

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarms Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0201

DEADLINE FOR RECEIPT: Friday, July 10, 2020

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

As this Rule was amended under emergency procedures effective June 9, 2020, please do the following:

Update the Introductory Statement to say:

14B NCAC 17 .0201 is amended as published in 33:15 NCR 1544 with changes as follows: (This Rule was amended via emergency rulemaking procedures effective June 9, 2020 and that language is shown in italics in the text below)

Show the changes made to this Rule through that process by putting the language in italics.

In addition, update the History Note to show the emergency amendment and to include all actions taken on this Rule since July 1, 2015 and add an effective date for this action. It will look like this:

*History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8;
Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March 1, 1993; July 1, 1987; January 1, 1986;
Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015;
Amended Eff. December 1, 2017;
Readopted Eff. June 1, 2018;
Amended Eff. September 1, 2019;
Emergency Amendment Eff. June 9, 2020;
Amended Eff. August 1, 2020.*

In (a)(1), I take it that "Live Scan" is a term known to your regulated public, such that they would know what a "similar system" is? And will this approval be noticed by the SBI?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2020

1 14B NCAC 17 .0201 is adopted as published in 34:18 NCR 1712 as follows:

2
3 **14B NCAC 17 .0201 APPLICATION FOR LICENSE**

4 (a) Each applicant for a license shall submit an online application on the website provided by the Board. When this
5 online application is submitted, it shall be accompanied by:

- 6 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
7 Bureau of Investigation or one set of classifiable fingerprints on an F.B.I. fingerprint card provided
8 by the Board and mailed separately to the Board's office;
- 9 (2) one head and shoulders digital photograph of the applicant in JPG format of sufficient quality for
10 identification, taken within six months prior to the online submission, and uploaded with the
11 application submission;
- 12 (3) statements of the results of a statewide criminal history records search by the reporting service
13 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided
14 within the preceeding 60 months; and
- 15 (4) the applicant's application fee, along with a four dollar (\$4.00) convenience fee charged by the third-
16 party vendor and credit card transaction fee charged by the applicant's credit card provider and
17 collected online.

18 (b) Each applicant shall upload evidence of high school graduation either by diploma, G.E.D. certificate, or other
19 equivalent documentation.

20 (c) Each applicant for a license shall meet personally with either a Board investigator, the Screening Committee, the
21 Director, or a Board representative designated by the Director prior to being issued a license. The applicant shall
22 discuss the provisions of G.S. 74D and the administrative rules in this Chapter during the personal meeting. The
23 applicant shall sign a form provided by the Board stating that the applicant has reviewed the information with the
24 Board's representative and that the applicant understands G.S. 74D and the administrative rules in this Chapter.

25 (d) Each applicant for a branch office license shall submit an online application ~~form~~ on the website provided by the
26 Board. This ~~form~~ online application shall be accompanied by the branch office application fee.

27
28 *History Note: Authority G.S. 74D-2; 74D-2.1; 74D-3; 74D-5; 74D-7; 74D-8*
29 *Temporary Rule Eff. January 9, 1984, for a period of 120 days to expire on May 7, 1984;*
30 *Eff. May 1, 1984;*
31 *Amended Eff. December 1, 2012; February 1, 2012; January 1, 2007; September 1, 2006; March*
32 *1, 1993; July 1, 1987; January 1, 1986;*
33 *Transferred and Recodified from 12 NCAC 11 .0201 Eff. July 1, 2015;*
34
35
36

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarms Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0204

DEADLINE FOR RECEIPT: Friday, July 10, 2020

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the Introductory Statement, this is an amendment, not an adoption.

In (d), line 19, it appears you are missing language between "by the" and "Subparagraphs" Should it read, "by the items required in Subparagraphs..."?

On line 20, what is the purpose of the sentence, "The Board retains the right to discipline a licensee for activity during this period of lapse."? What notice are you providing with this?

Also, what authority is the Board relying upon to discipline individuals that it is not licensing or registering? G.S. 74C-10 addresses Board discipline against licensees and registrants, and during the lapse, the individual is neither. If the intent is to address actions under G.S. 74D-11, I think that can be clarified.

In the History Note, please update line 36 to include a new Amended Eff. date. If you choose an August 1, 2020 effective date, it will look like this:

Amended Eff. August 1, 2020; September 1, 2019.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2020

1 14B NCAC 17 .0204 is adopted as published in 34:18 NCR 1712 as follows:

2
3 **14B NCAC 17 .0204 RENEWAL OR REINSTATEMENT OF LICENSE**

4 (a) Each applicant for a license renewal shall submit an online renewal application on the website provided by the
5 Board. This online application shall be submitted not less than 30 days prior to expiration of the applicant's current
6 license and shall be accompanied by:

- 7 (1) statements of the result of a local statewide criminal history records search by the reporting services
8 service designated by the Board pursuant to G.S. 74D-2.1 for any state where the applicant has
9 resided within the preceeding 24 months;
- 10 (2) the applicant's renewal fee as set forth in .0203(a)(2); and
- 11 (3) proof of liability insurance pursuant to G.S. 74D-9.

12 (b) Applications for renewal shall be submitted not less than 30 days before the expiration date of the license. No
13 renewal shall be granted more than 90 days after the date of expiration of a license.

