

**Amendment No. 333**

Assembly Amendment to Assembly Bill No. 32 (BDR 49-176)

**Proposed by:** Assembly Committee on Natural Resources, Agriculture, and Mining

**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will:

- (1) MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 32 (§§ 12, 13, 25, 27, 28, 31, 32).
- (2) MAINTAIN the unfunded mandate not requested by the affected local government to A.B. 32 (§§ 12, 13, 27).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of *green bold underlining* is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill proposed to be retained in this amendment.

JRS/BJE



Date: 4/21/2017

A.B. No. 32—Revises provisions governing pest control. (BDR 49-176)





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 ~~licensure~~ 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 "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 ~~(work card issued to the person by the sheriff of the county in which the person resides)~~ 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 ~~(generally)~~ requires the ~~(person)~~ licensee 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)~~ 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.

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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 ~~that~~ including, without limitation, a conservation district or a weed control district; 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~~ certificate” means a ~~license~~ certificate 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.*

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

- 1. Is not so employed for more than 1,039 hours in any 12-month period ~~that~~ ; and*
- 2. Has complied with any requirements for training specified in regulations adopted by the Department.*

1       Sec. 9. A city, county, state or other governmental agency shall not engage  
2 in pest control without a governmental agency ~~license~~ certificate issued by the  
3 Director.

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

9       2. As used in this section, "supervision" means ~~daily, on site contact~~  
10 ~~between~~ ;

11       (a) The exercise of responsibility and provision of guidance for an  
12 unlicensed employee ~~and~~ by a government applicator ~~who is able to be~~  
13 ~~physically present with the unlicensed employee within 60 minutes~~ ; and

14       (b) The physical presence of the government applicator at the location where  
15 the unlicensed employee applies the general-use pesticide, if required by the label  
16 placed on the container for the general-use pesticide.

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

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

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

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

32       (a) The environmental consequences of pesticide use and misuse.

33       (b) Pests.

34       (c) Pesticides.

35       (d) Equipment.

36       (e) Application techniques.

37       (f) Applicable laws and regulations.

38       (g) Safety.

39       2. The Director may require an applicant to demonstrate that he or she is  
40 competent to meet the specific needs of a locality relating to the use or application  
41 of a ~~general-use~~ pesticide.

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

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

47       2. A governmental agency ~~license~~ certificate or license as a government  
48 applicator is valid for the period established by regulation of the Director and  
49 may be renewed as provided by regulation.

50       3. A license as a government applicator:

51       (a) ~~Does not authorize~~ In addition to authorizing the licensee to engage in  
52 pest control, authorizes the licensee to use a restricted-use pesticide ~~and~~ To use  
53 such a pesticide, the licensee must be the holder of ~~the~~ without obtaining a

certificate issued by the Director pursuant to NRS 555.357 ~~44~~, if the licensee otherwise complies with the provisions of this chapter and any regulations adopted pursuant to this chapter governing the use of restricted-use pesticides.

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

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

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

~~2. An applicant for a work card must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff 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. The sheriff shall submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation to determine the criminal history of the applicant.~~

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

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

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

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

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

~~(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.007.~~

~~(b) "Vulnerable person" has the meaning ascribed to it in NRS 200.5092.1 (Deleted by amendment.)~~

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 ~~44~~ on behalf of ~~44~~ custom pest control licensee ~~44~~ the holder of a business license.

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

2       555.2617 “Certificate” means a certificate of competency issued by the  
3 Director to a commercial applicator or private applicator authorizing ~~that person~~  
4 *the applicator* to make application of or to supervise the application of a restricted-  
5 use pesticide.

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

7       555.2618 “Certified applicator” means any ~~person~~ *applicator* who is  
8 certified by the Director as qualified to use or to supervise the use of any restricted-  
9 use pesticide.

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

11       555.2667 “Pest control” means *conducting as a function of the agency, in*  
12 *the case of a city, county, state or other governmental agency, or* publicly holding  
13 oneself out as being in the business of detecting, preventing, controlling or  
14 exterminating pests or otherwise engaging in, advertising or soliciting for:

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

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

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

21       555.270 It is the policy of this State and the purpose of NRS 555.2605 to  
22 555.460, inclusive, *and sections 2 to 14, inclusive, of this act* to regulate, in the  
23 public interest, the application of pesticides which, although valuable for the  
24 control of pests, may seriously injure humans, animals and crops over wide areas if  
25 not properly applied.

