

ASSEMBLY BILL NO. 32—COMMITTEE ON NATURAL  
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 16, 2016

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Revises provisions governing pest control.  
(BDR 49-176)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE (§§ 12, 13, 27)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring certain persons who engage in pest control, including governmental agencies and their employees, to obtain a license from the Director of the State Department of Agriculture; establishing procedures relating to such licensure; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally prohibits any person from using pesticides or otherwise engaging in the business of pest control without a license from the Director of the State Department of Agriculture. (NRS 555.280, 555.285) For the purposes of these provisions, “person” is defined to include a government, governmental agency and political subdivision of a government. (NRS 555.266) **Sections 9-13, 19 and 21** of this bill provide explicitly for the licensure of any governmental agency and any employee of such an agency who engages in pest control.

Existing law provides exemptions from licensing requirements for certain farmers and landscape-maintenance businesses. Currently, to be exempt, a farmer must not be regularly engaged in the business of applying pesticides or performing pest control “for hire.” (NRS 555.277) **Section 22** of this bill removes the “for hire” limitation, with the result that a farmer who is paid for his or her services is still exempt if the other statutory conditions are satisfied. **Section 22** also revises the “landscaping” exemption by making it applicable only to a “gardener” who uses certain pesticides.



Under existing law, a person may not engage "for hire" in certain pest control activities relating to termites and other wood-destroying pests or organisms without a license issued by the Director. (NRS 555.285) **Section 24** of this bill extends the licensure requirement to any person who provides or offers to provide such services without charge.

This bill otherwise provides for the licensure of businesses who engage in pest control and certain natural persons who are owners, officers, partners, members or technicians of such a business. **Section 31** of this bill provides that any application for a license submitted by a natural person must be accompanied by a work card issued to the person by the sheriff of the county in which the person resides. If disciplinary action is initiated against a licensee who is a natural person, **section 32** of this bill generally requires the person to obtain and submit a work card within 30 days after receiving notice of disciplinary action. **Section 14** of this bill governs the issuance of the required work card.

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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 the provisions set forth as sections 2 to 14, inclusive, of this act.

**Sec. 2.** *"Applicator" means a natural person who engages in pest control. The term does not include a government applicator.*

**Sec. 3.** *"Business license" means a license to engage in pest control from a place of business identified on the license, issued by the Department to a natural person or business entity to operate as a pest control business.*

**Sec. 4.** *"General-use pesticide" means a pesticide that has not been determined to be or classified as a restricted-use pesticide:*

- 1. By the Director; or*
- 2. In accordance with the Federal Environmental Pesticide Control Act of 1972, 7 U.S.C. §§ 136 et seq.*

**Sec. 5.** *"Government applicator" means a natural person who:*

- 1. Is employed by a city, county, state or other governmental agency; and*
- 2. Engages in pest control in the course and scope of his or her employment and only within the jurisdiction of the governmental agency.*

**Sec. 6.** *"Governmental agency license" means a license to engage in pest control issued by the Director to a city, county, state or other governmental agency.*

**Sec. 7.** *"Location principal" means the primary principal of a pest control business who has been designated by the business as the person responsible for the daily supervision of each category of pest control conducted from a location of the business.*



1     **Sec. 8.** *“Unlicensed employee” means an employee of a city,*  
2 *county, state or other governmental agency who is not so*  
3 *employed for more than 1,039 hours in any 12-month period.*

4     **Sec. 9.** *A city, county, state or other governmental agency*  
5 *shall not engage in pest control without a governmental agency*  
6 *license issued by the Director.*

7     **Sec. 10.** *1. A government applicator shall not engage in*  
8 *pest control within the course and scope of his or her employment*  
9 *without a license issued by the Director. The provisions of this*  
10 *subsection do not prohibit the use of a general-use pesticide by an*  
11 *unlicensed employee under the supervision of a government*  
12 *applicator.*

13     *2. As used in this section, “supervision” means daily, on-site*  
14 *contact between an unlicensed employee and a government*  
15 *applicator who is able to be physically present with the unlicensed*  
16 *employee within 60 minutes.*

