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TEMPORARY ADMINISTRATIVE ORDER
INCLUDING STATEMENT OF NEED & JUSTIFICATION

DPSST 5-2022
CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
03/10/2022 11:42 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Correcting the fees for the Private Security Certification and Licensure Program.

EFFECTIVE DATE: 03/10/2022 THROUGH 09/05/2022

AGENCY APPROVED DATE: 03/10/2022

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NEED FOR THE RULE(S):

This rule change is necessary to correctly reflect the current fees for the Private Security Certification and Licensure Program. The Department of Public Safety Standards and Training (DPSST) filed fee increases for private security provider certifications and licenses through a permanent rule change effective January 1, 2022. The fee increases were not ratified during the 2022 Legislative Session. Fees that are not ratified are rescinded.

The fee increases for the Private Security Certification and Licensure Program are still necessary to ensure the program will have enough revenue to cover expenses for the remainder of the 2021-2023 biennium and to maintain the program's current service level into the next biennium. The temporary rule will allow DPSST time to re-complete the processes to implement the fee increases.

JUSTIFICATION OF TEMPORARY FILING:

The Private Security Certification and Licensure Program fee increases were not ratified during the 2022 Legislative Session. Fees that are not ratified are rescinded after the session ends. The temporary rule is needed to correctly reflect the current Private Security Certification and Licensure Program fees.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

AMEND: 259-060-0500

RULE TITLE: Fees and Payments

RULE SUMMARY: This temporary rule change is needed to return the fees listed in administrative rule back to the fees listed in the rule before January 1, 2022. This is a procedural change. DPSST filed a permanent rule change increasing the fees effective on January 1, 2022. DPSST postponed implementation of the increased fees to allow for the fees to be ratified by the Legislature during the 2022 Session. The increased fees were not implemented and DPSST continued to

use the old fee amounts. DPSST submitted a timely request for fee ratification to the Legislature. DPSST received notice from the Legislative Fiscal Office that the fee increases would not move forward in the 2022 session because there were timing difficulties in getting them all the way through the process. Fees that are not ratified during a legislative session are rescinded.

The fee increases for the Private Security Certification and Licensure Program are still necessary to ensure the program will have enough revenue to cover expenses for the remainder of the 2021-2023 biennium and to maintain the program's current service level into the next biennium. DPSST will submit a new proposed rule change to re-complete the process for the fee increases.

RULE TEXT:

(1) Payments.

(a) The Department accepts business checks, money orders, cashier's checks, and credit cards approved by the Department. Credit card payments may require submission of additional verification information as designated by the Department. The Department does not accept personal checks or cash.

(b) Fees for certification or licensure are due at the time of application.

(c) Amounts due to the Department for fees or penalties are non-refundable and non-transferable.

(d) Applicants who choose to withdraw their application or fail to complete the application process forfeit their application fees.

(2) The application fees charged by the Department for each 2-year private security provider certification and license are:

(a) Alarm Monitor Private Security Professional Certification - $65;

(b) Armed Private Security Professional Certification - $65;

(c) Event and Entertainment Private Security Professional Certification - $65;

(d) Unarmed Private Security Professional Certification - $65;

(e) Alarm Monitor Private Security Instructor Certification - $90;

(f) Unarmed Private Security Instructor Certification - $90;

(g) Private Security Firearms Instructor Certification - $90;

(h) Supervisory Manager License - $75. At the time of application, a Supervisory Manager may apply for the Unarmed Private Security Professional Certification without an additional certification fee;

(i) Executive Manager License - $250. At the time of application, an Executive Manager may apply for the Unarmed Private Security Professional Certification without an additional certification fee; and

(j) Fingerprint Criminal History Check Fee – The current fee for processing a fingerprint criminal history check may be obtained from the Department. This fee is to recover the costs of administering the fingerprint check through the Oregon State Police and the Federal Bureau of Investigation. This fee is separate from and does not apply to any fees charged by a fingerprinting services vendor. An additional fee will be charged for the third submittal of fingerprint cards when rejected for filing by the FBI.

(3) Other administrative fees charged by the Department include:

(a) Late Renewal Fee - $25. A late fee is required when the Department receives an application for renewal after the expiration date;

(b) Non-sufficient Funds (NSF) Penalty Fee - $25;

(c) Duplicate or Replacement Certification or License Fee - $20;

(d) Armed Upgrade Fee - $20. An armed upgrade adds the armed private security professional certification to the applicant's existing two-year certification period for the unarmed private security professional certification. The armed upgrade fee applies to applications for armed private security professional certification received by the Department within 18 months of the issuance of the unarmed private security professional certification;

(e) DPSST Range Fee (Private Security Firearms Instructor Course). The current range fee may be obtained from the Department;

(f) DPSST Handgun Instructor Development Course Fee - The current course fee may be obtained from the Department; and
(g) Training Accreditation Fees. The accreditation process includes an application fee and an evaluation fee. The current accreditation process fees may be obtained from the Department.
(4) If the Department receives payment of any fees or penalty by check and the check is returned to the Department as a non-sufficient funds (NSF) check, the payer of the fees or penalty will be assessed an NSF penalty fee in addition to the required payment of the fees or penalty.
(5) Overpayment of Amounts Due.
(a) The Department will reject payments that include an overpayment of the amount due that is $10.01 or more.
(b) The Department may accept payments that include an overpayment of the amount due when the overpaid amount is $10.00 or less.
(c) Overpayment amounts that are $10.00 or less will only be refunded upon receipt of a written request from the person who made the overpayment, or the person's legal representative. The written request must be received by the Department within three years of the overpayment.

STATUTORY/OTHER AUTHORITY: ORS 181A.870, ORS 293.445

STATUTES/OTHER IMPLEMENTED: ORS 181A.870, ORS 293.445