

# Enrolled Senate Bill 61

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CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

[(e) The secure movement of prisoners.]

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

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

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

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

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

[(7)] (2) "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 [*officers*] **professionals**; and

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

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

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

[(10)] (5) "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.

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

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

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

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

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

[(B) *An employee of a financial institution who has been designated as a security officer for the financial institution pursuant to the Bank Protection Act of 1968 (12 U.S.C. 1881, et seq.) and regulations adopted thereunder or pursuant to ORS 723.276 (5)] **private security services for consideration, regardless of whether the individual, while performing the 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.***

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

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

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

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

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

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

(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.**

(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.**

[(14)] (9) "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 [*officers but who does not have authority to hire and terminate personnel*] **professionals.**

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

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

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

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

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

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

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

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

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

(h) A person while protecting the person's property.

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

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

(k) A person performing crowd management or guest services, including, but not limited to, a person described as a ticket taker, an usher, a parking attendant or event staff **or a person employed for the purpose of age verification by a licensee of the Oregon Liquor Control Commission**, who is not armed[, *does not wear a uniform or clothing described in ORS 181.870 (13)(a) or (b)*] and is not hired with the primary responsibility of taking enforcement action as described in ORS 181.870 [(3)(f)] **(8)(f)**.

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

**(m) An individual while on active duty as a member of the armed services or while performing duties as a law enforcement officer.**

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

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

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

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

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

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

181.873. (1) It is unlawful:

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

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

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

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

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

(a) The person is employed in another state;

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

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

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

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

(a) Must be:

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

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

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

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

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

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

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

[(a) *Stating the applicant's:*]

[(A) *Name;*]

[(B) *Birthdate;*]

[(C) *Citizenship;*]

[(D) *Physical description;*]

[(E) *Current residence;*]

[(F) *Residence for the preceding 10 years;*]

[(G) *Current employment; and*]

[(H) *Employment for the preceding 10 years;*]

[(b) *Including a statement listing all offenses of which the applicant has been convicted;*]

[(c) *Including a statement that the applicant is not required to register or be registered as a sex offender under ORS 181.595, 181.596 or 181.597;*]

[(d) *Including a statement affirming the truth of all information contained in the application; and*]

[(e) *Including such other information as required by the Board on Public Safety Standards and Training.*]

[(2) *The application must be accompanied by:*]

*[(a) Written verification from the providers of the training of satisfactory completion of the training required by ORS 181.883; and]*

*[(b) Character references from at least three reputable citizens, each of whom has known the applicant for at least five years preceding the application and none of whom are related to the applicant by blood or marriage.]*

**SECTION 6.** ORS 181.878 is amended to read:

181.878. (1) The Board on Public Safety Standards and Training shall establish standards for:

(a) Issuing, denying, renewing and revoking licenses for executive managers and supervisory managers; and

(b) Reviewing the **private** security services of executive managers in relation to the licensing and certification standards set forth in ORS 181.870 to 181.887[, 181.991 and 203.090].

(2) In accordance with any applicable provision of ORS chapter 183, to promote consistent standards for private security services by improving the competence of private security providers, the board, in conjunction with the Private Security Policy Committee, shall establish reasonable minimum standards of physical, emotional, intellectual and moral fitness for private security providers.

**(3) The board, in consultation with the Department of Public Safety Standards and Training, may establish by rule accreditation standards for required training programs. The board, in consultation with the Private Security Policy Committee, may establish to what extent training or educational programs offered by employers may be considered equivalent to required training programs.**

*[(3)]* (4) The department *[of Public Safety Standards and Training]* shall:

(a) Establish and carry out procedures for issuing, denying, renewing and revoking, subject to terms and conditions imposed by the department, a private security provider's certificate or license;

(b) **In collaboration with the Private Security Policy Committee**, recommend for approval by the board **the content of and** standards for all training courses and testing required *[by ORS 181.883]* **for certification as a private security professional and the standards** for all instructors providing the training;

(c) Establish procedures in consultation with the board for temporary assignment of persons performing **private** security services for a period of no longer than 120 days while an application for certification is being processed; *[and]*

(d) In collaboration with the Private Security Policy Committee, establish fees for issuing certificates and licenses to private security providers. The fees may not exceed the prorated direct costs of administering:

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

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

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

**(e) In collaboration with the Private Security Policy Committee, establish fees for accrediting training programs offered by employers.**

**(5) In establishing procedures for issuing certificates and licenses under subsection (4)(a) of this section, the department shall establish a procedure for issuing a certificate or license to a person upon submission by the person of proof of successful completion of a training program accredited by the board pursuant to subsection (3) of this section as being equivalent to the required training program offered by the department.**

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

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

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

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

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

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

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

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

181.991. (1) A person commits a:

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

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

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

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

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

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

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

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

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

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

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

181.620. (1) The Governor shall appoint a Board on Public Safety Standards and Training consisting of 24 members as follows:

(a) Two members shall be chiefs of police recommended to the Governor by the Oregon Association Chiefs of Police;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Corrections Policy Committee;

(b) Fire Policy Committee;

(c) Police Policy Committee;

(d) Telecommunications Policy Committee; and

(e) Private Security Policy Committee.

(2) The members of each policy committee shall select a chairperson and vice chairperson for the policy committee. Only members of the policy committee who are also members of the board are

eligible to serve as a chairperson or vice chairperson. The vice chairperson may act as chairperson in the absence of the chairperson.

