

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

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, 8593, 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~~ *mail*, in addition to the currently authorized ~~methods~~ *methods, if an electronic mailing address has been provided.*

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~~ examination, not to exceed \$60.

Existing law requires, as a condition of renewal of each operator’s and field representative’s license, that the holder submit proof of continuing education, as specified. Existing law authorizes the person, in lieu of that requirement, to take and successfully complete an examination given by the board to test his or her knowledge of development in the field of pest control since the issuance of his or her license. Existing law authorizes the board to charge a fee for the taking of an examination in each branch of pest control in an amount sufficient to cover the cost of administering the examination, but in no event to exceed \$50 for each examination.

This bill would authorize the board to charge a fee for administering an examination in each branch of pest control in an amount sufficient to cover the reasonable regulatory cost of administering the examination and would remove the \$50 fee limit.

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.

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

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

19 “For further information, contact any of the following: Your  
20 Pest Control Company (telephone number); for Health  
21 Questions—the County Health Department (telephone number);  
22 for Application Information—the County Agricultural  
23 Commissioner (telephone number), and for Regulatory  
24 Information—the Structural Pest Control Board (telephone number  
25 and address).”

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

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

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

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

38 (1) First-class or electronic mail, *if an electronic mailing address*  
39 *has been provided.*

40 (2) Posting in a conspicuous place on the real property.

1 (3) Personal delivery.

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

6 The notice shall only be required to be provided at the time of  
7 the initial treatment if a contract for periodic service has been  
8 executed. If the pesticide to be used is changed, another notice  
9 shall be required to be provided in the manner previously set forth  
10 herein.

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

14 SEC. 2. Section 8564.5 of the Business and Professions Code  
15 is amended to read:

16 8564.5. (a) Any individual 18 years of age or older may apply  
17 for a license as an applicator.

18 (b) The board shall ascertain by written examination that an  
19 applicant for a license as applicator in Branch 2 or Branch 3 has  
20 sufficient knowledge in pesticide equipment, pesticide mixing and  
21 formulation, pesticide application procedures and pesticide label  
22 directions.

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

25 (d) The board may charge a fee for any examination required  
26 by this section in an amount sufficient to cover the reasonable  
27 regulatory cost of administering the ~~examination~~ examination, but  
28 not to exceed the amount set forth in subdivision (k) of Section  
29 8674.

30 (e) Nothing in this chapter shall prohibit an applicator,  
31 authorized to apply any chemical substance in Branch 2 or Branch  
32 3 before January 1, 1995, from acting as an applicator pursuant to  
33 that authorization. Upon expiration of the authorization, an  
34 applicator’s license shall be required.

35 SEC. 3. Section 8593 of the Business and Professions Code is  
36 amended to read:

37 8593. (a) The board shall require as a condition to the renewal  
38 of each operator’s and field representative’s license that the holder  
39 submit proof satisfactory to the board that he or she has informed  
40 himself or herself of developments in the field of pest control either

1 by completion of courses of continuing education in pest control  
2 approved by the board or equivalent activity approved by the board.  
3 In lieu of submitting that proof, the licenseholder, if he or she so  
4 desires, may take and successfully complete an examination given  
5 by the board, designed to test his or her knowledge of developments  
6 in the field of pest control since the issuance of his or her license.

7 (b) The board shall develop a correspondence course or courses  
8 with any educational institution or institutions as it deems  
9 appropriate. This course may be used to fulfill the requirements  
10 of this section. The institution may charge a reasonable fee for  
11 each course.

12 (c) The board may charge a fee for the taking of an examination  
13 in each branch of pest control pursuant to this section in an amount  
14 sufficient to cover the reasonable regulatory cost of administering  
15 each examination.

16 SEC. 4. Section 8674 of the Business and Professions Code is  
17 amended to read:

18 8674. The fees prescribed by this chapter are the following:

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

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

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

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

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

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

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

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

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

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

38 (k) An applicator's examination fee of not more than sixty  
39 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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