

**Department of Public Safety Standards and Training
Memo**

Subject: OAR 259-060-0015, 259-060-0020 & 259-060-0120 – Proposed Rules #3
Private Security Provider Responsibility/Minimum Standards

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Issue: These proposed rule changes reorganize and clarify the responsibilities and minimum standards for the certification and licensure of private security providers. Notable proposed changes are as follows:

- The statutory list of prohibited acts found in ORS 181.873 is currently listed in its entirety in OAR 259-060-0015. This list has been replaced by a reference to the statute.
- The general certification and licensure requirement and department notification requirements upon a change of information, arrests, or the ineligibility to purchase, own, or possess a firearm has been moved to OAR 259-060-0015 from various other sections of the rule. As a result, the title of OAR 259-060-0015 is changed from “Prohibited Acts” to “Private Security Responsibilities.”
- The title of OAR 259-060-0020 has been changed from “Minimum Standards for Certification or Licensure” to “Minimum Standards for Certification or Licensure as a Private Security Provider.”
- An education requirement has been added to OAR 259-060-0020. New applicants for private security certification or licensure submitted after November 1, 2012 will be required to provide documentation of having earned a high school diploma or GED.

The following revised language for OAR 259-060-0015 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0015

~~Prohibited Acts~~ Private Security Provider Responsibilities

(1) A person may not act as a private security provider unless that person is certified or licensed under the Private Security Providers Act and these rules.

(2) Persons described in ORS 181.871 are exempt from regulation as private security providers.

~~(1) It is unlawful:~~

~~(a) For a person to engage in the business of, or perform any service as, a private security professional, or to offer services in such capacity unless the person has obtained a certificate under the Private Security Service Providers Act and these rules.~~

~~(b) For a person to engage in the business of, or perform any service as, an executive or supervisory manager, or to offer services in such capacities unless the person has obtained a license under ORS 181.878.~~

~~(c) For a person to perform supervisory duties over persons performing crowd management or guest services, as described in ORS 181.871, unless the person has obtained a license or certificate under ORS 181.878.~~

~~(d) For an executive or supervisory manager to assign a person to perform private security services unless the person is certified as a private security professional under ORS 181.878 and these rules, except as otherwise provided in ORS 181.873 and OAR 259-060-0120 (relating to temporary assignments).~~

~~(e) To provide private security services as a private security professional without having a certificate or license issued under ORS 181.878 in the person's possession.~~

~~(f) For purposes of these administrative rules, these prohibitions apply to any business, employer, or entity that provides private security services within this state, or the monitoring of alarm systems designed to detect unauthorized intrusion, regardless of whether the business, employer or entity is located in this state.~~

~~(2) Conviction for a non-person felony or Class A misdemeanor will result in disqualification or revocation of certification as a private security provider for ten years from date of conviction.~~

~~(3) Exemptions: The following persons are exempt from regulation as private security providers:~~

~~(a) Persons holding a current Department certification as a police officer or parole and probation officer.~~

~~(b) A law enforcement officer of the United States.~~

~~(c) An officer or employee of this state, Oregon Health Sciences University established by ORS 353.020 or the United States while performing the duties of the office or employment.~~

~~(d) A person appointed or commissioned by the Governor to perform law enforcement or security services.~~

~~(e) An attorney admitted to practice law in this state while engaged in the practice of law.~~

~~(f) An insurance adjuster licensed in this state while performing duties authorized by the license.~~

~~(g) A person who monitors alarm systems that are not designed to detect threats to public safety or personal well-being.~~

~~(h) A person while protecting the person's property.~~

~~(i) A person who repairs and installs intrusion alarms while repairing or installing intrusion alarms.~~

~~(j) A person acting as an investigator as defined in ORS 703.401.~~

~~(k) A person performing crowd management or guest services, including, but not limited to, a person described as a ticket taker, an usher, parking attendant or event staff or a person employed for the purpose of age verification and controlling access at an entrance of the premises by a licensee of the Oregon Liquor Control Commission.~~

