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DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

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RULES:

259-059-0010, 259-059-0020, 259-060-0010, 259-060-0201, 259-060-0450

AMEND: 259-059-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 08/26/2025

RULE SUMMARY: OAR 259-059-0010 provides definitions for the Private Security Entity Licensing Program. Effective June 26, 2025, Senate Bill 300 changed the Oregon Revised Statutes (ORS) definition of a private security entity (ORS 181A.840). This rule change amends the rule definition for "private security entity" to match the new statutory definition. It also deletes the term "engaged in the business of providing private security" because the term is no longer included in the definition for "private security entity."

RULE TEXT:

- (1) "Applicant" means a private security entity, through an entity representative, applying for or renewing licensure to operate as a private security entity.
- (2) "Board" means the Board on Public Safety Standards and Training.
- (3) "Department" or "DPSST" means the Department of Public Safety Standards and Training.
- (4) "Entity representative" means the individual who represents the private security entity in matters of licensure as a private security entity.
- (5) "Executive manager" has the meaning given that term in ORS 181A.840 and OAR 259-060-0010.
- (6) "Financially interested" means any ownership interest in the private security entity that is greater than or equal to 5% of the entity.
- (7) "License" means a private security entity license issued by the Department.
- (8) "Licensee" means a licensed private security entity.
- (9) "Person" means any individual, sole proprietorship, partnership, business, company, corporation, association, governmental entity, or other business or legal entity.
- (10)(a) "Private security entity" includes any person that:
 - (A) For an agreed remuneration or rate of pay, recruits, solicits, supplies or employs private security providers to perform private security services for another person;

- (B) For an agreed remuneration or rate of pay, recruits, solicits, supplies or employs private security providers on behalf of another employer to provide private security services; or
- (C) Enters into a subcontract with another person to perform any of the activities described in subparagraph (A) or (B) of this paragraph.
- (b) "Private security entity" does not include a special campus security provider commissioned under ORS 352.118 or a private security provider on a campus of an institution of higher education regulated under ORS 181A.972.
- (11) "Private security provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor, as those terms are defined in ORS 181A.840 and OAR 259-060-0010.
- (12) "Private security services" means the performance of at least one of the following activities:
- (a) Observing and reporting unlawful activity.
 - (b) Preventing or detecting theft or misappropriation of goods, money or other items of value.
 - (c) Protecting individuals or property, including but not limited to proprietary information, from harm or misappropriation.
 - (d) Controlling access to premises being protected or, with respect to a licensee of the Oregon Liquor and Cannabis Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited.
 - (e) Securely moving prisoners.
 - (f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225.
 - (g) Providing canine services for guarding premises or for detecting unlawful devices or substances.
- (13) "Qualified designee" means an individual who is:
- (a) Employed by a private security entity that is a non-profit or governmental entity, a private security entity principally located in another state, or a private security entity with more than 100 employees; and
 - (b) Authorized by the principal owner or principal partner of the private security entity to represent the entity in matters of entity licensure.
- (14) "Temporary Authorization Form" means a written, temporary permit to operate as a private security entity that is issued by the Department to an applicant while their application for a license is being processed.
- (15) (a) "Work location or locations" means the specific place or places where a private security provider regularly reports to work or is assigned to work. "Work location or locations" include the location of the private security entity and locations such as a site, complex, park, campus, or territory where the private security entity provides private security services. Examples: an industrial complex, a hospital campus, or a territory with fixed parameters like the five-block radius surrounding a shopping district.
- (b) "Work location or locations" does not include:
- (A) Incidental response locations outside of regularly performed duties;
 - (B) Routes between work locations that are not included under the security services provided by the private security entity;
 - (C) Confidential public utility infrastructure locations;
 - (D) A private security entity's armored car routes and stop locations; or
 - (E) Personal residential addresses and auxiliary locations where private security services are performed in the course and scope of personal protection services.

STATUTORY/OTHER AUTHORITY: ORS 181A.870, ORS 181A.900

STATUTES/OTHER IMPLEMENTED: ORS 181A.840, ORS 181A.870, ORS 181A.900

AMEND: 259-059-0020

RULE TITLE: Private Security Entity License Required

NOTICE FILED DATE: 08/26/2025

RULE SUMMARY: This rule change is a result of the changes to definitions found in OAR 259-059-0010. DPSST finds that with the new definition of private security entity found in Senate Bill 300 and deletion of the definition for "engaged in the business of providing private security" it is no longer necessary to include paragraph (4)(e).

