

REQUIRES TWO-THIRDS MAJORITY VOTE

(§§ 12, 13, 25, 27, 28, 31, 32)

(Reprinted with amendments adopted on April 24, 2017)

FIRST REPRINT

A.B. 32

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 certificate or license from the Director of the State Department of Agriculture; establishing procedures relating to such certification and 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 certification of any governmental agency and licensure of 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



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“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 30** of this bill expands the circumstances under which the Director may investigate a licensee to include certain licensed applicators and government applicators. **Section 31** of this bill provides that any application for a license submitted by a natural person must be accompanied by a fee in a certain amount. **Section 31** also authorizes the applicant, in lieu of submitting his or her fingerprints and written permission to conduct a background check of the applicant, to submit any document or other information required by the Department to perform the background check. The document or other information must be accompanied by any fees required by the Department. If disciplinary action is initiated against a licensee who is a natural person, **section 32** of this bill requires the licensee to submit, within 30 days after receiving notice of disciplinary action and in accordance with any regulations adopted by the Department, any document or other information required to perform a background check of the licensee. The document or other information must be accompanied by any fees required by the Department. **Sections 31 and 32** also revise the types of crimes for which the Director may refuse to issue or revoke, suspend or modify a license to engage in pest control.

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 1. *Is employed by a city, county, state or other governmental*
2 *agency, including, without limitation, a conservation district or a*
3 *weed control district; and*

4 2. *Engages in pest control in the course and scope of his or*
5 *her employment and only within the jurisdiction of the*
6 *governmental agency.*

7 **Sec. 6.** *“Governmental agency certificate” means a*
8 *certificate to engage in pest control issued by the Director to a city,*
9 *county, state or other governmental agency.*

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

14 **Sec. 8.** *“Unlicensed employee” means an employee of a city,*
15 *county, state or other governmental agency who:*

16 1. *Is not so employed for more than 1,039 hours in any 12-*
17 *month period; and*

18 2. *Has complied with any requirements for training specified*
19 *in regulations adopted by the Department.*

20 **Sec. 9.** *A city, county, state or other governmental agency*
21 *shall not engage in pest control without a governmental agency*
22 *certificate issued by the Director.*

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

29 2. *As used in this section, “supervision” means:*

30 (a) *The exercise of responsibility and provision of guidance for*
31 *an unlicensed employee by a government applicator; and*

32 (b) *The physical presence of the government applicator at the*
33 *location where the unlicensed employee applies the general-use*
34 *pesticide, if required by the label placed on the container for the*
35 *general-use pesticide.*

36 **Sec. 11.** 1. *An application for a governmental agency*
37 *certificate or license as a government applicator must be made to*
38 *the Director and contain such information regarding the*
39 *applicant’s qualifications and proposed operations and other*
40 *relevant matters as required by regulation of the Director.*

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

43 3. *A city, county, state or other governmental agency is not*
44 *required to obtain more than one governmental agency certificate*
45 *to engage in pest control within its jurisdiction.*



1 **Sec. 12. 1.** *The Director shall require an applicant for a*
2 *license as a government applicator to show, upon examination,*
3 *that the applicant possesses adequate knowledge concerning the*
4 *proper use and application of pesticides and the dangers involved*
5 *and precautions to be taken in connection with their application,*
6 *including, without limitation, the comprehension of pesticide*
7 *labels and:*

8 *(a) The environmental consequences of pesticide use and*
9 *misuse.*

10 *(b) Pests.*

11 *(c) Pesticides.*

12 *(d) Equipment.*

13 *(e) Application techniques.*

14 *(f) Applicable laws and regulations.*

15 *(g) Safety.*

16 **2.** *The Director may require an applicant to demonstrate that*
17 *he or she is competent to meet the specific needs of a locality*
18 *relating to the use or application of a pesticide.*

19 **3.** *The Director shall collect from each applicant for*
20 *examination or reexamination a testing fee established by*
21 *regulation of the Director.*

22 **Sec. 13. 1.** *If the Director finds that an applicant for a*
23 *license as a government applicator is qualified, Director shall*
24 *issue the license and collect the fee for the license established by*
25 *regulation of the Director.*

