

12 NCAC 09B .0237 LIDAR INSTRUCTOR CERTIFICATION TRAINING AND RE-CERTIFICATION COURSES

(a) The LIDAR Instructor Training Course shall be designed to provide the trainee with the skills and knowledge to perform the function of a LIDAR instructor. The LIDAR Instructor Training Course shall consist of a minimum of 18 hours of classroom instruction and motor-skill performance testing. This course shall be for a period not to exceed six consecutive weeks. If the Governor declares a State of Emergency pursuant to G.S. 166A-19.3(19), the Director of the Criminal Justice Standards Division shall allow additional breaks in a specific course delivery when the Director determines that doing so is necessary based on consideration of the following factors:

- (1) Whether instruction has begun in the course or whether course initiation may be postponed;
- (2) The risk of harm to students that may be caused by continuation of the course;
- (3) Whether those enrolled in the course have been or will likely be called to action to help address the State of Emergency;
- (4) The specific need for the waiver; and
- (5) The degree of benefit to the public in allowing a break in instruction.

Notice of waivers granted pursuant to the Section shall be posted on the CJETS website, located at <https://ncdoj.gov/law-enforcement-training/criminal-justice/>. The waivers granted pursuant to this Section shall only apply to courses that began, or were in effect, during the effective period of the State of Emergency.

(b) Each applicant for the LIDAR Instructor Training course shall:

- (1) present the endorsement of a Commission-certified school director or agency executive officer or his designee;
- (2) possess current criminal justice instructor certification as required in 12 NCAC 09B .0302; and
- (3) possess a current LIDAR operator certification.

(c) The LIDAR Instructor Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | |
|---|---------|
| (1) Orientation | 2 Hours |
| (2) Introduction to LIDAR Training | ½ Hour |
| (3) Basic Principles of LIDAR Speed Measurement | 1 Hour |
| (4) Legal and Operational Considerations | 1 Hour |
| (5) North Carolina Administrative Code and SMI Forms | 1 Hour |
| (6) Familiarization and Operation of Specific LIDAR Instruments | 7 Hours |
| (7) Courtroom Preparation | ½ Hour |
| (8) Motor-Skill Performance Testing | 4 Hours |
| (9) Course Review | 1 Hour |

(d) The LIDAR Instructor Re-Certification Training course shall consist of a minimum of 4 hours of classroom instruction and motor-skill performance testing and not exceed one week. Each LIDAR Instructor Re-Certification Training course shall include the following identified topic areas and minimum instructional hours for each area:

- | | |
|---|----------|
| (1) Course Orientation | ½ Hour |
| (2) Legal and Operational Considerations | 1 Hour |
| (3) Familiarization and Operation of Specific LIDAR Instruments | 1 Hour |
| (4) Motor-Skill Performance Testing | 1½ Hours |

(e) Each applicant for the LIDAR Instructor Re-Certification Training course shall:

- (1) Possess current criminal justice instructor certification as required in 12 NCAC 09B .0302;
- (2) Have been certified as a LIDAR instructor within the three years preceding the completion date of the re-certification course; and
- (3) Present the endorsement of a Commission-certified school director, agency executive officer, or his designee.

(f) If the trainee fails to achieve a score of 100% competence in each motor-skill performance test, he or she shall be authorized one opportunity for a re-test. Failure to score 100% on the re-test will require enrollment in a subsequent LIDAR Instructor course.

(g) Those individuals who have previously held LIDAR Instructor Certification and have not exceeded a six year time period from when his or her LIDAR Instructor Certification expired are eligible to reapply for reissuance of the previously held LIDAR Instructor Certification. An application for re-issuance shall contain documentation that the applicant:

- (1) Holds current criminal justice instructor certification, pursuant to 12 NCAC 09B .0302;
- (2) Has completed the pre-qualification skills assessments;

- (3) Must complete the Commission-approved LIDAR Instructor Re-Certification Training course, pursuant to 12 NCAC 09B .0210;
 - (4) Has passed the LIDAR Instructor comprehensive state examination with a minimum score of 75; and
 - (5) Has obtained the recommendation of a Commission-certified school director, agency executive or his designee.
- (h) Applicants for re-issuance of the LIDAR Instructor Certification shall have one opportunity to pass the prequalification skills assessment and the LIDAR Instructor comprehensive state examination. Should an applicant not achieve a passing score on either the prequalification skills assessment or the comprehensive state examination, the applicant shall complete the LIDAR Operator and LIDAR Instructor Course in its entirety.
- (i) Applicants whose LIDAR Instructor Certification is suspended or revoked shall not qualify for re-issuance.
- (j) The term of a LIDAR Instructor is three years from the date of issuance. All LIDAR Instructors seeking re-certification shall complete the re-certification course, as outlined in 12 NCAC 09B .0218, within 12 months of the expiration of the initial certification period. The 12-month period does not extend the instructor certification period.
- (k) The North Carolina Justice Academy is the only Commission-accredited school authorized to administer the LIDAR Instructor and LIDAR Instructor Re-Certification Courses.

History Note: Authority G.S. 17C-6;
Eff. May 1, 2004;
Amended Eff. November 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 25, 2019;
Amended Eff. October 1, 2025; April 1, 2022.