

OFFICE OF THE SECRETARY OF STATE
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
07/22/2021 3:29 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Fee increases for private security provider certifications and licenses.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/31/2021 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Jennifer.howald@dpsst.oregon.gov

DPSST
4190 Aumsville Hwy SE
Salem, OR 97317

Filed By:
Jennifer Howald
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/18/2021
TIME: 5:30 PM
OFFICER: Jennifer Howald
ADDRESS: Virtual Rulemaking Hearing
Hosted by DPSST through WebEx
See Special Instructions Below
Salem, OR 97317

SPECIAL INSTRUCTIONS:
Persons who want to provide comment during the hearing need to join the meeting no later than 5:45 P.M.

Two ways to join the meeting:

Join the WebEx meeting online at:

<https://dpsstmeet.webex.com/dpsstmeet/j.php?MTID=m1f520a4d2846aaddcea529b978b5d1c6>

Meeting number (access code): 177 879 8307

Meeting password: PrivateSecurity

DATE: 08/24/2021
TIME: 10:30 AM
OFFICER: Jennifer Howald
ADDRESS: Virtual Rulemaking Hearing
Hosted by DPSST through WebEx
See Special Instructions Below
Salem, OR 97317

SPECIAL INSTRUCTIONS:
Persons who want to provide comment during the hearing need to join the meeting no later than 10:45 A.M.

Two ways to join the meeting:

Join the WebEx meeting online at:

<https://dpsstmeet.webex.com/dpsstmeet/j.php?MTID=m1f520a4d2846aaddcea529b978b5d1c6>

Meeting number (access code):

Meeting password: PrivateSecurity

The meeting link will also be posted on the DPSST website.
<https://www.oregon.gov/dpsst/Pages/Rules.aspx>

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<https://www.oregon.gov/dpsst/Pages/Rules.aspx>

~OR~

~OR~

Join the WebEx meeting by phone:

Join the WebEx meeting by phone:

Dial: 415-655-0001
Phone access code: 177 170 3

Dial: 415-655-0001
Phone access code: 177 879 8307 ##

Optional: E-mail Jennifer.howald@dpsst.oregon.gov to request an emailed copy of the link to the meeting and/or to sign-up in advance to make comments.

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NEED FOR THE RULE(S):

Oregon Revised Statute (ORS) 181A.870 grants the Board on Public Safety Standards and Training (BPSST), in collaboration with the Private Security and Investigator Policy Committee, the authority to establish fees for issuing certifications and licenses to private security providers. The fees may not exceed the Department of Public Safety Standards and Training (DPSST) costs for administration of the certification and licensing program, the criminal records check, and any training program required by rule.

The DPSST experienced a budget deficit for the private security provider certification and licensing program for the 2019-2021 biennium. The budget deficit is attributed to the agency's increased administrative costs over time.

The costs associated with the administration of the private security provider certification and licensing program have increased to the point that the current fees no longer cover the costs of the program. Administration costs include, but are not limited to staffing, supplies, travel, technology services, rent, and legal costs.

After a review of the current budget projections, past biennial budgets, revenues, deficits, and the inflation of administrative costs over time, the DPSST found that a fee increase is necessary to maintain the current service level and cover the increased administrative costs of the private security provider certification and licensing program.

Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The Private Security and Investigators (PSIPC) Policy Committee and the Board on Public Safety Standards and Training (BPSST) meeting minutes are available on the Department of Public Safety Standards and Training (DPSST) website,

www.oregon.gov/dpsst. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

FISCAL AND ECONOMIC IMPACT:

The fees for private security provider certifications and licenses have not increased for 10 years.

The DPSST experienced a budget deficit for the private security provider certification and licensing program for the 2019-2021 biennium. The budget deficit is attributed to the agency's increased administrative costs over time.

This rule change increases the fee for each two-year private security provider certification and license. A minimum fee increase of 20% has been applied to the private security professional certifications and the private security firearms and alarm monitor instructor certifications. The fee increases to the unarmed private security instructor certification and the manager licenses reflect unique costs specific to the certification and license type.

This rule change also includes increases for three administrative fees.

