

CHAPTER 2 - OFFICE OF THE ATTORNEY GENERAL

SUBCHAPTER 2A - OFFICE RULES

SECTION .0100 - GENERAL PROVISIONS

12 NCAC 02A .0101 LOCATION
12 NCAC 02A .0102 ADDRESS
12 NCAC 02A .0103 OFFICE HOURS

History Note: Authority G.S. 114-1; N. C. Constitution Article III, Section 7;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Repealed Eff. January 1, 1986.

SECTION .0200 - DUTIES

12 NCAC 02A .0201 GENERAL
12 NCAC 02A .0202 SPECIFIC

History Note: Authority G.S. 114-2;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.

12 NCAC 02A .0203 CONSENT JUDGMENTS

History Note: Authority G.S. 114-2.2;
 Temporary Rule Eff. September 1, 1984 for a Period of 120 Days to Expire December 30, 1984;
 Eff. November 1, 1984;
 Amended Eff. July 1, 1993;
 Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.

SECTION .0300 - ORGANIZATION

12 NCAC 02A .0301 ADMINISTRATIVE DIVISION

History Note: Authority G.S. 114-1, et seq.;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. November 1, 1984;
 Repealed Eff. January 1, 1986.

12 NCAC 02A .0302 DIVISION TWO

History Note: Authority G.S. 114-1, et seq.;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Repealed Eff. November 1, 1984.

12 NCAC 02A .0303 DIVISION A
12 NCAC 02A .0304 DIVISION B
12 NCAC 02A .0305 DIVISION C

History Note: Authority G.S. 114-1, et seq.;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. November 1, 1984;
Repealed Eff. January 1, 1986.

SECTION .0400 - OPINIONS OF THE ATTORNEY GENERAL

12 NCAC 02A .0401 **WHEN RENDERED: FORM**
12 NCAC 02A .0402 **WHEN DENIED: REASONS**
12 NCAC 02A .0403 **WHEN PUBLISHED: SUBSCRIPTION**

History Note: Authority G.S. 114-2(5);
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Expired Eff. November 1, 2016 pursuant to G.S. 150B-21.3A.

SUBCHAPTER 2B - RULEMAKING AND ADMINISTRATIVE HEARING PROCEDURES

SECTION .0100 - PETITIONS FOR RULES

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0101 **PETITION FOR RULEMAKING HEARINGS**
12 NCAC 02B .0102 **CONTENTS OF PETITION**
12 NCAC 02B .0103 **DISPOSITION OF PETITIONS**

History Note: Repealed Eff. September 29, 1980.

SECTION .0200 - NOTICE OF RULEMAKING HEARINGS

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0201 **TIMING OF NOTICE**
12 NCAC 02B .0202 **NOTICE MAILING LIST**
12 NCAC 02B .0203 **ADDITIONAL INFORMATION**

History Note: Repealed Eff. September 29, 1980.

SECTION .0300 - RULEMAKING HEARINGS

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0301 **REQUEST TO PARTICIPATE**
12 NCAC 02B .0302 **CONTENTS OF REQUEST: GENERAL TIME LIMITATIONS**
12 NCAC 02B .0303 **RECEIPT OF REQUEST: SPECIFIC TIME LIMITS**

12 NCAC 02B .0304	WRITTEN SUBMISSIONS
12 NCAC 02B .0305	PRESIDING OFFICER: POWERS AND DUTIES
12 NCAC 02B .0306	STATEMENT OF REASONS FOR DECISION
12 NCAC 02B .0307	RECORD OF PROCEEDINGS

History Note: Repealed Eff. September 29, 1980.

SECTION .0400 - DECLARATORY RULINGS

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0401	SUBJECTS OF DECLARATORY RULINGS
12 NCAC 02B .0402	SUBMISSION OF REQUEST FOR RULING
12 NCAC 02B .0403	DISPOSITION OF REQUESTS
12 NCAC 02B .0404	RECORD OF DECISION
12 NCAC 02B .0405	DEFINITION

History Note: Repealed Eff. September 29, 1980.

SECTION .0500 - ADMINISTRATIVE HEARING PROCEDURES

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0501	RIGHT TO HEARING
12 NCAC 02B .0502	REQUEST FOR HEARING
12 NCAC 02B .0503	GRANTING OR DENYING HEARING REQUESTS
12 NCAC 02B .0504	NOTICE OF HEARING
12 NCAC 02B .0505	WHO SHALL HEAR CONTESTED CASES
12 NCAC 02B .0506	PETITION FOR INTERVENTION
12 NCAC 02B .0507	TYPES OF INTERVENTION
12 NCAC 02B .0508	DISQUALIFICATION OF HEARING OFFICERS

History Note: Repealed Eff. September 29, 1980.

SECTION .0600 - ADMINISTRATIVE HEARINGS: DECISIONS: RELATED RIGHTS AND PROCEDURES

Editor's Note: Pursuant to 12 NCAC 1 .0105, The Office of the Attorney General follows the model administrative procedures set out in 22 NCAC 2.

12 NCAC 02B .0601	FAILURE TO APPEAR
12 NCAC 02B .0602	SIMPLIFICATION OF ISSUES
12 NCAC 02B .0603	SUBPOENAS
12 NCAC 02B .0604	FINAL DECISIONS IN ADMINISTRATIVE HEARINGS
12 NCAC 02B .0605	PROPOSALS FOR DECISIONS

History Note: Repealed Eff. September 29, 1980.

SUBCHAPTER 2C - DIVISION TWO

SECTION .0100 - BUSINESS AND FINANCIAL CRIME SECTION

12 NCAC 02C .0101 GENERAL PROVISIONS
12 NCAC 02C .0102 PURPOSES AND RESPONSIBILITIES

History Note: Repealed Eff. April 1, 1981.

SECTION .0200 - ADMINISTRATIVE PROCEDURES SECTION: OFFICE OF THE ATTORNEY GENERAL

12 NCAC 02C .0201 GENERAL PROVISIONS
12 NCAC 02C .0202 PURPOSE
12 NCAC 02C .0203 RESPONSIBILITIES

History Note: Repealed Eff. April 1, 1981.

SECTION .0300 - ANTITRUST SECTION

12 NCAC 02C .0301 GENERAL PROVISIONS
12 NCAC 02C .0302 PURPOSES AND RESPONSIBILITIES
12 NCAC 02C .0303 ORGANIZATIONAL STRUCTURE

History Note: Repealed Eff. April 1, 1981.

SECTION .0400 - LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES

12 NCAC 02C .0401 GENERAL PROVISIONS
12 NCAC 02C .0402 PURPOSES AND RESPONSIBILITIES
12 NCAC 02C .0403 ORGANIZATION
12 NCAC 02C .0404 RULES OF PRACTICE
12 NCAC 02C .0405 ORGANIZATIONAL STRUCTURE

History Note: Repealed Eff. April 1, 1981.

SUBCHAPTER 2D - DIVISION A

SECTION .0100 - TORT CLAIMS SECTION

12 NCAC 02D .0101 GENERAL PROVISIONS
12 NCAC 02D .0102 PURPOSE AND RESPONSIBILITIES
12 NCAC 02D .0103 ORGANIZATION
12 NCAC 02D .0104 PROCEDURES

History Note: Repealed Eff. April 1, 1981.

SECTION .0200 - ANTITRUST SECTION

12 NCAC 02D .0201 GENERAL PROVISIONS

12 NCAC 02D .0202 PURPOSES AND RESPONSIBILITIES

History Note: Repealed Eff. January 5, 1978.

12 NCAC 02D .0203 TRANSFER OF ORGANIZATIONAL AUTHORITY

History Note: Repealed Eff. April 1, 1981.

SECTION .0300 - UTILITIES SECTION

- 12 NCAC 02D .0301 GENERAL PROVISIONS**
- 12 NCAC 02D .0302 PURPOSE AND RESPONSIBILITIES**
- 12 NCAC 02D .0303 RULES OF PRACTICE**

History Note: Repealed Eff. April 1, 1981.

SECTION .0400 - ENVIRONMENTAL PROTECTION SECTION

- 12 NCAC 02D .0401 GENERAL PROVISIONS**
- 12 NCAC 02D .0402 PURPOSE**
- 12 NCAC 02D .0403 RESPONSIBILITIES**

History Note: Repealed Eff. April 1, 1981.

SECTION .0500 - STATE AGENCIES SERVICES AND LOCAL GOVERNMENT SECTION

- 12 NCAC 02D .0501 GENERAL PROVISIONS**
- 12 NCAC 02D .0502 PURPOSES**
- 12 NCAC 02D .0503 RESPONSIBILITIES AND ORGANIZATION**

History Note: Repealed Eff. April 1, 1981.

SECTION .0600 - MOTOR VEHICLES SECTION

- 12 NCAC 02D .0601 GENERAL PROVISIONS**
- 12 NCAC 02D .0602 PURPOSE**
- 12 NCAC 02D .0603 CRIME CONTROL AND PUBLIC SAFETY UNIT**

History Note: Repealed Eff. April 1, 1981.

SECTION .0700 - COLLECTION SECTION

- 12 NCAC 02D .0701 GENERAL PROVISIONS**
- 12 NCAC 02D .0702 PURPOSE**
- 12 NCAC 02D .0703 RESPONSIBILITIES**
- 12 NCAC 02D .0704 PROCEDURES**

History Note: Repealed Eff. April 1, 1981.

SUBCHAPTER 2E - DIVISION B

SECTION .0100 - EDUCATION AND CORRECTIONS SECTION

12 NCAC 02E .0101 GENERAL PROVISIONS
12 NCAC 02E .0102 PURPOSE
12 NCAC 02E .0103 RESPONSIBILITIES

History Note: Repealed Eff. April 1, 1981.

SECTION .0200 - REVENUE AND TAXES SECTION

12 NCAC 02E .0201 GENERAL PROVISIONS
12 NCAC 02E .0202 PURPOSES AND RESPONSIBILITIES

History Note: Repealed Eff. April 1, 1981.

**SECTION .0300 - UNFAIR AND DECEPTIVE TRADE PRACTICES (CONSUMER PROTECTION)
SECTION**

12 NCAC 02E .0301 GENERAL PROVISIONS
12 NCAC 02E .0302 PURPOSES AND RESPONSIBILITIES
12 NCAC 02E .0303 ORGANIZATION
12 NCAC 02E .0304 PROCEDURES AND FORMS

History Note: Repealed Eff. April 1, 1981.

SECTION .0400 - HUMAN RESOURCES SECTION

12 NCAC 02E .0401 GENERAL PROVISIONS
12 NCAC 02E .0402 PURPOSES AND RESPONSIBILITIES

History Note: Repealed Eff. April 1, 1981.

SECTION .0500 - LEGISLATIVE DRAFTING AND CODIFICATION OF STATUTES SECTION

12 NCAC 02E .0501 GENERAL PROVISIONS
12 NCAC 02E .0502 PURPOSES AND RESPONSIBILITIES
12 NCAC 02E .0503 ORGANIZATION
12 NCAC 02E .0504 RULES OF PRACTICE
12 NCAC 02E .0505 TRANSFER OF ORGANIZATIONAL AUTHORITY

History Note: Repealed Eff. April 1, 1981.

