

Requested by Representative SANCHEZ

**PROPOSED AMENDMENTS TO
HOUSE BILL 2527**

1 On page 1 of the printed bill, line 2, delete “and”.

2 In line 3, delete “and 181A.845” and insert “, 181A.845, 181A.850 and
3 181A.995; and declaring an emergency”.

4 Delete lines 5 through 29 and delete page 2.

5 On page 3, delete lines 1 through 32 and insert:

6 **“SECTION 1.** ORS 181A.840 is amended to read:

7 “181A.840. As used in ORS 181A.360, 181A.840 to 181A.891, 181A.895 and
8 181A.995:

9 “(1) ‘Certification’ means recognition by the Department of Public Safety
10 Standards and Training that a private security professional meets all of the
11 qualifications listed in ORS 181A.855.

12 “(2) ‘Executive manager’ means a person:

13 “(a) Who is authorized to act on behalf of a company or business in
14 matters of licensure and certification;

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

16 “(c) Whose primary responsibility is the management of certified private
17 security professionals; and

18 “(d) Who has final responsibility for a company’s or business’s compliance
19 with ORS 181A.840 to 181A.891.

20 “(3) ‘Instructor’ means any person who has been certified by the depart-
21 ment as meeting the requirements to provide instruction to private security

1 providers or applicants.

2 “(4) ‘License’ means recognition by the department that an executive
3 manager or supervisory manager meets the requirements adopted by the
4 Board on Public Safety Standards and Training as necessary to provide pri-
5 vate security services.

6 “(5) ‘Primary responsibility’ means an activity that is fundamental to, and
7 required or expected in, the regular course of employment and is not merely
8 incidental to employment.

9 “(6)(a) **‘Private security entity’ means a person engaged in the**
10 **business of providing private security that:**

11 **“(A) Employs private security providers; or**

12 **“(B) Contracts or subcontracts with an existing licensed private**
13 **security entity to provide private security services.**

14 **“(b) ‘Private security entity’ does not include a special campus se-**
15 **curity provider commissioned under ORS 352.118 or a private security**
16 **provider on a campus of an institution of higher education regulated**
17 **under ORS 181A.912.**

18 “[6] (7) ‘Private security professional’ means an individual who per-
19 forms, as the individual’s primary responsibility, private security services for
20 consideration, regardless of whether the individual, while performing the
21 private security services, is armed or unarmed or wears a uniform or plain
22 clothes, and regardless of whether the individual is employed part-time or
23 full-time to perform private security services.

24 “[7] (8) ‘Private security provider’ means any individual who performs
25 the functions of a private security professional, executive manager, supervi-
26 sory manager or instructor.

27 “[8] (9) ‘Private security services’ means the performance of at least one
28 of the following activities:

29 “(a) Observing and reporting unlawful activity.

30 “(b) Preventing or detecting theft or misappropriation of goods, money

1 or other items of value.

2 “(c) Protecting individuals or property, including but not limited to pro-
3 prietary information, from harm or misappropriation.

4 “(d) Controlling access to premises being protected or, with respect to a
5 licensee of the Oregon Liquor Control Commission, controlling access to
6 premises at an entry to the premises or any portion of the premises where
7 minors are prohibited.

8 “(e) Securely moving prisoners.

9 “(f) Taking enforcement action by detaining persons or placing persons
10 under arrest under ORS 133.225.

11 “(g) Providing canine services for guarding premises or for detecting un-
12 lawful devices or substances.

13 “[9] (10) ‘Supervisory manager’ means an employee of or a person
14 supervised by an executive manager who has as a primary responsibility the
15 supervision of certified private security professionals.

16 **“SECTION 2. Sections 3 to 12 of this 2021 Act are added to and made
17 a part of ORS 181A.840 to 181A.891.**

18 **“SECTION 3. Duty of Department of Public Safety Standards and
19 Training to establish procedures and fees for licensing of private se-
20 curity entities; rules. (1) The Department of Public Safety Standards
21 and Training shall establish by rule standards and procedures for the
22 licensing of private security entities.**

23 **“(2) Rules adopted under this section must require that an applicant
24 for a private security entity license:**

25 **“(a) Submit a written application to the Department of Public
26 Safety Standards and Training on a form approved by the department;**

27 **“(b) Register the entity as a business with the Secretary of State;**

28 **“(c) Be the principal owner or principal partner who exercises op-
29 erational control over the entity;**

