

AMENDED IN SENATE APRIL 24, 2014

**SENATE BILL**

**No. 1244**

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**Introduced by Senator Lieu**  
(Principal coauthor: Assembly Member Bonilla)

February 20, 2014

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An act to amend Sections ~~8520 and 8528~~ of 8504, 8505, 8505.1, 8505.2, 8505.5, 8505.10, 8505.12, 8505.14, 8507.1, 8514, 8518, 8520, 8528, 8551.5, 8560, 8562, 8564, 8564.6, 8565, 8566, 8567, 8590, 8593.1, 8612, 8613, 8617, 8622, 8643, 8647, 8651, 8660, and 8673 of, to repeal Sections 8505.6, 8565.6, and 8590.1 of, and to add Sections 8504.1 and 8672.1 to, the Business and Professions Code, relating to the Structural Pest Control Board.

LEGISLATIVE COUNSEL'S DIGEST

SB 1244, as amended, Lieu. Structural Pest Control Board.

Existing law, until January 1, 2015, establishes the Structural Pest Control Board, within the Department of Consumer Affairs, and authorizes the Director of Consumer Affairs to appoint a registrar to be the executive officer of the board. The board is required to license and regulate structural pest control operators, as specified.

This bill would extend the operation of those provisions until January 1, 2019.

*Existing law provides, in pertinent part, that structural pest control includes, with respect to household pests and wood destroying pests or organisms, or other pests which may invade households or other structures, the engaging in, offering to engage in, advertising for, soliciting, or the performance of, among other things, the identification of infestations, or the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances for the purpose of*

*eliminating, exterminating, controlling or preventing infestations or infections of those pests, or organisms. Under existing law, an applicator's license expires 3 years from the date the license is issued.*

*This bill would define the term "pesticide" to include any spray adjuvant and any substance, or mixture of substances, which is intended to be used for preventing, destroying, repelling, or mitigating any pest or organism, and would make conforming changes pertaining to that definition. The bill would prohibit a limited liability company from providing structural pest control services, delete obsolete provisions pertaining to the definition of fumigants and fumigation procedures, and would conform notice provisions relating to fumigation to other provisions of law. The bill would authorize, in specified circumstances, waiving the use of warning agents in conjunction with fumigants. The bill would provide that an applicator's license instead would expire on June 30 of the 3rd year after issuance.*

*Existing law authorizes suspension and fines to be imposed on a registered structural pest control company for specified violations.*

*This bill would provide that the time for an action for a suspension or fine against a structural pest control licensee or registered company would be 2 years from the date of the violation, provided however, that when an agricultural commissioner submits a completed investigation to the Structural Pest Control Board, as specified, the action would be required to be brought within one year of the commissioner's submission.*

*Existing law establishes a disciplinary review committee, in connection with disciplinary procedures against structural pest control licensees and registered companies, which requires as a member of the committee, a person representing the Secretary of Food and Agriculture.*

*This bill would instead require as a member of the committee, a person who represents the Director of Pesticide Regulation.*

*The bill would make additional conforming and technical, nonsubstantive changes.*

*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 8504 of the Business and Professions*
- 2 *Code is amended to read:*

1 8504. “Person” includes an individual, firm, partnership,  
2 corporation, ~~limited liability company~~, association or other  
3 organization or any combination thereof.

4 *SEC. 2. Section 8504.1 is added to the Business and Professions*  
5 *Code, to read:*

6 8504.1. “Pesticide” includes any of the following:

7 (a) Any spray adjuvant.

8 (b) Any substance, or mixture of substances, which is intended  
9 to be used for preventing, destroying, repelling, or mitigating any  
10 pest or organism.

11 *SEC. 3. Section 8505 of the Business and Professions Code is*  
12 *amended to read:*

13 8505. (a) “Structural pest control” and “pest control” as used  
14 in this chapter are synonymous. Except as provided in Section  
15 8555 and elsewhere in this chapter, it is, with respect to household  
16 pests and wood destroying pests or organisms, or ~~such~~ other pests  
17 ~~which~~ *that* may invade households or other structures, including  
18 railroad cars, ships, docks, trucks, airplanes, or the contents thereof,  
19 the engaging in, offering to engage in, advertising for, soliciting,  
20 or the performance of, any of the following: ~~identification~~

21 (1) *Identification* of infestations or ~~infections~~; ~~the infections~~.

22 (2) *The* making of an inspection or inspections for the purpose  
23 of identifying or attempting to identify infestations or infections  
24 of household or other structures by ~~such those~~ pests or ~~organisms~~;  
25 ~~the organisms~~.

26 (3) *The* making of inspection reports, recommendations,  
27 estimates, and bids, whether oral or written, with respect to ~~such~~  
28 ~~those~~ infestations or ~~infections~~; ~~and the infections~~.

29 (4) *The* making of contracts, or the submitting of bids for, or  
30 the performance of any work including the making of structural  
31 repairs or replacements, or the use of ~~insecticides~~, pesticides,  
32 ~~rodenticides~~, fumigants, or ~~allied chemicals or substances~~, or  
33 mechanical devices for the purpose of eliminating, exterminating,  
34 controlling or preventing infestations or infections of ~~such those~~  
35 pests, or organisms.

36 ~~“Household~~

37 (b) *“Household* pests” are defined for the purpose of this  
38 chapter as those pests other than wood destroying pests or  
39 organisms, which invade households and other structures,  
40 including, but not limited to, rodents, vermin and insects.

1     *SEC. 4. Section 8505.1 of the Business and Professions Code*  
2     *is amended to read:*

3     8505.1. (a) Except as provided in subdivisions (b) and (c), for  
4     the purpose of this act, “fumigation” shall be defined as the use  
5     within an enclosed space for the destruction of plant or animal life,  
6     a substance having a vapor pressure greater than 5 millimeters of  
7     mercury at 25 degrees centigrade when the substance is labeled  
8     for those purposes.