26 **2.** *A governmental agency certificate or license as a*
27 *government applicator is valid for the period established by*
28 *regulation of the Director and may be renewed as provided by*
29 *regulation.*

30 **3.** *A license as a government applicator:*

31 *(a) In addition to authorizing the licensee to engage in pest*
32 *control, authorizes the licensee to use a restricted-use pesticide*
33 *without obtaining a certificate issued by the Director pursuant to*
34 *NRS 555.357, if the licensee otherwise complies with the*
35 *provisions of this chapter and any regulations adopted pursuant to*
36 *this chapter governing the use of restricted-use pesticides.*

37 *(b) May limit the licensee to the use of a certain type of*
38 *equipment or material if the Director finds that the licensee is*
39 *qualified to use only that type of equipment or material.*

40 **4.** *If the Director denies an application for a governmental*
41 *agency certificate or license as a government applicator pursuant*
42 *to this section, the Director shall inform the applicant in writing of*
43 *the reasons for the denial.*

44 **Sec. 14.** (Deleted by amendment.)



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1 **Sec. 15.** 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 *sections 2 to 14, inclusive, of this act*, unless the context otherwise
4 requires, the words and terms defined in NRS 555.261 to 555.2695,
5 inclusive, *and sections 2 to 8, inclusive, of this act* have the
6 meanings ascribed to them in those sections.

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

8 555.261 “Agent” means any person who solicits business ~~for~~
9 *on* behalf of ~~for a custom pest control licensee~~ *the holder of a*
10 *business license*.

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

12 555.2617 “Certificate” means a certificate of competency
13 issued by the Director to a commercial applicator or private
14 applicator authorizing ~~that person~~ *the applicator* to make
15 application of or to supervise the application of a restricted-use
16 pesticide.

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

18 555.2618 “Certified applicator” means any ~~person~~ *applicator*
19 who is certified by the Director as qualified to use or to supervise
20 the use of any restricted-use pesticide.

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

22 555.2667 “Pest control” means *conducting as a function of*
23 *the agency, in the case of a city, county, state or other*
24 *governmental agency, or* publicly holding oneself out as being in
25 the business of detecting, preventing, controlling or exterminating
26 pests or otherwise engaging in, advertising or soliciting for:

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

29 2. The inspection ~~for hire~~ of households or other structures
30 and the submission of reports of inspection, estimates or bids,
31 written or oral, for the inspection, extermination, control or
32 prevention of wood-destroying pests.

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

34 555.270 It is the policy of this State and the purpose of NRS
35 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of*
36 *this act* to regulate, in the public interest, the application of
37 pesticides which, although valuable for the control of pests, may
38 seriously injure humans, animals and crops over wide areas if not
39 properly applied.

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

41 555.273 All state agencies, municipal corporations and public
42 utilities or any other governmental agency ~~shall be~~ *and any*
43 *government applicator is* subject to the provisions of NRS 555.2605
44 to 555.460, inclusive, and *sections 2 to 14, inclusive, and* rules



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1 adopted thereunder concerning the application of restricted-use
2 pesticides by any person.

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

4 555.277 1. The provisions of NRS 555.2605 to 555.460,
5 inclusive, *and sections 2 to 14, inclusive, of this act* relating to
6 licenses and requirements for their issuance, except *those provisions*
7 *relating to* a certificate or permit to use a restricted-use pesticide, do
8 not apply to any farmer-owner of ground equipment applying
9 pesticides for himself, herself or his or her neighbors, if:

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

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

19 (c) The farmer-owner operates his or her equipment for applying
20 pesticides only in the vicinity of the farmer-owner's own property
21 and for the accommodation of the farmer-owner's neighbors for
22 agricultural purposes only.

