

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 crimes; requiring an applicant for a license to engage in pest control to submit a complete set of his fingerprints to the Director under certain circumstances; prohibiting a person from engaging in certain pest control activities concerning wood-destroying pests or organisms without a license issued by the Director; providing additional grounds for the Director to revoke, suspend or modify a license to engage in pest control; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from engaging in pest control activities without
2 a license issued by the Director of the State Department of Agriculture. (NRS
3 555.280) "Pest control" means the business of using pesticides and mechanical
4 devices to control infestations of pests and the inspection for hire of houses and
5 other structures. The term also includes the submission of reports, estimates or bids
6 for the inspection or control of wood-destroying pests. (NRS 555.2667) Existing
7 law further prohibits a person from engaging in various pest control activities



* A B 2 2 8 R 1 *

concerning wood-destroying pests or organisms without a license issued by the Director, including, without limitation, preparing inspection reports concerning those pests or organisms. (NRS 555.285)

Section 1 of this bill authorizes the Director to refuse to issue a license to perform pest control to certain persons who are convicted of, or enter a plea of guilty or nolo contendere to, a felony or any crime involving moral turpitude. **Section 1** also requires an applicant for a license to engage in pest control who is a primary principal or intends to act as a primary principal for a pest control business to submit a complete set of his fingerprints to the Director. Additionally, **section 1** sets forth grounds for the Director to refuse to issue a license to perform pest control.

Section 3 of this bill prohibits a person from altering an inspection report concerning wood-destroying pests or organisms without a license issued by the Director.

Existing law authorizes the Director to revoke, suspend or modify a license to engage in pest control if he finds that the licensee has engaged in certain activities. (NRS 555.350)

Section 3.5 of this bill expands those activities to include a conviction of the licensee of a felony or any crime involving moral turpitude.

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 may refuse to issue a license to perform pest control to any person who:

(a) Is a primary principal or intends to act as a primary principal for a pest control business pursuant to NRS 555.3507; and

(b) Has been convicted of, or entered a plea of guilty or nolo contendere to, a felony or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or any other country.

2. In addition to any other requirements set forth in this chapter, each applicant for a license to perform pest control specified in paragraph (a) of subsection 1 shall submit with his application a complete set of his fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. A suspension or revocation of a license to perform 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 is grounds for refusal to issue the license.



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 , engage in, offer to
8 engage in, advertise or solicit to perform any of the following pest
9 control activities concerning wood-destroying pests or organisms
10 without a license issued by the Director:

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

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

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

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

21 **Sec. 3.5.** NRS 555.350 is hereby amended to read as follows:
22 555.350 1. The Director may suspend, pending inquiry, for
23 not longer than 10 days, and, after opportunity for a hearing, may
24 revoke, suspend or modify any license issued under NRS 555.2605
25 to 555.460, inclusive, **and section 1 of this act**, if he finds that:

26 (a) The licensee is no longer qualified;

27 (b) The licensee has engaged in fraudulent business practices in
28 pest control;

29 (c) The licensee has made false or fraudulent claims through any
30 media by misrepresenting the effect of materials or methods to be
31 used;

32 (d) The licensee has applied known ineffective or improper
33 materials;

34 (e) The licensee operated faulty or unsafe equipment;

35 (f) The licensee has made any application in a faulty, careless or
36 negligent manner;

37 (g) The licensee has violated any of the provisions of NRS
38 555.2605 to 555.460, inclusive, **and section 1 of this act**, or
39 regulations adopted pursuant thereto;

40 (h) The licensee engaged in the business of pest control without
41 having a licensed applicator or operator in direct on-the-job
42 supervision;

43 (i) The licensee aided or abetted a licensed or an unlicensed
44 person to evade the provisions of NRS 555.2605 to 555.460,
45 inclusive, **and section 1 of this act**, combined or conspired with