9     The following is a list of lethal fumigants:

- 10    (1) Methyl bromide.  
11    ~~(2) Sulfur dioxide.~~  
12    ~~(3) Propylene oxide.~~  
13    ~~(4)~~  
14    (2) Sulfuryl fluoride.  
15    ~~(5)~~  
16    (3) Aluminum phosphide.

17     The board may adopt, and may as necessary amend, by  
18     regulation, a list of fumigants.

19     (b) For the purpose of this act, “warning agent” ~~shall be~~ *is* any  
20     agent used in combination with any fumigant that lacks warning  
21     properties.

22     The following is a warning agent:

23     Chloropicrin.

24     The board may adopt, and may as necessary amend, by  
25     regulation, a list of warning agents.

26     (c) For the purpose of this act “simple asphyxiants” shall not  
27     be deemed to be fumigants.

28     The following is a list of simple asphyxiants:

- 29     (1) Liquid nitrogen.  
30     (2) Carbon dioxide.

31     The board may adopt, and may as necessary amend, by  
32     regulation, a list of simple asphyxiants.

33     *SEC. 5. Section 8505.2 of the Business and Professions Code*  
34     *is amended to read:*

35     8505.2. Fumigation shall be performed only under the direct  
36     and personal supervision of an individual who is licensed by the  
37     board as an operator or field representative ~~in a branch of pest~~  
38     ~~control that includes fumigation~~ *Branch 1 as set forth in Section*  
39     *8560.*

1     *SEC. 6. Section 8505.5 of the Business and Professions Code*  
2     *is amended to read:*

3     8505.5. (a) Notice of the date and place of fumigation, and  
4     chemicals to be used, shall be given by the fumigator to the fire  
5     department serving the area in which fumigation is to be performed  
6     not less than two hours prior to the time fumigation begins. The  
7     fire department shall not charge any fees for any service related  
8     to structural pest control activities except for the costs of an  
9     emergency response necessitated by illegal or negligent actions.

10    ~~If requested by the county agricultural commissioner, notice~~

11    (b) Notice of each fumigation to be performed shall be given to  
12    the commissioner in the county in which the job is to be performed.  
13    The notice, which may be mailed or given by telephone, at the  
14    option of the commissioner, shall be given at least 24 hours prior  
15    to the time fumigation begins, unless the commissioner determines  
16    that less time is sufficient. ~~No~~ A fee shall *not* be assessed for  
17    processing the notice which may be requested by the commissioner.  
18    ~~this notice.~~

19    *SEC. 7. Section 8505.6 of the Business and Professions Code*  
20    *is repealed.*

21    ~~8505.6. During the process of fumigation the room or apartment~~  
22    ~~being fumigated, together with all rooms and apartments, including~~  
23    ~~rooms or apartments on the same floor and those above, below,~~  
24    ~~and adjacent thereto, shall be vacated by the occupants thereof.~~  
25    ~~During the process of such fumigation, all rooms, apartments, and~~  
26    ~~hallways adjacent to the rooms, apartments or spaces undergoing~~  
27    ~~fumigation, shall be kept well ventilated and warning signs as~~  
28    ~~herein prescribed stating such fact of fumigation shall be kept~~  
29    ~~posted at all entries to such rooms or apartments during the time~~  
30    ~~of such fumigation and thereafter until all such premises are safely~~  
31    ~~ventilated free of all fumes. All rooming or apartment houses~~  
32    ~~designed for the use of four families or less shall be entirely vacated~~  
33    ~~and closed against entry thereto and occupancy thereof while~~  
34    ~~fumigation is being performed therein and until the same is safely~~  
35    ~~ventilated free of all fumes.~~

36    *SEC. 8. Section 8505.10 of the Business and Professions Code*  
37    *is amended to read:*

38    8505.10. Warning signs shall be printed in red on white  
39    background and shall contain the following statement in letters  
40    not less than two inches in height: "DANGER—FUMIGATION."

1 They shall also depict a skull and crossbones not less than one  
 2 inch in height and shall state in letters not less than one-half inch  
 3 in height the name of the ~~fumigant~~, *fumigant*. *These signs shall*  
 4 *also include in legible ink of any color, the date and time fumigant*  
 5 *was injected, and the name, address and telephone number of the*  
 6 *registered company performing the fumigation. Warning signs*  
 7 *placed under a tarpaulin shall not be required to state the time the*  
 8 *fumigant was injected.*

9 *SEC. 9. Section 8505.12 of the Business and Professions Code*  
 10 *is amended to read:*

11 8505.12. A registered company performing fumigation shall  
 12 use an adequate warning agent with all fumigants which lack ~~such~~  
 13 *those properties. There may be circumstances in which the use of*  
 14 *chloropicrin is not possible due to its unknown effects on sensitive*  
 15 *items, including, but not limited to, artifacts in museums or in*  
 16 *police evidence storage. In these circumstances, waiving the use*  
 17 *of chloropicrin shall be approved by the state regulatory authority*  
 18 *and documented in advance and shall include alternative safety*  
 19 *precautions which address initial clearance of the site to be*  
 20 *fumigated, potential movement of the fumigant to unattended areas,*  
 21 *and continued site security. When conditions involving abnormal*  
 22 *hazards exist, the licensee exercising direct and personal*  
 23 *supervision shall take ~~such~~ those safety precautions in addition to*  
 24 *those prescribed by this chapter as are reasonably necessary to*  
 25 *protect the public health and safety.*

26 *SEC. 10. Section 8505.14 of the Business and Professions Code*  
 27 *is amended to read:*

28 8505.14. “Fumigator” means any individual licensed by the  
 29 board as a structural pest control operator or as a structural pest  
 30 control field representative ~~in the branch of pest control which~~  
 31 ~~includes fumigation~~ *Branch 1* as set forth in Section 8560.

