

# Senate Bill 61

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## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to private security providers.  
Punishes person who provides private security services without being certified and having certificate in person's possession by maximum fine of \$720.  
Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to private security providers; creating new provisions; amending ORS 163.709, 181.620,  
3 181.637, 181.870, 181.871, 181.873, 181.875, 181.876, 181.878, 181.880, 181.887, 181.991, 203.090,  
4 703.411 and 802.179; repealing ORS 181.883; and prescribing an effective date.

5 **Be It Enacted by the People of the State of Oregon:**

6 **SECTION 1.** ORS 181.870 is amended to read:

7 181.870. As used in ORS 181.620, 181.870 to 181.887, 181.991 and 203.090:

8 [(1) "Board" means the Board on Public Safety Standards and Training.]

9 [(2)] (1) "Certification" means recognition by the Department of Public Safety Standards and  
10 Training that a private security [*officer*] **professional** meets all of the qualifications listed in ORS  
11 181.875.

12 [(3) "Contract security services" means the performance of at least one of the following:]

13 [(a) The observation and reporting of any unlawful activity.]

14 [(b) The prevention of theft or misappropriation of any goods, money or other items of value.]

15 [(c) The protection of individuals or property, including, but not limited to, proprietary information,  
16 from harm or misappropriation.]

17 [(d) The control of access to premises being protected.]

18 [(e) The secure movement of prisoners.]

19 [(f) The taking of enforcement action by detaining persons or placing persons under arrest under  
20 ORS 133.225.]

21 [(g) Providing canine services for guarding premises or for the detection of unlawful devices or  
22 substances.]

23 [(4) "Department" means the Department of Public Safety Standards and Training.]

24 [(5) "Director" means the Director of the Department of Public Safety Standards and Training.]

25 [(6) "Employee" means an individual who renders personal services wholly or partly in this state  
26 to an executive manager who pays or agrees to pay the individual at a fixed rate. "Employee" includes  
27 an applicant for employment to perform security services.]

28 [(7)] (2) "Executive manager" means a person:

29 (a) Who is authorized to act on behalf of a company or business in matters of licensure and

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 certification;

2 (b) Who is authorized to hire and terminate personnel;

3 (c) Whose primary responsibility is the management of certified private security [*officers*] **pro-**  
4 **fessionals**; and

5 (d) Who has final responsibility for a company's or business's compliance with ORS 181.870 to  
6 181.887.

7 [(8)] (3) "Instructor" means any person who has been certified by the department as meeting the  
8 requirements to provide instruction to private security providers or applicants.

9 [(9)] (4) "License" means recognition by the department that an executive manager or supervi-  
10 sory manager meets the requirements adopted by the Board on Public Safety Standards and Training  
11 as necessary to provide **private** security services.

12 [(10)] (5) "Primary responsibility" means an activity that is fundamental to, and required or ex-  
13 pected in, the regular course of employment and is not merely incidental to employment.

14 [(11)(a)] (6) "Private security [*officer*] **professional**" means an individual who performs, as the  
15 individual's primary responsibility, [.]

16 [(A) *Contract security services for consideration as an independent contractor or as an employee*  
17 *of an independent contractor, whether armed or unarmed, full-time or part-time or in uniform or*  
18 *plainclothes; or]*

19 [(B) *Proprietary security services for consideration.*]

20 [(b) "Private security officer" does not include:]

21 [(A) *An individual while on active duty as a member of the armed services or while performing*  
22 *duties as a law enforcement officer; or]*

23 [(B) *An employee of a financial institution who has been designated as a security officer for the*  
24 *financial institution pursuant to the Bank Protection Act of 1968 (12 U.S.C. 1881, et seq.) and regu-*  
25 *lations adopted thereunder or pursuant to ORS 723.276 (5)] **private security services for consid-**  
26 **eration, regardless of whether the individual, while performing the private security services,**  
27 **is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the in-**  
28 **dividual is employed part-time or full-time to perform private security services.***

29 [(12)] (7) "Private security provider" means any [*person who performs contract security services*  
30 *or proprietary security services or who*] **individual who** performs the functions of [*an*] **a private se-**  
31 **curity professional**, executive manager, supervisory manager or instructor.