The fee increases are planned to become effective on January 1, 2022. Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

State agencies or units of local government that employ private security providers may be economically affected by the rules.

Individual private security providers or employers, businesses or entities that employ or utilize private security providers may be considered small businesses. Applicants may be considered small businesses or members of the public.

Alarm Monitors, Armed, Unarmed, and Event and Entertainment Private Security Professionals.

Applicants and certified private security professionals will experience a \$13 increase in the certification fee when applying for or renewing a certification on or after January 1, 2022. This certification fee changes from \$65 to \$78.

Instructors.

Applicants and certified private security firearms instructors and alarm monitor instructors will experience an \$18 increase in the certification fee when applying for or renewing a certification on or after January 1, 2022. This

certification fee changes from \$90 to \$108.

Applicants and certified private security unarmed instructors will experience a \$45 increase in the certification fee when applying for or renewing a certification on or after January 1, 2022. This certification fee changes from \$90 to \$135.

Managers.

Applicants and licensed private security supervisory managers will experience a \$25 increase in the license fee when applying for or renewing a license on or after January 1, 2022. This license fee changes from \$75 to \$100.

Applicants and licensed private security executive managers will experience a \$62 increase in the license fee when applying for or renewing a license on or after January 1, 2022. This license fee changes from \$250 to \$312.

Other Fees.

The fee for a late renewal application will increase by \$5, from \$25 to \$30.

The fee for a duplicate or replacement license will increase by \$4, from \$20 to \$24.

The fee for an armed upgrade will increase by \$5, from \$20 to \$25.

Please see the rule summary for additional details.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Potentially affected entities were involved through their representation on the Private Security and Investigators (PSIPC) Policy Committee and the Board on Public Safety Standards and Training. Small businesses, as well as public and private safety agencies, law enforcement units, state agencies, units of local government, and the public are invited to submit written comments to the agency rules coordinator during the public comment period on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact on business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 259-060-0500

RULE SUMMARY: Private security providers pay an application fee when applying for or renewing a private security certification or license. Each certification or license is issued for a two-year period.

This proposed rule change increases the fees for private security provider certifications and licenses.

The anticipated effective date of the fee increase is January 1, 2022.

Alarm Monitor, Armed, Unarmed, and Event and Entertainment Private Security Professionals

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Other Fees

The fee for a late renewal application will increase by \$5, from \$25 to \$30.

The fee for a duplicate or replacement license will increase by \$4, from \$20 to \$24.

The fee for an armed upgrade will increase by \$5, from \$20 to \$25.

Why are fee increases necessary? Why these fee amounts?

The costs associated with the administration of the private security provider certification and licensing program have increased to the point that the current fees no longer cover the costs of the program. Administration costs include, but are not limited to staffing, supplies, travel, technology services, rent, and legal costs.

After a review of the current budget projections, past biennial budgets, revenues, deficits, and the inflation of administrative costs over time, the DPSST found that a fee increase is necessary to maintain the current service level and cover the increased administrative costs of the private security provider certification and licensing program.

The new fee amounts outlined in the proposed rule change include a 20% increase over the current fee. The Private Security Unarmed Instructor certification fee and the Supervisory and Executive Manager license fees are greater than 20% due to unique costs specific to the certification and license type.

The new fee amount for the Private Security Unarmed Instructor certification reflects the significant changes in the training course over the past 10 years. This course has undergone extensive development, transitioning from a one-day

instructor training course to a two-day course, and most recently to the current four-day course. DPSST may need to adjust the fees for the Alarm Monitor and Private Security Firearms Instructor certifications in the future, once the courses have been reviewed and updated.

The new fee amounts for the Supervisory and Executive Manager licenses are structured to include a portion of the administrative costs for processing an additional certification as an Unarmed Private Security Professional. DPSST allows a Manager to apply for the Unarmed Private Security Professional certification without paying an additional certification fee because the training requirements to obtain the Manager license include completion of the Unarmed Private Security Professional course. When a Manager renews their license, the Manager may also apply to renew the Unarmed Private Security Professional certification, if they have completed the biennial unarmed renewal course, for the cost of the Manager license fee.