~~(l) A person who performs security services at a facility regulated by the United States Nuclear Regulatory Commission and the facility is operated by the person's employer.~~

~~(m) An individual while on active duty as a member of the armed services or while performing duties as a law enforcement officer.~~

~~(n) An employee of a financial institution who has been designated as a security officer for the financial institution pursuant to the Bank Protection Act of 1968 (12 U.S.C 1881 et seq.) and regulations adopted thereunder or pursuant to ORS 723.276 (5).~~

~~(o) A person who provides security services as a volunteer or for de minimis consideration other than money for an event operated for the benefit of a corporation that is organized not for profit pursuant to ORS chapter 65 or any predecessor of ORS chapter 65 or that is exempt from taxation under section 501(a) of the Internal Revenue Code as an organization described in section 501(c) of the Internal Revenue Code.~~

~~(p) A student enrolled in a community college as defined in ORS 341.005 while engaged in nonconfrontational activities that contribute to campus safety under the direct or indirect supervision of a law enforcement professional or private security professional certified or licensed by the Department of Public Safety Standards and Training, provided the community college has conducted a criminal background check on the student.~~

~~(3) The exemption provided by subsection (2)(k) of this section applies only:~~

~~(a) To a person who is not:~~

~~(A) Armed;~~

~~(B) Permitted to initiate confrontational activities; or~~

~~(C) Hired with the primary responsibility of taking enforcement action as described in ORS 181.870(8)(f);~~

~~(b) If there is at least one person on site who is certified or licensed under ORS 181.878 for every 10 or fewer uncertified persons performing the services described in subsection (2)(k) of this section;~~

~~(c) If any enforcement action, as described in ORS 181.870(8)(f), other than incidental or temporary action, is taken by or under the supervision of a person certified or licensed under ORS 181.878; and~~

~~(d) During the time when a crowd has assembled for the purpose of attending or taking part in an organized event, including pre-event assembly, event operation hours and post-event departure activities.~~

(3) Private security providers are prohibited from:

(a) Providing private security services as a private security professional without having a certificate or license issued under the Act and these rules in the person's possession;

(b) Carrying a concealed weapon while providing security services unless currently certified as an armed private security professional and licensed under ORS 166.291; or

(c) Providing training to private security professionals or applicants unless currently certified as an instructor.

(4) For the purposes of these administrative rules, these prohibitions apply to any business, employer or entity that provides private security services within this state regardless of whether the business, employer, or entity is located in this state.

(5) Change of Information.

(a) An applicant or private security provider must notify the Department within 14 calendar days of any change of address using the Form PS-23 (Private Security Services Provider Change of Information.)

(b) Executive managers may use the Form PS-23 to advise the Department of terminations of employment.

(6) Notification of Arrest. Pursuant to ORS 181.885, any private security provider or applicant who is charged with a crime must notify their employer or, if not employed, the Department no later than 48 hours after the charge is filed.

(a) The initial notification may be made by telephone or with a Recent Arrest Form.

(b) The Department may request immediate written notification documenting specific charges, the county and state where any charges are pending, the investigating agency, and the date of arrest.

(7) Should any certified armed private security provider become ineligible to purchase, own or possess a firearm, the provider and the manager, employer or supervisor of the provider must notify the Department in writing within 48 hours of the circumstances causing the ineligibility. The notification must list all facts known and must identify a person whom the Department may contact for additional information.

The following revised language for OAR 259-060-0020 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0020

Minimum Standards for Certification or Licensure as a Private Security Provider

(1) Age.

(a) ~~An applicant for certification or licensure as a p~~**Private security providers**~~s~~ must be:

(A **a**) At least 18 years of age to ~~receive certification~~ **be certified** as a ~~private security professional or unarmed private security instructor~~ **professional or licensed supervisory manager**; and

(B **b**) At least 21 years of age to ~~receive certification~~ **be certified** as an armed **private** security professional or ~~armed private security instructor~~ **or be licensed as an executive manager**.