32 *SEC. 11. Section 8507.1 of the Business and Professions Code*  
 33 *is amended to read:*

34 8507.1. (a) (1) “Structural pest control applicator” is any  
 35 individual who is licensed by the board to apply ~~a pesticide,~~  
 36 ~~rodenticide, or allied chemicals or substances for the purpose of~~  
 37 ~~eliminating, exterminating, controlling, or preventing infestation~~  
 38 ~~or infections of pests or organisms included pesticides~~ *in Branch*  
 39 *2 or Branch 3 on behalf of a registered company.*

40 -A

1 (2) A structural pest control applicator shall not contract for pest  
2 control work or perform pest control work in his or her own behalf.

3 (b) As used in this chapter, “applicator” refers to “structural  
4 pest control applicator.”

5 *SEC. 12. Section 8514 of the Business and Professions Code*  
6 *is amended to read:*

7 8514. ~~No~~(a) A Branch 2 or 3 registered company shall *not*  
8 commence work on a contract, or sign, issue, or deliver any  
9 documents expressing an opinion or statement relating to the  
10 control of household pests, or wood destroying pests or organisms  
11 until *the registered company has completed an inspection has been*  
12 ~~made~~. *inspection.*

13 ~~Notwithstanding~~

14 (b) *Notwithstanding* any provision of this chapter, after an  
15 inspection has been made, a registered company which holds a  
16 branch registration for the control of household pests, or wood  
17 destroying pests or organisms, but ~~its~~ *whose* branch registration  
18 restricts the method of eradication or control permitted, may  
19 recommend and enter into a contract for the eradication or control  
20 of pests within the scope of its branch registration, provided that  
21 it ~~subcontracts~~ *subcontracts*, in ~~writing~~ *writing*, the actual  
22 performance of the work to a registered company which holds a  
23 branch registration authorizing the particular method to be used.

24 ~~A~~

25 (c) A registered company may ~~in writing~~ subcontract, *in writing*,  
26 any pest control work for which it is registered in any branch or  
27 branches to a registered company holding a valid branch  
28 registration to do ~~such~~ *that* work.

29 ~~Nothing~~

30 (d) *Nothing* in this chapter shall be construed to prohibit a  
31 registered company or the consumer from subcontracting with a  
32 licensed contractor to do any work authorized under Section 8556.

33 ~~A~~

34 (e) A registered company shall not subcontract structural  
35 fumigation work, as permitted in this section, without the written  
36 consent of the consumer. The consumer ~~must~~ *shall* be informed  
37 in advance, in writing, of any proposed work which the registered  
38 company intends to subcontract and of the consumer’s right to  
39 select another person or entity of the consumer’s choosing to  
40 perform the work. The consumer may authorize the subcontracting

1 of the work as proposed or may contract directly with another  
 2 registered company licensed to perform the work. Nothing in this  
 3 paragraph shall be construed to eliminate any otherwise applicable  
 4 licensure requirements, nor permit a licensed contractor to perform  
 5 any work beyond that authorized by Section 8556.

6 ~~Nothing herein~~

7 (f) *Nothing contained in this section shall permit or authorize a*  
 8 *registered company to perform, attempt to perform, advertise or*  
 9 *hold out to the public or to any person that it is authorized,*  
 10 *qualified, or registered to perform, pest control work in a branch,*  
 11 *or by a method, for which it is not registered, except that a Branch*  
 12 *2 or Branch 3 registered company may advertise fumigation or*  
 13 *any all encompassing treatment described in paragraph (8) of*  
 14 *subdivision (a) of Section 1991 of Title 16 of the California Code*  
 15 *of Regulations if the company complies with the requirements of*  
 16 *this section.*

17 ~~Subcontracting~~

18 (g) *Subcontracting of work, as permitted ~~herein,~~ in this section,*  
 19 *shall not relieve the prime contractor or the subcontractor from*  
 20 *responsibility for, or from disciplinary action because of, an act*  
 21 *or omission on its part, which would otherwise be a ground for*  
 22 *disciplinary action. However, the registered company making the*  
 23 *initial proposal including proposed work that the registered*  
 24 *company intends to subcontract shall not be subject to disciplinary*  
 25 *action or otherwise responsible for an act or omission in the*  
 26 *performance of the work that the consumer directly contracts with*  
 27 *another registered company, person, or entity to perform, as*  
 28 *permitted by this section. All home solicitation contracts shall*  
 29 *comply with Chapter 2 (commencing with Section 1688) of Title*  
 30 *5 of Part 2 of Division 3 of the Civil Code.*

31 *SEC. 13. Section 8518 of the Business and Professions Code*  
 32 *is amended to read:*

33 8518. (a) When a registered company completes work under  
 34 a contract, it shall prepare, on a form prescribed by the board, a  
 35 notice of work completed and not completed, and shall furnish  
 36 that notice to the owner of the property or the owner's agent within  
 37 ~~10-working~~ *business days after completing the work. The notice*  
 38 *shall include a statement of the cost of the completed work and*  
 39 *estimated cost of work not completed.*

40 ~~The~~

1 (b) The address of each property inspected or upon which work  
2 was completed shall be reported on a form prescribed by the board  
3 and shall be filed with the board no later than 10 ~~working~~ *business*  
4 days after completed work.

