

ASSEMBLY BILL NO. 228—COMMITTEE ON
NATURAL RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

MARCH 1, 2007

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing licenses to engage in
pest control. (BDR 49-626)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ***omitted material*** is material to be omitted.

AN ACT relating to pest control; authorizing the Director of the
State Department of Agriculture to refuse to issue a
license to engage in pest control to a person who is
convicted of certain acts; prohibiting the Director from
issuing such a license until the expiration of the period of
the person's parole, probation or sentence; prohibiting a
person, in connection with a real estate transaction, from
engaging in certain pest control activities concerning
wood-destroying pests or organisms without a license
issued by the Director; providing a penalty; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from engaging in pest control activities without
a license issued by the Director of the State Department of Agriculture. (NRS
555.280) "Pest control" means the business of using pesticides and mechanical
devices to control infestations of pests and the inspection for hire of houses and
other structures. The term also includes the submission of reports, estimates or bids
for the inspection or control of wood-destroying pests. (NRS 555.2667) Existing
law further prohibits a person from engaging in various pest control activities



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concerning wood-destroying pests or organisms without a license issued by the Director, including, without limitation, conducting an inspection to identify or attempt to identify infestations or infections of houses by those pests and preparing inspection reports concerning the infestations or infections. (NRS 555.285)

Section 1 of this bill authorizes the Director to refuse to issue a license to engage in pest control to a person who is convicted of, or enters a plea of guilty or nolo contendere to, certain specified crimes, including, without limitation, any crime involving moral turpitude. **Section 1** also prohibits the Director from issuing a license to engage in pest control to such a person until the expiration of the person's parole, probation or sentence. Additionally, **section 1** sets forth grounds for the Director to refuse to issue such a license.

Section 3 of this bill prohibits a person from engaging in certain pest control activities concerning wood-destroying pests or organisms without a license issued by the Director if the pest control activities are conducted in connection with a real estate transaction. Those pest control activities include: (1) making an inspection to identify or attempt to identify infestations or infections of wood-destroying pests or organisms; (2) making or altering inspection reports concerning those infestations or infections; (3) making written or oral estimates or bids concerning the infestations or infections; and (4) submitting bids to do any work involving the application of pesticides to eliminate, exterminate, control or prevent the infestations or infections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director:

(a) May refuse to issue a license to engage in pest control to any person who has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in pest control without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or any other country.

(b) Shall not issue a license to engage in pest control to a person specified in paragraph (a) until the expiration of the period of the person's parole, probation or sentence.

2. A suspension or revocation of a license to engage in pest control pursuant to NRS 555.350 or any previous revocation or current suspension of such a license in this or any other state, district or territory of the United States or any foreign country within 10 years immediately preceding the date of submission of an application for a license is grounds for refusal to issue the license.



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1 **Sec. 2.** NRS 555.2605 is hereby amended to read as follows:
2 555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and**
3 **section 1 of this act**, unless the context otherwise requires, the
4 words and terms defined in NRS 555.261 to 555.2695, inclusive,
5 have the meanings ascribed to them in those sections.

6 **Sec. 3.** NRS 555.285 is hereby amended to read as follows:
7 555.285 A person shall not , for hire **or in connection with any**
8 **real estate transaction**, engage in, offer to engage in, advertise or
9 solicit to perform any of the following pest control activities
10 concerning wood-destroying pests or organisms without a license
11 issued by the Director:

12 1. Making an inspection to identify or to attempt to identify
13 infestations or infections of households or other structures by those
14 pests or organisms.

15 2. Making **or altering** inspection reports concerning the
16 infestations or infections.

17 3. Making estimates or bids, whether written or oral,
18 concerning the infestations or infections.

19 4. Submitting bids to perform any work involving the
20 application of pesticides for the elimination, extermination, control
21 or prevention of infestations or infections of those pests.

22 **Sec. 4.** NRS 555.400 is hereby amended to read as follows:

23 555.400 1. The Director may adopt regulations to carry out
24 the provisions of NRS 555.2605 to 555.460, inclusive, ~~{but the}~~ **and**
25 **section 1 of this act. The** regulations must not be inconsistent with
26 **any** regulations issued by this State or by the Federal Government
27 relating to safety in air navigation or **the** operation of aircraft.

28 2. Before ~~{issuing}~~ **adopting** regulations directly relating to any
29 matter within the jurisdiction of any other officer of this State, the
30 Director shall consult with that officer ~~{with reference thereto.}~~
31 **concerning those regulations.**

32 **Sec. 5.** NRS 555.460 is hereby amended to read as follows:

33 555.460 Any person violating the provisions of NRS 555.2605
34 to 555.420, inclusive, **and section 1 of this act**, or the regulations
35 adopted pursuant thereto, is guilty of a misdemeanor and, in
36 addition to any criminal penalty, shall pay to the Department an
37 administrative fine of not more than \$5,000 per violation. If an
38 administrative fine is imposed pursuant to this section, the costs of
39 the proceeding, including investigative costs and attorney's fees,
40 may be recovered by the Department.

41 **Sec. 6.** NRS 555.470 is hereby amended to read as follows:

42 555.470 1. The Director shall adopt regulations specifying a
43 schedule of fines which may be imposed, upon notice and a hearing,
44 for each violation of the provisions of NRS 555.2605 to 555.460,
45 inclusive ~~{,}~~ **and section 1 of this act.** The maximum fine that may



1 be imposed by the Director for each violation must not exceed
2 \$5,000 per day. All fines collected by the Director pursuant to this
3 subsection must be remitted to the county treasurer of the county in
4 which the violation occurred for credit to the county school district
5 fund.

6 2. The Director may:

7 (a) In addition to imposing a fine pursuant to subsection 1, issue
8 an order requiring a violator to take appropriate action to correct the
9 violation; or

10 (b) Request the district attorney of the appropriate county to
11 investigate or file a criminal complaint against any person that the
12 State Board of Agriculture suspects may have violated any provision
13 of NRS 555.2605 to 555.460, inclusive ~~H~~ , and *section 1 of this*
14 *act.*

15 **Sec. 7.** This act becomes effective upon passage and approval.

