

AMENDED IN ASSEMBLY MARCH 11, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1685**

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**Introduced by Assembly Member Williams**

February 13, 2014

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An act to amend Sections 8538, 8564.5, and 8674 of the Business and Professions Code, relating to business.

LEGISLATIVE COUNSEL'S DIGEST

AB 1685, as amended, 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 authorizes an individual who is 18 years of age or older to apply for a license as an applicator. Existing law requires the board to ascertain the knowledge of the applicant to apply certain classes of chemicals by means of a written examination and authorizes the board to charge a fee for the examination in an amount sufficient to cover the reasonable cost of administering the exam, not to exceed \$15.*

*This bill would instead authorize the board to charge a fee in an amount sufficient to cover the reasonable regulatory cost of administering the examination.*

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.”~~*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.)

1 “For further information, contact any of the following: Your  
2 Pest Control Company (telephone number); for Health  
3 Questions—the County Health Department (telephone number);  
4 for Application Information—the County Agricultural  
5 Commissioner (telephone number), and for Regulatory  
6 Information—the Structural Pest Control Board (telephone number  
7 and address).”

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

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

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

17 In either case, the notice shall be given to the owner, or owner’s  
18 agent, and tenant, if there is a tenant, in at least one of the following  
19 ways:

- 20 (1) First-class or electronic mail.
- 21 (2) Posting in a conspicuous place on the real property.
- 22 (3) Personal delivery.

23 If the building is commercial or industrial, a notice shall be  
24 posted in a conspicuous place, unless the owner or owner’s agent  
25 objects, in addition to any other notification required by this  
26 section.

27 The notice shall only be required to be provided at the time of  
28 the initial treatment if a contract for periodic service has been  
29 executed. If the pesticide to be used is changed, another notice  
30 shall be required to be provided in the manner previously set forth  
31 herein.

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

35 *SEC. 2. Section 8564.5 of the Business and Professions Code*  
36 *is amended to read:*

37 8564.5. (a) Any individual 18 years of age or older may apply  
38 for a license as applicator.

39 (b) The board shall ascertain by written examination that an  
40 applicant for a license as applicator in Branch 2 or Branch 3 has

1 sufficient knowledge in pesticide equipment, pesticide mixing and  
2 formulation, pesticide application procedures and pesticide label  
3 directions.

4 (c) Passage of the written examination authorizes an individual  
5 to apply any chemical substance in Branch 2 or Branch 3.

6 (d) The board may charge a fee for any examination required  
7 by this section in an amount sufficient to cover the *reasonable*  
8 *regulatory* cost of administering the ~~examination, provided,~~  
9 ~~however, that the fee shall not exceed fifteen dollars (\$15).~~  
10 *examination.*

11 (e) Nothing in this chapter shall prohibit an applicator,  
12 authorized to apply any chemical substance in Branch 2 or Branch  
13 3 before January 1, 1995, from acting as an applicator pursuant to  
14 that authorization. Upon expiration of the authorization, an  
15 applicator’s license shall be required.

16 ~~SEC. 2.~~

17 *SEC. 3.* Section 8674 of the Business and Professions Code is  
18 amended to read:

19 8674. The fees prescribed by this chapter are the following:

20 (a) A duplicate license fee of not more than two dollars (\$2).

21 (b) A fee for filing a change of name of a licensee of not more  
22 than two dollars (\$2).

23 (c) An operator’s examination fee of not more than one hundred  
24 dollars (\$100).

25 (d) An operator’s license fee of not more than one hundred fifty  
26 dollars (\$150).

27 (e) An operator’s license renewal fee of not more than one  
28 hundred fifty dollars (\$150).

29 (f) A company registration fee of not more than one hundred  
30 twenty dollars (\$120).

31 (g) A branch office registration fee of not more than sixty dollars  
32 (\$60).

33 (h) A field representative’s examination fee of not more than  
34 seventy-five dollars (\$75).

35 (i) A field representative’s license fee of not more than forty-five  
36 dollars (\$45).

37 (j) A field representative’s license renewal fee of not more than  
38 forty-five dollars (\$45).

39 (k) An applicator’s examination fee of not more than sixty  
40 dollars (\$60).

1 (l) An applicator's license fee of not more than fifty dollars  
2 (\$50).

3 (m) An applicator's license renewal fee of not more than fifty  
4 dollars (\$50).

5 (n) An activity form fee, per property address, of not more than  
6 three dollars (\$3).

7 (o) A fee for certifying a copy of an activity form of not more  
8 than three dollars (\$3).

9 (p) A fee for filing a change of a registered company's name,  
10 principal office address, or branch office address, qualifying  
11 manager, or the names of a registered company's officers, or bond  
12 or insurance of not more than twenty-five dollars (\$25) for each  
13 change.

14 (q) A fee for approval of continuing education providers of not  
15 more than fifty dollars (\$50).

16 (r) A pesticide use report filing fee of not more than five dollars  
17 (\$5) for each pesticide use report or combination of use reports  
18 representing a registered structural pest control company's total  
19 county pesticide use for the month.

20 (s) A fee for approval of continuing education courses of not  
21 more than twenty-five dollars (\$25).

22 (t) (1) Any person who pays a fee pursuant to subdivision (r)  
23 shall, in addition, pay a fee of two dollars (\$2) for each pesticide  
24 use stamp purchased from the board. Notwithstanding any other  
25 provision of law, the fee established pursuant to this subdivision  
26 shall be deposited with a bank or other depository approved by  
27 the Department of Finance and designated by the Research  
28 Advisory Panel or into the Structural Pest Control Research Fund  
29 that is hereby continued in existence and continuously appropriated  
30 to be used only for structural pest control research. If the Research  
31 Advisory Panel designates that the fees be deposited in an account  
32 other than the Structural Pest Control Research Fund, any moneys  
33 in the fund shall be transferred to the designated account.

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

37 (A) The depository shall serve as custodian for the safekeeping  
38 of the funds.

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

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

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

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

15 (3) A charge for administrative expenses of the board in an  
16 amount not to exceed 5 percent of the amount collected and  
17 deposited in the Structural Pest Control Research Fund may be  
18 assessed against the fund. The charge shall be limited to expenses  
19 directly related to the administration of the fund.

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

35 (5) A charge for requests for proposals, contracts, and  
36 monitoring of contracted research shall not exceed 5 percent of  
37 the research funds available each year and shall be paid from the  
38 Structural Pest Control Research Fund.

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