RULE TEXT:

- (1) Any person proposing to operate as a private security entity after January 1, 2024, must obtain a license or be issued a Temporary Authorization Form to provide private security services.
- (2) Private security entities must provide the Department's Internet address for license verification to a person before providing private security services to the person.
- (3) Private security entity licensing requirements apply to any private security entity that provides private security services within this state, regardless of whether the private security entity is principally located in another state.
- (4) The following persons do not meet the definition of a private security entity and are not required to obtain a license:
 - (a) Public universities employing special campus security providers commissioned under ORS 352.118 or institutions of higher education employing private security providers and regulated under ORS 181A.972.
 - (b) A person whose employees are exempt from the private security provider certification and licensure requirements under ORS 181A.845.
 - (c) An executive manager who contracts with a private security entity to provide services as an executive manager. This includes the executive manager providing private security services when the executive manager is also certified as a private security professional.
 - (d) A person who is the sole owner and operator of a business that provides private security services and does not employ any other private security providers.

STATUTORY/OTHER AUTHORITY: ORS 181A.870, ORS 181A.900

STATUTES/OTHER IMPLEMENTED: ORS 181A.840, ORS 181A.850, ORS 181A.870, ORS 181A.900

AMEND: 259-060-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 08/26/2025

RULE SUMMARY: OAR 259-060-0010 provides definitions for the interpretation of the private security provider certification and licensure requirements. This rule change deletes the definition for "private security entity." The statutory definition for "private security entity" was amended by Senate Bill 300 (2025). With the change to the definition it is no longer necessary to include the definition in the rule division. The rules in Division 60 will continue to rely on the definition of "employer."

RULE TEXT:

- (1) "Accreditation Program Manager" means a person who is designated as the administrator of an employer accredited training program and is primary liaison with the Department.
- (2) "Alarm Monitor Private Security Professional" means a private security professional certified to monitor or process alarms in an alarm monitoring facility.
- (3) "Alarm Monitoring Facility" means any organization, contract or proprietary, with the primary responsibility of reviewing incoming traffic transmitted to alarm receiving equipment and following up with actions that may include notification of public agencies to address imminent threats related to public safety. This does not include:
 - (a) Facilities that monitor only production or environmental signals not directly impacting public safety;
 - (b) Proprietary alarm systems being monitored by certified private security professionals that generate an internal response by another certified private security professional;
 - (c) Facilities that monitor Personal Emergency Response Systems (PERS) only;
 - (d) Facilities utilizing alarms that never generate a response from a public safety agency; or
 - (e) Facilities, whose alarm monitors are not required to be certified in Oregon, providing temporary assistance to an alarm monitoring facility, whose alarm monitors are certified by DPSST, when alarm monitoring services are required to be rerouted due to an unexpected facility outage or an emergency.
- (4) "Applicant" means an individual who is applying for or renewing certification or licensure as a private security provider.
- (5) "Armed Private Security Professional" means a private security professional who is certified to provide private security services and may possess or have access to a firearm at any time while performing private security services.
- (6) "Assessments" means a Department-approved curriculum given to private security providers that includes, but is not limited to, the demonstration of task-related skills learned in the classroom instruction as applied to hypothetical situations.
- (7) "Board" means the Board on Public Safety Standards and Training.
- (8) "Certification" or "Certified" means recognition by the Department that a private security professional meets all the qualifications listed in ORS 181A.855 and these rules.
- (9) "Confrontational Activity" means the exertion of physical control by detaining individuals.
- (10) "Consideration" means something of value promised, given or done that has the effect of making an agreement to provide private security services.
- (11) "Criminal Disposition" includes a conviction, violation, adjudication, civil compromise, an entered plea of guilty or no contest, or a finding of guilty except for insanity or its equivalent, for any violation of a criminal law in this state or any other jurisdiction.
- (12) "Crowd Management or Guest Services" means duties performed during an organized event, including pre-event assembly and post-event departure activities relating to the organized event that involve:
 - (a) Directing people attending an organized event;
 - (b) Allowing entry into or exit out of an organized event or any area within the established confines of an organized event that requires authorized access; or
 - (c) Screening individuals for entry into an organized event. Screening does not include physical pat-down searches.