Without the fee increases, the DPSST will face a revenue shortfall in the 2021-2023 biennium.

CHANGES TO RULE:

259-060-0500

Fees and Payments ¶¶

(1) Payments.¶¶

(a) The Department accepts business checks, money orders, cashier's checks, and credit cards approved by the Department. Credit card payments may require submission of additional verification information as designated by the Department. The Department does not accept personal checks or cash.¶¶

(b) Fees for certification or licensure are due at the time of application.¶¶

(c) Amounts due to the Department for fees or penalties are non-refundable and non-transferable.¶¶

(d) Applicants who choose to withdraw their application or fail to complete the application process forfeit their application fees.¶¶

(2) The application fees charged by the Department for each 2-year private security provider certification and license are:¶¶

(a) Alarm Monitor Private Security Professional Certification - ~~\$6578~~;¶¶

(b) Armed Private Security Professional Certification - ~~\$6578~~;¶¶

(c) Event and Entertainment Private Security Professional Certification - ~~\$6578~~;¶¶

(d) Unarmed Private Security Professional Certification - ~~\$6578~~;¶¶

(e) Alarm Monitor Private Security Instructor Certification - ~~\$90108~~;¶¶

(f) Unarmed Private Security Instructor Certification - ~~\$90135~~;¶¶

(g) Private Security Firearms Instructor Certification - ~~\$90108~~;¶¶

(h) Supervisory Manager License - ~~\$75~~;¶¶

~~(i) Executive Manager License - \$250100. At the time of application, a Supervisory Manager may apply for the Unarmed Private Security Professional Certification without an additional certification fee;~~¶¶

~~(i) Executive Manager License - \$312. At the time of application, an Executive Manager may apply for the Unarmed Private Security Professional Certification without an additional certification fee;~~ and¶¶

(j) Fingerprint Criminal History Check Fee - The current fee for processing a fingerprint criminal history check may be obtained from the Department. This fee is to recover the costs of administering the fingerprint check through the Oregon State Police and the Federal Bureau of Investigation. This fee is separate from and does not apply to any fees charged by a fingerprinting services vendor. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by the FBI.¶¶

(3) Other administrative fees charged by the Department include:¶¶

- (a) Late Renewal Fee - ~~\$25~~30. A late fee is required when the Department receives an application for renewal after the expiration date;¶
 - (b) Non-sufficient Funds (NSF) Penalty Fee - \$25;¶
 - (c) Duplicate or Replacement Certification or License Fee - ~~\$20~~4;¶
 - (d) Armed Upgrade Fee - ~~\$20~~5. An armed upgrade adds the armed private security professional certification to the applicant's existing two-year certification period for the unarmed private security professional certification. The armed upgrade fee applies to applications for armed private security professional certification received by the Department within 18 months of the issuance of the unarmed private security professional certification;¶
 - (e) DPSST Range Fee (Private Security Firearms Instructor Course). The current range fee may be obtained from the Department;¶
 - (f) DPSST Handgun Instructor Development Course Fee - The current course fee may be obtained from the Department; and¶
 - (g) Training Accreditation Fees. The accreditation process includes an application fee and an evaluation fee. The current accreditation process fees may be obtained from the Department.¶
- (4) If the Department receives payment of any fees or penalty by check and the check is returned to the Department as a non-sufficient funds (NSF) check, the payer of the fees or penalty will be assessed an NSF penalty fee in addition to the required payment of the fees or penalty.¶
- (5) Overpayment of Amounts Due.¶
- (a) The Department will reject payments that include an overpayment of the amount due that is \$10.01 or more.¶
 - (b) The Department may accept payments that include an overpayment of the amount due when the overpaid amount is \$10.00 or less.¶
 - (c) Overpayment amounts that are \$10.00 or less will only be refunded upon receipt of a written request from the person who made the overpayment, or the person's legal representative. The written request must be received by the Department within three years of the overpayment.

Statutory/Other Authority: ORS 181A.870, ORS 293.445

Statutes/Other Implemented: ORS 181A.870, ORS 293.445