

Enrolled
House Bill 3487

Sponsored by Representative HUFFMAN

CHAPTER

AN ACT

Relating to advertisements for licensed investigators; creating new provisions; amending ORS 703.450; and declaring an emergency.

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

SECTION 1. ORS 703.450 is amended to read:

703.450. A licensed investigator:

- (1) May not knowingly make any false report to an employer or client.
- (2) May not commit fraud or deceit toward a client or employer.
- (3) May not knowingly violate a court order or injunction in the course of business as an investigator.
- (4) May not commit an act that reflects adversely on the investigator's honesty, integrity, trustworthiness or fitness to engage in business as an investigator.
- (5) May not act unprofessionally while acting as an investigator.
- (6) May not use unlicensed persons to conduct investigative activities.
- (7) Is responsible for the professional, ethical and legal conduct of the investigator's employees or other persons working under the investigator's supervision.
- (8) Shall inform each client that the client has a right to receive a written contract. The contract shall clearly state the task to be performed and the rate of payment.
- (9) Shall inform each client that the client is entitled to receive both of the following reports concerning services rendered:
 - (a) An oral report that is timely and adequate; and
 - (b) A written report furnished by the investigator within seven days after written request is received from the client.
- (10) Shall keep separate and distinct case files for each client and case. Case files must include all written agreements with the client, the date investigative activities began, copies of all correspondence and written reports generated and an accurate accounting of all time spent, activities conducted and expenses incurred by the investigator during the course of the case.
- (11) Shall maintain a record of the term of employment of each employee or contractor.
- (12) Shall maintain all records and files referred to in this section for not less than seven years.
- (13) Shall maintain required security or insurance.
- (14) Shall post the license of the investigator in a conspicuous place in the investigator's principal place of business.
- (15) Shall include in all advertisements for the investigator's services the name and license number of the investigator.**

[(15)] (16) Unless performing services for a law enforcement or other governmental agency, may not attempt to give an impression that the investigator is connected in any way with a law enforcement or other governmental agency by any statement or activity, including using a title, wearing a uniform, using a badge or insignia or using an identification card or by any failure to make a statement or act.

[(16)] (17) Shall maintain the confidentiality of each client as required by rules of professional conduct established by the Board on Public Safety Standards and Training.

[(17)] (18) May not submit false information to the Department of Public Safety Standards and Training.

[(18)] (19) May not impede a compliance investigation.

[(19)] (20) Shall return to the department the license and identification card issued by the department to the investigator no later than 15 days after the expiration or revocation of the license.

SECTION 2. (1) The amendments to ORS 703.450 by section 1 of this 2015 Act become operative on January 1, 2016.

(2) The Department of Public Safety Standards and Training may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the department to exercise, on and after the operative date specified in subsection (1) of this section, all of the duties, functions and powers conferred on the department by the amendments to ORS 703.450 by section 1 of this 2015 Act.

SECTION 3. The amendments to ORS 703.450 by section 1 of this 2015 Act apply to advertisements published on or after the operative date specified in section 2 of this 2015 Act.

SECTION 4. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House April 17, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 21, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State