- (13) "De Minimis" means non-monetary compensation received by a volunteer performing private security services for a non-profit organization as defined in ORS 181A.845. The compensation may not exceed a fair market value of \$125 per day.
- (14) "Denial" or "Deny" means the Department's refusal to grant private security certification or issue a license to an applicant who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320.
- (15) "Department" and "DPSST" means the Department of Public Safety Standards and Training.
- (16) "Director" means the Director of the Department of Public Safety Standards and Training.
- (17) "Employer" means:
- (a) An individual who employs persons to provide private security services;
 - (b) An owner or owners of a business or entity that provides private security services; or
 - (c) An owner or owners of a business or entity who employs persons to provide private security services.
- (18) "Event and Entertainment Private Security Professional" means a private security professional who is certified to provide private security services solely for event or entertainment businesses or venues.
- (19) "Event or Entertainment Businesses or Venues" include, but are not limited to:
- (a) Bars, clubs or restaurants;
 - (b) Permanent event venues such as sports arenas, theaters or concert halls; or
 - (c) Temporary event venues or organized events such as fairs, festivals or parades.
- (20) "Executive Manager" means a person:
- (a) Who is authorized to act on behalf of a company or business in matters of licensure and certification;
 - (b) Who is authorized to hire and terminate personnel;
 - (c) Whose primary responsibility is the management of certified private security professionals; and
 - (d) Who has final responsibility for a company's or business's compliance with the ORS 181A.840 to 181A.893.
- (21) "Flagrant Violation" means an act by a private security provider or employer who, after being notified of a violation, intentionally continues or repeats the violation within a 36 month period after the initial violation.
- (22) "Fundamental" means a duty that is a basic task or function and may be low frequency, but is an essential component of a job.
- (23) "Incidental or Temporary Action" means reaction to an unexpected occurrence that requires immediate response and occurs without regularity or expectation. These actions are not primary responsibilities and are for brief periods of time.
- (24) "Instructor" means any person who has been certified by the Department as meeting the requirements to provide instruction to private security providers or applicants.
- (25) "Jurisdiction" means any tribunal with authority to render a criminal disposition, including but not limited to municipal, state, federal including military, tribal tribunals, and any tribunal outside the United States or a United States owned territory where a criminal offense must be proven beyond a reasonable doubt.
- (26) "License" or "Licensed" means recognition by the Department that an executive manager or supervisory manager meets the requirements listed in ORS 181A.855 and these rules.
- (27) "Organized Event" means a temporary gathering of a crowd for a planned occasion or activity that occurs in a defined location during a specific time. An organized event has an established border or boundary.
- (28) "Policy Committee" means the Private Security and Investigator Policy Committee.
- (29) "Premises" means:
- (a) Land or buildings considered as a property, regardless if permanent or temporary; or
 - (b) With respect to a licensee of the Oregon Liquor and Cannabis Commission (OLCC), a permanent place where an OLCC license is held regularly or a location where licensees can gather for a temporary amount of time.
- (30) "Primary Responsibility" means an activity that is fundamental to, and required or expected in, the regular course of employment and is not merely incidental to employment.

(31) "Private" as used in references to private security within the PSSPA and OAR Chapter 259 Division 60 means those activities intended for or restricted to the use of a particular person, group or interest, or belonging to or concerning an individual person, company or interest.

(32) "Private Security Professional" means an individual who performs, as the individual's primary responsibility, private security services for consideration, regardless of whether the individual, while performing private security services, is armed or unarmed or wears a uniform or plain clothes, and regardless of whether the individual is employed part-time or full-time to perform private security services.

(33) "Private Security Provider" means any individual who performs the functions of a private security professional, executive manager, supervisory manager or instructor.

(34) "Private Security Services" means the performance of at least one of the following activities:

- (a) Observing and reporting unlawful activity;
- (b) Preventing or detecting theft or misappropriation of goods, money or other items of value;
- (c) Protecting individuals or property, including, but not limited to proprietary information, from harm or misappropriation;
- (d) Controlling access to premises being protected or, with respect to a licensee of the Oregon Liquor and Cannabis Commission, controlling access to premises at an entry to the premises or any portion of the premises where minors are prohibited;
- (e) Securely moving prisoners;
- (f) Taking enforcement action by detaining persons or placing persons under arrest under ORS 133.225; or
- (g) Providing canine services for guarding premises or for detecting unlawful devices or substances.

(35) "Revocation" or "Revoke" means action taken by the Department to rescind the certification or licensure of a private security provider who fails to meet the minimum standards for certification or licensure as identified in OAR 259-060-0020, including the mandatory and discretionary disqualifying misconduct identified in OAR 259-060-0300, OAR 259-060-0310 and OAR 259-060-0320.

(36) "Supervisory Manager" means an employee of or a person supervised by an executive manager who has as a primary responsibility the supervision of certified private security professionals.

(37) "Surrender" means the voluntary relinquishment of private security certification or licensure to the Department.

(38) "Suspension" or "Suspend" means action taken by the Department in temporarily depriving the holder of a license or certificate that authorizes the individual to provide private security services.

(39) "Temporary Work Permit" means a temporary certification or licensure issued by an employing, licensed manager to a private security professional or executive or supervisory manager allowing the person to provide private security services while the application for certification or licensure is being processed.

