

ASSEMBLY BILL

No. 693

Introduced by Assembly Member Machado

February 23, 1999

An act to amend Section 8550 of the Business and Professions Code, relating to structural pest control.

LEGISLATIVE COUNSEL'S DIGEST

AB 693, as introduced, Machado. Structural pest control: solicitation by unlicensed persons.

(1) Existing law provides that it is unlawful for any unlicensed individual or unregistered business entity to engage or offer to engage in the practice of structural pest control, as defined. Existing law also provides, however, that the practice of structural pest control does not include price quotations given by unlicensed employees on behalf of a registered company in response to a request for that information. Existing law also provides that violation of the law governing structural pest control is subject to specified criminal penalties.

This bill would authorize an unlicensed person to solicit pest control work on behalf of a registered pest control company, provided that the company meets specified existing provisions of law and that the unlicensed individual does not perform or offer to perform any act for which an operator, field representative, or applicator license is required. This bill would define solicitation in this context to mean the introduction of consumers to a registered company and its services, the distribution of advertising literature, the

quotation of prices, and the setting of appointments on behalf of a licensed operator, field representative, or applicator.

This bill would additionally provide that it is unlawful for sole proprietorships to engage in the practice of structural pest control unless registered in accordance with specified provisions of law.

Because this bill would amend existing provisions of law governing structural pest control, it would change the definition of a crime and thereby would impose a state-mandated local program.

This bill would also make technical, nonsubstantive changes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 8550 of the Business and
2 Professions Code is amended to read:
3 8550. (a) It is unlawful for any individual to engage
4 or offer to engage in the business of, ~~act in the capacity~~
5 ~~of, or advertise himself or herself as, or assume to act as,~~
6 ~~an operator or a field representative or an applicator, or~~
7 ~~to engage or offer to engage in the or practice of~~
8 structural pest control, *as defined in Section 8505*, unless
9 he or she is licensed under this chapter. ~~For purposes of~~
10 ~~this subdivision, “engage in the practice of structural pest~~
11 ~~control” shall not include price quotations given by~~
12 ~~unlicensed employees of a registered company in~~
13 ~~response to a request for that information.~~
14 (b) *Notwithstanding subdivision (a), an unlicensed*
15 *individual may solicit pest control work on behalf of a*
16 *registered structural pest control company, provided that*
17 *the company meets the requirements of Section 8506.1*



1 *and 8514, and the unlicensed individual does not perform*
2 *or offer to perform any act for which an operator, field*
3 *representative, or applicator license is required pursuant*
4 *to this chapter. As used in this subdivision, to “solicit pest*
5 *control work” means to introduce consumers to a*
6 *registered company and the services it provides, to*
7 *distribute advertising literature, to quote standard prices,*
8 *and to set appointments on behalf of a licensed operator,*
9 *field representative, or applicator.*

10 (c) It is unlawful for any firm, *sole proprietorship,*
11 *partnership, corporation, association, or other*
12 *organization or combination thereof to engage or offer to*
13 *engage in the practice of structural pest control, unless*
14 *registered in accordance with Article 6 (commencing*
15 *with Section 8610).*

16 SEC. 2. No reimbursement is required by this act
17 pursuant to Section 6 of Article XIII B of the California
18 Constitution because the only costs that may be incurred
19 by a local agency or school district will be incurred
20 because this act creates a new crime or infraction,
21 eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section
23 17556 of the Government Code, or changes the definition
24 of a crime within the meaning of Section 6 of Article
25 XIII B of the California Constitution.