17     **Sec. 11.** *1. An application for a governmental agency*  
18 *license or license as a government applicator must be made to the*  
19 *Director and contain such information regarding the applicant’s*  
20 *qualifications and proposed operations and other relevant matters*  
21 *as required by regulation of the Director.*

22     *2. An application for a license as a government applicator*  
23 *must include the social security number of the applicant.*

24     *3. A city, county, state or other governmental agency is not*  
25 *required to obtain more than one governmental agency license to*  
26 *engage in pest control within its jurisdiction.*

27     **Sec. 12.** *1. The Director may require an applicant for a*  
28 *license as a government applicator to show, upon examination,*  
29 *that the applicant possesses adequate knowledge concerning the*  
30 *proper use and application of general-use pesticides and the*  
31 *dangers involved and precautions to be taken in connection with*  
32 *their application, including, without limitation, the comprehension*  
33 *of pesticide labels and:*

34     *(a) The environmental consequences of pesticide use and*  
35 *misuse.*

36     *(b) Pests.*

37     *(c) Pesticides.*

38     *(d) Equipment.*

39     *(e) Application techniques.*

40     *(f) Applicable laws and regulations.*

41     *(g) Safety.*

42     *2. The Director may require an applicant to demonstrate that*  
43 *he or she is competent to meet the specific needs of a locality*  
44 *relating to the use or application of a general-use pesticide.*



1       3. The Director shall collect from each applicant for  
2 examination or reexamination a testing fee established by  
3 regulation of the Director.

4       Sec. 13. 1. If the Director finds that an applicant for a  
5 license as a government applicator is qualified, Director shall  
6 issue the license and collect the fee for the license established by  
7 regulation of the Director.

8       2. A governmental agency license or license as a government  
9 applicator is valid for the period established by regulation of the  
10 Director and may be renewed as provided by regulation.

11       3. A license as a government applicator:

12       (a) Does not authorize the licensee to use a restricted-use  
13 pesticide. To use such a pesticide, the licensee must be the holder  
14 of a certificate issued by the Director pursuant to NRS 555.357.

15       (b) May limit the licensee to the use of a certain type of  
16 equipment or material if the Director finds that the licensee is  
17 qualified to use only that type of equipment or material.

18       4. If the Director denies an application for a governmental  
19 agency license or license as a government applicator pursuant to  
20 this section, the Director shall inform the applicant in writing of  
21 the reasons for the denial.

22       Sec. 14. 1. Except as otherwise provided in this section, the  
23 sheriff of a county shall issue a work card to any natural person  
24 who is required by NRS 555.345 or 555.350 to obtain a work card  
25 and complies with the requirements of this section.

26       2. An applicant for a work card must submit with his or her  
27 application a complete set of his or her fingerprints and written  
28 permission authorizing the sheriff to forward the fingerprints to  
29 the Central Repository for Nevada Records of Criminal History  
30 for submission to the Federal Bureau of Investigation for its  
31 report. The sheriff shall submit the fingerprints to the Central  
32 Repository for submission to the Federal Bureau of Investigation  
33 to determine the criminal history of the applicant.

34       3. The sheriff shall not issue a work card to any person who:

35       (a) Has been convicted of a category A, B or C felony or of a  
36 crime in another state which would be a category A, B or C felony  
37 if committed in this State;

38       (b) Has been convicted of a sexual offense;

39       (c) Has been convicted of a crime against any person who is 60  
40 years of age or older or against a vulnerable person for which an  
41 additional term of imprisonment may be imposed pursuant to NRS  
42 193.167 or the laws of any other jurisdiction;

43       (d) Has been convicted of a battery punishable as a gross  
44 misdemeanor; or

45       (e) Within the immediately preceding 5 years:



(1) *Has been convicted of a theft; or*

(2) *Has been convicted of a violation of any state or federal law regulating the possession, distribution or use of a controlled substance.*