SUBCHAPTER 2F - DIVISION C

SECTION .0100 - HIGHWAY SECTION

12 NCAC 02F .0101 GENERAL PROVISIONS
12 NCAC 02F .0102 PURPOSE
12 NCAC 02F .0103 RESPONSIBILITIES

12 NCAC 02F .0104 ORGANIZATION

History Note: Repealed Eff. April 1, 1981.

SECTION .0200 - PUBLIC LANDS AND CONTRACTS SECTION

- 12 NCAC 02F .0201 GENERAL PROVISIONS**
- 12 NCAC 02F .0202 PURPOSES**
- 12 NCAC 02F .0203 RESPONSIBILITY**

History Note: Repealed Eff. April 1, 1981.

SECTION .0300 - SPECIAL PROSECUTION SECTION

- 12 NCAC 02F .0301 GENERAL PROVISIONS**
- 12 NCAC 02F .0302 PURPOSE**
- 12 NCAC 02F .0303 RESPONSIBILITIES**

History Note: Repealed Eff. April 1, 1981.

SECTION .0400 - SPECIAL INVESTIGATION SECTION

- 12 NCAC 02F .0401 GENERAL PROVISIONS**
- 12 NCAC 02F .0402 PURPOSE AND RESPONSIBILITIES**
- 12 NCAC 02F .0403 ORGANIZATION**

History Note: Repealed Eff. April 1, 1981.

SUBCHAPTER 02G - ADMINISTRATIVE PROCEDURES RULES FOR FILING

SECTION .0100 - GENERAL PROVISIONS

This Section .0100 of Title 12, Chapter 2G, of the North Carolina Administrative Code (12 NCAC 2G); GENERAL PROVISIONS; has been transferred and recodified as Title 22, Chapter 1, of the North Carolina Administrative Code (22 NCAC 1), effective April 1, 1981.

SECTION .0200 - GENERAL FILING REQUIREMENTS

- 12 NCAC 02G .0201 FILING MANUAL**

*History Note: Authority G.S. 114-2; 150A-59; 150A-60;
Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. March 15, 1980;
Repealed Eff. July 1, 1982.*

- 12 NCAC 02G .0202 FILING OF RULES**
- 12 NCAC 02G .0203 CERTIFICATION OF RULEMAKING FORM**
- 12 NCAC 02G .0204 ACCEPTANCE OF RULES FILED**
- 12 NCAC 02G .0205 FILING REPEAL OF RULES: ACCEPTANCE**

History Note: Authority G.S. 150A-11; 150A-58; 150A-59; 150A-60; 150A-61; 150A-63;

Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982; March 15, 1980;
Repealed Eff. November 1, 1984.

12 NCAC 02G .0206 CERTIFICATION OF REPEAL OF RULE FORM

History Note: Authority G.S. 150A-11; 150A-58; 150A-60;
Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. March 15, 1980;
Repealed Eff. July 1, 1982.

12 NCAC 02G .0207 FILING TEMPORARY RULES: AMENDMENTS: REPEALS
12 NCAC 02G .0208 ACCEPTANCE OF TEMPORARY ACTIONS FILED

History Note: Authority G.S. 150A-13; 150A-60;
Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982; March 15, 1980;
Repealed Eff. November 1, 1984.

12 NCAC 02G .0209 CERTIFICATION OF RULEMAKING FORM
12 NCAC 02G .0210 STATUTORY TERMINATION OF EMERGENCY ACTIONS

History Note: Authority G.S. 150A-11; 150A-13; 150A-60;
Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. April 15, 1980; March 15, 1980;
Repealed Eff. July 1, 1982.

12 NCAC 02G .0211 DELEGATION OF AUTHORITY FOR ADOPTING RULES

History Note: Authority G.S. 150A-60;
Eff. March 15, 1980;
Repealed Eff. July 1, 1982.

12 NCAC 02G .0212 APA COORDINATORS
12 NCAC 02G .0213 AGENCY RESPONSIBILITY
12 NCAC 02G .0214 AGENCY RESPONSIBILITY IN RECODIFICATION

History Note: Authority G.S. 150A-11(1); 150A-60;
Eff. March 15, 1980;
Amended Eff. July 1, 1982;
Repealed Eff. November 1, 1984.

SECTION .0300 - CODIFICATION OF RULES

12 NCAC 02G .0301 CODIFICATION SYSTEM

History Note: Authority G.S. 150A-60;

Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982;
Repealed Eff. November 1, 1984.

12 NCAC 02G .0302 TITLE SUBDIVISION

History Note: Authority G.S. 150A-60;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. March 15, 1980;
Repealed Eff. July 1, 1982.

- 12 NCAC 02G .0303 CHAPTER SUBDIVISION (REPEALED)**
- 12 NCAC 02G .0304 SUBCHAPTER SUBDIVISION (REPEALED)**
- 12 NCAC 02G .0305 SECTION SUBDIVISION (REPEALED)**
- 12 NCAC 02G .0306 RULE (REPEALED)**
- 12 NCAC 02G .0307 SUBSECTIONS OF RULES (REPEALED)**
- 12 NCAC 02G .0308 LISTING WITHIN RULES (REPEALED)**
- 12 NCAC 02G .0309 FILING SUMMARY RULES (REPEALED)**
- 12 NCAC 02G .0310 REPEALED RULES (REPEALED)**

History Note: Authority G.S. 150A-60; 150A-63(c);
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982; March 15, 1980;
Repealed Eff. November 1, 1984.

SECTION .0400 - PHYSICAL FORM OF RULES

- 12 NCAC 02G .0401 COPIES OF RULES FILED**
- 12 NCAC 02G .0402 GENERAL TYPING INSTRUCTIONS**
- 12 NCAC 02G .0403 INTRODUCTORY STATEMENT: CITATION: CATCHLINE: ACTION**
- 12 NCAC 02G .0404 BODY OF RULES**
- 12 NCAC 02G .0405 ILLUSTRATIONS**
- 12 NCAC 02G .0406 HISTORY NOTE**
- 12 NCAC 02G .0407 HISTORY NOTE: TEMPORARY RULES: AMENDMENTS: REPEALS**

History Note: Authority G.S. 150A-13; 150A-60;
Eff. February 1, 1976;
Amended Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982; March 15, 1980;
Repealed Eff. November 1, 1984.

12 NCAC 02G .0408 FILING REPEALED RULES

History Note: Authority G.S. 150A-60;
Eff. March 1, 1977;
Readopted Eff. January 5, 1978;
Amended Eff. July 1, 1982; March 15, 1980;
Repealed Eff. November 1, 1984.

12 NCAC 02G .0409 EXAMPLES OF NEW RULES: AMENDMENTS: OR REPEALS

12 NCAC 02G .0410 KEY POINTS TO REMEMBER IN RULE FILING

History Note: Authority G.S. 150A-60;
 Eff. March 1, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. March 15, 1980;
 Repealed Eff. July 1, 1982.

12 NCAC 02G .0411 ARRC OBJECTIONS NOTED IN RULES

History Note: Authority G.S. 150A-63.1;
 Eff. April 15, 1980;
 Amended Eff. July 1, 1982;
 Repealed Eff. November 1, 1984.

SECTION .0500 - PROCEDURES FOR READOPTION OF RULES

- 12 NCAC 02G .0501 PURPOSE**
- 12 NCAC 02G .0502 FILING PROCEDURES**
- 12 NCAC 02G .0503 GENERAL TYPING INSTRUCTIONS**
- 12 NCAC 02G .0504 OBTAINING COPIES OF RULES**
- 12 NCAC 02G .0505 PROCEDURES FOLLOWING VALIDATION**

History Note: Filed as an Emergency Rule Eff. September 26, 1977, for a Period of 120 Days to Expire on January 24, 1978;
 Authority G.S. 150A-60;
 Made Permanent at Readoption Eff. January 5, 1978;
 Amended Eff. July 1, 1982; March 15, 1980;
 Repealed Eff. November 1, 1984.

SUBCHAPTER 2H - TORRENS ACT RULES AND FORMS

SECTION .0100 - RULES

12 NCAC 02H .0101 NOTICE TO BE FILED WITH CLERK OF COURT

Upon the filing of a petition for registration, the persons named upon whom process is served, and all who may come in and become parties, and those who may subsequently be made parties, shall, if nonresidents of the county within which the land described in the petition is situated, file with the clerk of court their post office address, the name and post office address of an agent or attorney residing in said county to whom notices may be given, by mail or otherwise. If such persons do not designate some such person as agent or attorney, notices sent by mail to them shall be deemed to have been given and received in time to give them opportunity to appear for the purposes for which such notices were given.

A copy of this Rule shall be delivered to all such persons at the time summons is served upon them or at the time they come in and become parties.

History Note: Authority G.S. 43-3;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0102 DEPOSIT AND SURETY REQUIREMENTS

A petitioner for registration, upon filing his petition, shall deposit with the clerk of the superior court the sum of twenty-five dollars (\$25.00). If any surplus remains after the requirements of Chapter 90, Public Laws of 1913, are met, it shall be returned to the petitioner. If such deposit be not sufficient to meet such requirements pending the proceeding, a further

deposit, or further deposits, shall be made upon notice by the clerk. If any person shall file an answer, interplea, or other pleading, raising any issue of law or fact, the clerk of the superior court, upon motion, may order an undertaking with good and sufficient surety, in an amount to be fixed by the clerk, to be void upon condition that the obligor pay to the adverse party all such costs as such adverse party may have incurred on the hearing and determination of such issue or issues; provided, that the undertaking prescribed shall not be required in the case of any such petitioner or person filing answer, interplea, or other pleading, as the case may be, who shall satisfy the clerk that he is unable to comply with this requirement.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0103 DUTIES OF EXAMINER OF TITLES

Any examiner of titles appointed under said statute may examine titles assigned to him in any county. He shall not appear in or have any connection with any proceeding instituted under the provisions of this act, and he shall be subject to removal at will by the clerk or judge of the superior court.