(b) ~~All applicants for licensing as an executive or supervisory manager must be at least 18 years of age.~~

(2) Education.

(a) Applicants for certification or licensure must provide documentary evidence of one of the following:

(A) A high school diploma;

(B) Successful completion of the General Education Development (GED) test; or

(C) Other documentation verifying a high school education or GED, which may be accepted at the discretion of the Department.

(b) Evidence of the above will consist of official transcripts, diplomas, or GED test report forms. Other documentation may be accepted at the discretion of the Department.

(c) Individuals who were certified or licensed on or before November 1, 2012 are exempt from the education requirements identified in subsection (2)(a).

(2 ~~3~~) Training. An applicant for certification or licensing must satisfactorily complete the applicable training requirements as ~~approved by the Board on Public Safety Standards and Training and~~ **prescribed by** these rules.

(5) ~~Firearms Restrictions~~ **Minimum Standards for Armed Certification.**

(a) An applicant for **certification as an** armed private security professional or **firearms** instructor ~~certification~~ **must not** will not be eligible for certification if the applicant:

(a) ~~Has~~ **Have** been committed to the Mental Health and Development Disability Services Division under ORS 426.130, or similar order in another jurisdiction;

(b) ~~Has~~ **Have** been found to be mentally ill and subject to an order under ORS 426.130 ~~that the~~ **prohibiting the** person be ~~prohibited~~ from purchasing or possessing a firearm as a result of that mental illness;

(c) ~~Is~~ **Be** prohibited under US Code Title 18, Section 922(g)(8) (relating to civil restraining orders including stalking or harassment) from possessing a firearm in interstate commerce; or

(d) ~~Is~~ **Be** prohibited under any law of this state or any federal law from purchasing, owning or possessing a firearm.

~~(6) Failure to Meet Firearms Criteria. In the event a certified armed private security officer, or an applicant for such certification, should at any time fail to meet the requirements of subsections (4)(a) through (d) or (5)(a) through (d) herein, the certificant/applicant and the manager, employer or supervisor of the certificant/applicant, must:~~

~~(a) Notify the Department or its designee within 48 hours, in writing, of the circumstance making the certificant/applicant ineligible to purchase, own or possess a firearm. The notification must list all facts known, including any written documentation, and must identify a person whom the Department may contact to obtain additional information;~~

~~(b) Transfer the employee to an unarmed position until a determination has been made by the Department regarding the status of the certificant/applicant; and~~

~~(c) Retrieve any issued weapons and ammunition.~~

~~(7) ADA Compliance. Individual employers or entities are expected to conform to federal ADA guidelines as they relate to physical fitness standards.~~

The following revised language for OAR 259-060-0120 contains recommended additions (**bold and underlined**) and deletions (~~strikethrough text~~).

259-060-0120

Private Security Professional Certification

~~(1) Under ORS 181.873(1)(a), it is unlawful for a person to engage in the business of, or perform any service as, a private security professional, or to offer services in such capacity, unless the person has obtained certification as a professional, in accordance with these rules.~~

~~(9) Any private security provider who is arrested or charged criminally must notify the provider's employer and the Department of that fact not later than 48 hours after the arrest or charge is filed. Any employer who knows that an employee has been arrested or charged with a crime must notify the Department of that fact not later than 48 hours after the employer acquired knowledge. The initial notification may be by telephone, but must be immediately followed by written notification. The notification must include the specific charges, the county and state where any charges are pending, the investigating agency, and the date of the arrest. Failure to notify the Department may result in suspension of the arrested person's certification or licensure.~~

~~(10) The applicant or private security provider must notify the Department or its designated staff within 14 calendar days of any change of address by using Form PS-23 (Private Security Services Provider Change of Information). Executive managers may use the form to advise the Department of the termination of employment, or provide their own list. Under ORS 305.385, a summary of all private security providers and applicants is provided annually to the Oregon Department of Revenue, including name, address and Social Security number.~~

[ED. NOTE: Forms referenced are available from the agency.]