4. *If the sheriff does not issue a work card to a person because the information received from the Central Repository for Nevada Records of Criminal History indicates that the person has been convicted of a crime listed in subsection 3 and the person believes that the information provided by the Central Repository is incorrect, the person may immediately inform the sheriff. If the sheriff is so informed, the sheriff shall give the person at least 30 days in which to correct the information.*

5. *As used in this section, unless the context otherwise requires:*

(a) *“Sexual offense” has the meaning ascribed to it in NRS 179D.097.*

(b) *“Vulnerable person” has the meaning ascribed to it in NRS 200.5092.*

**Sec. 15.** NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of this act*, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, *and sections 2 to 8, inclusive, of this act* have the meanings ascribed to them in those sections.

**Sec. 16.** NRS 555.261 is hereby amended to read as follows:

555.261 “Agent” means any person who solicits business ~~fin~~ on behalf of ~~the holder of a business license.~~ *the holder of a business license.*

**Sec. 17.** NRS 555.2617 is hereby amended to read as follows:

555.2617 “Certificate” means a certificate of competency issued by the Director to a commercial applicator or private applicator authorizing ~~that person~~ *the applicator* to make application of or to supervise the application of a restricted-use pesticide.

**Sec. 18.** NRS 555.2618 is hereby amended to read as follows:

555.2618 “Certified applicator” means any ~~person~~ *applicator* who is certified by the Director as qualified to use or to supervise the use of any restricted-use pesticide.

**Sec. 19.** NRS 555.2667 is hereby amended to read as follows:

555.2667 “Pest control” means *conducting as a function of the agency, in the case of a city, county, state or other governmental agency, or* publicly holding oneself out as being in the business of detecting, preventing, controlling or exterminating pests or otherwise engaging in, advertising or soliciting for:



1 1. The use ~~for hire~~ of pesticides or mechanical devices for the  
2 extermination, control or prevention of infestations of pests.

3 2. The inspection ~~for hire~~ of households or other structures  
4 and the submission of reports of inspection, estimates or bids,  
5 written or oral, for the inspection, extermination, control or  
6 prevention of wood-destroying pests.

7 **Sec. 20.** NRS 555.270 is hereby amended to read as follows:

8 555.270 It is the policy of this State and the purpose of NRS  
9 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of*  
10 *this act* to regulate, in the public interest, the application of  
11 pesticides which, although valuable for the control of pests, may  
12 seriously injure humans, animals and crops over wide areas if not  
13 properly applied.

14 **Sec. 21.** NRS 555.273 is hereby amended to read as follows:

15 555.273 All state agencies, municipal corporations and public  
16 utilities or any other governmental agency ~~shall be~~ *and any*  
17 *government applicator is* subject to the provisions of NRS 555.2605  
18 to 555.460, inclusive, and *sections 2 to 14, inclusive, and* rules  
19 adopted thereunder concerning the application of restricted-use  
20 pesticides by any person.

21 **Sec. 22.** NRS 555.277 is hereby amended to read as follows:

22 555.277 1. The provisions of NRS 555.2605 to 555.460,  
23 inclusive, *and sections 2 to 14, inclusive, of this act* relating to  
24 licenses and requirements for their issuance, except *those provisions*  
25 *relating to* a certificate or permit to use a restricted-use pesticide, do  
26 not apply to any farmer-owner of ground equipment applying  
27 pesticides for himself, herself or his or her neighbors, if:

28 (a) The farmer-owner operates farm property and operates and  
29 maintains equipment for applying pesticides primarily for his or her  
30 own use ; ~~†~~

31 (b) The farmer-owner is not regularly engaged in the business of  
32 applying pesticides or performing pest control ~~for hire~~ as an  
33 operator, primary principal or principal or as a regular occupation,  
34 and the farmer-owner does not advertise or solicit pest control or  
35 publicly hold himself or herself out as being in the business of pest  
36 control or as ~~a pesticide~~ *an* applicator ~~†~~ ; *and*

37 (c) The farmer-owner operates his or her equipment for applying  
38 pesticides only in the vicinity of the farmer-owner's own property  
39 and for the accommodation of the farmer-owner's neighbors for  
40 agricultural purposes only.