No attorney for any petitioner shall appear or act for or in behalf of any respondent or adverse claimant.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0104 CHANGE OF ATTORNEYS

If a party shall change his attorney, pending any proceeding, the name of the new attorney shall be substituted on the docket for that of the former attorney, and notice thereof given to any adverse party; and until such notice of the change of an attorney all notices given to or by the attorney first appointed shall be considered in all respects as notice to or from his client, except in cases in which by law the notice is required to be given to the party personally: provided, however, that nothing in these rules shall be construed to prevent any party interested from appearing for himself in the manner provided by law; and in such cases the party so appearing shall be subject to the same rules that are or may be provided for attorneys in like cases, so far as the same are applicable.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0105 APPOINTMENT OF GUARDIAN AD LITEM

In addition to making appointments of guardians ad litem in cases required by statute, whenever it shall appear that a minor is interested in any land in regard to which proceedings are pending, a guardian ad litem for such minor may be appointed by the court at its discretion, with or without notice.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0106 CUSTODY OF DEPOSITIONS

All depositions shall be opened and filed by the clerk when received. The deposition shall afterwards be in his custody or that of the examiner of titles, subject to the order of the court, as other documents in the case; and if not read on the trial by the party taking it, it may be used by any other party, if he sees fit, he paying the costs of taking the same.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0107 NOTICE REQUIREMENTS

Whenever, in any case, a notice given in accordance with Chapter 90 of the Public Laws of 1913 or the general forms of procedure, or otherwise, is held by the court to be insufficient, it may order such further notice as the case requires.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0108 AMENDMENT OF PLEADINGS AND SURVEY OF PROPERTY

The court may in its discretion allow the parties to amend their pleadings, and order or permit pleadings to be filed, notices to be given, or any proceedings to be had, at other times than are provided in these rules; and may in all cases impose just and reasonable terms upon the parties. The clerk may order a preliminary survey for the purpose of obtaining metes and bounds descriptions upon request of any party on the grounds that he is unable to state the metes and bounds, upon such terms as are just and reasonable. When such order is issued by the clerk, if it appears that title to any portion of the land sought to be registered is in dispute, the survey and plat shall designate such areas and no permanent markers shall be placed thereon until the filing of the examiners report and the entry of decree of title.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0109 HEARING BEFORE EXAMINER OF TITLES

When a petition shall be referred to an examiner he shall assign a time and place for hearing, which shall be not less than 10 days thereafter, and give notice thereof by mail not less than five days before such time, to the petitioners, and all persons mentioned in the petition as having or claiming any interest, or their attorneys or agents. In the meantime the examiner shall have examined the record title, and prepared a tentative abstract, which shall be exhibited to the petitioners and persons interested attending such hearing.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0110 PRELIMINARY REPORT OF EXAMINER

When the examiner has prepared a draft copy of his report he shall notify the parties or their attorneys of the time and place, not less than three days before such time, when and where they may attend to hear the same, and suggest such alterations, if any, as they may think proper; upon consideration whereof, the examiner will finally settle the draft of his report.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0111 FILING OF EXCEPTIONS TO REPORT

Upon the filing of the examiner's report, the clerk shall forthwith give notice thereof by mail to all the parties interested, or their agents or attorneys, notifying them to appear on or before a day named, not less than seven days from the date of mailing such notices, and file written objections, if any they have, to said report. No exception to the report shall be allowed, without a special order of the court, founded upon a showing of mistake, surprise, or excusable neglect, unless such exception is filed within the time stated in the notice.

History Note: Authority G.S. 43-3;

Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0112 NOTICE OF AND ARGUMENT PURSUANT TO EXCEPTIONS

When exceptions shall be taken to the report notice thereof shall forthwith be given by mail to the adverse parties, their agents or attorneys, and the exceptions shall then be set down for argument. In every case the exceptions shall briefly and clearly specify the matter excepted to, and the cause thereof; and the exceptions shall not be valid as to any matter not so specified.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0113 DATE OF TRANSCRIPTION OF DECREE

The date of the transcription of the decree into the registration book shall be taken to be the time at which the register of deeds receives the certified copy of the decree for transcription; and he shall minute upon such copy and also in the registration book the day, hour and minute of its reception.

Every new certificate shall bear date as of the time of reception noted on the instrument of transfer.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0114 METHOD OF CONVEYANCE

When a deed of conveyance of registered land is presented to the clerk of the court in the county where the land lies, such clerk shall not receive the same or direct its registration and the issue of the certificate of title for such land to the grantee, unless the grantor being unmarried or having no husband or wife to join, it contains a statement to that effect.

The deed shall be received and a new certificate shall be entered and issued when a deed of transfer is executed as aforesaid and acknowledged in the manner now required in this state for recording in the office of the register of deeds by the registered owner, conveying in fee simple the entire parcel of land registered under one certificate of title, and there is presented to such register of deeds the registered owner's duplicate certificate: provided, the land conveyed by such deed is described in the same terms as in the grantor's original certificate; and provided, the grantor or grantors in such deed are the same as the registered owner or owners in such certificate.

If the land conveyed by such deed is not described in the same terms as in the certificate of title to such land, or the grantor or grantors in such deed are not the same as the registered owner or owners, the clerk of the court shall not receive the deed or direct the issue of a new certificate.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0115 PARTIAL CONVEYANCE OF REGISTERED LAND

When the owner of registered land transfers a part of it, his transfer shall be accompanied by a plan, showing the land transferred, which shall be signed by such owner and by his grantee as correct.

The register of deeds shall enter and issue a certificate for such part to the grantee, when the description of the land in the deed of transfer agrees with such plan; and shall enter and issue to the grantor a certificate of the remainder described as in the surrendered certificate, omitting the land transferred, the plan and certificate of which shall be referred to.

History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02H .0116 NOTATION OF TERMINATION OF LEASES

When a lease has been noted upon the registration book and upon the owner's duplicate certificate as an incumbrance, and the lease has been determined by lapse of time, merger, surrender, reentry or otherwise, the register of deeds may note its determination in the registration book, and upon the owner's duplicate certificate, upon the surrender of the lessee's duplicate certificate, if such certificate has been issued; but if no such certificate has been issued, the register of deeds shall note the determination of the lease only upon the written consent of the lessee, or order of the court as hereinafter provided.

In case the lessee neglects or refuses to give his consent in writing to the entry of a memorandum of the determination of the lease, the owner of the registered land or any person interested in it may apply to the clerk of the superior court for an order directing the entry of such memorandum, and upon notice of such application to the lessee and other persons interested, and the production of such evidence as shall satisfy the court that the lease has terminated, the court shall make such order.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0117 OATH PURSUANT TO LETTERS OF ATTORNEY

When an instrument executed by an attorney under letters of attorney duly acknowledged is filed or presented for registration, the attorney shall make and subscribe an oath before a justice of the peace, or other officer empowered to administer oaths, that the principal was alive at the date of the execution of the instrument, and that the power was then in force and not revoked.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0118 CORRECTION OF NAME ON CERTIFICATE

A registered owner or mortgagee whose name has been changed since the entry of a certificate, either by marriage, divorce or adoption, or whose name was by mistake wrongly expressed in the certificate, may, upon satisfying the court of the fact, surrender the certificate and take out a new one in his new or correct name; or a memorandum of such change or correction may by order of the court be entered on the certificate.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0200 - FORMS

12 NCAC 02H .0201 AVAILABILITY OF FORMS

(a) Copies of the forms to be used in Torrens proceedings are available upon request by writing to:

Office of the Attorney General
Public Lands and Contracts Section
Post Office Box 629
Raleigh, North Carolina 27602

(b) A charge of twenty-five cents (\$0.25) per page shall be made to defray the cost of copying the requested forms.

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02H .0202 DESCRIPTION OF FORMS

*History Note: Authority G.S. 43-3;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Repealed Eff. July 16, 1988 in accordance with G.S. 150B-59(c).*

SUBCHAPTER 2I - COMPANY AND RAILROAD POLICE

SECTION .0100 - GENERAL PROVISIONS

12 NCAC 02I .0101 LOCATION

The administrative office for the commissioning of company police officers and the certification of company police agencies is located in the office of the Criminal Justice Standards Division. Correspondence shall be directed to:

Company Police Administrator

Company Police Program

Post Office Drawer 310

Raleigh, North Carolina 27602-0310

Telephone: (919) 733-2530

*History Note: Authority G.S. 74E; 143A-54;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 1, 1996; August 2, 1993; November 1, 1984; September 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0102 PURPOSES

The purposes of the Attorney General's Office in granting company police commissions are:

- (1) to allow those organizations and corporations described in G.S. 74E-2 to apply for certification as a company police agency;
- (2) to allow those organizations and corporations described in G.S. 74E-2 to employ individuals commissioned as company police officers pursuant to G.S. 74E-6; and
- (3) to ensure the integrity, proficiency, and competence of company police officers and establishing minimum standards for obtaining and maintaining both company police officer commissions and company police agency certifications.

*History Note: Authority G.S. 74E-2; 74E-6;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; November 1, 1984;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0103 ADMINISTRATIVE STAFF

The administrative staff responsible for company police commissions and company police agency certifications consists of assigned personnel from the Criminal Justice Standards Division. The duties of this staff are to carry out the policies of the law and regulations herein and to actively police the individuals already commissioned as company police officers to assure compliance with the law in all respects.

*History Note: Authority G.S. 74E-4;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; November 1, 1984; September 1, 1981;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0104 DEFINITIONS

In addition to any definitions set forth in G.S. 74E, the following definitions will apply throughout this Chapter, unless the context clearly defines otherwise:

- (1) "Agency Records" means those records specified pursuant to this Subchapter and that documentation required to be maintained and compiled under the requirements of G.S. 74E.
- (2) "Badge" means a shield bearing the title of "Company Police Officer" or "Railroad Police", "Campus Police," or "Special Police" and the name of the agency and the officer's issued identification card provided by the Attorney General which identifies the individual as a company police officer.
- (3) "Calendar Year" shall be defined solely for the purpose of in-service training as a period beginning January 1 and ending on December 31.
- (4) "Certification" means:
 - (a) company police officers - the authority granted by the North Carolina Criminal Justice Education and Training Standards Commission to those individuals who meet the minimum requirements as a sworn law enforcement officer pursuant to Title 12, Chapter 9B of the North Carolina Administrative Code.
 - (b) company police agency - the authority granted by the Attorney General to those Company Police agencies who meet the minimum requirements established for such agencies pursuant to this Chapter.
- (5) "Commission" as it pertains to criminal offenses, means a finding by an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (6) "Commissioned company police officer" means those individuals authorized by the Company Police Administrator to exercise all law enforcement powers within the constraints provided in G.S. 74E and classified as a company police officer pursuant to G.S. 74E-6(b).
- (7) "Company Police Administrator" means the individual who serves as the head of the administrative staff to whom the Attorney General designated the authority to act upon any company police agency commission or company police agency certification pursuant to the provisions of G.S. 74E and the rules promulgated thereunder. Said administrator is responsible for the individual officer's or agency's compliance with the Company Police Act.
- (8) "Company Police Agency" means any public or private entity, association, corporation or company as defined by G.S. 74E-2(b).
- (9) "Conviction or convicted" means and includes, for the purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (10) "Department Head" means the chief administrator of any company police agency. The Department Head is to include the Company Police Chief or a designee formally appointed in writing as the Department Head, and who shall hold and maintain a commission as a company police officer.
- (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
- (12) "High School" means a school accredited as a high school by:
 - (a) the Department or Board of Education of the state in which the high school is located; or
 - (b) the recognized regional accrediting body; or
 - (c) the state university of the state in which the high school is located.
- (13) "In-Service Training" means any and all training as prescribed in 12 NCAC 2I .0202 which must be satisfactorily completed by company police officers, in accordance with the standards established therein, during each full calendar year of commissioning as a company police officer.
- (14) "Insurance Carrier" means any entity, corporation, company or professional association as defined in G.S. 58 and who is authorized by the North Carolina Commissioner of Insurance to do business in North Carolina as an insurance carrier or underwriter.

