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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 259

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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FILING CAPTION: Correction: Deletes section (3) and the compliance date for OAR 259-060-0012.

EFFECTIVE DATE: 03/20/2023

AGENCY APPROVED DATE: 03/01/2023

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AMEND: 259-060-0012

NOTICE FILED DATE: 01/27/2023

RULE SUMMARY: OAR 259-060-0012 provides DPSST interpretation and application of Senate Bill (SB) 116. SB 116, from the 2021 Legislative Session, amended Oregon Revised Statute (ORS) 181A.893 making it unlawful for a private security provider or an entity that employs private security providers to possess or use in the scope of employment equipment, vehicles, uniforms or titles that imply that the provider or entity is affiliated with a public or private safety agency as defined in ORS 181A.355.

The rule as adopted stated "(3) Private security providers and entities that employ private security providers operating prior to June 1, 2022, must be in compliance with section (1) of this rule before July 1, 2023."

After reviewing the adoption of this rule, the Office of the Legislative Counsel found that the compliance date adopted for the rule conflicted with the effective date of SB 116 and the law. Senate Bill 116 became effective January 1, 2022. To correct this unintended legal outcome, the rule was amended to delete section (3).

CHANGES TO RULE:

259-060-0012

Private Security Equipment, Vehicles, Uniforms and Titles

(1) It is unlawful for a private security provider or an entity that employs private security providers to possess or use in the scope of employment equipment, vehicles, uniforms or titles that imply that the provider or entity is affiliated with a public or private safety agency as defined in ORS 181A.355. This includes, but may not be limited to, the following prohibited acts:¶¶

(a) Titles used to identify a private security provider may not be a title commonly used by public or private safety agencies to identify a law enforcement officer, including, but not limited to, "officer," "police officer," "peace officer," "law enforcement officer," "agent," "deputy," "trooper," or "detective." This does not apply to the use of "security officer" or the use of rank structure titles such as "sergeant," "lieutenant," or "chief."¶¶

(b) Vehicles, uniforms, and the badges, patches, name tags, or other identifying labels permanently or temporarily affixed to a uniform or used for identification may not display a prohibited title as defined in subsection (a) above.

¶¶
(c) Uniforms may not resemble a law enforcement uniform in style or color unless the uniform prominently

displays the word "security." "Security" may be used in combination with other private security terms such as, but not limited to, "private security," "security officer," or "security guard."¶¶

(d) Vehicles may not resemble a law enforcement vehicle in style or color unless the vehicle prominently displays the word "security" on the front, rear, and sides of the vehicle. "Security" may be used in combination with other private security terms such as, but not limited to, "private security," "security officer," or "security guard."¶¶

(e) Vehicles may not be equipped with red and blue light bars.¶¶

(f) Vehicles may not be equipped with bumpers capable of ramming another vehicle to cause a stall or cages unless there is a demonstrated business need and the private security entity has a written policy or procedure addressing the use of the equipment.¶¶

(2) This rule does not apply to special campus security providers commissioned under ORS 352.118 or private security providers on campuses of institutions of higher education regulated under ORS 181A.972.¶¶

~~(3) Private security providers and entities that employ private security providers operating prior to June 1, 2022, must be in compliance with section (1) of this rule before July 1, 2023.¶¶~~

(4) These provisions 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 or out of this state.¶¶

(54) A violation of a prohibited act outlined in section (1) of this rule may result in issuance of a civil penalty under OAR 259-060-0450. ¶¶

(65) A violation of a prohibited act outlined in section (1) of this rule may result in denial, suspension, refusal to renew or revocation of private security provider certification or licensure under OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320.

Statutory/Other Authority: ORS 181A.870, ORS 181A.893

Statutes/Other Implemented: ORS 181A.870, ORS 181A.893