41 2. The provisions of NRS 555.2605 to 555.460, inclusive, *and*  
42 *sections 2 to 14, inclusive, of this act*, except those provisions  
43 relating to a certificate or permit to use a restricted-use pesticide, do  
44 not apply to ~~any person~~ *a gardener* using hand-powered  
45 equipment, devices or contrivances to apply *any* pesticides *of*



1 *toxicity class III or IV, as classified by the United States*  
2 *Environmental Protection Agency, to any ~~Handscaped-area~~ lawn*  
3 *or garden as an incidental part of ~~the person's~~ his or her* business  
4 of taking care of a ~~Handscaped-area~~ lawn or garden for  
5 remuneration, if ~~that person~~ *he or she* does not advertise or solicit  
6 pest control or publicly hold himself or herself out as being in the  
7 business of pest control or applying pesticides and the cost of  
8 applying the pesticides does not exceed 20 percent of the total  
9 remuneration received. *As used in this subsection, "gardener"*  
10 *means a person who owns, operates or is employed by a business*  
11 *that provides routine care of a lawn or garden for a homeowner.*

12 **Sec. 23.** NRS 555.280 is hereby amended to read as follows:

13 555.280 A *natural* person , *including, without limitation, any*  
14 *consultant, demonstrator, researcher or specialist*, shall not engage  
15 in pest control or serve as an agent, operator, pilot, primary principal  
16 , *location principal* or principal for that purpose within this State at  
17 any time without a license *as an applicator* issued by the Director.

18 **Sec. 24.** NRS 555.285 is hereby amended to read as follows:

19 555.285 A *natural* person shall not ~~for hire,~~ engage in, offer  
20 to engage in, advertise or solicit to perform any of the following pest  
21 control activities concerning wood-destroying pests or organisms  
22 without a license *as an applicator* issued by the Director:

23 1. Making an inspection to identify or to attempt to identify  
24 infestations or infections of households or other structures by those  
25 pests or organisms.

26 2. Making or altering inspection reports concerning the  
27 infestations or infections.

28 3. Making estimates or bids, whether written or oral,  
29 concerning the infestations or infections.

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

33 **Sec. 25.** NRS 555.290 is hereby amended to read as follows:

34 555.290 1. An application for a *business license or* license *as*  
35 *an applicator* must be submitted to the Director and must set forth  
36 such information regarding the applicant's qualifications and  
37 proposed operations and other relevant matters as required ~~pursuant~~  
38 ~~to regulations adopted~~ by *regulation of* the Director. If the  
39 applicant is a natural person, the application must include the social  
40 security number of the applicant.

41 2. *The Director may require an applicant for a business*  
42 *license to establish to the satisfaction of the Director that a*  
43 *primary principal who is licensed as an applicator is associated*  
44 *with the business of the applicant.*





3. If an applicant fails to complete the licensing requirements within 30 days after the date on which the applicant submits his or her application, the applicant forfeits all fees he or she has tendered. Thereafter the applicant may reinitiate the application process upon payment of the appropriate fees.

**Sec. 26.** NRS 555.300 is hereby amended to read as follows:

555.300 1. ~~{the}~~ *If an applicant for a license as an applicator is a primary principal or principal of a pest control business, the* Director may require the applicant to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.

2. If ~~{the}~~ *an applicant for a business license* is not a natural person, the applicant shall designate an officer, member or technician of the ~~{organization}~~ *business entity* to take the examination. The person so designated is subject to the approval of the Director. If the extent of the applicant's operations require it, the Director may require more than one officer, member or technician to take the examination.

3. ~~{The}~~ *An applicant described in subsection 1* or the person designated by ~~{the}~~ *an applicant for a business license* in accordance with the provisions of subsection 2 must have attained the age of majority and have:

(a) Not less than 2 years' practical experience in pest control; or

(b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.

4. The requirements of subsection 3 do not apply to persons holding a license issued by the Director before July 1, 1973, or to the renewal of the license of any such person.