- (15) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Criminal Justice Education and Training Standards Commission.
- (a) "Class A Misdemeanor" is defined in 12 NCAC 9A .0103(20)(a).
- (b) "Class B Misdemeanor" is defined in 12 NCAC 9A .0103(20)(b).
- (16) "On Duty" means that period of time which the commissioned company police officer is being compensated for his or her services by the officer's employer and ending once the officer's compensation for his duties terminates.

*History Note: Authority G.S. 74E;
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0200 - COMMISSIONING

12 NCAC 02I .0201 ELIGIBILITY

*History Note: Authority G.S. 74A-1; 143A-54;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Repealed Eff. November 1, 1984.*

12 NCAC 02I .0202 MINIMUM STANDARDS FOR COMPANY POLICE OFFICERS

- (a) Every company police officer must meet the following requirements to obtain and maintain a company police commission:
- (1) be a citizen of the United States;
 - (2) be a high school graduate (means graduation from a high school that meets the compulsory attendance requirements in the jurisdiction in which the school is located), or have passed the General Educational Development Test indicating high school equivalency; A specific exception to this educational requirement is granted to:
 - (A) an applicant who was the holder of a valid company police commission on June 30, 1972; or
 - (B) an applicant certified as a law enforcement officer by the Criminal Justice Education and Training Standards Commission on March 14, 1973.

In either case, the exception is not applicable if the applicant has had more than a 12 month break in service;
 - (3) have attained a score of not less than 80 percent on a written examination of basic knowledge of laws of arrest, search, and investigation, and of the rules in this Subchapter to be administered by a representative of the North Carolina Department of Justice. The Company Police Administrator shall advise in writing of test dates and sites at least five days prior to the examination. In the event an applicant fails to successfully complete the examination, only one re-test is allowed. Upon an applicant's failure to successfully complete the second test, the applicant must successfully complete certified Basic Law Enforcement Training coursework prior to re-testing, pursuant to 12 NCAC 09C .0402;
 - (4) meet the minimum standards for criminal justice officers established by the North Carolina Criminal Justice Education and Training Standards Commission, appearing in Title 12, Chapter 09 of the North Carolina Administrative Code; which Standards are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material;
 - (5) applicants who do not hold general certification as a law enforcement officer issued by the Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, must submit to and successfully complete a polygraph examination administered by the State Bureau of Investigation;
 - (6) be at least 20 years of age;
 - (7) have produced a negative result on a drug screen administered according to the following specifications:
 - (A) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive test result using a gas chromatography mass spectrometry (GC/MS) or other initial and confirmatory tests as may, from time to time, be

- authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
- (B) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
 - (C) the drugs whose use shall be tested for shall include cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites;
 - (D) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material;
 - (E) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
 - (F) the laboratory conducting the test must be nationally certified for federal workplace drug testing programs by the Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Prevention, Division of Workplace Programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples, except that individual agencies may specify other drugs to be tested for in addition to those drugs set out in Part (C) of this Subparagraph; and
 - (G) every agency head shall arrange for a licensed physician to review drug tests reported by the laboratory;
- (8) notify the Company Police Administrator in writing of all criminal offenses for which the officer is arrested for or charged with, pleads no contest, pleads guilty, or is found guilty of, as well as all Domestic Violence Orders (50B) which are issued by a judicial official. This includes all criminal offenses except minor traffic infraction offenses and specifically includes any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph as an offense where the maximum punishment allowable is 60 days or less. The notifications required for an arrest or charge must specify the nature of the offense and date of arrest or charge. Further notifications required must specify the nature of the offense, the court in which the case was handled and the date of the conviction or adjudication. All notifications must be received by the Company Police Administrator within five days of the date of the arrest or charge and case disposition. Applicants and officers required to notify the Company Police Administrator under this Subparagraph shall also make the same notification to their Department Head within five days of the date the case was disposed of in court. However, the notification to the Company Police Administrator does not excuse the officer from making an independent notification otherwise required by either the Criminal Justice Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission. The notifications required by this Subparagraph are required while the application is pending as well as, subsequent to a commission being issued;
- (9) be of good moral character within the meaning of: *In re Willis*, 288 N.C. 1, 215 S.E.2d 771 appeal dismissed 423 U.S. 076 (1975); *State v. Harris*, 216 N.C. 746, 6 S.E.2d 854 (1940); *In re Legg*, 325 N.C. 658, 386 S.E.2d 174 (1989); *In re Applicants for License*, 143 N.C. 1, 55 S.E. 635 (1906); *In re Dillingham*, 188 N.C. 162, 124 S.E. 130 (1924); *State v. Benbow*, 309 N.C. 538, 308 S.E.2d 647 (1983); and their progeny;
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 02I .0212(a) or (b), such that the applicant would be ineligible for commissioning as a Company Police officer; and
- (11) submit to a background investigation as specified in 12 NCAC 02I .0205.
- (b) The requirements of this Rule shall apply to all applications for commission and shall also be applicable at all times during which the officer holds commission with the company police program.

History Note: Authority G.S. 74E-4;
 Eff. February 1, 1976;
 Amended Eff. September 9, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. November 1, 1984; September 1, 1981;
 Temporary Amendment Eff. March 23, 1990 for a Period of 180 Days to Expire on September 20, 1990;
 Amended Eff. January 1, 2008; August 2, 1993; September 1, 1990;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0203 APPLICATION FOR COMPANY POLICE AGENCY

(a) Each company police agency shall complete and submit to the Company Police Administrator the following items and documentation:

- (1) an application form;
- (2) articles of incorporation or other agency originating documentation, which specifies the agency's law enforcement functions;
- (3) names and addresses for all corporate officers and directors;
- (4) a copy of the company police agency's insurance policy, or if self insured, the certificate of self insurance (applicable to non-public entities only);
- (5) a criminal history record check on each corporate officer and director of the corporation through the clerk of superior court in each county where the individual resided, maintained a residence and place of business over a five year period prior to such application. However, this Subparagraph does not require the agency to submit a criminal history record check on currently commissioned company police officers;
- (6) the appropriate fees as required by 12 NCAC 02I .0206;
- (7) a listing of the names and addresses of all employing businesses and institutions for which the company police agency has contracted with to provide services;
- (8) notification form signed by the local District Attorney, Sheriff and if applicable, local Police Chief, for the location where the primary business will be conducted stating the agency's intent to operate as a company police agency;
- (9) at least two affidavits signed by other individuals within the community who have personal knowledge stating that the corporate officers and directors of the corporation are of good moral character as defined in 12 NCAC 02I .0202(a)(9).

(b) Upon submission of the information required in Paragraph (a) of this Rule, the Company Police Administrator may issue a probationary agency certification which will remain in effect for six months, during which time the agency must obtain certification of at least one company police officer and secure a contract for police services with at least one entity. If the company police agency has not otherwise violated the provisions of the rules in this Subchapter or of G.S. 74E, the agency shall be awarded agency certification at the end of the six month period. Should the agency fail to employ at least one company police officer and at least one contract for services, the probationary certification shall automatically expire at the end of the six month period. Upon re-application, the agency shall resubmit all materials required pursuant to this Rule.

*History Note: Authority G.S. 74E-4;
Eff. August 2, 1993;
Amended Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0204 APPLICATION FOR COMPANY POLICE OFFICER

The application for a company police officer must contain:

- (1) a written request from the Department Head of the company, agency or institution requesting that a company police commission be issued to the applicant. An oral request will not satisfy this requirement; and
- (2) if the applicant holds general certification issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, the application must contain the following:
 - (a) Medical History Statement (Form F-1);
 - (b) Medical Examination Report (Form F-2);
 - (c) Two complete fingerprint cards;
 - (d) Two 1" x 1-1/4" (non-polaroid) close-up color photographs not more than three months old;
 - (e) Proof of a negative drug screen as specified in 12 NCAC 2I .0202(7);
 - (f) Proof of successful completion of all in-service training requirements specified by the North Carolina Criminal Justice Education and Training Standards Commission, which standards are hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced material;
 - (g) Authorization for release of records (CP-1);
 - (h) Drug Screen Consent Form (CP-2);
 - (i) Appropriate fees as specified in 12 NCAC 2I .0206;

- (j) An appropriate background investigation as specified in 12 NCAC 2I .0205 (Form F-8); and
- (k) Personal History Statement (Form F-3) not more than three months old; or
- (3) if the applicant does not hold general certification, the application must contain the following:
 - (a) Medical History Statement (Form F-1);
 - (b) Medical Examination Report (Form F-2);
 - (c) Personal History Statement not more than three months old, (Form F-3);
 - (d) Report of Qualification Appraisal Interview (Form F-4);
 - (e) Proof of High School graduation or GED;
 - (f) Two complete fingerprint cards;
 - (g) Two 1" x 1-1/4" (non-polaroid) close-up color photographs not more than three months old;
 - (h) Proof of satisfactory completion of a Criminal Justice Education and Training Standards Commission accredited basic law enforcement training course;
 - (i) Proof of a negative drug screen;
 - (j) Authorization for Release of Records (CP-1);
 - (k) Drug Screen Consent Form (CP-2);
 - (l) Appropriate fees as specified in 12 NCAC 2I .0206; and
 - (m) Background investigation as specified in 12 NCAC 2I .0205 (Form F-8); or
- (4) if the applicant is currently a commissioned officer under G.S. 74A at the time these rules are adopted, the applicant shall only be required to submit the following documentation to the Company Police Administrator to be postmarked no later than August 31, 1993:
 - (a) Application Form;
 - (b) Two Photo Identification Cards;
 - (c) Initial Application Fee.

All other documentation currently valid in the commissioned officer's file will be transferred to a new file for the officer under Chapter 74E.

*History Note: Authority G.S. 74E;
 Eff. February 1, 1976;
 Amended Eff. September 9, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. August 2, 1993; September 1, 1990; November 1, 1984; September 1, 1981;
 Recodified from 12 NCAC 2I .0203 Eff. August 2, 1993;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0205 BACKGROUND INVESTIGATION

- (a) Any company police agency contemplating the commissioning of an applicant as a company police officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a company police officer and shall determine whether the applicant is of good moral character as referred to in G.S. 17C-10(c). The investigation shall be submitted to the Company Police Administrator utilizing the Commission-approved Form F-8 (Summary of Background Investigation).
- (b) Prior to the investigation, the applicant shall complete a Personal History Statement (Form F-3) to provide a basis for the investigation.
- (c) The Department Head shall conduct the applicant's background investigation. The Department Head shall document the results of the investigation and shall include in the report of investigation:
 - (1) biographical data;
 - (2) family data;
 - (3) scholastic data;
 - (4) employment data;
 - (5) interviews with the applicant's references; and
 - (6) a summary of the Department Head's findings and conclusions regarding the applicant's moral character as referred to in G.S. 17C-10(c).
- (d) The agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs. However, the company police program's "Summary of Background Investigation" form shall be used as a guide for minimum information collected and recorded by the investigator.

