

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

STEPHANIE CLARK  
DIRECTOR

800 SUMMER STREET NE  
SALEM, OR 97310  
503-373-0701

**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259  
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

**FILED**

10/25/2024 1:54 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Fee Increases for Private Investigator and Provisional Investigator Licenses

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/22/2024 11:00 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.*

CONTACT: Jennifer Howald  
503-551-3258  
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: 11/19/2024

TIME: 4:30 PM - 6:30 PM

OFFICER: Jennifer Howald

IN-PERSON HEARING DETAILS

ADDRESS: DPSST, Room A145, 4190 Aumsville Hwy SE, Salem, OR 97317

SPECIAL INSTRUCTIONS:

This hearing is for all three of the private security and private investigator fee increases. This hearing can be attended in-person or by joining using the remote options. If you have questions on how to access the meeting please email jennifer.howald@dpsst.oregon.gov before the meeting.

Depending on the number of participants, testimony or comments may be limited to 5 minutes or less.

\*DPSST has an entry gate for parking. If you are attending in-person you must arrive by 5:00pm in order for reception staff to be able to open the gate for you. The reception office closes at 5:00pm.

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 503-446-4951

CONFERENCE ID: 612582665

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## NEED FOR THE RULE(S)

Oregon Revised Statute (ORS) 703.480 grants the Board on Public Safety Standards and Training (Board), in collaboration with the Private Security and Investigator Policy Committee (PSIPC), the authority to establish fees relating to the application for and the issuance, renewal and inactivation of investigators' licenses. The fees may not exceed the Department's cost of administering the licensing program.

The fee for a two-year private or provisional investigator license has not changed since the Board and the Department began regulatory oversight of investigator licensure in 2006. The administrative costs for the Private Investigator Licensure Program have significantly increased during the 2023-2025 biennium due to increased costs for personnel services. This program is also impacted by the long-term cumulative effects from past biennial budget revenues and deficits and the inflation of operational costs over time.

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## DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The Private Security and Investigators Policy Committee (PSIPC) and the Board on Public Safety Standards and Training (Board) meeting minutes are available on the Department of Public Safety Standards and Training (DPSST) website, [www.oregon.gov/dpsst](http://www.oregon.gov/dpsst). The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

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## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The fee increases for the investigator license are not expected to affect racial equity in this state.

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## FISCAL AND ECONOMIC IMPACT:

### Fiscal Impacts for the Department of Public Safety Standards and Training (DPSST)

The fee increases will provide additional revenue to meet the increased operational costs that have affected the Department's fee-based regulatory programs. The Department is facing a revenue shortfall for the remainder of the 2023-2025 biennium across all three of the private security and private investigator programs due to a significant increase in costs for personnel services. The increases in personnel services costs will continue to impact the 2025-2027 biennium budget. In addition to the personnel costs, the Private Investigator Licensure Program has been affected by long-term cumulative inflation of operational costs over time since this program has never had a fee increase. Failure to increase revenue will adversely affect the Department's ability to provide customer service, issue certifications and licenses, and ensure compliance with the certification and licensing requirements found in Oregon Revised Statute (ORS) and Oregon Administrative Rule (OAR).

### Fiscal Impacts for Private Investigators

This rule change increases the fee for a two-year private or provisional investigator license by an additional \$140 and the late fee for renewal by an additional \$5. The fee increase will have a fiscal impact on individuals who apply for a private or provisional investigator license. As small businesses, fee increases affect the businesses expenses and reduce funds available for other small business costs such as insurance and taxes.

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## 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).*

DPSST is the state agency likely to be economically affected by the rules.

There are no other state agencies or units of local government identified as likely to be economically affected by the rules.

Licensed private and provisional investigators may be considered small businesses. New applicants for licensure may be considered small businesses or members of the public.

Please see the statements provided in the Fiscal and Economic Impact section shown above.

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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, 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.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This proposed rule change affects the fees for issuing private investigator licenses. These fees are established by the Board on Public Safety Standards and Training (Board), in collaboration with the Private Security and Investigator Policy Committee (PSIPC). The fee increases and the proposed rules have been reviewed by the PSIPC and approved by the Board. The PSIPC and the Board include representatives of the organizations or associations that represent the constituents who are subject to this administrative rule. The membership of the PSIPC and the Board is found in Oregon Revised Statutes (ORS) 181A.360 and 181A.375.

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AMEND: 259-061-0010

RULE SUMMARY: This proposed rule change is for a fee increase. The fee increase changes the Private and Provisional Investigator License Fee from \$550 to \$690 and the late renewal fee from \$30 to \$35.

CHANGES TO RULE:

259-061-0010

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 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) Fees charged by the Department include:¶¶

(a) Private Investigator License Fee - ~~\$550~~¶¶

(b) Provisional Investigator License Fee - ~~\$550~~¶¶

(c) New Application Fee - \$29;¶¶

(d) 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;¶¶

(e) Late Renewal Fee - \$305. A late fee is required when the Department receives an application for renewal after

the expiration date; ¶

(f) Duplicate or Replacement License Fee - \$24; ¶

(g) Reactivation of Inactive License Fee (OAR 259-061-0160) - \$50; and ¶

(h) Non-sufficient Funds (NSF) Penalty Fee - \$25. ¶

(3) 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. ¶

(4) 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 703.480, ORS 293.445

Statutes/Other Implemented: ORS 703.480, ORS 293.445