**Sec. 27.** NRS 555.310 is hereby amended to read as follows:

555.310 1. The Director shall collect from each person applying for ~~{the}~~ examination or reexamination a testing fee established by regulation of the Director.

2. The Director shall, before the license is issued, collect from each person applying for a *business license* ~~{for pest control an annual}~~ *, governmental agency license or license as an applicator or government applicator* a fee established by regulation of the Director. Any person employing primary principals, *location principals*, principals, operators or agents shall pay to the Director a fee established by regulation of the Director for each primary principal, *location principal*, principal, operator or agent licensed.





1     **Sec. 28.** NRS 555.320 is hereby amended to read as follows:

2     555.320 1. If the Director finds ~~that~~ *an* applicant *for a*  
3 *business license or a license as an applicator to be* qualified, and  
4 upon the applicant's appointing the Director agent for service of  
5 process and finding that the applicant has satisfied the requirements  
6 of NRS 555.325 and 555.330, *as applicable*, the Director shall issue  
7 ~~that~~ the license ~~to perform pest control within this State.~~ *as applied*  
8 *for.*

9     2. The license ~~period is the calendar year. All licenses expire~~  
10 ~~on December 31 of each year.~~ *is valid for the period specified by*  
11 *regulation of the Director.* The license may be renewed ~~annually~~  
12 upon application to the Director and payment of the *applicable*  
13 license fee. ~~on or before December 31 of each year. If the holder of~~  
14 ~~the license is a natural person, the holder must submit with his~~  
15 ~~or her application for renewal the statement required pursuant to~~  
16 ~~NRS 555.325.~~

17     3. The license may restrict the licensee to the use of a certain  
18 type or types of equipment or materials if the Director finds that the  
19 applicant is qualified to use only a certain type or types.

20     4. If a license is not issued as applied for, the Director shall  
21 inform the applicant in writing of the reasons therefor.

22     **Sec. 29.** NRS 555.325 is hereby amended to read as follows:

23     555.325 1. A natural person who applies for the issuance or  
24 renewal of a license ~~to perform pest control~~ *pursuant to NRS*  
25 *555.2605 to 555.460, inclusive, and sections 2 to 14, inclusive, of*  
26 *this act* shall submit to the Director the statement prescribed by the  
27 Division of Welfare and Supportive Services of the Department of  
28 Health and Human Services pursuant to NRS 425.520. The  
29 statement must be completed and signed by the applicant.

30     2. The Director shall include the statement required pursuant to  
31 subsection 1 in:

32     (a) The application or any other forms that must be submitted  
33 for the issuance or renewal of the license; or

34     (b) A separate form prescribed by the Director.

35     3. A license ~~to perform pest control~~ may not be issued or  
36 renewed by the Director if the applicant is a natural person who:

37     (a) Fails to submit the statement required pursuant to subsection  
38 1; or

39     (b) Indicates on the statement submitted pursuant to subsection  
40 1 that the applicant is subject to a court order for the support of a  
41 child and is not in compliance with the order or a plan approved by  
42 the district attorney or other public agency enforcing the order for  
43 the repayment of the amount owed pursuant to the order.

44     4. If an applicant indicates on the statement submitted pursuant  
45 to subsection 1 that the applicant is subject to a court order for the



support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

**Sec. 30.** NRS 555.330 is hereby amended to read as follows:

555.330 1. The Director shall require from each applicant for a ~~pest-control~~ **business** license proof of public liability and property damage insurance in an amount of:

(a) Except as otherwise provided in paragraph (b), not less than \$50,000.

(b) If the **business** license would authorize the application of pesticides by aircraft:

(1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than \$100,000 for each occurrence of damage to property in any one accident.

