptable quality for identification; and
- (2) Statements of any criminal records obtained from the appropriate authority in each area where the employee has resided within the immediately preceding 48 months."

Sec. 5. G.S. 74C-11(f) is rewritten to read:

"(f) Notwithstanding the provisions of this section, a licensee may employ a person as an unarmed security guard for a period not to exceed 30 days in any given calendar year without registering that employee in accordance with this section; provided that the licensee submits to the Administrator a quarterly report, within 30 days after the end of the quarter in which the temporary employee worked, which provides the Administrator with the name, address, social security number, and dates of employment of such employee."

Sec. 6. G.S. 74C-12 is rewritten to read:

"(a) The Board may, after compliance with Chapter 150B of the General Statutes, suspend or revoke a license or registration issued under this Chapter if it is determined that the licensee or registrant has:

- (1) Made any false statement or given any false information in connection with any application for a license or trainee permit or registration or for the renewal or reinstatement of a license or trainee permit or registration;
- (2) Violated any provision of this Chapter;
- (3) Violated any rule promulgated by the Board pursuant to the authority contained in this Chapter;
- (4) Been convicted of any crime involving moral turpitude or any other crime involving violence or the illegal use, carrying, or possession of a dangerous weapon;
- (5) Impersonated or permitted or aided and abetted any other person to impersonate a law enforcement officer of the United States, this State, any other state, or any political subdivision of a state;

- (6) Engaged in or permitted any employee to engage in a private protective services business when not lawfully in possession of a valid license issued under the provisions of this Chapter;
- (7) Willfully failed or refused to render to a client service or a report as agreed between the parties and for which compensation has been paid or tendered in accordance with the agreement of the parties;
- (8) Knowingly made any false report to the employer or client for whom information is being obtained;
- (9) Committed an unlawful breaking or entering, assault, battery, or kidnapping;
- (10) Knowingly violated or advised, encouraged, or assisted the violation of any court order or injunction in the course of business as a licensee;
- (11) Committed any other act which is a ground for the denial of an application for a license under this Chapter;
- (12) Undertaken to give legal advice or counsel or to in any way falsely represent that he is representing any attorney or he is appearing or will appear as an attorney in any legal proceeding;
- (13) Issued, delivered, or uttered any simulation of process of any nature which might lead a person or persons to believe that such simulation—written, printed, or typed—may be a summons, warrant, writ or court process, or any pleading in any court proceeding;
- (14) Failed to make the required contribution to the Private Protective Services Recovery Fund or failed to maintain the certificate of liability insurance required by this Chapter;
- (15) Violated the firearm provisions set forth in this Chapter;
- (16) Committed any act prohibited under G.S. 74C-16;
- (17) Failed to notify the Administrator by a business entity other than a sole proprietorship licensed pursuant to this Chapter of the cessation of employment of the business entity's qualifying agent within the time set forth in this Chapter;
- (18) Failed to obtain a substitute qualifying agent by a business entity within 30 days after its qualifying agent has ceased to serve as the business entity's qualifying agent;
- (19) Been judged incompetent by a court having jurisdiction under Chapter 35 of the General Statutes or committed to a mental health facility for treatment of mental illness, as defined in G.S. 122-36(d), by a court having jurisdiction under Article 5A of Chapter 122 of the General Statutes.

(b) The revocation or suspension of a license or registration by the Board as provided in subsection (a) shall be in writing, signed by the Administrator of the Board stating the grounds upon which the Board decision is based. The aggrieved person shall have the right to appeal from this decision as provided in Chapter 150B of the General Statutes."

Sec. 7. G.S. 74C-16(d) is rewritten to read:

"(d) No law enforcement officers of the United States, this State, any other state, or any political subdivision of a state shall be licensed as a private detective or security guard and patrol business licensee under this Chapter; provided no law enforcement officer of the United States, this State, or any of its political subdivisions may use any motor vehicle owned or leased by a law enforcement agency in the course and scope of any private employment which is subject to regulation by the provisions of this Chapter; provided that nothing in this section shall be construed to prohibit the holder of a company police commission under Chapter 74A of the General Statutes from being licensed under this Chapter or being employed by a licensee under this Chapter."

Sec. 8. G.S. 74C-16 is amended by adding a new subsection to read:

"(f) No sworn court official shall be licensed or registered under this Chapter."

Sec. 9. This act shall become effective October 1, 1987.

In the General Assembly read three times and ratified this the 23rd day of July, 1987.