5 Every

6 (c) A filing fee shall be assessed pursuant to Section 8674 for  
7 every property upon which work is ~~completed~~ shall be assessed a  
8 filing fee pursuant to Section 8674. *completed.*

9 Failure

10 (d) Failure of a registered company to report and file with the  
11 board the address of any property upon which work was completed  
12 pursuant to subdivision (b) of Section 8516 or Section 8518 is  
13 grounds for disciplinary action and shall subject the registered  
14 company to a fine of not more than two thousand five hundred  
15 dollars (\$2,500).

16 The

17 (e) The registered company shall retain for three years all  
18 original notices of work completed, work not completed, and  
19 activity forms.

20 Notices

21 (f) Notices of work completed and not completed shall be made  
22 available for inspection and reproduction to the executive officer  
23 of the board or his or her duly authorized representative during  
24 business hours. Original notices of work completed or not  
25 completed or copies thereof shall be submitted to the board upon  
26 request within two business days.

27 ~~SECTION 1.~~

28 *SEC. 14.* Section 8520 of the Business and Professions Code  
29 is amended to read:

30 8520. (a) There is in the Department of Consumer Affairs a  
31 Structural Pest Control Board, which consists of seven members.

32 (b) Subject to the jurisdiction conferred upon the director by  
33 Division 1 (commencing with Section 100), the board is vested  
34 with the power to and shall administer the provisions of this  
35 chapter.

36 (c) It is the intent of the Legislature that consumer protection  
37 is the primary mission of the board.

38 (d) This section shall remain in effect only until January 1, 2019,  
39 and as of that date is repealed, unless a later enacted statute, that  
40 is enacted before January 1, 2019, deletes or extends that date.

1 Notwithstanding any other law, the repeal of this section renders  
 2 the board subject to review by the appropriate policy committees  
 3 of the Legislature.

4 ~~SEC. 2.~~

5 *SEC. 15.* Section 8528 of the Business and Professions Code  
 6 is amended to read:

7 8528. (a) With the approval of the director, the board shall  
 8 appoint a registrar, fix his or her compensation, and prescribe his  
 9 or her duties.

10 (b) The registrar is the executive officer and secretary of the  
 11 board.

12 (c) This section shall remain in effect only until January 1, 2019,  
 13 and as of that date is repealed, unless a later enacted statute, that  
 14 is enacted before January 1, 2019, deletes or extends that date.

15 *SEC. 16. Section 8551.5 of the Business and Professions Code*  
 16 *is amended to read:*

17 8551.5. ~~No~~ *Except as provided in this chapter, an unlicensed*  
 18 *individual in the employ of a registered company shall not apply*  
 19 *any pesticide, rodenticide, or allied chemicals or substances for*  
 20 *the purpose of eliminating, exterminating, controlling, or*  
 21 *preventing infestation or infections of pests, or organisms* *pesticides*  
 22 *included in Branch 2 or Branch 3. However, an individual may,*  
 23 *for 30 90 days from the date of employment, apply pesticides,*  
 24 *rodenticides, or allied chemicals or substances* *pesticides* *for the*  
 25 *purposes of training under the direct supervision of a licensed field*  
 26 *representative or operator employed by the company. This direct*  
 27 *supervision means in the presence of the licensed field*  
 28 *representative or operator at all times. The 30-day 90-day time*  
 29 *period may not be extended.*

30 *SEC. 17. Section 8560 of the Business and Professions Code*  
 31 *is amended to read:*

32 8560. (a) Licenses issued to operators, field representatives,  
 33 or applicators shall be limited to the branch or branches of pest  
 34 control for which the applicant has qualified by application and  
 35 examination.

36 ~~For~~

37 (b) *For* the purpose of delimiting the type and character of work  
 38 authorized by the various branch licenses, the practice of pest  
 39 control is classified into the following branches:

40 **Branch**

1 (1) *Branch 1.* Fumigation. The practice relating to the control  
2 of household and wood-destroying pests or organisms by  
3 fumigation with poisonous or lethal gases.

4 ~~Branch~~

5 (2) *Branch 2.* General pest. The practice relating to the control  
6 of household pests, excluding fumigation with poisonous or lethal  
7 gases.

8 ~~Branch~~

9 (3) *Branch 3.* Termite. The practice relating to the control of  
10 wood-destroying pests or organisms by the use of insecticides, or  
11 structural repairs and corrections, excluding fumigation with  
12 poisonous or lethal gases.

13 ~~(b)~~

14 (c) The board may issue a license for a combination of two or  
15 more branches for which an applicant qualifies under the provisions  
16 of this chapter, and the combination license shall be considered  
17 one license.

18 ~~(e)~~

19 (d) Unless otherwise authorized by the board, all ~~written~~  
20 examinations shall be ~~in ink in books~~ supplied by the board. All  
21 ~~examination papers~~ *examinations* shall be kept for a period of one  
22 year, upon the expiration of which these ~~papers~~ *records* may be  
23 destroyed on order of the board. Each applicant for license as an  
24 operator or a field representative shall be designated by a number  
25 instead of by name, and the identity thereof shall not be disclosed  
26 until the ~~examination papers~~ *examinations* are graded. ~~No~~ A person  
27 shall *not* be admitted to the examination room except members of  
28 the board, the examining personnel, and the ~~applicants for license.~~  
29 *applicants.*

30 ~~(d)~~

31 (e) The board shall make rules and regulations for the purpose  
32 of securing fair, impartial, and proper examinations.

33 ~~(e)~~

34 (f) Licensees may be licensed in other branches upon complying  
35 with the requirements for qualification and by examination in those  
36 other branches. ~~No~~ A failure of the licensee to pass examination  
37 in the other branch or branches shall *not* have any effect on existing  
38 licenses.

39 ~~(f)~~

1 (g) The examination shall be in each of the subjects specified  
 2 in the branch or branches relating to the respective applications.  
 3 A license according to the applications shall be granted to any  
 4 applicant who shall make a general average of not less than 70  
 5 percent on each of the subjects of the branch or branches.