➔ The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator, primary principal, **location principal** or principal. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

**Sec. 31.** NRS 555.345 is hereby amended to read as follows:

555.345 1. The Director may refuse to issue a license ~~to perform pest-control~~ **as an applicator** to any person who:



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

(b) Has been convicted of, or entered a plea of guilty, guilty but  
mentally ill 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†~~ *as an*  
*applicator* specified in paragraph (a) of subsection 1 shall submit  
with his or her application a ~~†complete set of the applicant's~~  
~~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.†~~ *work card issued to the applicant in*  
*accordance with section 14 of this act by the sheriff of the county*  
*in which the applicant resides.*

3. A suspension or revocation of a license ~~†to perform pest~~  
~~control†~~ *as an applicator* pursuant to NRS 555.350 or any previous  
revocation or current suspension of such a license *or an equivalent*  
*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†~~ *a*  
license ~~††~~ *as an applicator.*

**Sec. 32.** NRS 555.350 is hereby amended to read as follows:

555.350 1. The Director may suspend, pending inquiry, for  
not longer than 10 days, and, after opportunity for a hearing, may  
revoke, suspend or modify any *business license or* license issued *to*  
*an applicator or government applicator* under NRS 555.2605 to  
555.460, inclusive, *and sections 2 to 14, inclusive, of this act* if the  
Director finds that:

(a) The licensee is no longer qualified;

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

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

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

(e) The licensee *has* operated faulty or unsafe equipment;

(f) The licensee has made any application *of materials* in a  
*manner inconsistent with labeling or any restriction imposed by*  
*regulation of the Director, or otherwise in a* faulty, careless or  
negligent manner;



(g) The licensee has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of this act* or regulations adopted pursuant thereto;

(h) The licensee *has* engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;

(i) The licensee *has* aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of this act*, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed ~~one's~~ *the* license to be used by an unlicensed person;

(j) The licensee was intentionally guilty of fraud or deception in the procurement of ~~this or her~~ *the* license;

(k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;

~~or~~

(l) The licensee has been convicted of, or entered a plea of 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 ~~it~~ ; or

*(m) The licensee has failed to provide adequate instruction or supervision to any unlicensed employee working under the supervision of the licensee.*

2. A *business* license *and any license issued to a principal of the business as an applicator* is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the ~~license remains~~ *licenses remain* suspended until the insurance is re-established.

3. ~~At~~ *Except as otherwise provided in this subsection, if the licensee is a natural person, any* licensee against whom the Director initiates disciplinary action ~~to revoke, suspend or modify the license of the licensee~~ pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director, submit to the Director a ~~complete set of the licensee's 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.~~

~~4.~~ *work card issued to the licensee in accordance with section 14 of this act by the sheriff of the county in which the licensee resides. If the sheriff does not issue a work card to the licensee because the information received from the Central Repository for*



*Nevada Records of Criminal History indicates that the licensee has been convicted of a crime listed in subsection 3 of section 14 of this act and the licensee believes that the information provided by the Central Repository is incorrect, the time otherwise provided by this subsection is extended to 90 days if the licensee so informs the sheriff as provided in subsection 4 of section 14 of this act.* A willful failure of a licensee to comply with the requirements of *this* subsection ~~{3}~~ constitutes an additional ground for the revocation, suspension or modification of the license ~~{of the licensee}~~ pursuant to this section.

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

**Sec. 33.** NRS 555.3505 is hereby amended to read as follows:

555.3505 1. If the Director receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a *natural* person who is the holder of a license ~~{to perform pest control.}~~ *issued pursuant to NRS 555.2605 to 555.460, inclusive, and sections 2 to 14, inclusive, of this act,* the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Director shall reinstate a license ~~{to perform pest control}~~ that has been suspended by a district court pursuant to NRS 425.540 if the Director receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

**Sec. 34.** NRS 555.3507 is hereby amended to read as follows:

555.3507 ~~{A person licensed to engage in pest control}~~ *The holder of a business license* shall ensure that the licensee's business has a primary principal who is licensed *as an applicator* in the appropriate category or categories of pest control.

**Sec. 35.** NRS 555.357 is hereby amended to read as follows:

555.357 1. If the Director finds that the applicant is qualified, the Director shall issue a certificate to make application of or to



1 supervise the application of restricted-use pesticides within this  
2 State.