(40) "The PSSPA" means the Private Security Services Providers Act, ORS 181A.840 through 181A.895 and ORS 181A.995.

(41) "Unarmed Private Security Professional" means a private security professional who is certified to provide private security services and who does not possess or have access to a firearm at any time while performing private security services.

(42) "Violation" means an act or omission that is prohibited under the PSSPA or these rules.

(43) "Withdraw" means action taken by the applicant or private security provider to remove an application from consideration.

STATUTORY/OTHER AUTHORITY: ORS 181A.870

STATUTES/OTHER IMPLEMENTED: ORS 181A.840, ORS 181A.870

ADOPT: 259-060-0201

RULE TITLE: Employer Responsibilities

NOTICE FILED DATE: 08/26/2025

RULE SUMMARY: OAR 259-060-0201 readopts the requirement for employers to have a licensed executive manager and making reference to the statute defining prohibited business names. The requirements and prohibited acts found in this rule previously were found in OAR 259-060-0200. OAR 259-060-0200 was repealed in 2024 when the rules were transferred to OAR Chapter 259 Division 59 for private security entity licensing. Senate Bill 300 (2025) amended the definition of a private security entity. The change to the definition means that OAR Chapter 259 Division 59 no longer applies to all employers of private security providers. Re-adopting this rule will ensure that these requirements continue to apply to employers who are not also licensed private security entities. Re-adopting this rule will restore the rules to the same policies and practices that applied to all employers prior to implementation of the private security entity license (House Bill 2527, 2021).

RULE TEXT:

- (1) An employer must have a designated licensed executive manager at all times.
- (2) Employers are prohibited from using a name that implies that the employer is, or is affiliated with, an existing law enforcement unit or public safety agency as defined in ORS 181A.355, the organized militia as described in ORS 396.105, the Armed Forces of the United States, a federal law enforcement agency or a federal intelligence agency. Employers operating under a name prior to July 1, 2016, are exempt from this restriction for as long as the employer's business or entity is owned by the same person.
- (3) For the purpose of this rule, these provisions apply to any employer that provides private security services within this state, regardless of whether the employer is located in or out of this state.
- (4) Violation of this rule may result in the denial, revocation, suspension, or refusal to renew private security provider certification or licensure under OAR 259-060-0300 through OAR 259-060-0380 and may result in issuance of civil penalties to a private security provider or employer under OAR 259-060-0450.

STATUTORY/OTHER AUTHORITY: ORS 181A.870, ORS 181A.893

STATUTES/OTHER IMPLEMENTED: ORS 181A.870, ORS 181A.893

AMEND: 259-060-0450

RULE TITLE: Compliance

NOTICE FILED DATE: 08/26/2025

RULE SUMMARY: OAR 259-060-0450 outlines violations and procedures for compliance enforcement and civil penalties. The changes to this rule restore the rules to the same policies and practices that applied to all employers prior to implementation of the private security entity license (House Bill 2527, 2021). Senate Bill 300 (2025) amended the definition of a private security entity. The change to the definition means that OAR Chapter 259 Division 59 no longer applies to all employers of private security providers. Re-adopting recognition of these violations will reinforce that these requirements continue to apply to employers who are not also licensed private security entities.

RULE TEXT:

(1) The Department may cause administrative proceedings or court action to be initiated to enforce compliance with the PSSPA and these rules.

(2) Violations. The Department may find violation and recommend assessment of civil penalties upon finding that a private security provider, individual, or employer has previously engaged in or is currently engaging in any of the following acts:

- (a) Providing private security services without a valid certification, license or temporary work permit;
 - (b) Failure to submit properly completed forms or documentation in a time frame as designated by the Department;
 - (c) The falsification of any documents submitted to the Department;
 - (d) Failure to cease providing private security services upon expiration of certification or licensure, notice of termination, suspension, denial or revocation;
 - (e) Failure to complete required training as prescribed in OAR 259-060-0120, 259-060-0130, and 259-060-0135;
 - (f) Failure to report criminal charges as required in ORS 181A.885;
 - (g) Failure of a private security instructor to perform the duties of a certified instructor as defined in OAR 259-060-0136;
 - (h) Failure to terminate employment as a private security provider of an individual whose application has been terminated, or whose certification or licensure has been suspended, denied or revoked, upon notice from the Department to do so;
 - (i) Employing private security providers who have not completed the training and application process required under the PSSPA and these rules;
 - (j) Failure to designate a licensed executive manager;
 - (k) Failure to provide technological communication or visibility of a certified security professional to crowd management or guest services staff;
 - (l) Failure to provide documentation of one certified security professional to ten crowd management or guest services staff;
 - (m) Expecting crowd management or guest services staff to perform security services duties other than the duties incidental to crowd management or guest services;
 - (n) Using a name that violates ORS 181A.893 and OAR 259-060-0201;
 - (o) Possessing or using in the scope of employment prohibited equipment, vehicles, uniforms or titles as defined in OAR 259-060-0012; or
 - (p) Any other violation of requirements of the PSSPA or these rules.
- (3) The Department may issue a Demand to Examine Books and Records (DEBR) to obtain any record or document related to compliance.
- (a) The Department may cause inspection or audits of the records of any private security provider or employer. Records inspected may include any document relating to the requirements of the PSSPA and these rules.
 - (b) Failure to cooperate or respond to any investigative inquiries or DEBR may result in issuance of a civil penalty as described in this rule and the revocation or denial of certification or licensure as described in OAR 259-060-0300, OAR