32 [(13)] (8) "[*Proprietary*] **Private** security services" means the performance of at least one of the  
33 **following** activities: [*listed in subsection (3) of this section if the person performing the activity.*]

34 [(a) *Wears a uniform readily identifiable by a member of the public as that worn by a private se-*  
35 *curity officer or a law enforcement officer;*]

36 [(b) *Wears clothing that bears words, such as "security," or emblems that would cause a member*  
37 *of the public to reasonably believe that the person is a private security officer;*]

38 [(c) *Carries a dangerous or deadly weapon, as those terms are defined in ORS 161.015, or a stun*  
39 *gun, pepper mace or nightstick; or]*

40 [(d) *Is authorized by the person's employer, as part of the person's employment, to take enforcement*  
41 *action by detaining persons or placing persons under arrest under ORS 133.225.*]

42 (a) **Observing and reporting unlawful activity.**

43 (b) **Preventing or detecting theft or misappropriation of goods, money or other items of**  
44 **value.**

45 (c) **Protecting individuals or property, including but not limited to proprietary informa-**

1 **tion, from harm or misappropriation.**

2 **(d) Controlling access to premises being protected.**

3 **(e) Securely moving prisoners.**

4 **(f) Taking enforcement action by detaining persons or placing persons under arrest under**  
 5 **ORS 133.225.**

6 **(g) Providing canine services for guarding premises or for detecting unlawful devices or**  
 7 **substances.**

8 [(14)] **(9) “Supervisory manager” means an employee of or a person supervised by an executive**  
 9 **manager who has as a primary responsibility the supervision of certified private security [officers**  
 10 **but who does not have authority to hire and terminate personnel] professionals.**

11 **SECTION 2.** ORS 181.871 is amended to read:

12 181.871. (1) ORS 181.870 to 181.887 [and 181.991] do not apply to:

13 (a) A person certified by the Department of Public Safety Standards and Training as a police  
 14 officer or a parole and probation officer.

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

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

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

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

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

22 (g) A person who monitors fire alarm systems and other alarm systems that are not designed to  
 23 detect unauthorized intrusions while monitoring such systems.

24 (h) A person while protecting the person’s property.

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

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

28 (k) A person performing crowd management or guest services, including, but not limited to, a  
 29 person described as a ticket taker, an usher, a parking attendant or event staff, who is not armed,  
 30 *does not wear a uniform or clothing described in ORS 181.870 (13)(a) or (b)* and is not hired with the  
 31 primary responsibility of taking enforcement action as described in ORS 181.870 [(3)(f)] **(8)(f)**.

32 (L) A person performing security services at a facility regulated by the United States Nuclear  
 33 Regulatory Commission if the facility is operated by the person’s employer.

34 **(m) An individual while on active duty as a member of the armed services or while per-**  
 35 **forming duties as a law enforcement officer.**

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

39 (2) The exemption provided by subsection (1)(k) of this section applies only:

40 (a) If there is at least one person on-site who is certified or licensed under ORS 181.878 for ev-  
 41 ery 10 or fewer uncertified persons performing the services described in subsection (1)(k) of this  
 42 section;

43 (b) If any enforcement action, as described in ORS 181.870 [(3)(f)] **(8)(f)**, other than incidental  
 44 or temporary action, is taken by or under the supervision of a person certified or licensed under  
 45 ORS 181.878; and

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

4 **SECTION 3.** ORS 181.873 is amended to read:

5 181.873. (1) It is unlawful:

6 (a) For a person to engage in the business of, or perform any service as a private security [*of-*  
 7 *ficer*] **professional**, or to offer services in such capacity unless the person has obtained a certificate  
 8 under ORS 181.878.

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

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

15 (d) Except as otherwise provided in subsection (2) of this section, for an executive manager to  
 16 assign a person to perform **private** security services unless the person is certified as a private se-  
 17 curity [*officer*] **professional** under ORS 181.878.

18 (2) An executive manager may temporarily assign a person who is not certified as required by  
 19 this section to perform **private** security services within this state for a period of time not to exceed  
 20 90 days if:

21 (a) The person is employed in another state;

22 (b) The person holds a private security [*officer's*] **professional's** certification or license from the  
 23 other state; and

24 (c) The certification or licensing standards of the other state meet or exceed the standards of  
 25 this state.

26 **SECTION 4.** ORS 181.875 is amended to read:

27 181.875. (1) An applicant for certification as a private security [*officer*] **professional**:

28 (a) Must be:

29 (A) At least 18 years of age, if an applicant for certification as an unarmed private security  
 30 [*officer*] **professional**; or

31 (B) At least 21 years of age, if an applicant for certification as an armed private security  
 32 [*officer*] **professional**;

33 (b) Must have satisfactorily completed [*the*] training requirements [*as specified in ORS 181.883*]  
 34 **approved by the Board on Public Safety Standards and Training**; and

35 (c) Must not be required to register or be registered as a sex offender under ORS 181.595,  
 36 181.596 or 181.597.

37 (2) The Department of Public Safety Standards and Training, in consultation with the board [*on*  
 38 *Public Safety Standards and Training*], shall adopt rules specifying those crimes for which a con-  
 39 viction requires the denial or revocation of certification as a private security [*officer*] **professional**  
 40 or instructor.