3 2. A certificate is valid for ~~14 years after the date it is issued.~~  
4 *the period established by regulation of the Director.* The certificate  
5 may be renewed upon completion of the requirements established by  
6 the regulations of the Director.

7 3. The Director shall adopt regulations concerning the  
8 requirements for renewal of a certificate.

9 4. The certificate may limit the applicant to the use of a certain  
10 type or types of equipment or material if the Director finds that the  
11 applicant is qualified to use only that type or types.

12 5. If a certificate is not issued as applied for, the Director shall  
13 inform the applicant in writing of the reasons therefor.

14 **Sec. 36.** NRS 555.400 is hereby amended to read as follows:

15 555.400 1. The Director may adopt regulations to carry out  
16 the provisions of NRS 555.2605 to 555.460, inclusive ~~H~~, *and*  
17 *sections 2 to 14, inclusive, of this act.* The regulations must not be  
18 inconsistent with any regulations issued by this State or by the  
19 Federal Government relating to safety in air navigation or the  
20 operation of aircraft.

21 2. Before adopting regulations directly relating to any matter  
22 within the jurisdiction of any other officer of this State, the Director  
23 shall consult with that officer concerning those regulations.

24 **Sec. 37.** NRS 555.420 is hereby amended to read as follows:

25 555.420 To carry out the provisions of NRS 555.2605 to  
26 555.460, inclusive, *and sections 2 to 14, inclusive, of this act,* the  
27 Director and the Director's appointed inspectors may enter upon any  
28 public or private premises at reasonable times to inspect, audit,  
29 sample or monitor any aircraft, ground equipment, records, storage,  
30 pesticides, pesticide sprays, disposal operations or other operations  
31 which are subject to NRS 555.2605 to 555.460, inclusive, *and*  
32 *sections 2 to 14, inclusive, of this act* or regulations adopted  
33 pursuant thereto.

34 **Sec. 38.** NRS 555.460 is hereby amended to read as follows:

35 555.460 Any person violating the provisions of NRS 555.2605  
36 to 555.420, inclusive, *and sections 2 to 14, inclusive, of this act* or  
37 the regulations adopted pursuant thereto, is guilty of a misdemeanor  
38 and, in addition to any criminal penalty, shall pay to the Department  
39 an administrative fine of not more than \$5,000 per violation. If an  
40 administrative fine is imposed pursuant to this section, the costs of  
41 the proceeding, including investigative costs and attorney's fees,  
42 may be recovered by the Department.

43 **Sec. 39.** NRS 555.470 is hereby amended to read as follows:

44 555.470 1. The Director shall adopt regulations specifying a  
45 schedule of fines which may be imposed, upon notice and a hearing,



1 for each violation of the provisions of NRS 555.2605 to 555.460,  
2 inclusive **H**, *and sections 2 to 14, inclusive, of this act*. The  
3 maximum fine that may be imposed by the Director for each  
4 violation must not exceed \$5,000 per day. All fines collected by the  
5 Director pursuant to this subsection must be remitted to the county  
6 treasurer of the county in which the violation occurred for credit to  
7 the county school district fund.

8 2. The Director may:

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

12 (b) Request the district attorney of the appropriate county to  
13 investigate or file a criminal complaint against any person that the  
14 State Board of Agriculture suspects may have violated any provision  
15 of NRS 555.2605 to 555.460, inclusive **H**, *and sections 2 to 14,*  
16 *inclusive, of this act*.

17 **Sec. 40.** NRS 561.375 is hereby amended to read as follows:

18 561.375 1. The Program for the Control of Pests and Plant  
19 Diseases is hereby established.

20 2. Money accepted by the Department under the provisions of  
21 NRS 555.010 to 555.460, inclusive, *and sections 2 to 14, inclusive,*  
22 *of this act* from the Federal Government or any federal department  
23 or agency, a county, a city, a public district or any political  
24 subdivision of this State, a public or private corporation, or a natural  
25 person, may be used in the Program for the Control of Pests and  
26 Plant Diseases.