23 2. The provisions of NRS 555.2605 to 555.460, inclusive, *and*
24 *sections 2 to 14, inclusive, of this act*, except those provisions
25 relating to a certificate or permit to use a restricted-use pesticide, do
26 not apply to ~~any person~~ *a gardener* using hand-powered
27 equipment, devices or contrivances to apply *any* pesticides *of*
28 *toxicity class III or IV, as classified by the United States*
29 *Environmental Protection Agency*, to any ~~landscaped area~~ *lawn*
30 *or garden* as an incidental part of ~~the person's~~ *his or her* business
31 of taking care of a ~~landscaped area~~ *lawn or garden* for
32 remuneration, if ~~that person~~ *he or she* does not advertise or solicit
33 pest control or publicly hold himself or herself out as being in the
34 business of pest control or applying pesticides . ~~and the cost of~~
35 ~~applying the pesticides does not exceed 20 percent of the total~~
36 ~~remuneration received.~~ *As used in this subsection, "gardener"*
37 *means a person who owns, operates or is employed by a business*
38 *that provides routine care of a lawn or garden for a homeowner.*

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

40 555.280 A *natural* person , *including, without limitation, any*
41 *consultant, demonstrator, researcher or specialist*, shall not engage
42 in pest control or serve as an agent, operator, pilot, primary principal
43 , *location principal* or principal for that purpose within this State at
44 any time without a license *as an applicator* issued by the Director.



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

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

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

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

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

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

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

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

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



1 Director may require more than one officer, member or technician to
2 take the examination.

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

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

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

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

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

17 555.310 1. The Director shall collect from each person
18 applying for ~~{the}~~ examination or reexamination a testing fee
19 established by regulation of the Director.

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

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

30 555.320 1. If the Director finds ~~{the}~~ an applicant *for a*
31 *business license or a license as an applicator to be* qualified, and
32 upon the applicant's appointing the Director agent for service of
33 process and finding that the applicant has satisfied the requirements
34 of NRS 555.325 and 555.330, *as applicable*, the Director shall issue
35 ~~{a} the~~ license ~~{to perform pest control within this State.}~~ *as applied*
36 *for.*

37 2. The license ~~{period is the calendar year. All licenses expire~~
38 ~~on December 31 of each year.}~~ *is valid for the period specified by*
39 *regulation of the Director.* The license may be renewed ~~{annually}~~
40 upon application to the Director and payment of the *applicable*
41 license fee. ~~{on or before December 31 of each year. If the holder of~~
42 ~~the license is a natural person, the holder must submit with his~~
43 ~~or her application for renewal the statement required pursuant to~~
44 ~~NRS 555.325.}~~



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

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

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

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

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

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

(b) A separate form prescribed by the Director.

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

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

(b) Indicates on the statement submitted pursuant 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.

4. If an applicant indicates on the statement submitted pursuant 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;



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(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 applicator, licensed government applicator*, 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 *category A or B* felony or ~~any crime involving moral turpitude,~~ *a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years* 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 ~~and~~ *and except as otherwise provided in subsection 3*, 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



1 Repository for Nevada Records of Criminal History for submission
2 to the Federal Bureau of Investigation for its report. *The application*
3 *must be accompanied by a fee in an amount that is equal to any*
4 *fee charged by the Central Repository for Nevada Records of*
5 *Criminal History and the Federal Bureau of Investigation for*
6 *processing the fingerprints of the applicant.*

7 3. *In lieu of submitting a complete set of his or her*
8 *fingerprints and written permission pursuant to subsection 2, an*
9 *applicant may, in accordance with regulations adopted by the*
10 *Department and upon the payment of any fee required by the*
11 *Department pursuant to those regulations, submit any document*
12 *or other information required by the Department to perform a*
13 *background check of the applicant.*

14 4. A suspension or revocation of a license ~~to perform pest~~
15 ~~control~~ *as an applicator* pursuant to NRS 555.350 or any previous
16 revocation or current suspension of such a license *or an equivalent*
17 *license* in this or any other state, district or territory of the United
18 States or any foreign country is grounds for refusal to issue ~~the~~ *a*
19 license ~~as an applicator~~.