6 *SEC. 18. Section 8562 of the Business and Professions Code*  
 7 *is amended to read:*

8 8562. (a) To obtain an original operator’s license, an applicant  
 9 shall submit to the registrar an application ~~in writing~~ containing  
 10 the statement that the applicant desires the issuance of an operator’s  
 11 license under the terms of this chapter.

12 ~~The~~  
 13 (b) *The* application shall be made on forms prescribed by the  
 14 board and issued by the registrar in accordance with rules and  
 15 regulations adopted by the board, and shall contain the following:

- 16 ~~(a)~~  
 17 (1) The name of the applicant.  
 18 ~~(b)~~  
 19 (2) Proof satisfactory to the board that the applicant has had  
 20 actual experience for a period of not less than the time specified  
 21 opposite the branches of pest control listed below in the employ  
 22 of a registered company in the State of California in the particular  
 23 branch or branches of pest control for which the applicant desires  
 24 to be licensed, or the equivalent of that experience:

25

26 Branch 1.....	2 years
27 Branch 2.....	2 years
28 Branch 3.....	4 years

29  
 30 ~~For~~  
 31 (c) *For* the purpose of this subdivision one year shall equal  
 32 1,600 hours of actual experience in the field.

33 ~~(e)~~  
 34 (d) A designation of the branch or branches for which the  
 35 application is made.

36 ~~(e)~~  
 37 (e) The fees prescribed by this chapter.

38 ~~(e)~~  
 39 (f) No operator’s license shall be issued to an individual under  
 40 18 years of age.

1     ~~(f)~~

2     (g) Effective January 1, 1993, an operator's license shall not be  
3 issued to an individual unless that individual has been licensed as  
4 a field representative in the branch in which the individual has  
5 applied for an operator's license for a period of at least one year,  
6 in the case of Branches 1 and 2, or for a period of at least two years  
7 for Branch 3, or has demonstrated to the satisfaction of the board  
8 that he or she has the equivalent of that training and experience.

9     *SEC. 19. Section 8564 of the Business and Professions Code*  
10 *is amended to read:*

11     8564. (a) To obtain an original field representative's license,  
12 an applicant shall submit to the registrar an application ~~in writing~~  
13 containing a statement that the applicant desires the issuance of a  
14 field representative's license under the terms of this chapter.

15     ~~The~~

16     (b) *The* application shall be made on a form prescribed by the  
17 board and issued by the registrar in accordance with rules and  
18 regulations adopted by the board, and shall contain the following:

19     ~~(a)~~

20     (1) The length of time during which the applicant has engaged  
21 in any work relating to pest control.

22     ~~(b)~~

23     (2) The name and place of business of the person who last  
24 employed him or her.

25     ~~(c)~~

26     (3) The name of the person by whom the applicant is employed.

27     ~~(d)~~

28     (4) The name of the registered company by which the applicant  
29 is to be employed.

30     ~~(e)~~

31     (5) The fees prescribed by this chapter.

32     ~~The~~

33     (c) *The* board shall not accept any application for a field  
34 representative's license in Branch 1 unless the applicant submits  
35 proof satisfactory to the board that he or she has had six months'  
36 training and experience in the practice of fumigating with  
37 poisonous or lethal gases under the immediate supervision of an  
38 individual licensed to practice fumigating, or the equivalent of that  
39 training and experience.

40     ~~The~~

1 (d) The board shall not accept any application for a field  
 2 representative’s license in Branch 2 unless the applicant submits  
 3 proof satisfactory to the board that he or she has had training and  
 4 experience in the practice of pesticide application, Branch 2 pest  
 5 identification and biology, pesticide application equipment, and  
 6 pesticide hazards and safety practice under the immediate  
 7 supervision of an operator or field representative licensed in Branch  
 8 2, or the equivalent of that training and experience.

9 ~~The~~

10 (e) The board shall not accept any application for a field  
 11 representative’s license in Branch 3 unless the applicant submits  
 12 proof satisfactory to the board that he or she has had training and  
 13 experience in the practice of pesticide application, Branch 3 pest  
 14 identification and biology, pesticide application equipment,  
 15 pesticide hazards and safety practices, structural repairs, and  
 16 structural inspection procedures and report writing under the  
 17 immediate supervision of an operator or field representative  
 18 licensed in Branch 3, or the equivalent of that training and  
 19 experience.

20 *SEC. 20. Section 8564.6 of the Business and Professions Code*  
 21 *is amended to read:*

22 8564.6. (a) To obtain an original applicator’s license, an  
 23 applicant shall submit to the registrar an application ~~in writing~~  
 24 containing a statement that the applicant requests the issuance of  
 25 an applicator’s license under the terms of this chapter.

26 ~~The~~

27 (b) The application shall be made on a form prescribed by the  
 28 board and issued by the registrar in accordance with rules and  
 29 regulations adopted by the board and shall contain the following:

30 ~~(a)~~

31 (1) The name of the registered company by which the applicant  
 32 is to be employed.

33 ~~(b)~~

34 (2) The fee prescribed by this chapter.

35 *SEC. 21. Section 8565 of the Business and Professions Code*  
 36 *is amended to read:*

37 8565. The board shall ascertain by ~~written~~ examination that an  
 38 applicant for a license as operator is qualified in the use and  
 39 understanding of all of the following:

1 (a) The English language, including ~~reading, writing, and~~  
2 ~~spelling.~~ *reading and writing.*

3 (b) The building and safety laws of the state and any of its  
4 political subdivisions, if the branch or branches of pest control for  
5 which he or she is applying, require that knowledge.

6 (c) The labor laws of the state.