27 3. Expenditures for the Program for the Control of Pests and  
28 Plant Diseases may be made only to carry out the provisions of this  
29 chapter and chapters 552, 554, 555 and 587 of NRS.

30 **Sec. 41.** NRS 561.385 is hereby amended to read as follows:

31 561.385 1. The Agriculture Registration and Enforcement  
32 Account is hereby created in the State General Fund for the use of  
33 the Department.

34 2. The following fees must be deposited in the Agriculture  
35 Registration and Enforcement Account:

36 (a) Except as otherwise provided in NRS 586.270 and 586.940,  
37 fees collected pursuant to the provisions of chapter 586 of NRS.

38 (b) Fees collected pursuant to the provisions of chapter 588 of  
39 NRS.

40 (c) Fees collected pursuant to the provisions of NRS 590.340 to  
41 590.450, inclusive.

42 (d) Laboratory fees collected for the testing of pesticides as  
43 authorized by NRS 561.305, and as are necessary pursuant to the  
44 provisions of NRS 555.2605 to 555.460, inclusive, *and sections 2 to*





1 **14, inclusive, of this act** and, except as otherwise provided in NRS  
2 586.270 and 586.940, chapter 586 of NRS.

3 (e) Laboratory fees collected for the analysis and testing of  
4 commercial fertilizers and agricultural minerals, as authorized by  
5 NRS 561.305, and as are necessary pursuant to the provisions of  
6 chapter 588 of NRS.

7 (f) Laboratory fees collected for the analysis and testing of  
8 petroleum products or motor vehicle fuel, as authorized by NRS  
9 561.305, and as are necessary pursuant to the provisions of NRS  
10 590.010 to 590.150, inclusive.

11 (g) Laboratory fees collected for the analysis and testing of  
12 antifreeze, as authorized by NRS 561.305, and as are necessary  
13 pursuant to the provisions of NRS 590.340 to 590.450, inclusive.

14 3. Expenditures from the Agriculture Registration and  
15 Enforcement Account may be made to carry out the provisions of  
16 this chapter, NRS 555.2605 to 555.460, inclusive, **and sections 2 to**  
17 **14, inclusive, of this act** or chapters 586, 588 and 590 of NRS or for  
18 any other purpose authorized by the Legislature.

19 **Sec. 42.** Section 11 of this act is hereby amended to read as  
20 follows:

21 Sec. 11. 1. An application for a governmental agency  
22 license or license as a government applicator must be made to  
23 the Director and contain such information regarding the  
24 applicant's qualifications and proposed operations and other  
25 relevant matters as required by regulation of the Director.

26 2. ~~An application for a license as a government~~  
27 ~~applicator must include the social security number of the~~  
28 ~~applicant.~~

29 ~~3.~~ A city, county, state or other governmental agency is  
30 not required to obtain more than one governmental agency  
31 license to engage in pest control within its jurisdiction.

32 **Sec. 43.** 1. Notwithstanding the amendatory provisions of  
33 this act, a person who, on July 1, 2017, is the holder of a license to:

34 (a) Engage in pest control;

35 (b) Serve as an agent, operator, pilot, primary principal or  
36 principal for the purpose of engaging in pest control issued pursuant  
37 to NRS 555.280; or

38 (c) Engage in or perform pest control activities concerning  
39 wood-destroying pests or organisms issued pursuant to  
40 NRS 555.285,

41 ➔ and who is otherwise qualified to hold the existing license on that  
42 date shall be deemed during the period for which the existing license  
43 was issued to be licensed as an applicator pursuant to NRS 555.280  
44 or 555.285, as amended by sections 23 and 24 of this act,  
45 respectively, as applicable.



2. Notwithstanding the amendatory provisions of this act, a certificate to make application of or to supervise the application of restricted-use pesticides which is issued pursuant to NRS 555.357 before July 1, 2017, remains valid for the period for which it is issued, if the holder of the certificate is otherwise qualified to hold the certificate on that date.

**Sec. 44.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 45.** 1. This section and sections 2 to 41, inclusive, and 43 and 44 of this act become effective on July 1, 2017.

2. Section 42 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with the subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