(e) In the event that an individual applying for commission as a company police officer is the Department Head, he shall not conduct his own background investigation. The investigation must be performed by a city or county agency in the county where the company police agency has residency, or contract with a private investigator.

*History Note: Authority G.S. 74E-4;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; November 1, 1984;
Recodified from 12 NCAC 2I .0204 Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0206 FEE

(a) Upon notification that an application for a company police agency certification or a company police officer commission has been approved, the applicant shall forward a certified check or money order made out to the North Carolina Department of Justice to the:

Company Police Administrator
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 733-2530

(b) The following fees shall be due and payable prior to the issuance of company police agency certification or a company police officer commission.

- (1) Application for certification as a company police agency - \$250.00.
- (2) Annual renewal of certification as a company police agency - \$200.00.
- (3) Application for reinstatement of certification as a company police agency - \$1,000.00.
- (4) Application for commission as a company police officer - \$100.00.
- (5) Annual renewal of commission as a company police officer - \$50.00.
- (6) Application for reinstatement of commission as a company police officer - \$150.00.

(c) Currently commissioned company police officers will be required to submit the Application for Commission as a company police officer fee as set forth in Subparagraph (b)(4) of this Rule.

*History Note: Authority G.S. 74E-12;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; September 1, 1981;
Recodified from 12 NCAC 2I .0205 Eff. August 2, 1993;
Amended Eff. August 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0207 BOND

*History Note: Authority G.S. 74A-2; 143A-54;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. September 1, 1981;
Repealed Eff. November 1, 1984;
Recodified from 12 NCAC 2I .0206 Eff. August 2, 1993.*

12 NCAC 02I .0208 OATH

Every company police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath provided for in G.S. 11-11 before an officer authorized by G.S. 11-7.1 to administer oaths, and shall forward a copy of the executed oath within 10 days of the day on which the oath is subscribed to the Company Police Administrator.

History Note: Authority G.S. 11-11; 74E-4;
Eff. February 1, 1976;
Amended Eff. September 9, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 2, 1993; November 1, 1984; September 1, 1981;
Recodified from 12 NCAC 2I .0207 Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0209 SPECIFICATIONS FOR THE USE OF REQUIRED FORMS

History Note: Authority G.S. 74A-1;
Eff. January 5, 1978;
Amended Eff. September 1, 1981;
Repealed Eff. November 1, 1984;
Recodified from 12 NCAC 2I .0208 Eff. August 2, 1993.

12 NCAC 02I .0210 LIABILITY INSURANCE

(a) Any applicant for a non-public company police agency certification must file with the Company Police Administrator, either a copy of the liability insurance policy or a certificate of self insurance, at the following address:

Company Police Administrator
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 716-6472

(b) The insurance carrier shall deliver any notice of cancellation of liability insurance by certified mail, return receipt requested, to the following address:

Company Police Administrator
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310
Telephone: (919) 716-6472

(c) The insurance carrier shall deliver a declaration of insurance statement by certified mail, return receipt requested, at the beginning of each new insurance coverage period, to the following address:

Company Police Administrator
Company Police Program
Post Office Drawer 310
Raleigh, North Carolina 27602-0310

History Note: Authority G.S. 74E-3; 74E-4;
Eff. August 2, 1993;
Amended Eff. January 1, 2008; August 1, 1996;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0211 SUSPENSION, REVOCATION OR DENIAL OF AGENCY CERTIFICATION

(a) A company police agency certification may be suspended, revoked or denied upon a finding that the agency has:

- (1) failed to pay any required fees;
- (2) failed to produce or maintain a copy of a liability insurance policy or a certificate of self insurance;
- (3) failed to meet any of the requirements for certification provided in 12 NCAC 02I .0203;
- (4) failed to provide any of the required documentation pursuant to 12 NCAC 02I .0203;
- (5) failed to allow for the reasonable inspection of the Company Police agency records pursuant to G.S. 74E-4(3);
- (6) failed to ensure compliance by the agency's company police officers of any and all in-service training requirements as specified by 12 NCAC 09E .0100;
- (7) failed to submit the required in-service training compliance reports as required by 12 NCAC 09E .0100;

- (8) failed to submit any and all reports, notification or other information required by the rules in this Subchapter;
 - (9) knowingly made a material misrepresentation of any information required for certification or commissioning from the Company Police Administrator or the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;
 - (10) knowingly and willfully by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training, certification or commissioning from the Company Police Administrator, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;
 - (11) aided another in obtaining or attempting to obtain credit, training, or certification from the Company Police Administrator, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission by means of deceit, fraud or misrepresentation or cheating;
 - (12) failed to ensure that any employee not commissioned as a company police officer is not violating a prohibition set forth in 12 NCAC 02I .0304; or
 - (13) fails to maintain at least one employee who is commissioned, pursuant to 12 NCAC 02I .0203(b), and to maintain at least one contract for services.
- (b) An agency whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

History Note: Authority G.S. 74E-4;
 Eff. August 2, 1993;
 Amended Eff. January 1, 2008;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0212 SUSPENSION, REVOCATION, OR DENIAL OF OFFICER COMMISSION

- (a) A company police commission shall be revoked or denied upon a finding that the officer has committed or been convicted of:
- (1) any felony unless granted an unconditional pardon of innocence; or
 - (2) any crime for which the authorized punishment could have been imprisonment for more than two years.
- (b) The Attorney General, or his designee, may revoke, suspend, or deny the commission of a company police officer when the Company Police Administrator finds that the applicant for commission or the commissioned company police officer has committed or been convicted of:
- (1) a crime or unlawful act as defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor and which occurred after the date of initial certification;
 - (2) a crime or unlawful act as defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor within a five-year period prior to the date of certification;
 - (3) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103(23)(b) as Class B misdemeanors regardless of the date of commission or conviction;
 - (4) four or more crimes or unlawful acts as defined in 12 NCAC 09A .0103(23)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification; or
 - (5) any combination of four or more crimes or unlawful acts defined in 12 NCAC 09A .0103(23)(a) as a Class A misdemeanor or defined in 12 NCAC 09A .0103(23)(b) as a Class B misdemeanor regardless of the date of commission or conviction.
- (c) A company police commission shall be revoked or denied upon a finding that:
- (1) the officer lacks good moral character as referred to in G.S. 17C-10(c) and 12 NCAC 02I .0202(a)(9);
 - (2) the officer fails to meet any of the required standards as specified in 12 NCAC 02I .0202;
 - (3) the officer has been terminated from employment with the company police agency for which the officer is commissioned or is no longer employed with such company police agency;
 - (4) the officer has committed any act prohibited by 12 NCAC 02I .0304;
 - (5) the certification of the company police agency with which the officer is commissioned is terminated, suspended or revoked.
 - (6) knowingly made a material misrepresentation of any information required for commissioning or certification from the Company Police Administrator, the North Carolina Criminal Justice Education and

- Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission; or
- (7) has been denied certification or had such certification suspended or revoked by the North Carolina Criminal Justice Education and Training Standards Commission, the North Carolina Sheriff's Education and Training Standards Commission or a similar North Carolina, out of state or federal approving, certifying or licensing agency.
- (d) An officer whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

History Note: Authority G.S. 74E-4;
Eff. August 2, 1993;
Amended Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0213 PERIOD OF SUSPENSION, REVOCATION OR DENIAL

(a) When the Attorney General, or his designee, suspends or denies the commission of a company police officer, the period of sanction shall not be less than three years. However, the Attorney General, or his designee, may either reduce or suspend the period of sanction under 12 NCAC 2I .0212(b) or substitute a period of probation in lieu of suspension of a commission following an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a crime other than those listed in Paragraph (a) of Rule .0212;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by 12 NCAC 2I .0202(7);
- (3) production of a positive result on a drug screen reported to the Company Police Administrator where the positive result cannot be explained to the Company Police Administrator's satisfaction;
- (4) material misrepresentation of any information required for company police commissioning;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person attempting to obtain credit, training or commissioning as a company police officer by any means of false pretense, deception, defraudation, misrepresentation or cheating; or
- (6) failure to make either of the notifications as required by 12 NCAC 2I .0202(8).

(b) When the Attorney General, or his designee, suspends or denies the commission of a company police officer, the period of sanction shall be continued so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy all basic training requirements;
- (2) failure to meet or maintain the minimum standards of employment specified in 12 NCAC 2I .0202(4);
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet the in-service training requirements as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission.

History Note: Authority G.S. 74E-4;
Eff. August 2, 1993;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0214 SUMMARY SUSPENSIONS

(a) The Company Police Administrator, through designation by the Attorney General, may summarily suspend the commission of the company police officer before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Company Police Administrator, the public health, safety, or welfare requires this emergency action of summary suspension. The Attorney General has determined that the following conditions specifically affect the public health, safety, or welfare, and therefore, the Company Police Administrator may utilize summary suspension when:

- (1) the person has committed or been convicted of a violation of the criminal code which would require a revocation or denial of certification;
- (2) the person has been convicted of any felony (unless granted an unconditional pardon of innocence) or any crime for which the authorized punishment could have been imprisonment for more than two years;
- (3) the commissioned company police officer fails to complete the minimum in-service training requirements as prescribed in Title 12, Chapter 09 of the North Carolina Administrative Code; or

- (4) the commissioned company police officer produces a positive result on a drug screening administered as set out in 12 NCAC 02I .0202(7).
- (b) A summary suspension is effective on the date specified in the order of the summary suspension or upon the service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain in effect during the proceedings.
- (c) Upon verbal notification by the Company Police Administrator that the company police commission of any officer is being summarily suspended by written order, the Department Head of the company police agency shall take such steps as are necessary to ensure that the officer does not perform duties requiring a company police commission through the Attorney General.

*History Note: Authority G.S. 74E-4; 74E-10; 150B-3;
Eff. August 2, 1993;
Amended Eff. January 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0300 - CONDUCT OF COMMISSIONED POLICEMEN

12 NCAC 02I .0301 TENURE

- (a) A company police agency certification shall remain in effect until:
- (1) The Attorney General directs termination; or
 - (2) The required liability insurance is terminated or suspended by the agency's insurance carrier.
- (b) A company police officer commission shall remain in effect until:
- (1) The Attorney General directs termination;
 - (2) The company police officer ceases to be employed by a company police agency;
 - (3) The agency by which the officer is employed no longer exists;
 - (4) Evidence is presented that the person has committed an act which would have originally caused denial of the application or an act prohibited by Rule .0304 of this Section; or
 - (5) Either the Criminal Justice Education and Training Standards Commission or the North Carolina Sheriffs' Education and Training Standards Commission suspends or revokes an officer's certification for cause.