30 **“(d) Designate an executive manager licensed by the department;**

1 “(e) Be covered by a general liability insurance policy for which the
2 applicant is a primary insured that includes public liability, personal
3 injury and property damage insurance covering all aspects of the pri-
4 vate security services being provided;

5 “(f) Maintain and make available to the department upon request
6 records of the training hours completed by each private security pro-
7 vider employed by the entity;

8 “(g) Demonstrate the existence of use of force and citizen arrest
9 policies, unless the private security entity exclusively monitors alarm
10 systems; and

11 “(h) Provide the following information to the department:

12 “(A) The names and addresses of all persons financially interested,
13 whether as partners, shareholders, associates or profit-sharers, in the
14 applicant’s proposed operations as a private security entity, together
15 with the amount of their respective interests, and whether or not, to
16 the best of the applicant’s knowledge, any of these persons was ever
17 denied a certificate or a license under ORS 181A.870 within the pre-
18 ceding three years, or had a certificate or license suspended or revoked
19 within the preceding three years;

20 “(B) Proof of the existence of adequate insurance under rules issued
21 by the department;

22 “(C) Proof of compliance with business tax requirements;

23 “(D) Any claims for unpaid wages that have been made against the
24 applicant within the preceding two years;

25 “(E) The physical address of the work location or locations at which
26 private security services are provided by private security professionals
27 employed by or pursuant to a contract or subcontract with the appli-
28 cant; and

29 “(F) For each work location at which private security services are
30 provided by private security professionals pursuant to a contract or

1 subcontract with the applicant, the names of the private security en-
2 tity or entities contracted or subcontracted with the applicant.

3 “(3) Each applicant shall submit with the application for a private
4 security entity license, proof of financial ability to promptly pay the
5 wages of executive managers, private security professionals and su-
6 pervisory managers employed by or who contract with the private se-
7 curity entity. The proof required in this subsection shall be in an
8 amount and form as established by the department by rule, including
9 but not limited to, a corporate surety bond, a cash deposit or a deposit
10 the equivalent of cash.

11 “(4) The department shall establish fees for issuing licenses to pri-
12 vate security entities. The fees may not exceed the prorated direct
13 costs of administering:

14 “(a) The licensing program required by this section;

15 “(b) The license examinations required by section 8 of this 2021 Act;
16 and

17 “(c) The investigations required by section 9 of this 2021 Act.

18 “SECTION 4. Rules must require private security entity to provide
19 professional training; training requirements. (1) Rules adopted under
20 section 3 of this 2021 Act shall require that a licensed private security
21 entity provide professional training through the Bureau of Labor and
22 Industries to private security providers employed or contracted by the
23 private security entity on:

24 “(a) Preventing sexual assault and sexual harassment in the
25 workplace;

26 “(b) Preventing discrimination in the workplace and promoting
27 cultural competency; and

28 “(c) Educating the workforce regarding protection for employees
29 who report a violation of a state or federal law, rule or regulation.

30 “(2) A private security entity shall provide the training as follows:

1 “(a) At least once during the year in which a private security entity
2 license is first issued to a private security entity;

3 “(b) For new employees, within 90 days of the employee’s initial
4 hiring date; and

5 “(c) At least once every two years after the renewal of a license.

6 “SECTION 5. Requirements for private security entity employing
7 armed private security professionals. A private security entity that
8 employs armed private security professionals must ensure that train-
9 ing requirements imposed by the Department of Public Safety Stan-
10 dards and Training involving a firearm required for certification are
11 successfully completed with a firearm that matches the make, model
12 and caliber of the firearm that will be possessed by or available to the
13 armed private security professional while performing private security
14 services.

15 “SECTION 6. Requirements for licensed private security entities. A
16 licensed private security entity shall:

17 “(1) Furnish to each private security professional employed by a
18 private security entity, at the time of hiring, a written statement that
19 includes a description of:

20 “(a) The employee’s rights and remedies under ORS chapters 652,
21 653, 654, 656 and 659A, the Service Contract Act (41 U.S.C. 351-401) and
22 any other such law specified by the Department of Public Safety
23 Standards and Training, in plain and simple language in a form spec-
24 ified by the department; and

25 “(b) The terms and conditions of employment, including the method
26 of computing the rate of compensation.

27 “(2) Furnish to each private security provider employed by the pri-
28 vate security entity, each time the provider receives a compensation
29 payment from the entity, a written statement itemizing the total
30 payment and amount and purpose of each deduction from the total

1 payment, hours worked and rate of pay.

