

§ 74C-3. Private protective services profession defined.

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

- (1) Armored car profession. – Any person, firm, association, or corporation which for a fee or other valuable consideration provides secured transportation and protection from one place or point to another place or point of money, currency, coins, bullion, securities, checks, documents, stocks, bonds, jewelry, paintings, and other valuables. This definition does not include a person operating an armored car business pursuant to a motor carrier certificate or permit issued by the North Carolina Utilities Commission which grants operating rights for such business; however, armed armored car service guards shall be subject to the provisions of G.S. 74C-13.
- (2) Repealed by Session Laws 1983, c. 786, s. 2.
- (3) Redesignated as subdivision (a)(5a) by the Revisor of Statutes. See Editor's notes.
- (3a) Close personal protection. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide security measures to ensure the safety of a business executive, elected or appointed public official, celebrity, or other individuals who may be exposed to elevated personal risk because of the individual's employment, status, wealth, associations, or geographical location.
- (4) Courier service profession. – Any person, firm, association, or corporation which for a fee or other valuable consideration transports or offers to transport from one place or point to another place or point documents, papers, maps, stocks, bonds, checks, or other small items of value which require expeditious services. Armed courier service guards shall be subject to the provisions of G.S. 74C-13.
- (5) Detection of deception examiner. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, uses any device or instrument, regardless of its name or design, for the purpose of the detection of deception or any person who reviews the work product of an examiner including charts, tapes or other methods of record keeping for the purpose of detecting deception or determining accuracy.
- (5a) Digital forensics examination. – Any individual, firm, association, or corporation which, for a fee or other valuable consideration, provides or offers to provide examination of digitally stored data to recover, image, analyze, or examine the data by using software to determine responsibility or reconstruct usage of the data for use in any criminal, civil, or administrative court proceeding.
- (5b) Electronic countermeasures profession. – Any person, firm, association, or corporation which, for a fee or other valuable consideration, discovers, locates, or disengages by electronic, electrical, or mechanical means any of the following:
 - a. Listening or other monitoring equipment surreptitiously placed to gather information concerning any individual, firm, association, or corporation.
 - b. Any device intended to block the transmission of any electronic signal.
- (6) Security guard and patrol profession. – Any person, firm, association, or corporation that provides a security guard on a contractual basis for another

person, firm, association, or corporation for a fee or other valuable consideration and performs one or more of the following functions:

- a. Prevention or detection of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property.
 - b. Prevention, observation, or detection of any unauthorized activity on private property.
 - c. Protection of patrons and persons lawfully authorized to be on the premises or being escorted between premises of the person, firm, association, or corporation that entered into the contract for security services.
 - d. Control, regulation, or direction of the flow or movement of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of properties.
 - e. **(Delayed expiration – see note)** Security services related to entry and exit, direction and movement of individuals at entry and exit, security working towers, and perimeter security patrols at State prison facilities.
- (7) Guard dog service profession. – Any person, firm, association, or corporation which for a fee or other valuable consideration contracts with another person, firm, association, or corporation to place, lease, rent, or sell a trained dog for the purpose of protecting lives or property.
- (8) Private detective or private investigator. – Any person who engages in the profession of or accepts employment to furnish, agrees to make, or makes inquiries or investigations concerning any of the following on a contractual basis:
- a. Crimes or wrongs done or threatened against the United States or any state or territory of the United States.
 - b. The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person.
 - c. The location, disposition, or recovery of lost or stolen property.
 - d. The cause or responsibility for fires, libels, losses, accidents, damages, or injuries to persons or to properties.
 - e. Securing evidence to be used before any court, board, officer, or investigative committee.
 - f. Repealed by Session Laws 2022-66, s. 1, effective October 1, 2022.
- (9) Special limited guard and patrol profession. – Any person who is licensed under Chapter 74D of the General Statutes of North Carolina and provides armed alarm responders pursuant to G.S. 74C-13. Applicants for this limited license shall not be required to meet the experience requirements for a security guard and patrol license. Any experience gained under this limited license shall not be counted as experience for a security guard and patrol license.
- (b) "Private protective services" shall not include any of the following:
- (1) Licensed insurance adjusters legally employed as such and who engage in no other investigative activities unconnected with adjustment or claims against an insurance company.
 - (2) An officer or employee of the United States, this State, or any political subdivision of either while the officer or employee is engaged in the performance of his or her official duties within the course and scope of his or