41 **SECTION 5.** ORS 181.876 is amended to read:

42 181.876. [(1)] An applicant for certification as a private security [*officer*] **professional** shall  
 43 submit [*an*] **a written** application to the Department of Public Safety Standards and Training. The  
 44 application must be [*in writing*] **on a form approved by the department, contain all the infor-**  
 45 **mation required by the department and be made** under oath to the department. [.]

- 1        *[(a) Stating the applicant's:]*  
 2        *[(A) Name;]*  
 3        *[(B) Birthdate;]*  
 4        *[(C) Citizenship;]*  
 5        *[(D) Physical description;]*  
 6        *[(E) Current residence;]*  
 7        *[(F) Residence for the preceding 10 years;]*  
 8        *[(G) Current employment; and]*  
 9        *[(H) Employment for the preceding 10 years;]*  
 10       *[(b) Including a statement listing all offenses of which the applicant has been convicted;]*  
 11       *[(c) Including a statement that the applicant is not required to register or be registered as a sex*  
 12 *offender under ORS 181.595, 181.596 or 181.597;]*  
 13       *[(d) Including a statement affirming the truth of all information contained in the application; and]*  
 14       *[(e) Including such other information as required by the Board on Public Safety Standards and*  
 15 *Training.]*  
 16       *[(2) The application must be accompanied by:]*  
 17       *[(a) Written verification from the providers of the training of satisfactory completion of the training*  
 18 *required by ORS 181.883; and]*  
 19       *[(b) Character references from at least three reputable citizens, each of whom has known the ap-*  
 20 *plicant for at least five years preceding the application and none of whom are related to the applicant*  
 21 *by blood or marriage.]*  
 22       **SECTION 6.** ORS 181.878 is amended to read:  
 23       181.878. (1) The Board on Public Safety Standards and Training shall establish standards for:  
 24       (a) Issuing, denying, renewing and revoking licenses for executive managers and supervisory  
 25 managers; and  
 26       (b) Reviewing the **private** security services of executive managers in relation to the licensing  
 27 and certification standards set forth in ORS 181.870 to 181.887[, 181.991 and 203.090].  
 28       (2) In accordance with any applicable provision of ORS chapter 183, to promote consistent  
 29 standards for private security services by improving the competence of private security providers,  
 30 the board, in conjunction with the Private Security Policy Committee, shall establish reasonable  
 31 minimum standards of physical, emotional, intellectual and moral fitness for private security pro-  
 32 viders.  
 33       (3) The Department of Public Safety Standards and Training shall:  
 34       (a) Establish and carry out procedures for issuing, denying, renewing and revoking, subject to  
 35 terms and conditions imposed by the department, a private security provider's certificate or license;  
 36       (b) **In collaboration with the Private Security Policy Committee**, recommend for approval  
 37 by the board **the content of and** standards for all training courses and testing required [by ORS  
 38 181.883] **for certification as a private security professional and the standards** for all instructors  
 39 providing the training;  
 40       (c) Establish procedures in consultation with the board for temporary assignment of persons  
 41 performing **private** security services for a period of no longer than 120 days while an application  
 42 for certification is being processed; and  
 43       (d) In collaboration with the Private Security Policy Committee, establish fees for issuing cer-  
 44 tificates and licenses to private security providers. The fees may not exceed the prorated direct  
 45 costs of administering:

1 (A) The certification or licensing program required by this section;

2 (B) The criminal records checks required by ORS 181.880; and

3 (C) *[The]* **Any** training program required by *[ORS 181.883]* **rules of the department or board.**

4 (4) The department shall investigate alleged violations of the provisions of ORS 181.870 to  
5 181.887[, 181.991 and 203.090] and of any rules adopted by the department or the board.

6 (5) The department and the board may adopt rules necessary to carry out their duties under  
7 ORS 181.870 to 181.887[, ] **and** 181.991 [*and 203.090*]. For efficiency, the department and board may  
8 adopt rules jointly as a single set of combined rules.

9 **SECTION 7.** ORS 181.880 is amended to read:

10 181.880. (1) A license or certificate issued by the Department of Public Safety Standards and  
11 Training under ORS 181.878 expires two years following the date of issuance or on the assigned  
12 renewal date.

13 (2) The department shall offer certificates or licenses to private security providers in levels and  
14 categories as established by the Board on Public Safety Standards and Training in consultation with  
15 the department.

16 (3) Upon receipt of an application for certification under ORS 181.876, the department shall  
17 forward [*a copy of the application and*] a complete set of the applicant’s fingerprints to the Depart-  
18 ment of State Police and request that the Department of State Police conduct a nationwide criminal  
19 records check of the applicant.