259-060-0310 and OAR 259-060-0320.

(4) Complaints and Allegations of Violations.

(a) All complaints or allegations of violations must be submitted on a Department-approved complaint form before an investigation can be initiated, unless the Department grants an exception. The Department may consider additional credible sources of information to determine non-compliance.

(b) A preliminary administrative review of the complaint or allegation will be conducted by the Department to ensure there is sufficient information to proceed. Staff may conduct a fact-finding preliminary investigation.

(A) If sufficient information is determined to support the complaint or allegation, the Department may open and conduct an investigation and gather relevant information.

(B) Private security providers, applicants, or other involved parties will respond to any questions or requests with 20 days after a request is mailed by the Department, unless an extension is requested and approved by the Department.

(5) Procedures for Proposing a Civil Penalty.

(a) The Department may issue an Allegation of Non-Compliance when there is a reason to believe a violation has occurred. The purpose of this document is to provide education and allow an opportunity to gain compliance within 30 days without penalty.

(b) The Department will issue a Notice of Violation upon discovery of violation as described in this rule. The Notice will include a statement of found violations and proposed sanctions. An individual or employer may be given the opportunity to remedy the violation and pay a penalty within 10 days of the mailing of the notice.

(A) The Department may extend the time to remedy a violation upon a showing of good cause.

(B) An individual or employer will be given the opportunity to provide mitigation to the Department.

(c) The Department, through the Policy Committee and Board, will issue a Notice of Intent to Propose a Civil Penalty upon the failure to remedy a violation or request an extension within 10 days of the mailing of the Notice of Violation.

(6) Hearing Request.

(a) If the Department issues a Notice of Intent to Propose Civil Penalty, an individual, business or entity is entitled to a contested case hearing in accordance with the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

(b) The Department must receive a request for hearing in writing within 20 days of the date the Notice of Intent to Propose Civil Penalty was served on the individual or employer.

(7) Default Order. If a timely request for a hearing is not received, the Notice of Intent to Impose a Civil Penalty will become a Final Order Imposing Civil Penalty.

(8) Resolution by Stipulation. The Department is authorized to seek resolution by stipulation, subject to acceptance and approval by the Board or Director, if:

(a) The matter is resolved before entry of a final order assessing penalty;

(b) The respondent satisfies all terms set forth by the Department within the time allowed; and

(c) Any stipulated penalty amount is received by the Department.

(9) Civil Penalty Amounts.

(a) Alarm monitor, unarmed and event and entertainment private security professionals will be charged a penalty of not less than \$250 for the first violation and a maximum of \$1,500 for each flagrant violation.

(b) Armed private security professionals will be charged a penalty of not less than \$500 for the first violation and a maximum of \$1,500 for each flagrant violation.

(c) Private security instructors will be charged a penalty of not less than \$750 for the first violation and a maximum of \$1,500 for each flagrant violation.

(d) Private security managers, contract executive managers and employers who employ individuals to provide private security services will be charged a penalty of not less than \$1,000 for the first violation and a maximum of \$1,500 for each flagrant violation.

(e) For the purposes of imposing civil penalties, each 30 day period in violation of the same statute or rule may be considered a separate violation by the Department.

(10) The Department may reduce or waive civil penalties from the amounts set in this rule in situations where further mitigation is warranted or the matter is resolved by stipulation at any time prior to the entry of a final order.

(11) Staff will recommend the full civil penalty amount for individuals, businesses or entities that fail to satisfy the terms as stipulated. The recommendation will be reviewed by the Policy Committee and Board.

STATUTORY/OTHER AUTHORITY: ORS 181A.870

STATUTES/OTHER IMPLEMENTED: ORS 181A.870, ORS 181A.995