*History Note: Authority G.S. 74E-4; 74E-6; 74E-10;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. January 1, 2008; August 2, 1993; September 1, 1990; November 1, 1984; September 1, 1981;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02I .0302 CIVIL LIABILITY

12 NCAC 02I .0303 AUTHORITY

*History Note: Filed as an Emergency Amendment [(a)(3)] Eff. September 1, 1979, for a Period of 120 Days to Expire on December 30, 1979;
Statutory Authority G.S. 74A-2; 143A-54;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Made Permanent Eff. December 28, 1979;
Repealed Eff. November 1, 1984.*

12 NCAC 02I .0304 PROHIBITED ACTS

In addition to the prohibited acts set forth elsewhere in the rules in this Subchapter and in G.S. Chapter 74E, a company police officer shall not commit the following acts:

- (1) use of excess force while in the performance of his official duties;
- (2) carrying a concealed weapon except:
 - (a) when on his own business property or at home;

- (b) when employed as a company police officer, while on duty and in compliance with G.S. 14-269(b)(4) and G.S. 74E-6; or
- (c) when off duty and in compliance with G.S. 14-269(b)(5).
- (3) activating or operating a red light in or on any vehicle in this State unless such vehicle is exempted from the provisions of G.S. 20-130.1(b);
- (4) activating or operating a blue light in or on any vehicle in this State except when operating a motor vehicle used primarily by company or railroad police in the performance of his official duties:
 - (a) when in property jurisdiction limitations specifically described under G.S. 74E-6;
 - (b) when in continuous or immediate pursuit of a person for an offense committed upon real property owned by or in the possession or control of his employer or real property or in the possession and control of a person who has contracted with the employer to provide on-site police security personnel services for the property; or
 - (c) during the transportation of an arrestee, which the company police agency has taken into custody;
- (5) activating or operating a siren when operating any motor vehicle used primarily by any company police agency in the performance of his official duties when outside of the property jurisdiction limitations specifically described under G.S. 74E-6 unless in immediate and continuous pursuit;
- (6) representing in any manner at any time that he is a federal, state, county, or municipal law enforcement officer, while in performance of official duties as a company police officer within his territorial jurisdiction.
- (7) impeding traffic, stopping motorists or pedestrians, or in any manner imposing or attempting to impose his will upon another person as police authority unless:
 - (a) he is on the property specifically described under G.S. 74E-6; or
 - (b) when in immediate and continuous pursuit of any person for an offense which occurred within the property jurisdiction limitations specifically described under G.S. 74E-6;
- (8) using or attempting to use authority granted under a company police commission pursuant to this Subchapter outside the political boundaries of North Carolina; or
- (9) violating Rule .0306 of this Section.

History Note: Authority G.S. 74E-4; 74E-6; 74E-8;
 Eff. February 1, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. January 1, 2008; August 2, 1993; November 1, 1984; April 9, 1980; December 28, 1979;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0305 TRANSFERS

- (a) No individual commissioned as a company police officer may transfer his company police commission from one employing company police agency to another.
- (b) Prior to receiving a company police commission, a person who has been previously commissioned as a company police officer shall meet all those requirements for transfer set out in 12 NCAC 09C .0306(b).
- (c) Officers previously commissioned who were not previously required to meet the educational or basic training requirements are not required to meet such requirements when applying for commission to another agency with less than a 12-month break in law enforcement service. If an individual has been separated from a company police agency for greater than 12 months, that individual must comply with the rules for application for company police commission.

History Note: Authority G.S. 74E-4; 74E-6;
 Eff. February 1, 1976;
 Amended Eff. September 9, 1976;
 Readopted Eff. January 5, 1978;
 Amended Eff. February 1, 2008; August 2, 1993;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02I .0306 BADGES, UNIFORMS, VEHICLES AND OFFICER IDENTIFICATION

History Note: Authority G.S. 74E-4; 74E-7;
 Eff. August 2, 1993;
 Amended Eff. February 1, 2008;

Agency did not readopt rule pursuant to G.S. 150B-21.3A by RRC established deadline of January 31, 2018.

SECTION .0400 - PROCEDURAL RULES

12 NCAC 02I .0401 ADMINISTRATIVE HEARING PROCEDURES

*History Note: Authority G.S. 150B-14(a)(4); 150B-38(h);
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. August 1, 1988; November 1, 1984; September 1, 1981;
Repealed Eff. September 1, 1990.*

12 NCAC 02I .0402 CONTESTED CASES

*History Note: Authority G.S. 74A; 150A;
Eff. February 1, 1976;
Readopted Eff. January 5, 1978;
Amended Eff. September 1, 1981;
Repealed Eff. November 1, 1984.*

SECTION .0500 – AGENCY RECORD RETENTION

12 NCAC 02I .0501 AGENCY RETENTION OF RECORDS OF COMMISSION

Each company police agency shall place in personnel files the official notification from the Company Police Administrator of either probationary or general certification for each company police officer employed or appointed by the agency. The personnel files shall contain the following documents:

- (1) Commission certificate;
- (2) Probationary or general certification;
- (3) Oath of office;
- (4) Firearms qualification (annual F-9A forms);
- (5) Annual state mandated in-service verification (ex: certificates, transcripts, etc.);
- (6) Notice of appointment (form F-5A); and
- (7) Notice of separation (form F-5B).

*History Note: Authority G.S. 74E-4;
Eff. February 1, 2008;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SUBCHAPTER 02J – CAMPUS POLICE

SECTION .0100 - GENERAL PROVISIONS

12 NCAC 02J .0101 LOCATION

The administrative office for the commissioning of campus police officers and the certification of campus police agencies is located in the office of the Criminal Justice Standards Division. Correspondence shall be directed to:

Campus Police Administrator
Campus Police Program
9001 Mail Service Center
Raleigh, North Carolina 27699-9001
Telephone: (919) 716-6470

History Note: Authority G.S. 74G-4;

Eff. April 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02J .0102 PURPOSES

The purposes of the Attorney General's Office in granting campus police commissions are:

- (1) to allow those private institutions of higher education described in G.S. 74G-2 to apply for certification as a campus police agency;
- (2) to allow those private institutions of higher education described in G.S. 74G-2 to employ individuals commissioned as campus police officers pursuant to G.S. 74G-6; and
- (3) to ensure the integrity, proficiency, and competence of campus police officers and to establish, in addition to the requirements set out in G.S. 74G-8, minimum standards for obtaining and maintaining both campus police officer commissions and campus police agency certifications.

History Note: Authority G.S. 74G-2; 74G-6;

Eff. April 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02J .0103 ADMINISTRATIVE STAFF

The administrative staff responsible for campus police commissions and campus police agency certifications consists of assigned personnel from the Criminal Justice Standards Division. The duties of this staff are to carry out the policies of the law and regulations herein and to actively police the individuals already commissioned as campus police officers to assure compliance with the law in all respects.

History Note: Authority G.S. 74G-4;

Eff. April 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.

12 NCAC 02J .0104 DEFINITIONS

In addition to any definitions set forth in G.S. 74G, the following definitions will apply throughout this Chapter, unless the context clearly defines otherwise:

- (1) "Agency Records" means those records specified pursuant to this Subchapter and that documentation required to be maintained and compiled under the requirements of G.S. 74G.
- (2) "Badge" means a shield bearing the title of "Campus Police" and the name of the certified campus police agency and the officer's issued identification card provided by the Attorney General which identifies the individual as a campus police officer.
- (3) "Calendar Year" shall be defined solely for the purpose of in-service training as a period beginning January 1 and ending on December 31.
- (4) "Certification" means:
 - (a) campus police officers - the authority granted by the North Carolina Criminal Justice Education and Training Standards Commission to those individuals who meet the minimum requirements as a sworn law enforcement officer pursuant to Title 12, Chapter 9B of the North Carolina Administrative Code.
 - (b) campus police agency - the authority granted by the Attorney General to those Campus Police agencies who meet the minimum requirements established for such agencies pursuant to this Chapter.
- (5) "Commission" as it pertains to criminal offenses, means a finding by an administrative body, pursuant to the provisions of G.S. 150B, that a person performed the acts necessary to satisfy the elements of a specified criminal offense.
- (6) "Commissioned Campus Police Officer" means those individuals authorized by the Campus Police Administrator to exercise all law enforcement powers within the constraints provided in G.S. 74G and classified as a campus police officer pursuant to G.S. 74G-6(b).
- (7) "Campus Police Administrator" means the individual who serves as the head of the administrative staff to whom the Attorney General designated the authority to act upon any campus police agency commission or campus police agency certification pursuant to the provisions of G.S. 74G and the rules promulgated thereunder. Said administrator is responsible for the individual officer's or agency's compliance with the Campus Police Act.

- (8) "Campus Police Agency" means any police agency certified as a campus police agency on a public or private campus or institution of higher learning, as defined by G.S. 74G-2(b).
- (9) "Conviction or convicted" means and includes, for the purposes of this Chapter, the entry of:
 - (a) a plea of guilty;
 - (b) a verdict or finding of guilty by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or
 - (c) a plea of no contest, nolo contendere, or the equivalent.
- (10) "Department Head" means the chief administrator of any campus police agency. The Department Head is to include the Campus Police Chief or a designee formally appointed in writing as the Department Head, and who shall hold and maintain a commission as a campus police officer.
- (11) "Felony" means any offense designated a felony by the laws, statutes, or ordinances of the jurisdiction in which the offense occurred.
- (12) "High School" means a school accredited as a high school by:
 - (a) the Department or Board of Education of the state in which the high school is located; or
 - (b) the recognized regional accrediting body; or
 - (c) the state university of the state in which the high school is located.
- (13) "In-Service Training" means any and all training as prescribed in 12 NCAC 2J .0201 which must be satisfactorily completed by campus police officers, in accordance with the standards established therein, during each full calendar year of commissioning as a campus police officer.
- (14) "Insurance Carrier" means any entity, corporation, campus or professional association as defined in G.S. 58 and who is authorized by the North Carolina Commissioner of Insurance to do business in North Carolina as an insurance carrier or underwriter.
- (15) "Misdemeanor" means those criminal offenses not classified under the laws, statutes, or ordinances as felonies. Misdemeanor offenses are classified by the Criminal Justice Education and Training Standards Commission.
 - (a) "Class A Misdemeanor" is defined in 12 NCAC 9A .0103(22)(a).
 - (b) "Class B Misdemeanor" is defined in 12 NCAC 9A .0103(22)(b).
- (16) "On Duty" means that period of time which the commissioned campus police officer is being compensated for his or her services by the officer's employer and ending once the officer's compensation for his duties terminates.

*History Note: Authority G.S. 74G-4;
 Eff. April 1, 2006;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0200 - COMMISSIONING

12 NCAC 02J .0201 MINIMUM STANDARDS FOR CAMPUS POLICE OFFICERS

Every campus police officer must meet the following requirements to obtain and maintain a campus police commission:

- (1) be a citizen of the United States;
- (2) be a high school graduate or have passed the General Educational Development Test indicating high school equivalency. A specific exception to this educational requirement is granted to:
 - (a) an applicant who was the holder of a valid campus police commission on June 30, 1972; or
 - (b) an applicant properly certified as a law enforcement officer by the Criminal Justice Education and Training Standards Commission on March 14, 1973.

In either case, the exception will not be applicable if the applicant has had more than a 12 month break in service;

- (3) have attained a score of not less than 80 percent on a written examination of basic knowledge of laws of arrest, search, and investigation, and of these Rules to be administered by a representative of the North Carolina Department of Justice;

Note: All examination questions will be based on the book Arrest, Search, and Investigation as published by and available from the Institute of Government, the University of North Carolina at Chapel Hill, Chapel Hill, North Carolina 27514, and these Rules.