7 (d) The provisions of this chapter.

8 (e) ~~Poisonous and other dangerous chemicals~~ *Pesticides* used  
9 in pest control, if the branch license or licenses for which he or  
10 she is applying, require that knowledge.

11 (f) The theory and practice of the branch or branches of pest  
12 control in which the applicant desires to be licensed.

13 (g) Other state laws, safety or health measures, or practices that  
14 are reasonably within the scope of structural pest control in the  
15 various branches, including an applicant's knowledge of the  
16 requirements regarding health effects and restrictions on  
17 applications, as set forth in Section 8538.

18 *SEC. 22. Section 8565.6 of the Business and Professions Code*  
19 *is repealed.*

20 ~~8565.6. An applicant for a Branch 2 license may elect to be~~  
21 ~~certified in the handling, control, and techniques of removal of~~  
22 ~~Africanized honey bees. The board shall develop a program to~~  
23 ~~certify applicants in this specialty, or may approve a program for~~  
24 ~~certification developed by the Pest Control Operators of California.~~

25 *SEC. 23. Section 8566 of the Business and Professions Code*  
26 *is amended to read:*

27 8566. The board shall ascertain by ~~written~~ examination that an  
28 applicant for a license as field representative is qualified in the use  
29 and understanding of the following:

30 (a) The safety laws of the state, if the branch or branches of pest  
31 control for which he or she is applying, require that knowledge.

32 (b) The provisions of this chapter.

33 (c) ~~Poisonous and other dangerous chemicals~~ *Pesticides* used  
34 in pest control, if the branch or branches of pest control for which  
35 he or she is applying, require that knowledge.

36 (d) The theory and practice of pest control in the branch or  
37 branches thereof for which the applicant desires to be licensed.

38 (e) Other state laws, safety or health measures, or practices as  
39 are reasonably within the scope of structural pest control in the  
40 various branches.

1     *SEC. 24. Section 8567 of the Business and Professions Code*  
 2     *is amended to read:*

3     8567. Should a field representative or applicator change his or  
 4     her employment, or should an operator enter the employ of a  
 5     registered company, or being already employed by a registered  
 6     company change his or her employment, or being employed by a  
 7     registered company leave that employment and enter the pest  
 8     control business on his or her own behalf, he or she shall notify  
 9     the registrar ~~in writing~~, on a form prescribed by the board and  
 10    issued by the registrar in accordance with rules and regulations  
 11    adopted by the board. ~~Whereupon the~~ *The* registrar shall register  
 12    the change in his or her records.

13    *SEC. 25. Section 8590 of the Business and Professions Code*  
 14    *is amended to read:*

15    8590. (a) Except as otherwise provided herein, ~~all operator's~~  
 16    ~~and an operator's~~, field representative's, ~~and applicator's~~ licenses  
 17    shall expire at 12 midnight on June 30 of ~~every~~ *the* third year ~~and~~  
 18    ~~all applicator's licenses shall expire at 12 midnight three years~~  
 19    from the date of issue.

20    ~~An~~

21    (b) *An* individual licensed in more than one category may request  
 22    that each license expire on the same date. The date requested shall  
 23    be the date of the earliest expiration.

24    ~~Every operator and every field representative~~

25    (c) *An operator, field representative, and applicator* shall pay  
 26    a fee for the renewal of his or her license.

27    ~~The~~

28    (d) *The* board shall on or before the first day of June of each  
 29    year mail to each ~~operator and operator~~, field representative, ~~and~~  
 30    *applicator* whose license will expire in that year, addressed to him  
 31    or her at his or her last known address, a notice that his or her  
 32    renewal fee is due and payable and that, if not paid by June 30, a  
 33    penalty will be added thereto.

34    ~~In~~

35    (e) *In* no case shall the penalty be waived.

36    ~~Upon~~

37    (f) *Upon* the receipt of the fee the board shall cause the renewal  
 38    certificate to be issued.

39    *SEC. 26. Section 8590.1 of the Business and Professions Code*  
 40    *is repealed.*

1     ~~8590.1. All applicator’s licenses shall expire at 12 midnight~~  
2 ~~three years from the date of issue. Every applicator shall pay a fee~~  
3 ~~for the renewal of his or her license.~~

4     ~~The board shall, on or before 60 days prior to the expiration of~~  
5 ~~an applicator’s license, mail to the applicator whose license will~~  
6 ~~expire, addressed to him or her at his or her last known address, a~~  
7 ~~notice that his or her renewal fee is due and payable and that, if~~  
8 ~~not paid by the due date, a penalty will be added thereto. In no~~  
9 ~~case shall the penalty be waived. Upon the receipt of the fee, the~~  
10 ~~board shall cause the renewal certificate to be issued.~~

11     ~~SEC. 27. Section 8593.1 of the Business and Professions Code~~  
12 ~~is amended to read:~~

13     ~~8593.1. The board shall require as a condition to the renewal~~  
14 ~~of each applicator’s license that the holder thereof submit proof~~  
15 ~~satisfactory to the board that he or she has completed courses of~~  
16 ~~continuing education in pesticide application and use approved by~~  
17 ~~the board or equivalent activity approved by the board. In lieu of~~  
18 ~~submitting that proof, the licenseholder, if he or she so desires,~~  
19 ~~may successfully apply for and pass an appropriate—written~~  
20 ~~applicator’s examination for renewal of a license given by the~~  
21 ~~board.~~

22     ~~SEC. 28. Section 8612 of the Business and Professions Code~~  
23 ~~is amended to read:~~