* A B 2 2 8 R 1 *

1 such a licensee or an unlicensed person to evade the provisions, or
2 allowed one's license to be used by an unlicensed person;

3 (j) The licensee was intentionally guilty of fraud or deception in
4 the procurement of his license; ~~for~~

5 (k) The licensee was intentionally guilty of fraud or deception in
6 the issuance of an inspection report on wood-destroying pests or
7 other report required by regulation ~~for~~; or

8 *(l) The licensee has been convicted of, or entered a plea of*
9 *nolo contendere to, a felony or any crime involving moral*
10 *turpitude in any court of competent jurisdiction in the United*
11 *States or any other country.*

12 2. A license is suspended automatically, without action of the
13 Director, if the proof of public liability and property damage or drift
14 insurance filed pursuant to NRS 555.330, is cancelled, and the
15 license remains suspended until the insurance is reestablished.

16 3. *A licensee against whom the Director initiates disciplinary*
17 *action to revoke, suspend or modify the license of the licensee*
18 *pursuant to this section shall, within 30 days after receiving*
19 *written notice of the disciplinary action from the Director, submit*
20 *to the Director a complete set of his fingerprints and written*
21 *permission authorizing the Director to forward the fingerprints to*
22 *the Central Repository for Nevada Records of Criminal History*
23 *for submission to the Federal Bureau of Investigation for its*
24 *report.*

25 4. *A willful failure of a licensee to comply with the*
26 *requirements of subsection 3 constitutes an additional ground for*
27 *the revocation, suspension or modification of the license of the*
28 *licensee pursuant to this section.*

29 5. *The Director has additional grounds to revoke, suspend or*
30 *modify a license pursuant to this section if the report from the*
31 *Federal Bureau of Investigation indicates that the licensee has*
32 *been convicted of a felony or crime specified in paragraph (l) of*
33 *subsection 1.*

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

35 555.400 1. The Director may adopt regulations to carry out
36 the provisions of NRS 555.2605 to 555.460, inclusive, ~~but the~~ and
37 *section 1 of this act.* The regulations must not be inconsistent with
38 *any* regulations issued by this State or by the Federal Government
39 relating to safety in air navigation or *the* operation of aircraft.

40 2. Before ~~issuing~~ *adopting* regulations directly relating to any
41 matter within the jurisdiction of any other officer of this State, the
42 Director shall consult with that officer ~~with reference thereto.~~
43 *concerning those regulations.*



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1 **Sec. 5.** NRS 555.460 is hereby amended to read as follows:
2 555.460 Any person violating the provisions of NRS 555.2605
3 to 555.420, inclusive, *and section 1 of this act*, or the regulations
4 adopted pursuant thereto, is guilty of a misdemeanor and, in
5 addition to any criminal penalty, shall pay to the Department an
6 administrative fine of not more than \$5,000 per violation. If an
7 administrative fine is imposed pursuant to this section, the costs of
8 the proceeding, including investigative costs and attorney's fees,
9 may be recovered by the Department.

10 **Sec. 6.** NRS 555.470 is hereby amended to read as follows:
11 555.470 1. The Director shall adopt regulations specifying a
12 schedule of fines which may be imposed, upon notice and a hearing,
13 for each violation of the provisions of NRS 555.2605 to 555.460,
14 inclusive *H*, *and section 1 of this act*. The maximum fine that may
15 be imposed by the Director for each violation must not exceed
16 \$5,000 per day. All fines collected by the Director pursuant to this
17 subsection must be remitted to the county treasurer of the county in
18 which the violation occurred for credit to the county school district
19 fund.

20 2. The Director may:

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

24 (b) Request the district attorney of the appropriate county to
25 investigate or file a criminal complaint against any person that the
26 State Board of Agriculture suspects may have violated any provision
27 of NRS 555.2605 to 555.460, inclusive *H*, *and section 1 of this*
28 *act*.

29 **Sec. 7.** This act becomes effective on January 1, 2008.