14 (c) Applications for renewal submitted after the expiration date of the license shall be accompanied by the late renewal
15 fee established by Rule .0203 of this Section and shall be submitted not later than 90 days after the expiration date of
16 the license.

17 (d) If a licensee has maintained a license at least two years and then allows the license to expire, the license may be
18 re-issued if application is made within one year of the expiration date by submitting an online reinstatement of an
19 expired license application accompanied by the Subparagraphs (a)(1) through (3) of this Rule and the late fee required
20 by Paragraph (c) of this Rule. The Board retains the right to discipline a licensee for activity during the period of lapse.

21 ~~(d)(e)~~ (e) The Director shall review and approve or recommend denial of an application for ~~renewal~~. renewal or
22 reinstatement. All denials shall be submitted to the Board for a final Board decision.

23 ~~(e)(f)~~ (f) Members of the armed forces whose licenses are in good standing and to whom G.S. 105-249.2 grants an
24 extension of time to file a tax return shall be granted the same extension of time to pay the license renewal fee and to
25 complete the continuing education requirements prescribed in Section .0500 of this Chapter. A copy of the military
26 order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue
27 shall be furnished to the Board.

28
29 *History Note: Authority G.S. 74D-2(a); 74D-5; 74D-7; 93B-15;*
30 *Eff. January 1, 1995;*
31 *Temporary Adoption Eff. May 18, 1995;*
32 *Amended Eff. February 1, 2012; July 1, 2010; May 1, 1999; October 1, 1995;*
33 *Transferred and Recodified from 12 NCAC 11 .0204 Eff. July 1, 2015;*
34 *Amended Eff. April 1, 2018;*
35 *Readopted Eff. June 1, 2018;*
36 *Amended Eff. September 1, 2019.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Alarms Systems Licensing Board

RULE CITATION: 14B NCAC 17 .0301

DEADLINE FOR RECEIPT: Friday, July 10, 2020

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In the Introductory Statement, this is an amendment, not an adoption.

In (a)(1), I take it that "Live Scan" is a term known to your regulated public, such that they would know what a "similar system" is? And will this approval be noticed by the SBI?

In (b), line 22, you show you are striking "fee." However, that is not language that is in the Code. Was the intent to delete "fee" and insert "fee,"? If so, please do that. Otherwise, do not show a strike of language that does not exist.

In the History Note, insert all of the dates and include an Amended Eff. date for this rulemaking. Assuming you choose an August 1, 2020 effective date, it will look like this:

*History Note: Authority G.S. 74D-2.1; 74D-5; 74D-8;
Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984;
Eff. May 1, 1984;
Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990;
November 1, 1988;
Transferred and Recodified from 12 NCAC 11 .0301 Eff. July 1, 2015;
Amended Eff. December 1, 2017;
Readopted Eff. June 1, 2018;
Amended Eff. August 1, 2020; September 1, 2019.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: June 26, 2020

1 14B NCAC 17 .0301 is adopted as published in 34:18 NCR 1712 as follows:

2
3 **14B NCAC 17 .0301 APPLICATION FOR REGISTRATION**
4

5 (a) Each licensee or qualifying agent shall submit an online application for the registration of his or her employee on
6 the website provided by the Board. When this online application is submitted, it shall be accompanied by:

- 7 (1) electronic submission of fingerprints from a Live Scan or similar system approved by the State
8 Bureau of Investigation or one set of classifiable fingerprints on a standard F.B.I. fingerprint card
9 mailed separately to the Board's office;
- 10 (2) one original signed S.B.I. release of information form uploaded online and the original mailed
11 separately to the Board's office;
- 12 (3) one head and shoulders digital photograph of the applicant of acceptable quality for identification,
13 taken within six months prior to online submission, and uploaded with the application submission;
- 14 (4) statements of the results of a statewide criminal history records search by the reporting service
15 designated by the Board pursuant to G.S. 74D-2.1(a) for any state where the applicant has resided
16 within the preceeding 60 months;
- 17 (5) the registration fee required by Rule .0302 of this Section, along with a four dollar (\$4.00)
18 convenience fee charged by the third-party provider and credit card transaction fee charged by the
19 applicant's credit card provider and collected online; and
- 20 (6) a completed affidavit form and public notice statement form.

21 (b) The employer of an applicant who is currently registered with another alarm business shall complete an online
22 application form provided by the Board. This form shall be accompanied by the applicant's multiple registration ~~fee.~~
23 fee along with a four dollar (\$4.00) convenience fee charged by the third-party provider and credit card transaction
24 fee charged by the applicant's credit card provider and collected online. This online application shall be accompanied
25 by a completed affidavit form and public notice statement form.

26 (c) The employer of each applicant for registration shall print and retain a copy of the applicant's online application
27 in the individual applicant's personnel file in the employer's office.
28

29 *History Note: Authority G.S. 74D-2.1; 74D-5; 74D-8;*
30 *Temporary Rule Eff. January 9, 1984 for a Period of 120 Days to Expire on May 7, 1984;*
31 *Eff. May 1, 1984;*
32 *Amended Eff. December 1, 2012; January 1, 2007; July 1, 1993; March 1, 1993; September 1, 1990;*
33 *November 1, 1988;*
34 *Transferred and Recodified from 12 NCAC 11 .0301 Eff. July 1, 2015;*
35 *Amended Eff. December 1, 2017;*
36 *Readopted Eff. June 1, 2018;*