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

27       555.273 All state agencies, municipal corporations and public utilities or any  
28 other governmental agency ~~shall be~~ *and any government applicator is* subject to  
29 the provisions of NRS 555.2605 to 555.460, inclusive, and *sections 2 to 14,*  
30 *inclusive, and* rules adopted thereunder concerning the application of restricted-use  
31 pesticides by any person.

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

33       555.277 1. The provisions of NRS 555.2605 to 555.460, inclusive, *and*  
34 *sections 2 to 14, inclusive, of this act* relating to licenses and requirements for their  
35 issuance, except *those provisions relating to* a certificate or permit to use a  
36 restricted-use pesticide, do not apply to any farmer-owner of ground equipment  
37 applying pesticides for himself, herself or his or her neighbors, if:

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

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

45       (c) The farmer-owner operates his or her equipment for applying pesticides  
46 only in the vicinity of the farmer-owner’s own property and for the accommodation  
47 of the farmer-owner’s neighbors for agricultural purposes only.

48       2. The provisions of NRS 555.2605 to 555.460, inclusive, *and sections 2 to*  
49 *14, inclusive, of this act*, except those provisions relating to a certificate or permit  
50 to use a restricted-use pesticide, do not apply to ~~any person~~ *a gardener* using  
51 hand-powered equipment, devices or contrivances to apply *any pesticides of*  
52 *toxicity class III or IV, as classified by the United States Environmental*  
53 *Protection Agency*, to any ~~landscaped-area~~ *lawn or garden* as an incidental part

1 of ~~the person's~~ *his or her* business of taking care of a ~~landscaped area~~ *lawn or*  
2 *garden* for remuneration, if ~~that person~~ *he or she* does not advertise or solicit pest  
3 control or publicly hold himself or herself out as being in the business of pest  
4 control or applying pesticides. ~~and the cost of applying the pesticides does not~~  
5 ~~exceed 20 percent of the total remuneration received.~~ *As used in this subsection,*  
6 *“gardener” means a person who owns, operates or is employed by a business that*  
7 *provides routine care of a lawn or garden for a homeowner.*

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

9 555.280 A *natural* person, *including, without limitation, any consultant,*  
10 *demonstrator, researcher or specialist,* shall not engage in pest control or serve as  
11 an agent, operator, pilot, primary principal, *location principal* or principal for that  
12 purpose within this State at any time without a license *as an applicator* issued by  
13 the Director.

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

15 555.285 A *natural* person shall not ~~for hire~~ engage in, offer to engage in,  
16 advertise or solicit to perform any of the following pest control activities  
17 concerning wood-destroying pests or organisms without a license *as an applicator*  
18 issued by the Director:

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

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

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

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

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

29 555.290 1. An application for a *business license* or license *as an applicator*  
30 must be submitted to the Director and must set forth such information regarding the  
31 applicant's qualifications and proposed operations and other relevant matters as  
32 required ~~pursuant to regulations adopted~~ by *regulation* of the Director. If the  
33 applicant is a natural person, the application must include the social security  
34 number of the applicant.

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

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

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

43 555.300 1. ~~If an applicant for a license as an applicator is a primary~~  
44 *principal or principal of a pest control business, the* Director may require the  
45 applicant to show, upon examination, that the applicant possesses adequate  
46 knowledge concerning the proper use and application of pesticides and the dangers  
47 involved and precautions to be taken in connection with their application.

48 2. If ~~the~~ *an* applicant *for a business license* is not a natural person, the  
49 applicant shall designate an officer, member or technician of the ~~organization~~  
50 *business entity* to take the examination. The person so designated is subject to the  
51 approval of the Director. If the extent of the applicant's operations require it, the  
52 Director may require more than one officer, member or technician to take the  
53 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 *or certificate* is issued, collect from each person applying for a *business license* ~~for pest control an annual~~ , *governmental agency license certificate 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.

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

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

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

- (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; ~~to 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 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 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.~~ The application must be accompanied by a fee in an amount that is equal to any fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints of the applicant.