(3) The Corrections Policy Committee consists of:

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

board:

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

(4) The Fire Policy Committee consists of:

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

board:

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

(5) The Police Policy Committee consists of:

- (a) All of the board members who represent the law enforcement discipline; and
- (b) The following, who may not be current board members, appointed by the chairperson of the board:

board:

- (A) One person recommended by and representing the Oregon Association Chiefs of Police;
- (B) Two persons recommended by and representing the Oregon State Sheriffs' Association;
- (C) One command officer recommended by and representing the Oregon State Police; and
- (D) One nonmanagement law enforcement officer.

(6) The Telecommunications Policy Committee consists of:

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

board:

- (A) Two persons recommended by and representing a statewide association of public safety communications officers;
- (B) One person recommended by and representing the Oregon Association Chiefs of Police;
- (C) One person recommended by and representing the Oregon State Police;
- (D) Two persons representing telecommunicators;
- (E) One person recommended by and representing the Oregon State Sheriffs' Association;
- (F) One person recommended by and representing the Oregon Fire Chiefs' Association;
- (G) One person recommended by and representing the Emergency Medical Services and Trauma Systems Program of the Department of Human Services; and
- (H) One person representing paramedics and recommended by a statewide association dealing with fire medical issues.

(7) The Private Security Policy Committee consists of:

- (a) All of the board members who represent the private security [*discipline*] **industry**; and
- (b) The following, who may not be current board members, appointed by the chairperson of the board:

board:

- (A) One person representing unarmed **private** security [*officers*] **professionals**;
- (B) One person representing armed **private** security [*officers*] **professionals**;



- (C) One person representing the health care industry;
- (D) One person representing the manufacturing industry;
- (E) One person representing the retail industry;
- (F) One person representing the hospitality industry;
- (G) One person representing private business or a governmental entity that utilizes private security services;

(H) One person representing persons who monitor alarm systems; and

(I) One person who represents the public at large and who is not related within the second degree by affinity or consanguinity to a person who is employed or doing business as a private security [officer] **professional** or executive manager, as defined in ORS 181.870.

(8) In making appointments to the policy committees under this section, the chairperson of the board shall seek to reflect the diversity of the state's population. An appointment made by the chairperson of the board must be ratified by the board before the appointment is effective. The chairperson of the board may remove an appointed member for just cause. An appointment to a policy committee that is based on the member's employment is automatically revoked if the member changes employment. The chairperson of the board shall fill a vacancy in the same manner as making an initial appointment. The term of an appointed member is two years. An appointed member may be appointed to a second term.

(9) A policy committee may meet at such times and places as determined by the policy committee in consultation with the Department of Public Safety Standards and Training. A majority of a policy committee constitutes a quorum to conduct business. A policy committee may create subcommittees if needed.

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

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

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

(C) Defer a decision and return the matter to the policy committee for revision or reconsideration.

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

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

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

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

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

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

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

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

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

- (1) A person employed exclusively by one employer in connection with the affairs of that employer only;
- (2) An officer or employee of the United States, or of this state, or a political subdivision of either, while the officer or employee is engaged in the performance of official duties;
- (3) A person acting as a private security [officer] **professional** as defined in ORS 181.870;
- (4) A person who is employed full-time as a peace officer, as defined in ORS 161.015, who receives compensation for private employment as an investigator, provided that services are performed for no more than one person or one client;
- (5) A person that provides secured transportation and protection, from one place or point to another place or point, of money, currency, coins, bullion, securities, bonds, jewelry or other valuables;
- (6) A person that places, leases, rents or sells an animal for the purpose of protecting property, or any person that is contracted to train an animal for the purpose of protecting property;
- (7) A person engaged in the business of obtaining and furnishing information regarding the financial rating of persons;
- (8) An attorney admitted to practice law in this state performing his or her duties as an attorney;
- (9) A legal assistant or paralegal engaged in activity for which the person is employed by an attorney admitted to practice law in this state;
- (10) Insurers, insurance adjusters and insurance producers licensed in this state and performing duties in connection with insurance transacted by them;
- (11) Any secured creditor engaged in the repossession of the creditor's collateral and any lessor engaged in the repossession of leased property in which it claims an interest;
- (12) An employee of a cattle association who is engaged in inspection of brands of livestock under the authority granted to that cattle association by the Packers and Stockyards Division of the United States Department of Agriculture;
- (13) Common carriers by rail engaged in interstate commerce and regulated by state and federal authorities and transporting commodities essential to the national defense or to the general welfare and safety of the community;
- (14) Any news media and the employees thereof when engaged in obtaining information for the purpose of disseminating news to the public;
- (15) A legal process service company attempting to serve legal process;
- (16) A landlord or an agent of a landlord performing duties in connection with rental property transactions; or
- (17) An engineer or employee of an engineer while the engineer or employee is performing duties as an engineer or on behalf of an engineer. As used in this subsection, "engineer" has the meaning given that term in ORS 672.002.

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

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

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

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

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

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

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

(i) Prevent fraud;

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

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

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

(4) The department shall disclose personal information to:

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

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

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

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

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

(a) Tow companies;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION 18. The amendments to ORS 163.709, 181.620, 181.637, 181.870, 181.871, 181.873, 181.875, 181.876, 181.878, 181.880, 181.887, 181.991, 203.090, 703.411 and 802.179 by sections 1 to 15 of this 2005 Act and the repeal of ORS 181.883 by section 16 of this 2005 Act become operative on January 1, 2006.**

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

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

**Passed by Senate April 7, 2005**

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Secretary of Senate

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President of Senate

**Passed by House June 17, 2005**

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Speaker of House

**Received by Governor:**

.....M,....., 2005

**Approved:**

.....M,....., 2005

.....  
Governor

**Filed in Office of Secretary of State:**

.....M,....., 2005

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Secretary of State