24     ~~8612. (a) The licenses of qualifying managers and company~~  
25 ~~registrations shall be prominently displayed in the registered~~  
26 ~~company’s office, and no registration issued hereunder shall~~  
27 ~~authorize the company to do business except from the location for~~  
28 ~~which the registration was issued. Each registered company having~~  
29 ~~a branch office or more than one branch office shall be required~~  
30 ~~to display its branch office registration prominently in each branch~~  
31 ~~office it maintains.~~

32     ~~When~~

33     ~~(b) When a registered company opens a branch office it shall~~  
34 ~~notify the registrar in writing on a form prescribed by the board~~  
35 ~~and issued by the registrar in accordance with rules and regulations~~  
36 ~~adopted by the board. The notification shall include the name of~~  
37 ~~the individual designated as the branch supervisor and shall be~~  
38 ~~submitted with the fee for a branch office prescribed by this~~  
39 ~~chapter.~~

1     *SEC. 29. Section 8613 of the Business and Professions Code*  
2     *is amended to read:*

3     8613. A registered company which changes the location of its  
4     principal office or any branch office or which changes its qualifying  
5     manager, branch supervisor, officers, or its bond or insurance shall  
6     notify the registrar ~~in writing of such~~ *on a form prescribed by the*  
7     *board of that change* within 30 days thereafter. A fee for filing  
8     ~~such~~ *those* changes shall be charged in accordance with Section  
9     8674.

10    *SEC. 30. Section 8617 of the Business and Professions Code*  
11    *is amended to read:*

12    8617. (a) The board or county agricultural commissioners,  
13    when acting pursuant to Section 8616.4, may suspend the right of  
14    a structural pest control licensee or registered company to work  
15    in a county for up to three working days or, for a licensee,  
16    registered company, or an unlicensed individual acting as a  
17    licensee, may levy an administrative fine up to one thousand dollars  
18    (\$1,000) or direct the licensee to attend and pass a board-approved  
19    course of instruction at a cost not to exceed the administrative fine,  
20    or both, for each violation of this chapter or Chapter 14.5  
21    (commencing with Section 8698), or any regulations adopted  
22    pursuant to these chapters, or Chapter 2 (commencing with Section  
23    12751), Chapter 3 (commencing with Section 14001), Chapter 3.5  
24    (commencing with Section 14101), or Chapter 7 (commencing  
25    with Section 15201) of Division 7 of the Food and Agricultural  
26    Code, or any regulations adopted pursuant to those chapters,  
27    relating to pesticides. However, any violation determined by the  
28    board or the commissioner to be a serious violation as defined in  
29    Section 1922 of Title 16 of the California Code of Regulations  
30    shall be subject to a fine of not more than five thousand dollars  
31    (\$5,000) for each violation. Fines collected shall be paid to the  
32    Education and Enforcement Account in the Structural Pest Control  
33    Education and Enforcement Fund. Suspension may include all or  
34    part of the registered company's business within the county based  
35    on the nature of the violation, but shall, whenever possible, be  
36    restricted to that portion of a registered company's business in a  
37    county that was in violation.

38    (b) A licensee who passes a course pursuant to this section shall  
39    not be awarded continuing education credit for that course.

1 (c) Before a suspension action is taken, a fine levied, or a  
2 licensee is required to attend and pass a board-approved course of  
3 instruction, the person charged with the violation shall be provided  
4 a written notice of the proposed action, including the nature of the  
5 violation, the amount of the proposed fine or suspension, or the  
6 requirement to attend and pass a board-approved course of  
7 instruction. The notice of proposed action shall inform the person  
8 charged with the violation that if he or she desires a hearing before  
9 the commissioner issuing the proposed action to contest the finding  
10 of a violation, that hearing shall be requested by written notice to  
11 the commissioner within 20 days of the date of receipt of the  
12 written notice of proposed action.

13 ~~A~~

14 (d) A notice of the proposed action that is sent by certified mail  
15 to the last known address of the person charged shall be considered  
16 received even if delivery is refused or the notice is not accepted  
17 at that address.

18 ~~If~~

19 (e) If a hearing is requested, notice of the time and place of the  
20 hearing shall be given at least 10 days before the date set for the  
21 hearing. At the hearing, the person shall be given an opportunity  
22 to review the commissioner's evidence and a right to present  
23 evidence on his or her own behalf. If a hearing is not requested  
24 within the prescribed time, the commissioner may take the action  
25 proposed without a hearing.

26 ~~(d)~~

27 (f) If the person upon whom the commissioner imposed a fine  
28 or suspension or required attendance at a board-approved course  
29 of instruction requested and appeared at a hearing before the  
30 commissioner, the person may appeal the commissioner's decision  
31 to the Disciplinary Review Committee and shall be subject to the  
32 procedures in Section 8662.

33 ~~(e)~~

34 (g) If a suspension or fine is ordered, it may not take effect until  
35 20 days after the date of the commissioner's decision if no appeal  
36 is filed. If an appeal pursuant to Section 8662 is filed, the  
37 commissioner's order shall be stayed until 30 days after the  
38 Disciplinary Review Committee has ruled on the appeal.

39 ~~(f)~~

1 (h) Failure of a licensee or registered company to pay a fine  
2 within 30 days of the date of assessment or to comply with the  
3 order of suspension, unless the citation is being appealed, may  
4 result in disciplinary action being taken by the board.

5 ~~Where~~

6 (i) If a citation containing a fine is issued to a licensee and it is  
7 not contested or the time to appeal the citation has expired and the  
8 fine is not paid, the full amount of the assessed fine shall be added  
9 to the fee for renewal of that license. A license shall not be renewed  
10 without payment of the renewal fee and fine.

11 ~~Where~~

12 (j) If a citation containing a fine is issued to a registered  
13 company and it is not contested or the time to appeal the citation  
14 has expired and the fine is not paid, the board shall not sell to the  
15 registered company any pesticide use stamps until the assessed  
16 fine has been paid.