2 **“SECTION 7. Prohibitions relating to discharge of or discrimination**
3 **against person employed or contracted.** A private security entity may
4 not discharge or in any other manner discriminate against any private
5 security provider employed by or who contracts with the private se-
6 curity entity because:

7 **“(1) The private security provider has made a claim against the**
8 **private security entity for compensation for the private security**
9 **provider’s own personal services;**

10 **“(2) The private security provider has caused to be instituted any**
11 **proceedings under or related to ORS 181A.840 to 181A.891;**

12 **“(3) The private security provider has testified or is about to testify**
13 **in any such proceedings; or**

14 **“(4) The private security provider has discussed or consulted with**
15 **anyone concerning the private security provider’s rights under ORS**
16 **181A.840 to 181A.891.**

17 **“SECTION 8. License examination; rules.** The Department of Public
18 **Safety Standards and Training may not issue a license to operate as**
19 **a private security entity until an applicant for such a license has**
20 **successfully passed a qualifying examination designed to test the**
21 **applicant’s knowledge of the entity’s responsibility to prevent sexual**
22 **assault, sexual harassment and discrimination in the workplace. The**
23 **director of the department shall prescribe by rule the requirements for**
24 **and the manner of testing the competency of license applicants.**

25 **“SECTION 9. Issue or renew license; character, competence and**
26 **reliability.** (1) The Department of Public Safety Standards and Train-
27 **ing shall conduct an investigation of each applicant’s character, com-**
28 **petence and reliability, and any other matter related to the manner**
29 **and method by which the applicant proposes to conduct and conducted**
30 **operations as a private security entity.**

1 “(2) The department may not issue or renew a license to operate
2 as a private security entity until the department is satisfied as to the
3 applicant’s character, competence and reliability.

4 “(3) Evidence of unsatisfactory character, competence or reliability
5 includes committing an unlawful act or violating or failing to comply
6 with any provision of sections 3 to 12 of this 2021 Act or ORS 181A.840
7 to 181A.891.

8 “(4) Any person may protest the issuance or renewal of a license
9 to any applicant at any time, and the department shall give the person
10 an opportunity to state the reasons for the objection.

11 “SECTION 10. Interagency agreement. The Department of Public
12 Safety Standards and Training may enter into an interagency agree-
13 ment with the Bureau of Labor and Industries to assist with the
14 licensure, technical assistance and compliance services related to
15 sections 3 to 12 of this 2021 Act.

16 “SECTION 11. Hiring unlicensed private security entity; unpaid
17 wages; jointly and severally liable. Any person who retains the services
18 of an unlicensed private security entity shall:

19 “(1) Be personally and jointly and severally liable to any employee
20 as far as the employee has not been paid wages in full for the services
21 performed or work done for that person.

22 “(2) Be personally liable for all penalty wages that have occurred
23 under ORS 652.150 for the wages due under this section.

24 “SECTION 12. Enforcement; enjoinder. The Department of Public
25 Safety Standards and Training, or any other person, may bring an
26 action in circuit court to enjoin any person from using the services
27 of an unlicensed private security entity or to enjoin any person acting
28 as a private security entity in violation of sections 3 to 12 of this 2021
29 Act or ORS 181A.840 to 181A.891, or rules promulgated pursuant
30 thereto, from committing future violations. The court may award to

1 **the prevailing party costs and disbursements and a reasonable attor-**
2 **ney fee. In addition, the amount of damages recoverable from a person**
3 **acting as a private security entity in violation of sections 3 to 12 of**
4 **this 2021 Act or ORS 181A.840 to 181A.891 is actual damages or \$2,000,**
5 **whichever amount is greater.**

6 **“SECTION 13.** ORS 181A.850 is amended to read:

7 **“181A.850. (1) It is unlawful:**

8 **“(a) For a private security entity to provide private security services**
9 **unless the entity has obtained a license under section 3 of this 2021**
10 **Act.**

11 **“(b) For a person to perform any service as a private security entity**
12 **without first providing to the person to whom services are to be pro-**
13 **vided the Internet address for the Department of Public Safety Stan-**
14 **dards and Training’s webpage where a copy of or information**
15 **pertaining to the private security entity’s license may be accessed.**