Applicants will be advised in writing of test dates and sites at least five days prior to the examination. In the event an applicant fails to successfully complete the examination, only one re-test will be allowed. Upon an applicant's failure to

successfully complete the second test, the applicant must successfully complete accredited Basic Law Enforcement Training coursework prior to re-testing;

- (4) meet the minimum standards for criminal justice officers established by the North Carolina Criminal Justice Education and Training Standards Commission, appearing in Title 12, Chapter 9 of the North Carolina Administrative Code; which Standards are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material;
- (5) applicants who do not hold general certification as a law enforcement officer issued by the Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, must submit to and successfully complete a polygraph examination administered by the State Bureau of Investigation;
- (6) be at least 20 years of age;
- (7) have produced a negative result on a drug screen administered according to the following specifications:
 - (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay method and a confirmatory test on an initial positive test result using a gas chromatography mass spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time, be authorized or mandated by the Department of Health and Human Services for Federal Workplace Drug Testing Programs;
 - (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding of the specimen;
 - (c) the drugs whose use shall be tested for shall include at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites;
 - (d) the test threshold values established by the Department of Health and Human Services for Federal Workplace Drug Testing Programs are hereby incorporated by reference, and shall automatically include any later amendments and editions of the referenced material. Copies of this publication may be inspected at the office of the agency:

Campus Police Program
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Raleigh, North Carolina 27602

and may be obtained at no charge from the office of the agency:

Campus Police Program
North Carolina Department of Justice
Post Office Box 310
Raleigh, North Carolina 27602

- (e) the test conducted shall be not more than 60 days old, calculated from the time when the laboratory reports the results to the date of employment;
 - (f) the laboratory conducting the test must be certified for federal workplace drug testing programs, and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling, testing, storage and preservation of samples, except that individual agencies may specify other drugs to be tested for in addition to those drugs set out in Item (7)(c) of this Rule; and
 - (g) every agency head shall be responsible for making adequate arrangements for the services of a Medical Review officer (MRO) for the purpose of review of drug tests reported by the laboratory and such officer shall be a licensed physician;
- (8) notify the Campus Police Administrator in writing of all criminal offenses for which the officer is arrested, pleads no contest, pleads guilty, or is found guilty of. This shall include all criminal offenses except minor traffic offenses and shall specifically include any offense of Driving Under the Influence (DUI) or Driving While Impaired (DWI). A minor traffic offense is defined, for purposes of this Item, as an offense where the maximum punishment allowable is 60 days or less. The notifications required must specify the nature of the offense, the court in which the case was handled and the date of the conviction if applicable. The notifications must be received by the Campus Police Administrator within 30 days of the date of the case disposition. Applicants and officers required to notify the Campus Police Administrator under this Item shall also make the same notification to their Department Head within 20 days of the date the case was disposed of in court. However, the notification to the Campus Police Administrator does not excuse the officer from making an independent notification otherwise required by either the Criminal Justice

Education and Training Standards Commission or the Sheriffs' Education and Training Standards Commission. The notifications required by this section shall be required while the application is pending as well as subsequent to a commission being issued;

- (9) be of good moral character as referred to in G.S. 17C-10(c); and
- (10) not have committed or been convicted of a crime or crimes as specified in 12 NCAC 2J .0209(b), such that the applicant would be ineligible for commissioning as a Campus Police officer.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0202 APPLICATION FOR CAMPUS POLICE AGENCY

Each campus police agency shall complete and submit to the Campus Police Administrator the following items and documentation:

- (1) an application form;
- (2) articles of incorporation or other agency originating documentation, which specifies the agency's law enforcement functions;
- (3) names and addresses for all corporate officers and directors;
- (4) a copy of the campus police agency's insurance policy, or if self insured, the certificate of self insurance (applicable to non-public entities only);
- (5) a criminal history record check on each corporate officer and director of the corporation through the clerk of superior court in each county where the individual resided or maintained a residence over a five year period prior to such application. However, this Rule does not require the agency to submit a criminal history record check on currently commissioned campus police officers;
- (6) the appropriate fees as required by 12 NCAC 2J .0205;
- (7) a listing of the names and addresses of all institutions for which the campus police agency has contracted with to provide services.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0203 APPLICATION FOR CAMPUS POLICE OFFICER

The application for a campus police officer must contain:

- (1) a written request from the Department Head of the campus, or agency requesting that a campus police commission be issued to the applicant. An oral request will not satisfy this requirement; and
- (2) if the applicant holds general certification issued by the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission, the application must contain the following:
 - (a) Medical History Statement (Form F-1);
 - (b) Medical Examination Report (Form F-2);
 - (c) Two complete fingerprint cards;
 - (d) One digital photograph of applicant, not more than three months old, in JPEG format to be emailed to the Campus Police Administrator for picture I.D;
 - (e) Proof of a negative drug screen as specified in 12 NCAC 2J .0201(7);
 - (f) Proof of successful completion of all in-service training requirements specified by the North Carolina Criminal Justice Education and Training Standards Commission, which standards are hereby incorporated by reference and shall automatically include any later amendments and editions of the referenced material. Copies of these standards may be inspected at the office of the agency:

Campus Police Program
North Carolina Department of Justice
114 West Edenton Street
Old Education Building
Raleigh, North Carolina 27602

and may be obtained at no charge from the office of the agency:

Campus Police Program
North Carolina Department of Justice
Post Office Box 310
Raleigh, North Carolina 27602

- (g) Authorization for release of records (CP-1);
 - (h) Drug Screen Consent Form (CP-2);
 - (i) Appropriate fees as specified in 12 NCAC 2J .0205;
 - (j) An appropriate background investigation as specified in 12 NCAC 2J .0204 (Form F-8); and
 - (k) Personal History Statement (Form F-3) not more than three months old;
- (3) if the applicant does not hold general certification, the application must contain the following:
- (a) Medical History Statement (Form F-1);
 - (b) Medical Examination Report (Form F-2);
 - (c) Personal History Statement not more than three months old, (Form F-3);
 - (d) Report of Qualification Appraisal Interview (Form F-4);
 - (e) Proof of High School graduation or GED;
 - (f) Two complete fingerprint cards;
 - (g) One digital photograph of applicant, not more than three months old, in JPEG format to be emailed to the Campus Police Administrator for picture I.D;
 - (h) Proof of satisfactory completion of a Criminal Justice Education and Training Standards Commission accredited basic law enforcement training course;
 - (i) Proof of a negative drug screen;
 - (j) Authorization for Release of Records (CP-1);
 - (k) Drug Screen Consent Form (CP-2);
 - (l) Appropriate fees as specified in 12 NCAC 2J .0205; and
 - (m) Background investigation as specified in 12 NCAC 2J .0204 (Form F-8); or
- (4) if the applicant is commissioned as a company police officer or a campus police officer under Chapter 74E all documentation not specifically listed in this rule, but contained in the commissioned officer's file, shall be transferred to a new file for the officer under Chapter 74G.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0204 BACKGROUND INVESTIGATION

- (a) Any campus police agency contemplating the commissioning of an applicant as a campus police officer shall, prior to employment, complete a background investigation on such applicant. The investigation shall examine the applicant's character traits and habits relevant to performance as a campus police officer and shall determine whether the applicant is of good moral character as referred to in G.S. 17C-10(c). The campus police agency shall submit the investigation to the Campus Police Administrator utilizing the Commission provided Form F-8 (Summary of Background Investigation).
- (b) Prior to the investigation, the applicant shall complete a Personal History Statement (Form F-3) to provide a basis for the investigation.
- (c) The Department Head shall conduct the applicant's background investigation. The Department Head shall document the results of the investigation and shall include in the report of investigation:
- (1) biographical data;
 - (2) family data;
 - (3) scholastic data;
 - (4) employment data;
 - (5) interviews with the applicant's references; and
 - (6) a summary of the Department Head's findings and conclusions regarding the applicant's moral character as referred to in G.S. 17C-10(c).
- (d) The agency may use the method of documenting the results of the background investigation it deems most appropriate to its needs. However, the campus police program's "Summary of Background Investigation" form shall be used as a guide for minimum information collected and recorded by the investigator.

(e) In the event that an individual applying for commission as a campus police officer is the Department Head, he shall not conduct his own background investigation. The investigation must be performed by a city or county agency in the county where the campus police agency has jurisdiction, or contract with a private investigator.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0205 FEE

(a) Upon notification that an application for a campus police agency certification or a campus police officer commission has been approved, the applicant shall forward a certified check or money order made out to the North Carolina Department of Justice to the:

Campus Police Administrator
Campus Police Program
9001 Mail Service Center
Raleigh, North Carolina 27699-9001
Telephone: (919) 716-6470

(b) The following fees shall be due and payable prior to the issuance of campus police agency certification or a campus police officer commission.

- (1) Application for certification as a campus police agency - \$250.00.
- (2) Annual renewal of certification as a campus police agency - \$200.00.
- (3) Application for reinstatement of certification as a campus police agency - \$1,000.00.
- (4) Application for commission as a campus police officer - \$100.00.
- (5) Annual renewal of commission as a campus police officer - \$50.00.
- (6) Application for reinstatement of commission as a campus police officer - \$150.00.

(c) Currently commissioned campus police officers will be required to submit the Application for Commission as a campus police officer fee as set forth in Subparagraph (b)(4) of this Rule.

*History Note: Authority G.S. 74G-12;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0206 OATH

Every campus police officer so appointed shall, before entering upon the duties of his office, take and subscribe to the oath for law enforcement officers, provided for in G.S. 11-11 before an officer authorized by G.S. 11-7.1 to administer oaths, and shall forward a copy of the executed oath within 10 days of the day on which the oath is subscribed to the Campus Police Administrator.