20 (4) Upon request of the department under subsections (1) to (3) of this section, the Department  
21 of State Police shall conduct nationwide criminal records checks through the Federal Bureau of  
22 Investigation of an applicant for certification as a private security [*officer*] **professional**, including  
23 the applicant’s fingerprints, and shall report the results to the department.

24 **SECTION 8.** ORS 181.991 is amended to read:

25 181.991. (1) A person commits a:

26 (a) Class A misdemeanor if the person knowingly falsifies any information pertinent to an ap-  
27 plication for a license or certificate under ORS 181.870 to 181.887[, 181.991 and 203.090].

28 (b) **Class A violation if the person provides private security services as a private security**  
29 **professional without being certified to do so under ORS 181.878 and having in the person’s**  
30 **possession the certificate issued under ORS 181.878.**

31 (2) In addition to any other liability or penalty provided by law, the Board on Public Safety  
32 Standards and Training may impose a civil penalty not to exceed \$1,500 for a violation of any pro-  
33 vision of ORS 181.870 to 181.887[, 181.991 and 203.090] or any rule adopted by the Board on Public  
34 Safety Standards and Training or Department of Public Safety Standards and Training pursuant to  
35 ORS 181.870 to 181.887[, 181.991 and 203.090].

36 (3) Judicial review of civil penalties imposed under [*subsections (2) and (3)*] **subsection (2)** of  
37 this section shall be as provided under ORS 183.480.

38 **SECTION 9.** ORS 163.709 is amended to read:

39 163.709. (1) A person commits the offense of unlawful directing of light from a laser pointer if  
40 the person knowingly directs light from a laser pointer at another person without the consent of the  
41 other person and the other person is:

42 (a) A peace officer as defined in ORS 161.015 who is acting in the course of official duty; or

43 (b) A uniformed private security [*officer*] **professional** as defined in ORS 181.870 who is on duty.

44 (2) The offense described in this section, unlawful directing of light from a laser pointer, is a  
45 Class A misdemeanor.

1 (3) As used in this section, “laser pointer” means a device that emits light amplified by the  
 2 stimulated emission of radiation that is visible to the human eye.

3 **SECTION 10.** ORS 181.620 is amended to read:

4 181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training con-  
 5 sisting of 24 members as follows:

6 (a) Two members shall be chiefs of police recommended to the Governor by the Oregon Associ-  
 7 ation Chiefs of Police;

8 (b) One member shall be a sheriff recommended to the Governor by the Oregon State Sheriffs’  
 9 Association;

10 (c) One member shall be a fire chief recommended to the Governor by the Oregon Fire Chiefs’  
 11 Association;

12 (d) One member shall be a representative of the fire service recommended to the Governor by  
 13 the Oregon Fire District Directors’ Association;

14 (e) One member shall be a member of the Oregon State Fire Fighter’s Council recommended to  
 15 the Governor by the executive body of the council;

16 (f) One member shall be a representative of corrections personnel recommended to the Governor  
 17 by the Oregon State Sheriffs’ Association;

18 (g) One member shall be a representative of the fire service recommended to the Governor by  
 19 the Oregon Volunteer Fire Fighters’ Association;

20 (h) One member shall be a representative of public safety telecommunicators;

21 (i) One member shall be a district attorney recommended to the Governor by the Oregon District  
 22 Attorneys Association;

23 (j) One member shall be the Superintendent of State Police;

24 (k) One member shall be the Chief of the Portland Police Bureau;

25 (L) One member shall be the State Fire Marshal;

26 (m) One member shall be the Chief of the Portland Fire Bureau;

27 (n) One member shall be the Director of the Department of Corrections;

28 (o) One member shall be the Special Agent in Charge of the Federal Bureau of Investigation for  
 29 Oregon;

30 (p) One member shall represent forest protection agencies recommended to the Governor by the  
 31 State Forestry Department;

32 (q) One member shall be an administrator of a municipality recommended to the Governor by  
 33 the executive body of the League of Oregon Cities;

34 (r) Two members shall be nonmanagement representatives of law enforcement;

35 (s) One member shall be a public member. A person appointed as a public member under this  
 36 section shall be a person:

37 (A) Who has no personal interest or occupational responsibilities in the area of responsibility  
 38 given to the board; and

39 (B) Who represents the interests of the public in general;

40 (t) Two members shall be representatives of the private security industry recommended to the  
 41 Governor by the Private Security Policy Committee[. *One member appointed under this paragraph*  
 42 *must represent contract security service providers and the other member must represent proprietary*  
 43 *security service providers]; and*

44 (u) One member shall be a representative of the collective bargaining unit that represents the  
 45 largest number of individual workers in the Department of Corrections.