- her employment with the United States, this State, or any political subdivision of either.
- (3) A person engaged exclusively in the business of obtaining and furnishing information as to the financial rating or credit worthiness of persons; and a person who provides consumer reports in connection with:
 - a. Credit transactions involving the consumer on whom the information is to be furnished and involving the extensions of credit to the consumer,
 - b. Information for employment purposes,
 - c. Information for the underwriting of insurance involving the consumer,
 - d. Information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility, or
 - e. A legitimate business need for the information in connection with a business transaction involving the consumer.
 - (4) An attorney at law licensed to practice in North Carolina while engaged in the practice of law or the attorney's employee, provided the employee is performing duties only in connection with his or her employer's practice of law.
 - (5) The legal owner or lien holder, and his or her agents and employees, of personal property which has been sold in a transaction wherein a security interest in personal property has been created to secure the sales transaction, who engage in repossession of the personal property.
 - (6) Repealed by Session Laws 1989, c. 759, s. 3.
 - (7) Repealed by Session Laws 1981, c. 807, s. 1.
 - (8) Employees of a licensee who are employed exclusively as undercover agents; provided that for purposes of this section, undercover agent means an individual hired by another person, firm, association, or corporation to perform a job for that person, firm, association, or corporation and, while performing the job, to act as an undercover operative, employee, or independent contractor of a licensee, but under the supervision of a licensee.
 - (9) A person who is engaged in an alarm systems business subject to the provisions of Chapter 74D of the General Statutes.
 - (10) A person who obtains or verifies information regarding applicants for employment, with the knowledge and consent of the applicant, and is (i) engaged in business as a private personnel service as defined in G.S. 95-47.1 or engaged in business as a private employer fee pay personnel service, (ii) engaged in the business of obtaining or verifying information regarding applicants for employment, or (iii) an employer with whom the applicant has applied for employment.
 - (11) A person who conducts efficiency studies. An efficiency study is an analysis of an employer's business, made at the request of the employer, to determine one or more of the following:
 - a. The most efficient procedures by which an employee of the business can perform the employee's assigned duties.
 - b. The adequacy of an employee's performance of the employee's assigned duties that require interaction with a client or customer of the business.

If a person making an efficiency study observes an instance of theft or another illegal act committed by an employee of the business, the person may report the instance to the employer without violating G.S. 74C-3(a)(8).

- (12) Research laboratories and consultants who analyze, test, or in any way apply their expertise to interpreting, evaluating, or analyzing facts or evidence submitted by another in order to determine the cause or effect of physical or psychological occurrences, and give their opinions and findings to the requesting source or to a designee of the requestor.
- (13) A person who works regularly and exclusively as an employee of an employer in connection with the business affairs of that employer. If the employee is an armed security guard and wears, carries, or possesses a firearm in the performance of the employee's duties, the provisions of G.S. 74C-13 apply.
- (14) An employee of a security department of a private business or other employee whose primary duty involves loss prevention or that conducts investigations on matters internal to the business affairs of the business or related to the location, disposition, or recovery of lost or stolen property reasonably believed to be owned by the business.
- (15) Representatives of nonprofit organizations funded all or in part by business improvement districts who provide information and directions to local tourists and residents, engage in street cleaning and beautification services within the business improvement districts, and notify local law enforcement of any illegal activity observed by the representatives within the business improvement districts.
- (16) Emergency medical services personnel credentialed under Article 7 of Chapter 131E of the General Statutes who engage in search and rescue activities at the request of either the State, a political subdivision of the State, or one of the following types of facilities: an adult care home licensed under Chapter 131D of the General Statutes, a health care facility or agency licensed under Chapter 131E of the General Statutes, or a facility licensed to offer mental health, developmental disabilities, or substance abuse services under Chapter 122C of the General Statutes. For the purposes of this subdivision, "search and rescue" means activities and documents relating to efforts to locate an individual following the individual's disappearance. This exemption shall not apply if the emergency medical services provider provides services beyond emergency search and rescue and said activities meet the definition of private protective services as defined in G.S. 74C-3.
- (17) A person engaged in network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network, and routine service or repair.
- (18) A person under contract with an occupational licensing board, as defined by G.S. 93B-1(2), or a State agency licensing board, as defined by G.S. 93B-1(3), while performing an investigation solely for that board.

(c) A private investigator licensed under this Chapter licensed on or before December 31, 2021, or a private investigator trainee permitted under this Chapter on or before December 31, 2021, may continue to provide services pursuant to sub-subdivision f. of subdivision (8) of subsection (a) of this section and shall not be subject to the provisions of the close personal protection provision in subdivision (3a) of subsection (a) of this section. This exception shall be indicated by an endorsement on the existing private investigator license or trainee permit. (1973, c. 528, s. 1; 1977, c. 481; 1979, c. 818, s. 2; 1981, c. 807, ss. 1-3; 1983, c. 259; c. 786, ss. 2, 3; c. 794, s. 1; 1987, c. 284; c. 657, s. 1; 1989, c. 759, s. 3; 2001-487, s. 64(a); 2006-264, s. 46;

2007-469, s. 6; 2007-511, s. 1; 2009-328, s. 1; 2019-193, s. 1(a); 2020-3, s. 4.15(a); 2020-15, s. 2; 2021-180, s. 19D.2; 2022-58, s. 12; 2022-66, ss. 1, 2(a). (b); 2022-74, s. 19D.1(a).)