

ASSEMBLY BILL

No. 1685

Introduced by Assembly Member Williams

February 13, 2014

An act to amend Sections 8538 and 8674 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1685, as introduced, Williams. Structural pest control operators: fees.

Existing law provides for the regulation of registered structural pest control companies by the Structural Pest Control Board. Existing law requires a registered structural pest control company to provide a specified written notice to the owner, or owner's agent, and the tenant of the premises where pest control work is to be done. Existing law authorizes the notice to be given by first-class mail, posting in a conspicuous place on the real property, or personal mail.

This bill would permit notice to be given by electronic mail in addition to the currently authorized methods.

Existing law provides a comprehensive scheme for the licensure and regulation of structural pest control operators which, among other things, sets forth a fee schedule for licensure and registration of those companies and their personnel who are engaged in structural pest control work.

This bill would increase specified fees paid by structural pest control operators.

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 8538 of the Business and Professions
2 Code is amended to read:

3 8538. (a) A registered structural pest control company shall
4 provide the owner, or owner’s agent, and tenant of the premises
5 for which the work is to be done with clear written notice which
6 contains the following statements and information using words
7 with common and everyday meaning:

8 (1) The pest to be controlled.

9 (2) The pesticide or pesticides proposed to be used, and the
10 active ingredient or ingredients.

11 (3) “State law requires that you be given the following
12 information: CAUTION—PESTICIDES ARE TOXIC
13 CHEMICALS. Structural Pest Control Companies are registered
14 and regulated by the Structural Pest Control Board, and apply
15 pesticides which are registered and approved for use by the
16 California Department of Pesticide Regulation and the United
17 States Environmental Protection Agency. Registration is granted
18 when the state finds that, based on existing scientific evidence,
19 there are no appreciable risks if proper use conditions are followed
20 or that the risks are outweighed by the benefits. The degree of risk
21 depends upon the degree of exposure, so exposure should be
22 minimized.”

23 “If within 24 hours following application you experience
24 symptoms similar to common seasonal illness comparable to the
25 flu, contact your physician or poison control center (telephone
26 number) and your pest control company immediately.” (This
27 statement shall be modified to include any other symptoms of
28 overexposure which are not typical of influenza.)

29 “For further information, contact any of the following: Your
30 Pest Control Company (telephone number); for Health
31 Questions—the County Health Department (telephone number);
32 for Application Information—the County Agricultural
33 Commissioner (telephone number) and for Regulatory
34 Information—the Structural Pest Control Board (telephone number
35 and address).”

36 (4) If a contract for periodic pest control has been executed, the
37 frequency with which the treatment is to be done.

1 (b) In the case of Branch 1 applications, the notice prescribed
2 by subdivision (a) shall be provided at least 48 hours prior to
3 application unless fumigation follows inspection by less than 48
4 hours.

5 In the case of Branch 2 or Branch 3 registered company
6 applications, the notice prescribed by subdivision (a) shall be
7 provided no later than prior to application.

8 In either case, the notice shall be given to the owner, or owner's
9 agent, and tenant, if there is a tenant, in at least one of the following
10 ways:

- 11 (1) First-class *or electronic* mail.
- 12 (2) Posting in a conspicuous place on the real property.
- 13 (3) Personal delivery.

14 If the building is commercial or industrial, a notice shall be
15 posted in a conspicuous place, unless the owner or owner's agent
16 objects, in addition to any other notification required by this
17 section.

18 The notice shall only be required to be provided at the time of
19 the initial treatment if a contract for periodic service has been
20 executed. If the pesticide to be used is changed, another notice
21 shall be required to be provided in the manner previously set forth
22 herein.

23 (c) Any person or licensee who, or registered company which,
24 violates any provision of this section is guilty of a misdemeanor
25 and is punishable as set forth in Section 8553.

26 SEC. 2. Section 8674 of the Business and Professions Code is
27 amended to read:

28 8674. The fees prescribed by this chapter are the following:

- 29 (a) A duplicate license fee of not more than two dollars (\$2).
- 30 (b) A fee for filing a change of name of a licensee of not more
31 than two dollars (\$2).
- 32 (c) An operator's examination fee of not more than ~~twenty-five~~
33 *one hundred* dollars ~~(\$25)~~ (\$100).
- 34 (d) An operator's license fee of not more than one hundred fifty
35 dollars (\$150).
- 36 (e) An operator's license renewal fee of not more than one
37 hundred fifty dollars (\$150).
- 38 (f) A company registration fee of not more than one hundred
39 twenty dollars (\$120).