1 (2) The term of office of a member is three years, and no member may be removed from office  
 2 except for cause. Before the expiration of the term of a member, the Governor shall appoint the  
 3 member's successor to assume the member's duties on July 1 next following. In case of a vacancy  
 4 for any cause, the Governor shall make an appointment, effective immediately, for the unexpired  
 5 term.

6 (3) Except for members who serve by virtue of office, no member shall serve more than two  
 7 terms. For purposes of this subsection, a person appointed to fill a vacancy consisting of an unex-  
 8 pired term of at least one and one-half years has served a full term.

9 (4) Appointments of members of the board by the Governor, except for those members who serve  
 10 by virtue of office, are subject to confirmation by the Senate in the manner provided in ORS 171.562  
 11 and 171.565.

12 (5) A member of the board is entitled to compensation and expenses as provided in ORS 292.495.

13 **SECTION 11.** ORS 181.637 is amended to read:

14 181.637. (1) The Board on Public Safety Standards and Training shall establish the following  
 15 policy committees:

- 16 (a) Corrections Policy Committee;
- 17 (b) Fire Policy Committee;
- 18 (c) Police Policy Committee;
- 19 (d) Telecommunications Policy Committee; and
- 20 (e) Private Security Policy Committee.

21 (2) The members of each policy committee shall select a chairperson and vice chairperson for  
 22 the policy committee. Only members of the policy committee who are also members of the board are  
 23 eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson  
 24 in the absence of the chairperson.

25 (3) The Corrections Policy Committee consists of:

- 26 (a) All of the board members who represent the corrections discipline;
- 27 (b) The chief administrative officer of the training division of the Department of Corrections;
- 28 (c) A security manager from the Department of Corrections; and
- 29 (d) The following, who may not be current board members, appointed by the chairperson of the

30 board:

- 31 (A) One person recommended by and representing the Oregon State Sheriffs' Association;
- 32 (B) Two persons recommended by and representing the Oregon Jail Managers' Association;
- 33 (C) One person recommended by and representing a statewide association of community cor-  
 34 rections directors;
- 35 (D) One nonmanagement corrections officer employed by the Department of Corrections; and
- 36 (E) One corrections officer who is a female, who is employed by the Department of Corrections  
 37 at a women's correctional facility and who is a member of a bargaining unit.

38 (4) The Fire Policy Committee consists of:

- 39 (a) All of the board members who represent the fire service discipline; and
- 40 (b) The following, who may not be current board members, appointed by the chairperson of the

41 board:

- 42 (A) One person recommended by and representing a statewide association of fire instructors;
- 43 (B) One person recommended by and representing a statewide association of fire marshals;
- 44 (C) One person recommended by and representing community college fire programs; and
- 45 (D) One nonmanagement firefighter recommended by a statewide organization of firefighters.

- 1 (5) The Police Policy Committee consists of:
- 2 (a) All of the board members who represent the law enforcement discipline; and
- 3 (b) The following, who may not be current board members, appointed by the chairperson of the
- 4 board:
- 5 (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- 6 (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- 7 (C) One command officer recommended by and representing the Oregon State Police; and
- 8 (D) One nonmanagement law enforcement officer.
- 9 (6) The Telecommunications Policy Committee consists of:
- 10 (a) All of the board members who represent the telecommunications discipline; and
- 11 (b) The following, who may not be current board members, appointed by the chairperson of the
- 12 board:
- 13 (A) Two persons recommended by and representing a statewide association of public safety
- 14 communications officers;
- 15 (B) One person recommended by and representing the Oregon Association Chiefs of Police;
- 16 (C) One person recommended by and representing the Oregon State Police;
- 17 (D) Two persons representing telecommunicators;
- 18 (E) One person recommended by and representing the Oregon State Sheriffs' Association;
- 19 (F) One person recommended by and representing the Oregon Fire Chiefs' Association;
- 20 (G) One person recommended by and representing the Emergency Medical Services and Trauma
- 21 Systems Program of the Department of Human Services; and
- 22 (H) One person representing paramedics and recommended by a statewide association dealing
- 23 with fire medical issues.
- 24 (7) The Private Security Policy Committee consists of:
- 25 (a) All of the board members who represent the private security [*discipline*] **industry**; and
- 26 (b) The following, who may not be current board members, appointed by the chairperson of the
- 27 board:
- 28 (A) One person representing unarmed **private** security [*officers*] **professionals**;
- 29 (B) One person representing armed **private** security [*officers*] **professionals**;
- 30 (C) One person representing the health care industry;
- 31 (D) One person representing the manufacturing industry;
- 32 (E) One person representing the retail industry;
- 33 (F) One person representing the hospitality industry;
- 34 (G) One person representing private business or a governmental entity that utilizes private se-
- 35 curity services;
- 36 (H) One person representing persons who monitor alarm systems; and
- 37 (I) One person who represents the public at large and who is not related within the second de-
- 38 gree by affinity or consanguinity to a person who is employed or doing business as a private security
- 39 [*officer*] **professional** or executive manager, as defined in ORS 181.870.
- 40 (8) In making appointments to the policy committees under this section, the chairperson of the
- 41 board shall seek to reflect the diversity of the state's population. An appointment made by the
- 42 chairperson of the board must be ratified by the board before the appointment is effective. The
- 43 chairperson of the board may remove an appointed member for just cause. An appointment to a
- 44 policy committee that is based on the member's employment is automatically revoked if the member
- 45 changes employment. The chairperson of the board shall fill a vacancy in the same manner as