16 **“(c) For a person to retain the services of a private security entity**
17 **without first verifying through the Department of Public Safety**
18 **Standards and Training’s webpage where a copy of or information**
19 **pertaining to the private security entity’s license may be accessed.**

20 **“[(a)] (d) For a person to engage in the business of, or perform any ser-**
21 **vice as a private security professional, or to offer services in such capacity**
22 **unless the person has obtained a certificate under ORS 181A.870.**

23 **“[(b)] (e) For a person to engage in the business of, or perform any service**
24 **as an executive manager or supervisory manager, or to offer services in such**
25 **capacities unless the person has obtained a license under ORS 181A.870.**

26 **“[(c)] (f) For a person to perform supervisory duties over persons per-**
27 **forming crowd management or guest services, as described in ORS 181A.845,**
28 **unless the person has obtained a license or certificate under ORS 181A.870.**

29 **“[(d)] (g) Except as otherwise provided in subsection (2) of this section,**
30 **for an executive manager to assign a person to perform private security**

1 services unless the person is certified as a private security professional under
2 ORS 181A.870.

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

6 “(a) The person is employed in another state;

7 “(b) The person holds a private security professional’s certification or li-
8 cense from the other state; and

9 “(c) The certification or licensing standards of the other state meet or
10 exceed the standards of this state.

11 **“SECTION 14.** ORS 181A.995 is amended to read:

12 “181A.995. (1) A person commits a:

13 “(a) Class A misdemeanor if the person knowingly falsifies any informa-
14 tion pertinent to an application for a license or certificate under ORS
15 181A.840 to 181A.891.

16 “(b) Class A violation if the person provides private security services as
17 a private security professional without being certified to do so under ORS
18 181A.870 and having in the person’s possession the certificate issued under
19 ORS 181A.870.

20 **“(c) Class A violation if the person provides private security services**
21 **as a private security entity without being licensed to do so under sec-**
22 **tion 3 of this 2021 Act.**

23 **“(d) Class A violation if the person retains the services of a private**
24 **security entity without first verifying through the Department of**
25 **Public Safety Standards and Training’s webpage where a copy of or**
26 **information pertaining to the private security entity’s license may be**
27 **accessed.**

28 “(2) In addition to any other liability or penalty provided by law, the
29 Board on Public Safety Standards and Training may impose a civil penalty
30 not to exceed \$1,500 for a violation of any provision of ORS 181A.840 to

1 181A.891 or any rule adopted by the Board on Public Safety Standards and
2 Training or Department of Public Safety Standards and Training pursuant
3 to ORS 181A.840 to 181A.891.

4 **“(3) In addition to any civil penalty assessed by the board, if a pri-
5 vate security entity has two or more prior violations under subsection
6 (2) of this section, the board may impose license sanctions on the pri-
7 vate security entity. The license sanctions:**

8 **“(a) For a third violation may not exceed the suspension of, or re-
9 fusal to reissue, a license for six months;**

10 **“(b) For a fourth violation may not exceed revocation of the license
11 for three years; or**

12 **“(c) For a fifth or subsequent violation may provide for permanent
13 revocation of the license.**

14 **“[(3)] (4) Judicial review of civil penalties or license sanctions imposed
15 under [subsection (2)] subsections (2) or (3) of this section shall be as pro-
16 vided under ORS 183.480.”.**

17 In line 33, delete “7” and insert “15”.

18 On page 5, line 5, delete “8” and insert “16”.

19 After line 7, insert:

20 **“SECTION 17. Sections 2 to 12 of this 2021 Act and the amendments
21 to ORS 181A.840, 181A.845, 181A.850 and 181A.995 by sections 1, 13, 14
22 and 15 of this 2021 Act become operative on January 1, 2024.**

23 **“SECTION 18. The Department of Public Safety Standards and
24 Training may take any action before the operative date specified in
25 section 17 of this 2021 Act that is necessary for the department to ex-
26 ercise, on and after the operative date specified in section 17 of this
27 2021 Act, all of the duties, functions and powers conferred on the de-
28 partment by sections 2 to 12 of this 2021 Act and the amendments to
29 ORS 181A.840, 181A.845, 181A.850 and 181A.995 by sections 1, 13, 14 and
30 15 of this 2021 Act.**

1 **“SECTION 19. This 2021 Act being necessary for the immediate**
2 **preservation of the public peace, health and safety, an emergency is**
3 **declared to exist, and this 2021 Act takes effect on its passage.”.**

4