17 ~~Where~~

18 (k) If a citation containing the requirement that a licensee attend  
19 and pass a board-approved course of instruction is not contested  
20 or the time to appeal the citation has expired and the licensee has  
21 not attended and passed the required board-approved course of  
22 instruction, the licensee's license shall not be renewed without  
23 proof of attendance and passage of the required board-approved  
24 course of instruction.

25 ~~(g)~~

26 (l) Once final action pursuant to this section is taken, no other  
27 administrative or civil action may be taken by any state  
28 governmental agency for the same violation. However, action  
29 taken pursuant to this section may be used by the board as evidence  
30 of prior discipline, and multiple local actions may be the basis for  
31 statewide disciplinary action by the board pursuant to Section  
32 8620. A certified copy of the order of suspension or fine issued  
33 pursuant to this section or Section 8662 shall constitute conclusive  
34 evidence of the occurrence of the violation.

35 ~~(h) Where~~

36 (m) If the board is the party issuing the notice of proposed action  
37 to suspend or impose a fine pursuant to subdivision (a),  
38 "commissioner" as used in subdivisions (c), ~~(d)~~, (f), and ~~(e)~~ (g)  
39 includes the board's registrar.

1 (n) An action brought pursuant to this section shall be  
2 commenced by the commissioner within two years of the  
3 occurrence of the violation. If a commissioner submits a completed  
4 investigation to the board for action by the registrar of the Attorney  
5 General, the action shall be commenced within one year of that  
6 submission.

7 SEC. 31. Section 8622 of the Business and Professions Code  
8 is amended to read:

9 8622. (a) When a complaint is accepted for investigation of  
10 a registered company, the board, through an authorized  
11 representative, may inspect any or all properties on which a report  
12 has been issued pursuant to Section 8516 or a notice of completion  
13 has been issued pursuant to Section 8518 by the registered company  
14 to determine compliance with the provisions of this chapter and  
15 the rules and regulations issued thereunder. If the board determines  
16 the property or properties are not in compliance, a notice shall be  
17 sent to the registered company so stating. The registered company  
18 shall have 30 days from the receipt of the notice to bring ~~such~~ the  
19 property into compliance, *unless an extension is authorized by the*  
20 *board*, and it shall submit a new original report or completion  
21 notice or both and an inspection fee of not more than one hundred  
22 twenty-five dollars (\$125) for each property inspected. If a  
23 subsequent reinspection is necessary, pursuant to the board's  
24 review of the new original report or notice or both, a commensurate  
25 reinspection fee shall also be charged. If the board's authorized  
26 representative makes no determination or determines the property  
27 is in compliance, no inspection fee shall be charged.

28 ~~The~~

29 (b) The notice sent to the registered company shall inform the  
30 registered company that if it desires a hearing to contest the finding  
31 of noncompliance, the hearing shall be requested by written notice  
32 to the board within 20 days of receipt of the notice of  
33 noncompliance from the board. ~~Where~~ If a hearing is not requested  
34 pursuant to this section, payment of any assessment shall not  
35 constitute an admission of any noncompliance charged.

36 SEC. 32. Section 8643 of the Business and Professions Code  
37 is amended to read:

38 8643. The negligent handling or use of any ~~poisonous~~  
39 ~~exterminating agent~~ pesticide is a ground for disciplinary action.

1     *SEC. 33. Section 8647 of the Business and Professions Code*  
2     *is amended to read:*

3     8647. Failure to comply in the sale or use of ~~insecticides~~  
4     ~~pesticides~~ with the provisions of Chapter 2 (commencing with  
5     Section 12751) of Division 7 of the Food and Agricultural Code  
6     is a ground for disciplinary action.

7     *SEC. 34. Section 8651 of the Business and Professions Code*  
8     *is amended to read:*

9     8651. The performing or soliciting of structural pest control  
10    work, the inspecting for structural or household pests, or the  
11    applying of any ~~pesticide, chemical, or allied substance~~ *pesticide*  
12    for the purpose of eliminating, exterminating, controlling, or  
13    preventing structural *or household* pests in branches of pest control  
14    other than those for which the operator, field representative, or  
15    applicator is licensed or the company is registered is a ground for  
16    disciplinary action.

17    *SEC. 35. Section 8660 of the Business and Professions Code*  
18    *is amended to read:*

19    8660. A disciplinary review committee consisting of three  
20    members shall be established for the purposes of reviewing appeals  
21    of orders issued pursuant to Section 8617. The committee shall be  
22    made up of one member representing the Director of ~~Food and~~  
23    ~~Agriculture~~ *Pesticide Regulation* and one member representing  
24    the board. The third member shall be a licensed pest control  
25    operator actively involved in the business of pest control and shall  
26    be selected by agreement of the other members.

27    *SEC. 36. Section 8672.1 is added to the Business and*  
28    *Professions Code, to read:*

29    8672.1. (a) *As used in this chapter, "original applicator's*  
30    *license" means an applicator's license issued for an individual*  
31    *who did not have a license on the preceding June 30.*

32    (b) *For the purposes of this chapter, a renewal of an applicator's*  
33    *license means an applicator's license issued to an individual who*  
34    *had an applicator's license on June 30 of the preceding renewal*  
35    *period.*

36    *SEC. 37. Section 8673 of the Business and Professions Code*  
37    *is amended to read:*

38    8673. License fees shall not be prorated unless an individual  
39    licensed as an ~~operator and operator~~, a field representative, *or an*  
40    *applicator* requests an earlier expiration date of one of the licenses

1 in accordance with Section 8590. All license and registration fees  
2 shall be paid in advance of the issuance of the license or  
3 registration, and all examination fees shall be paid in advance of  
4 the examination.

O