1 making an initial appointment. The term of an appointed member is two years. An appointed member  
2 may be appointed to a second term.

3 (9) A policy committee may meet at such times and places as determined by the policy commit-  
4 tee in consultation with the Department of Public Safety Standards and Training. A majority of a  
5 policy committee constitutes a quorum to conduct business. A policy committee may create sub-  
6 committees if needed.

7 (10)(a) Each policy committee shall develop policies, requirements, standards and rules relating  
8 to its specific discipline. A policy committee shall submit its policies, requirements, standards and  
9 rules to the board for the board's consideration. When a policy committee submits a policy, re-  
10 quirement, standard or rule to the board for the board's consideration, the board shall:

11 (A) Approve the policy, requirement, standard or rule;

12 (B) Disapprove the policy, requirement, standard or rule; or

13 (C) Defer a decision and return the matter to the policy committee for revision or reconsider-  
14 ation.

15 (b) The board may defer a decision and return a matter submitted by a policy committee under  
16 paragraph (a) of this subsection only once. If a policy, requirement, standard or rule that was re-  
17 turned to a policy committee is resubmitted to the board, the board shall take all actions necessary  
18 to implement the policy, requirement, standard or rule unless the board disapproves the policy, re-  
19 quirement, standard or rule.

20 (c) Disapproval of a policy, requirement, standard or rule under paragraph (a) or (b) of this  
21 subsection requires a two-thirds vote by the members of the board.

22 (11) At any time after submitting a matter to the board, the chairperson of the policy committee  
23 may withdraw the matter from the board's consideration.

24 **SECTION 12.** ORS 181.887 is amended to read:

25 181.887. All moneys received by the Department of Public Safety Standards and Training under  
26 ORS 181.870 to 181.887[,] **and** 181.991 [*and 203.090*], including penalties recovered under ORS 181.991  
27 (2) [*and (3)*], shall be paid into the General Fund in the State Treasury and placed to the credit of  
28 the Police Standards and Training Account established in ORS 181.690 and used exclusively by the  
29 department to carry out the duties imposed by ORS 181.870 to 181.887[,] **and** 181.991 [*and 203.090*].

30 **SECTION 13.** ORS 203.090 is amended to read:

31 203.090. The provisions of ORS 181.620, 181.870 to 181.887[,] **and** 181.991 [*and 203.090*] preempt  
32 any laws of the political subdivisions of this state relating to the regulation of private security [*of-*  
33 *ficers, executive managers and security services*] **providers**.

34 **SECTION 14.** ORS 703.411 is amended to read:

35 703.411. ORS 703.401 to 703.490, 703.993 and 703.995 do not apply to:

36 (1) A person employed exclusively by one employer in connection with the affairs of that em-  
37 ployer only;

38 (2) An officer or employee of the United States, or of this state, or a political subdivision of ei-  
39 ther, while the officer or employee is engaged in the performance of official duties;

40 (3) A person acting as a private security [*officer*] **professional** as defined in ORS 181.870;

41 (4) A person who is employed full-time as a peace officer, as defined in ORS 161.015, who re-  
42 ceives compensation for private employment as an investigator, provided that services are performed  
43 for no more than one person or one client;

44 (5) A person that provides secured transportation and protection, from one place or point to  
45 another place or point, of money, currency, coins, bullion, securities, bonds, jewelry or other valu-

1 ables;

2 (6) A person that places, leases, rents or sells an animal for the purpose of protecting property,  
3 or any person that is contracted to train an animal for the purpose of protecting property;

4 (7) A person engaged in the business of obtaining and furnishing information regarding the fi-  
5 nancial rating of persons;

6 (8) An attorney admitted to practice law in this state performing his or her duties as an attor-  
7 ney;