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

21 555.350 1. The Director may suspend, pending inquiry, for
22 not longer than 10 days, and, after opportunity for a hearing, may
23 revoke, suspend or modify any *business license or* license issued *to*
24 *an applicator or government applicator* under NRS 555.2605 to
25 555.460, inclusive, *and sections 2 to 14, inclusive, of this act* if the
26 Director finds that:

27 (a) The licensee is no longer qualified;

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

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

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

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

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

40 (g) The licensee has violated any of the provisions of NRS
41 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of*
42 *this act* or regulations adopted pursuant thereto;

43 (h) The licensee *has* engaged in the business of pest control
44 without having a licensed agent, operator, primary principal or
45 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 *category A or B* felony or ~~any crime involving moral turpitude~~ *a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years* in any court of competent jurisdiction in the United States or any other country ~~+~~ ; *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. ~~+~~ *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 ~~+~~ *and in accordance with any regulations adopted by the Department*, 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.~~ *any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check.* A willful failure of a licensee to comply with the requirements of *this* subsection ~~+~~ constitutes an additional



1 ground for the revocation, suspension or modification of the license
2 ~~of the licensee~~ pursuant to this section.

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

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

9 555.3505 1. If the Director receives a copy of a court order
10 issued pursuant to NRS 425.540 that provides for the suspension of
11 all professional, occupational and recreational licenses, certificates
12 and permits issued to a *natural* person who is the holder of a license
13 ~~to perform pest control~~ *issued pursuant to NRS 555.2605 to*
14 *555.460, inclusive, and sections 2 to 14, inclusive, of this act*, the
15 Director shall deem the license issued to that person to be suspended
16 at the end of the 30th day after the date on which the court order was
17 issued unless the Director receives a letter issued to the holder of the
18 license by the district attorney or other public agency pursuant to
19 NRS 425.550 stating that the holder of the license has complied
20 with the subpoena or warrant or has satisfied the arrearage pursuant
21 to NRS 425.560.

22 2. The Director shall reinstate a license ~~to perform pest~~
23 ~~control~~ that has been suspended by a district court pursuant to NRS
24 425.540 if the Director receives a letter issued by the district
25 attorney or other public agency pursuant to NRS 425.550 to the
26 person whose license was suspended stating that the person whose
27 license was suspended has complied with the subpoena or warrant
28 or has satisfied the arrearage pursuant to NRS 425.560.

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

30 555.3507 ~~{A person licensed to engage in pest control}~~ *The*
31 *holder of a business license* shall ensure that the licensee's business
32 has a primary principal who is licensed *as an applicator* in the
33 appropriate category or categories of pest control.

34 **Sec. 34.5.** NRS 555.351 is hereby amended to read as follows:

35 555.351 *Except as otherwise provided in section 13 of this*
36 *act:*

37 1. A person shall not use any restricted-use pesticide within
38 this State at any time without a certificate issued by the Director
39 except a person using any restricted-use pesticide under the
40 supervision of a certified applicator.

41 2. If the Director has adopted regulations requiring:

42 (a) A permit pursuant to NRS 586.403; or

43 (b) A special use permit pursuant to NRS 586.405,

44 ➔ for a restricted-use pesticide, a person shall not use that pesticide
45 without obtaining the required permit.



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

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

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

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

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

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

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

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

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

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

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

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



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

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive **H**, *and sections 2 to 14, inclusive, of this act*. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

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

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

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

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

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

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

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

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

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

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

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

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



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(d) Laboratory fees collected for the testing of pesticides as authorized by NRS 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive, of this act* and, except as otherwise provided in NRS 586.270 and 586.940, chapter 586 of NRS.

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

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

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

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

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

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

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

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

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

(a) Engage in pest control;

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

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



1 ➡ and who is otherwise qualified to hold the existing license on that
2 date shall be deemed during the period for which the existing license
3 was issued to be licensed as an applicator pursuant to NRS 555.280
4 or 555.285, as amended by sections 23 and 24 of this act,
5 respectively, as applicable.

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

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

15 **Sec. 45.** 1. This section and sections 2 to 41, inclusive, and
16 43 and 44 of this act become effective on July 1, 2017.

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

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

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

27 ➡ are repealed by the Congress of the United States.

