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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 1:32 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: 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) 181A.870 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 for issuing certificates and licenses to private security providers. The fees may not exceed the Department's costs for administration of the certification and licensing program, the criminal records check, and any training program required by rule.

The administrative costs for the Private Security Provider Certification and Licensure Program have significantly increased during the 2023-2025 biennium due to increased costs for personnel services and costs for legal services. The costs for personnel services will continue to impact the 2025-2027 biennium budget.

The fee increases for the Private Security Provider Certification and Licensure Program are necessary to ensure the program will have enough revenue to cover expenses for the remainder of the 2023-2025 biennium and to maintain the program's current service level into the 2025-2027 biennium.

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. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

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

The fee increases for the Private Security Provider Certification and Licensure Program are not expected to affect racial equity in this state.

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. 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 Security Providers

This rule change increases the fee for each two-year private security provider certification and license. The fee increase will have a fiscal impact on individuals who apply for a private security provider certification or license. The different increase amounts are based on the costs that are unique to a certification or license type.

As small businesses, fee increases affect the businesses expenses and reduce funds available for other small business costs such as insurance and taxes.

Applicants for individual private security professional certifications may be part-time employees or have entry level wages, making it harder to cover the increased cost of the certification.

Applicants that have multiple private security provider certifications and licenses will be further impacted by the compound effect of multiple fee increases.

Increasing the private security instructor certification fees may result in higher training costs that are passed on to the professional applicants who need the training to get their professional certification.

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.

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

The majority of 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.

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

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.

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

This proposed rule change affects the fees for issuing certifications and licenses to private security providers. 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.

AMEND: 259-060-0500

RULE SUMMARY: This proposed rule change is for the following fee increases for private security provider certifications and licenses. Each certification and license is issued for a two-year period.

Alarm Monitor Private Security Professional Certification - from: \$78 to: \$94 increase amount: \$16

Armed Private Security Professional Certification - from: \$78 to: \$110 increase amount: \$32

Event and Entertainment Private Security Professional Certification - from: \$78 to: \$94 increase amount: \$16

Unarmed Private Security Professional Certification - from: \$78 to: \$94 increase amount: \$16

Alarm Monitor Private Security Instructor Certification - from: \$108 to: \$130 increase amount: \$22

Unarmed Private Security Instructor Certification - from: \$135 to: \$312 increase amount: \$177

Private Security Firearms Instructor Certification - from: \$108 to: \$153 increase amount: \$45

Supervisory Manager License - from: \$100 to: \$120 increase amount: \$20

Executive Manager License - from: \$312 to: \$400 increase amount: \$88

Late Renewal Fee - from: \$30 to: \$35 increase amount: \$5

Armed Upgrade Fee - from: \$25 to: \$45 increase amount: \$20

Certification Reinstatement - from: N/A new: \$25

The following certifications and licenses have a higher increase based on costs that are unique to that certification or license.

The Armed Private Security Professional Certification will be increased to \$110. The higher increase here is impacted by the additional workload for tracking and ensuring compliance with the annual firearms qualification and training requirement.

The Armed Upgrade Fee will be increased to \$45. The higher increase here is impacted by the additional workload for tracking and ensuring compliance with the annual firearms qualification and training requirement. The change from an Unarmed Professional to an Armed Professional also requires additional review of the applicant's criminal history for disqualifiers that are specific to the Armed Professional Certification.

The Firearms Instructor Certification will be increased to \$153. The higher increase here is impacted by the additional workload for tracking and ensuring compliance with annual firearms qualification requirement, the certified instructor audits, and compliance. There is a separate fee for the Private Security Firearms Instructor Course. This fee will be increased to \$250. The increase is necessary to cover the cost for use of the DPSST Academy training Firearms Range and Firearms Instructors. The course fee will include the cost for the ammunition that DPSST supplies for the course (\$68), which did not increase.

A new fee of \$25 has been added to reinstate an Armed Private Security Professional Certification or Private Security Firearms Instructor Certification after an emergency suspension. This addresses some of the costs related to issuing notices for Emergency Suspension Orders and the postage for certified delivery of the notices.

The Unarmed Instructor Certification will be increased to \$312. The higher increase here is impacted by the length and delivery of the Unarmed Instructor Development Course, the certified instructor audits, and compliance.

There will no longer be the opportunity to apply for more than one certification or license without paying the application fee for each one. The exception will be the Armed/Unarmed certification, in which the applicant is applying for the Armed Professional Certification and by DPSST administrative processes is also issued the Unarmed Professional Certification.

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 - \$7894;¶

(b) Armed Private Security Professional Certification - \$78110;¶

(c) Event and Entertainment Private Security Professional Certification - \$7894;¶

(d) Unarmed Private Security Professional Certification - \$7894;¶

(e) Alarm Monitor Private Security Instructor Certification - \$1308;¶

(f) Unarmed Private Security Instructor Certification - \$135312;¶

(g) Private Security Firearms Instructor Certification - \$10853;¶

(h) Supervisory Manager License - \$100. At the time of application, a Supervisory Manager may apply for an Alarm Monitor Private Security Professional Certification or an 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 an Alarm Monitor Private Security Professional Certification or an Unarmed Private Security Professional Certification without an additional certification fee;¶

(j) Executive Manager License - \$400; 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 - \$305. 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 - \$24;¶

(d) Armed Upgrade Fee - \$245. 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 (Certification Reinstatement Fee - \$25. A reinstatement fee is required after an Armed Private Security Professional or Private Security Firearms Instructor Certification has been suspended by an Emergency Suspension Order under OAR 259-060-0120 (8) or 259-060-0135 (7);~~¶

(f) ~~DPSST Private Security Firearms Instructor Course Fee - The current range course fee may be obtained from the Department;~~¶

(fg) DPSST Handgun Instructor Development Course Fee - The current course fee may be obtained from the Department; and¶

(gh) 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