8 (9) A legal assistant or paralegal engaged in activity for which the person is employed by an  
9 attorney admitted to practice law in this state;

10 (10) Insurers, insurance adjusters and insurance producers licensed in this state and performing  
11 duties in connection with insurance transacted by them;

12 (11) Any secured creditor engaged in the repossession of the creditor’s collateral and any lessor  
13 engaged in the repossession of leased property in which it claims an interest;

14 (12) An employee of a cattle association who is engaged in inspection of brands of livestock  
15 under the authority granted to that cattle association by the Packers and Stockyards Division of the  
16 United States Department of Agriculture;

17 (13) Common carriers by rail engaged in interstate commerce and regulated by state and federal  
18 authorities and transporting commodities essential to the national defense or to the general welfare  
19 and safety of the community;

20 (14) Any news media and the employees thereof when engaged in obtaining information for the  
21 purpose of disseminating news to the public;

22 (15) A legal process service company attempting to serve legal process;

23 (16) A landlord or an agent of a landlord performing duties in connection with rental property  
24 transactions; or

25 (17) An engineer or employee of an engineer while the engineer or employee is performing duties  
26 as an engineer or on behalf of an engineer. As used in this subsection, “engineer” has the meaning  
27 given that term in ORS 672.002.

28 **SECTION 15.** ORS 802.179 is amended to read:

29 802.179. (1) The Department of Transportation, upon request or as required by law, shall disclose  
30 personal information from a motor vehicle record to a government agency for use in carrying out  
31 its governmental functions.

32 (2) The department shall disclose personal information from a motor vehicle record for use in  
33 connection with matters of motor vehicle or driver safety and theft, motor vehicle emissions, motor  
34 vehicle product alterations, recalls or advisories, performance monitoring of motor vehicles and  
35 dealers by motor vehicle manufacturers, and removal of nonowner records from the original owner  
36 records of motor vehicle manufacturers to carry out the purposes of any of the following federal  
37 Acts:

- 38 (a) The Automobile Information Disclosure Act.
- 39 (b) The Motor Vehicle Information and Cost Saving Act.
- 40 (c) The National Traffic and Motor Vehicle Safety Act of 1966.
- 41 (d) The Anti-Car Theft Act of 1992.
- 42 (e) The Clean Air Act.

43 (3)(a) If the department determines that a business is a legitimate business, the department shall  
44 disclose personal information to the business for use in the normal course of business in:

- 45 (A) Verifying the accuracy of personal information submitted to the business; or

1 (B) Correcting personal information submitted to the business, but only in order to:

2 (i) Prevent fraud;

3 (ii) Pursue legal remedies against the individual who submitted the personal information; or

4 (iii) Recover a debt from, or satisfy a security interest against, the individual.

5 (b) The department shall adopt rules specifying the kind of information that the department will  
6 accept as evidence that a business is a legitimate business.

7 (4) The department shall disclose personal information to:

8 (a) An attorney, a financial institution as defined in ORS chapter 706 or a collection agency  
9 registered under ORS 697.031 for use in connection with a civil, criminal, administrative or arbi-  
10 tration proceeding in any court, government agency or self-regulatory body. Permissible uses of  
11 personal information under this paragraph include but are not limited to service of process, inves-  
12 tigation in anticipation of litigation and the execution and enforcement of judgments and orders.

13 (b) A process server acting as an agent for an individual for use in serving documents in con-  
14 nection with an existing civil, criminal, administrative or arbitration proceeding, or a judgment, in  
15 any court, government agency or self-regulatory body. Nothing in this paragraph limits the activities  
16 of a process server when acting as an agent for an attorney, collection agency or like person or for  
17 a government agency.

18 (5) The department shall disclose personal information other than names to a researcher for use  
19 in researching health and educational questions and providing statistical reports, as long as the  
20 personal information is not published, redisclosed or used to contact individuals. The department  
21 may disclose information under this subsection only for research sponsored by an educational insti-  
22 tution or a health research institution.

23 (6) The department shall disclose personal information to an insurer, an insurance support or-  
24 ganization or a self-insured entity in connection with claims investigation activities, antifraud ac-  
25 tivities, underwriting or rating.

26 (7) The department shall disclose personal information regarding ownership or other financial  
27 interests in a vehicle to a person who is required by the state or federal Constitution, a statute or  
28 an ordinance to give notice to another person concerning the vehicle. Personal information disclosed  
29 under this subsection may be used only for giving the required notice. Persons authorized to receive  
30 personal information under this subsection include, but are not limited to:

31 (a) Tow companies;

32 (b) Persons who have or are entitled to have liens on the vehicle; and

33 (c) Persons taking an action that could affect ownership rights to the vehicle.