*History Note: Authority G.S. 11-11; 74G-6;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0207 LIABILITY INSURANCE

(a) Any applicant for a non-public campus police agency certification must file with the Campus Police Administrator, either a copy of the liability insurance policy or a certificate of self insurance, at the following address:

Campus Police Administrator
Campus Police Program
9001 Mail Service Center
Raleigh, North Carolina 27699-9001
Telephone: (919) 716-6470

(b) The campus police agency shall deliver any notice of cancellation by an insurance carrier by certified mail, return receipt requested, to the following address:

Campus Police Administrator
Campus Police Program
9001 Mail Service Center

Raleigh, North Carolina 27699-9001
Telephone: (919) 716-6470

*History Note: Authority G.S. 74G-3; 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0208 SUSPENSION, REVOCATION OR DENIAL OF AGENCY CERTIFICATION

- (a) A campus police agency certification may be suspended, revoked or denied upon a finding that the agency has:
- (1) failed to pay any required fees;
 - (2) failed to produce or maintain a copy of a liability insurance policy or a certificate of self insurance;
 - (3) failed to provide all of the required documentation pursuant to 12 NCAC 2J .0202;
 - (4) failed to allow for the reasonable inspection of the Campus Police agency records pursuant to G.S. 74G-4(3);
 - (5) failed to ensure compliance by the agency's campus police officers with all in-service training requirements as specified by 12 NCAC 9E .0100;
 - (6) failed to submit the required in-service training compliance reports as required by 12 NCAC 9E .0100;
 - (7) failed to submit all reports, notification or other information required or requested by the Campus Police Administrator according to Chapter 74G or these Rules;
 - (8) knowingly made a material misrepresentation of any information required for certification or commissioning from the Campus Police Administrator or the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;
 - (9) knowingly and willfully by any means of false pretense, deception, defraudation, misrepresentation or cheating whatsoever, obtained or attempted to obtain credit, training, certification or commissioning from the Campus Police Administrator of the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission;
 - (10) aided another in obtaining or attempting to obtain credit, training, or certification from the Campus Police Administrator, the North Carolina Criminal Justice Education and Training Standards Commission or the North Carolina Sheriff's Education and Training Standards Commission by means of deceit, fraud or misrepresentation or cheating; or
 - (11) failed to ensure that any employee not commissioned as a campus police officer is not violating a prohibition set forth in 12 NCAC 2J .0302.
- (b) An agency whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0209 SUSPENSION, REVOCATION, OR DENIAL OF OFFICER COMMISSION

- (a) A campus police commission shall be revoked or denied upon a finding that the officer has committed or been convicted of:
- (1) any felony (unless pardoned by the President of the United States or a state Governor); or
 - (2) any crime for which the authorized punishment could have been imprisonment for more than two years.
- (b) The Attorney General, or his designee, may revoke, suspend, or deny the commission of a campus police officer when the Campus Police Administrator finds that the applicant for commission or the commissioned campus police officer has committed or been convicted of:
- (1) a crime or unlawful act as defined in 12 NCAC 9A .0103(22)(b) as a Class B misdemeanor and which occurred after the date of initial certification;
 - (2) a crime or unlawful act as defined in 12 NCAC 9A .0103(22)(b) as a Class B misdemeanor within a five-year period prior to the date of application for certification;
 - (3) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(b) as Class B misdemeanors regardless of the date of commission or conviction;

- (4) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(a) as a Class A misdemeanor, each of which occurred after the date of initial certification; or
 - (5) four or more crimes or unlawful acts as defined in 12 NCAC 9A .0103(22)(a) as a Class A misdemeanor except the applicant may be certified if the last conviction or commission occurred more than two years prior to the date of the application for certification.
- (c) In addition, a campus police commission shall be revoked or denied upon a finding that the officer:
- (1) lacks good moral character as referred to in G.S. 17C-10(c);
 - (2) fails to meet any of the required minimum standards as specified in 12 NCAC 2J .0203;
 - (3) has been terminated from employment with the campus police agency for which the officer is commissioned or is no longer employed with such campus police agency;
 - (4) has committed any act prohibited by 12 NCAC 2J .0302; or
 - (5) termination, suspension, or revocation of the certification of the campus police agency with which the officer is commissioned.
- (d) An officer whose certification has been suspended, revoked, or denied may appeal the action in accordance with the provisions of G.S. 150B.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0210 PERIOD OF SUSPENSION, REVOCATION OR DENIAL

(a) When the Attorney General, or his designee, suspends or denies the commission of a campus police officer, the period of sanction shall not be less than three years. However, the Attorney General, or his designee, may either reduce or suspend the period of sanction, or substitute a period of probation in lieu of suspension of a commission following an administrative hearing, where the cause of sanction is:

- (1) commission or conviction of a crime other than those listed in Paragraph (a) of Rule 12 NCAC 2J .0208;
- (2) refusal to submit to the applicant or lateral transferee drug screen required by 12 NCAC 2J .0201(7);
- (3) production of a positive result on a drug screen reported to the Campus Police Administrator where the positive result cannot be explained to the Campus Police Administrator's satisfaction;
- (4) material misrepresentation of any information required for campus police commissioning;
- (5) obtaining, attempting to obtain, aiding another person to obtain, or aiding another person attempting to obtain credit, training or commissioning as a campus police officer by any means of false pretense, deception, defraudation, misrepresentation or cheating; or
- (6) failure to make either of the notifications as required by 12 NCAC 2J .0201(8).

(b) When the Attorney General, or his designee, suspends or denies the commission of a campus police officer, the period of sanction shall be continued so long as the stated deficiency, infraction, or impairment continues to exist, where the cause of sanction is:

- (1) failure to meet or satisfy all basic training requirements;
- (2) failure to meet or maintain the minimum standards of employment specified in 12 NCAC 2J .0201(4);
- (3) discharge from a criminal justice agency for impairment of physical or mental capabilities; or
- (4) failure to meet the in-service training requirements as prescribed by the North Carolina Criminal Justice Education and Training Standards Commission.

*History Note: Authority G.S. 74G-4;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0211 SUMMARY SUSPENSIONS

(a) The Campus Police Administrator, through designation by the Attorney General, may summarily suspend the commission of the campus police officer before the commencement of proceedings for suspension or revocation of the certification when, in the opinion of the Campus Police Administrator, the public health, safety, or welfare requires this emergency action of summary suspension. The Campus Police Administrator has determined that the following conditions specifically affect the public health, safety, or welfare, and therefore, the Campus Police Administrator may utilize summary suspension when:

- (1) the person has committed or been convicted of a violation of the criminal code which would require a permanent revocation or denial of certification; or

- (2) the commissioned campus police officer fails to satisfactorily complete the minimum in-service training requirements as prescribed in Title 12, Chapter 9 of the North Carolina Administrative Code.
- (b) A summary suspension shall be effective on the date specified in the order of the summary suspension or upon the service of the certified copy of the order at the last known address of the person, whichever is later. The summary suspension shall remain in effect during the proceedings.
- (c) Upon verbal notification by the Campus Police Administrator that the campus police commission of any officer is being summarily suspended by written order, the Department Head of the campus police agency shall take such steps as are necessary to ensure that the officer does not perform duties requiring a campus police commission through the Attorney General.

*History Note: Authority G.S. 74G-4; 74G-10;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

SECTION .0300 - CONDUCT OF COMMISSIONED POLICEMEN

12 NCAC 02J .0301 TENURE

A campus police officer commission or campus police agency certification shall remain in effect until:

- (1) The Attorney General directs termination;
- (2) The campus police officer ceases to be employed by a campus police agency;
- (3) The required liability insurance is terminated or suspended by the agency's insurance carrier;
- (4) The need for a commission no longer exists;
- (5) Evidence is presented that the person has committed an act which would have originally caused denial of the application or an act prohibited by Rule .0304 of this Section; or
- (6) The Criminal Justice Education and Training Standards Commission suspends or revokes an officer's certification for cause.

*History Note: Authority G.S. 74G-4; 74G-6; 74G-10;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0302 PROHIBITED ACTS

In addition to the prohibited acts set forth elsewhere in these Rules and in Chapter 74G, the following acts are prohibited and may result in civil or criminal action or both:

- (1) use of excessive force while in the performance of their official duties;
- (2) carrying a concealed weapon except:
 - (a) when on his own business property or at home;
 - (b) in conformity with G.S. 74G-6;
- (3) activating or operating a red light in or on any vehicle in this State unless such vehicle is exempted from the provisions of G.S. 20-130.1(b);
- (4) activating or operating a blue light in or on any vehicle in this State except:
 - (a) when operating a motor vehicle used primarily by campus police in the performance of their official duties;
 - (b) when in property jurisdiction limitations specifically described under G.S. 74G-6;
 - (c) when in continuous or immediate pursuit of a person for an offense committed upon real property owned by or in the possession or control of their employer or real property or in the possession and control of a person who has contracted with the employer to provide on-site police security personnel services for the property;
 - (d) during the transportation of an arrestee, which the campus police agency has taken into custody;
- (5) activating or operating a siren when operating any motor vehicle used primarily by any campus police agency in the performance of their official duties when outside of the property jurisdiction limitations specifically described under G.S. 74G-6 unless in immediate and continuous pursuit;
- (6) representing in any manner at any time that the campus police officer is a federal, state, county, or municipal law enforcement officer, unless the campus police officer is dually certified as one of the classifications listed in this Rule;

- (7) impeding traffic, stopping motorists or pedestrians, or in any manner imposing or attempting to impose the campus police officer's will upon another person as police authority unless:
 - (a) the campus police officer is on the property specifically described under G.S. 74G-6; or
 - (b) when in immediate and continuous pursuit of any person for an offense which occurred within the property jurisdiction limitations specifically described under G.S. 74G-6;
- (8) using or attempting to use authority granted under a campus police commission pursuant to this Subchapter outside the political boundaries of North Carolina; or
- (9) violating Rule .0304 of this Section.

*History Note: Authority G.S. 74G-4; 74G-6;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0303 TRANSFERS

No individual commissioned as a campus police officer can transfer his campus police commission from one employing campus police agency to another.

*History Note: Authority G.S. 74G-4; 74G-6;
Eff. April 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.*

12 NCAC 02J .0304 BADGES, UNIFORMS, VEHICLES AND OFFICER IDENTIFICATION

All campus police agencies shall comply with the provisions of this rule for badges, vehicles, uniforms, as follows:

- (1) Badges:
 - (a) All campus police officers shall, when on duty, wear a badge bearing the name of the certified campus police agency and the general title of Campus Police.
 - (b) The badge is to be carried at all times by the campus police officer. The badge shall always be worn in plain view, except in situations where the officer's weapon is concealed under the provisions set forth in Rule .0302 of this Section.
 - (c) No identification card shall be issued to or possessed by any campus police officer except in the form of identification issued to the officer by the Attorney General.
- (2) Uniforms:
 - (a) All campus police officers shall, when on duty, wear the uniform of the campus police agency unless directed to wear other attire by the Department Head.
 - (b) When wearing civilian attire, the campus police officer shall comply with 12 NCAC 2I .0304(a).
 - (c) Those campus police agencies which employ both campus police commissioned and non-commissioned security personnel shall provide the commissioned campus police officers with a uniform of a different color that would distinguish the campus police officer from other employees of the agency.
 - (d) The uniform of the campus police officer shall bear shoulder patches that contain:
 - (i) the term "Campus Police,"; and
 - (ii) the name of the campus police agency.
- (3) Vehicles:
 - (a) Each marked vehicle used by a campus police agency subject to this Rule shall prominently display the agency name and the agency classification of " Campus Police".
 - (b) The Department Head shall ensure that employees who have not been commissioned as campus police officers do not operate any marked vehicle used by the campus police agency.
 - (c) The Department Head shall ensure that employees who are not commissioned as a campus police officer do not operate any campus police vehicle with a blue light contained therein.
 - (d) The Department Head shall ensure that any marked campus police agency vehicle is not operated outside of those property jurisdiction limitations set forth in G.S. 74G-6, unless such operation is performed by an on-duty officer in the performance of his official duties and authorized by the Department Head.

History Note: Authority G.S. 74G-7;

Eff. April 1, 2006;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 4, 2016.