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

4. 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 ~~tone'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; ~~for~~

(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 ~~H~~ *; 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. ~~A. Except as otherwise provided in this subsection, if~~ *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 ~~H~~ *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. 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.~~ *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 ~~H~~ 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 (l) 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

1 deem the license issued to that person to be suspended at the end of the 30th day  
2 after the date on which the court order was issued unless the Director receives a  
3 letter issued to the holder of the license by the district attorney or other public  
4 agency pursuant to NRS 425.550 stating that the holder of the license has complied  
5 with the subpoena or warrant or has satisfied the arrearage pursuant to NRS  
6 425.560.

7 2. The Director shall reinstate a license ~~to perform pest control~~ that has been  
8 suspended by a district court pursuant to NRS 425.540 if the Director receives a  
9 letter issued by the district attorney or other public agency pursuant to NRS  
10 425.550 to the person whose license was suspended stating that the person whose  
11 license was suspended has complied with the subpoena or warrant or has satisfied  
12 the arrearage pursuant to NRS 425.560.

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

14 555.3507 ~~to perform pest control~~ *The holder of a*  
15 *business license* shall ensure that the licensee's business has a primary principal  
16 who is licensed *as an applicator* in the appropriate category or categories of pest  
17 control.

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

19 555.351 Except as otherwise provided in section 13 of this act:

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

23 2. If the Director has adopted regulations requiring:

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

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

26 ➤ for a restricted-use pesticide, a person shall not use that pesticide without  
27 obtaining the required permit.

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

29 555.357 1. If the Director finds that the applicant is qualified, the Director  
30 shall issue a certificate to make application of or to supervise the application of  
31 restricted-use pesticides within this State.

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

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

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

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

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

43 555.400 1. The Director may adopt regulations to carry out the provisions  
44 of NRS 555.2605 to 555.460, inclusive ~~H~~, *and sections 2 to 14, inclusive, of this*  
45 *act*. The regulations must not be inconsistent with any regulations issued by this  
46 State or by the Federal Government relating to safety in air navigation or the  
47 operation of aircraft.

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

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

52 555.420 To carry out the provisions of NRS 555.2605 to 555.460, inclusive,  
53 *and sections 2 to 14, inclusive, of this act*, the Director and the Director's

1 appointed inspectors may enter upon any public or private premises at reasonable  
2 times to inspect, audit, sample or monitor any aircraft, ground equipment, records,  
3 storage, pesticides, pesticide sprays, disposal operations or other operations which  
4 are subject to NRS 555.2605 to 555.460, inclusive, *and sections 2 to 14, inclusive,*  
5 *of this act* or regulations adopted pursuant thereto.

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

7 555.460 Any person violating the provisions of NRS 555.2605 to 555.420,  
8 inclusive, *and sections 2 to 14, inclusive, of this act* or the regulations adopted  
9 pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal  
10 penalty, shall pay to the Department an administrative fine of not more than \$5,000  
11 per violation. If an administrative fine is imposed pursuant to this section, the costs  
12 of the proceeding, including investigative costs and attorney's fees, may be  
13 recovered by the Department.

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

15 555.470 1. The Director shall adopt regulations specifying a schedule of  
16 fines which may be imposed, upon notice and a hearing, for each violation of the  
17 provisions of NRS 555.2605 to 555.460, inclusive ~~§~~, *and sections 2 to 14,*  
18 *inclusive, of this act.* The maximum fine that may be imposed by the Director for  
19 each violation must not exceed \$5,000 per day. All fines collected by the Director  
20 pursuant to this subsection must be remitted to the county treasurer of the county in  
21 which the violation occurred for credit to the county school district fund.

22 2. The Director may:

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

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

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

30 561.375 1. The Program for the Control of Pests and Plant Diseases is  
31 hereby established.

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

37 3. Expenditures for the Program for the Control of Pests and Plant Diseases  
38 may be made only to carry out the provisions of this chapter and chapters 552, 554,  
39 555 and 587 of NRS.

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

41 561.385 1. The Agriculture Registration and Enforcement Account is  
42 hereby created in the State General Fund for the use of the Department.

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

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

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

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

50 (d) Laboratory fees collected for the testing of pesticides as authorized by NRS  
51 561.305, and as are necessary pursuant to the provisions of NRS 555.2605 to  
52 555.460, inclusive, *and sections 2 to 14, inclusive, of this act* and, except as  
53 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,

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