34 (8) The department shall disclose personal information to any private security [*officer*] **profes-**  
35 **sional** certified under ORS 181.878, to be used for the purpose of determining ownership of vehicles  
36 parked in a place over which the private security [*officer*] **professional**, acting within the scope of  
37 the [*officer's*] **professional's** employment, exercises control.

38 (9) The department shall disclose personal information to the employer of an individual who  
39 holds a commercial driver license, or the insurer of the employer, to obtain or verify information  
40 about the holder of the commercial driver license.

41 (10) The department shall disclose personal information to the operator of a private toll facility  
42 for use in collecting tolls.

43 (11) The department may not disclose personal information for bulk distributors of surveys,  
44 marketing materials or solicitations except as provided in this subsection. The department shall  
45 implement methods and procedures to ensure:

1 (a) That individuals are offered an opportunity to request that personal information about  
2 themselves be disclosed to bulk distributors; and

3 (b) That the personal information provided by the department will be used, rented or sold solely  
4 for bulk distribution of surveys, marketing materials and solicitations.

5 (12) The department shall disclose personal information to a person who requests the informa-  
6 tion if the requester provides the department with written permission from the individual whose  
7 personal information is requested. The written permission from the individual must be notarized.

8 (13) The department shall disclose personal information to a person who is in the business of  
9 disseminating such information under the following conditions:

10 (a) In addition to any other requirements under the contract executed pursuant to paragraph (b)  
11 of this subsection, the person requesting the information must file a performance bond with the de-  
12 partment in the amount of \$25,000. The bond must be executed in favor of the State of Oregon and  
13 its form is subject to approval by the Attorney General.

14 (b) The disseminator shall enter into a contract with the department. A contract under this  
15 paragraph shall contain at least the following provisions:

16 (A) That the disseminator will not reproduce or distribute the personal information in bulk but  
17 only in response to an individual record inquiry.

18 (B) That the disseminator will provide the personal information only as provided in ORS 802.181.

19 (C) That the disseminator will have a method of ensuring that the disseminator can delay for a  
20 period of up to two days the giving of personal information to a requester who is not a subscriber.

21 (14) The department shall disclose personal information to representatives of the news media for  
22 the gathering or dissemination of information related to the operation of a motor vehicle or to public  
23 safety.

24 (15) The department shall disclose personal information as provided in ORS 802.220 (5).

25 (16) The department shall adopt rules providing for the release of personal information from  
26 motor vehicle records to a person who has a financial interest in the vehicle. Rules adopted under  
27 this subsection may include, but need not be limited to, rules establishing procedures for the de-  
28 partment to verify the financial interest of the person making the request for personal information.

29 (17) The department shall adopt rules providing for the release of personal information from  
30 motor vehicle records to a person who is injured by the unsafe operation of a vehicle or who owns  
31 property that is damaged because of the unsafe operation of a vehicle.

32 (18) The department shall disclose personal information to a private investigator licensed by any  
33 licensing authority within the State of Oregon, to be used for any purpose permitted any person  
34 under this section. A licensed private investigator requesting information must prove to the de-  
35 partment that the person has a corporate surety bond, an irrevocable letter of credit issued by an  
36 insured institution as defined in ORS 706.008 or such other security as the Oregon Board of Inves-  
37 tigators may prescribe by rule in the minimum amount of \$5,000 or errors and omissions insurance  
38 in the minimum amount of \$5,000.

39 **SECTION 16. ORS 181.883 is repealed.**

40 **SECTION 17. The amendments to ORS 181.875, 181.876, 181.878 and 181.880 by sections 4  
41 to 7 of this 2005 Act apply to applications for certification or licensing that are submitted  
42 on or after the operative date of those amendments.**

43 **SECTION 18. The amendments to ORS 163.709, 181.620, 181.637, 181.870, 181.871, 181.873,  
44 181.875, 181.876, 181.878, 181.880, 181.887, 181.991, 203.090, 703.411 and 802.179 by sections 1 to  
45 15 of this 2005 Act and the repeal of ORS 181.883 by section 16 of this 2005 Act become op-**

1 erative on January 1, 2006.

2 **SECTION 19.** The Board on Public Safety Standards and Training and the Department  
3 of Public Safety Standards and Training may take any action before the operative date of the  
4 amendments to ORS 181.878 by section 6 of this 2005 Act that is necessary to enable the  
5 board and department to exercise, on and after the operative date of the amendments to ORS  
6 181.878 by section 6 of this 2005 Act, the duties, functions and powers of the board and de-  
7 partment under ORS 181.878.

8 **SECTION 20.** This 2005 Act takes effect on the 91st day after the date on which the  
9 regular session of the Seventy-third Legislative Assembly adjourns sine die.

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