

Introduced by Senator Machado

February 20, 2001

An act to amend Section 8674.5 of the Business and Professions Code, and to amend Section 15310 of the Food and Agricultural Code, relating to pest control.

LEGISLATIVE COUNSEL'S DIGEST

SB 305, as introduced, Machado. Pest control: structural pest control devices.

(1) Existing law provides for the licensing and regulation of structural pest control, as defined, and creates in the State Treasury a special fund known as the Structural Pest Control Device Fund to collect specified fees. Existing law repeals this fund on January 1, 2002.

This bill would require that the remaining balance in the Structural Pest Control Device Fund, upon repeal of this provision, be transferred to the Department of Pesticide Regulation Fund for the purpose of regulating structural pest control devices, as specified.

(2) Existing law regulates structural pest control devices, as defined, and requires that these devices be registered with the Director of Pesticide Regulation, as specified. Existing law provides that if an applicant for registration complies with the specified registration provisions, the director shall issue a certificate of device registration to the applicant authorizing the manufacture and sale of the device in this state.

This bill would make every registration expire on December 31 of each year, except as specified. This bill would impose specified penalties in addition to the registration fee if renewal is not applied for within one calendar month after the expiration of a registration, unless the person that applies for renewal of registration provides an affidavit

stating that no business was conducted during the period that the applicant was not registered.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8674.5 of the Business and Professions
2 Code is amended to read:

3 8674.5. (a) There is hereby created in the State Treasury a
4 special fund known as the Structural Pest Control Device Fund.
5 Each person who pays a license fee pursuant to this chapter, in
6 addition, shall pay a fee of twenty-five cents (\$0.25) for each
7 property address reported. Funds derived from the additional
8 twenty-five cents (\$0.25) shall be deposited in the Structural Pest
9 Control Device Fund.

10 (b) Five percent of the amount collected and deposited in the
11 Structural Pest Control Device Fund shall be available to the board
12 for administrative costs upon appropriation in the annual Budget
13 Act. The balance in the fund is hereby continuously appropriated
14 to the Department of Pesticide Regulation for costs incurred by
15 that department pursuant to Chapter 7.5 (commencing with
16 Section 15300) of Division 7 of the Food and Agricultural Code.

17 (c) This section shall remain in effect only until January 1,
18 2002, and as of that date is repealed, unless a later enacted statute
19 that is enacted before January 1, 2002, deletes or extends that date.
20 *The remaining balance of the Structural Pest Control Device Fund*
21 *shall be transferred to the Department of Pesticide Regulation*
22 *Fund for purposes of the administration of Chapter 7.5*
23 *(commencing with Section 15300) of Division 7 of the Food and*
24 *Agricultural Code.*

25 SEC. 2. Section 15310 of the Food and Agricultural Code is
26 amended to read:

27 15310. (a) If an applicant for registration of a device
28 complies with this chapter and the regulations that are adopted
29 pursuant to this chapter, the director shall register the device and
30 issue a certificate of device registration to the applicant
31 authorizing the manufacture and sale of the device in this state.



1 ***(b) Every registration shall expire on December 31 of each year***
2 ***except when renewal is applied for within one month of the***
3 ***expiration in the manner that is provided for registration.***

4 ***(c) If renewal is not applied for within one calendar month after***
5 ***the expiration of a registration, there shall be added to the fee a***
6 ***penalty of fifty dollars (\$50) and an additional penalty of 10***
7 ***percent of the original amount due, for each succeeding calendar***
8 ***month. The total penalty shall not, however, exceed 50 percent of***
9 ***the original amount due.***

10 ***(d) A penalty shall not be collected if the applicant for renewal***
11 ***of registration provides an affidavit stating that no business was***
12 ***conducted during the period that the applicant was not registered.***

13 ***(e) The payment of any renewal fee or penalty is not a bar to any***
14 ***prosecution for doing business without proper registration.***