- 1 (g) A branch office registration fee of not more than sixty dollars
- 2 (\$60).
- 3 (h) A field representative’s examination fee of not more than
- 4 ~~fifteen~~ *seventy-five* dollars (~~\$15~~) (\$75).
- 5 (i) A field representative’s license fee of not more than forty-five
- 6 dollars (\$45).
- 7 (j) A field representative’s license renewal fee of not more than
- 8 forty-five dollars (\$45).
- 9 (k) An applicator’s examination fee of not more than ~~fifteen~~
- 10 *sixty* dollars (~~\$15~~) (\$60).
- 11 (l) An applicator’s license fee of not more than fifty dollars
- 12 (\$50).
- 13 (m) An applicator’s license renewal fee of not more than fifty
- 14 dollars (\$50).
- 15 (n) An activity form fee, per property address, of not more than
- 16 three dollars (\$3).
- 17 (o) A fee for certifying a copy of an activity form of not more
- 18 than three dollars (\$3).
- 19 (p) A fee for filing a change of a registered company’s name,
- 20 principal office address, or branch office address, qualifying
- 21 manager, or the names of a registered company’s officers, or bond
- 22 or insurance of not more than twenty-five dollars (\$25) for each
- 23 change.
- 24 (q) A fee for approval of continuing education providers of not
- 25 more than fifty dollars (\$50).
- 26 (r) A pesticide use report filing fee of not more than five dollars
- 27 (\$5) for each pesticide use report or combination of use reports
- 28 representing a registered structural pest control company’s total
- 29 county pesticide use for the month.
- 30 (s) A fee for approval of continuing education courses of not
- 31 more than twenty-five dollars (\$25).
- 32 (t) (1) Any person who pays a fee pursuant to subdivision (r)
- 33 shall, in addition, pay a fee of two dollars (\$2) for each pesticide
- 34 use stamp purchased from the board. Notwithstanding any other
- 35 provision of law, the fee established pursuant to this subdivision
- 36 shall be deposited with a bank or other depository approved by
- 37 the Department of Finance and designated by the Research
- 38 Advisory Panel or into the Structural Pest Control Research Fund
- 39 that is hereby continued in existence and continuously appropriated
- 40 to be used only for structural pest control research. If the Research

1 Advisory Panel designates that the fees be deposited in an account
2 other than the Structural Pest Control Research Fund, any moneys
3 in the fund shall be transferred to the designated account.

4 (2) Prior to the deposit of any funds, the depository shall enter
5 into an agreement with the Department of Consumer Affairs that
6 includes, but is not limited to, all of the following requirements:

7 (A) The depository shall serve as custodian for the safekeeping
8 of the funds.

9 (B) Funds deposited in the designated account shall be
10 encumbered solely for the exclusive purpose of implementing and
11 continuing the program for which they were collected.

12 (C) Funds deposited in the designated account shall be subject
13 to an audit at least once every two years by an auditor selected by
14 the Director of Consumer Affairs. A copy of the audit shall be
15 provided to the director within 30 days of completion of the audit.

16 (D) The Department of Consumer Affairs shall be reimbursed
17 for all expenses it incurs that are reasonably related to
18 implementing and continuing the program for which the funds
19 were collected in accordance with the agreement.

20 (E) A reserve in an amount sufficient to pay for costs arising
21 from unanticipated occurrences associated with administration of
22 the program shall be maintained in the designated account.

23 (3) A charge for administrative expenses of the board in an
24 amount not to exceed 5 percent of the amount collected and
25 deposited in the Structural Pest Control Research Fund may be
26 assessed against the fund. The charge shall be limited to expenses
27 directly related to the administration of the fund.

28 (4) The board shall, by regulation, establish a five-member
29 research advisory panel, including, but not limited to,
30 representatives from each of the following: (A) the Structural Pest
31 Control Board, (B) the structural pest control industry, (C) the
32 Department of Pesticide Regulation, and (D) the University of
33 California. The panel, or other entity designated by the board, shall
34 solicit on behalf of the board all requests for proposals and present
35 to the panel all proposals that meet the criteria established by the
36 panel. The panel shall review the proposals and recommend to the
37 board which proposals to accept. The recommendations shall be
38 accepted upon a two-thirds vote of the board. The board shall direct
39 the panel, or other entity designated by the board, to prepare and
40 issue the research contracts and authorize the transfer of funds

1 from the Structural Pest Control Research Fund to the applicants
2 whose proposals were accepted by the board.
3 (5) A charge for requests for proposals, contracts, and
4 monitoring of contracted research shall not exceed 5 percent of
5 the research funds available each year and shall be paid from the
6 Structural Pest Control Research Fund.

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