This document contains updates to the Structural Pest Control Act and its associated rules and regulations. These updates have occurred subsequent to the publication of 2015 Structural Pest Control Act Book.
BUSINESS AND PROFESSIONS CODE, DIVISION 3, CHAPTER 14

8504.2. “Control” means a pest population management system that utilizes techniques to reduce and maintain pest populations at levels below those causing economic or material injury, or to manipulate the populations to prevent causing such injury.

8504.3. “Eradication” means the total elimination of a pest from a designated area. For purposes of this chapter, elimination and extermination shall have the same meaning as eradication.

8504.4. “Inspection” is the act of a field representative or operator physically performing an onsite assessment of real property.

8506.1. (a) A “registered company” is any sole proprietorship, partnership, corporation, or other organization or any combination thereof that is registered with the Structural Pest Control Board to engage in the practice of structural pest control.
(b) A registered company may secure structural pest control work, submit bids, or otherwise contract for pest control work. A registered company may employ licensed field representatives and licensed operators to identify infestations or infections, make inspections, and represent the company in the securing of pest control work. A registered company may hire or employ individuals who are not licensed under this chapter to perform work on contracts covering Branch 1, 2, or 3, or any combination of branches, only after an operator or field representative has fully completed the negotiation or signing of the contract covering a given job.
(c) This section shall not be construed to authorize an unlicensed individual to perform work that requires a license pursuant to this chapter.

8506.2. A “qualifying manager” is the licensed operator or operators designated by a registered company to supervise the daily business of the company and to be physically present at the principal office or branch office location for a minimum of nine days every three consecutive calendar months to supervise and assist the company’s employees. These days shall be documented and provided to the board upon request.

8516. (a) This section, and Section 8519, apply only to wood destroying pests or organisms.
(b) A registered company or licensee shall not commence work on a contract, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood destroying pests or organisms until an inspection has been made by a licensed Branch 3 field representative or operator employed by a registered company, except as provided in Section 8519.5. The address of each property inspected or upon which work is completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after the commencement of an inspection or upon completed work.
Every property inspected pursuant to this subdivision or Section 8518 shall be assessed a filing fee pursuant to Section 8674.
Failure of a registered company to report and file with the board the address of any property inspected or work completed pursuant to Section 8518 or this section is grounds for disciplinary
action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500). The address of an inspection report prepared for use by an attorney for litigation purposes shall not be required to be reported to the board and shall not be assessed a filing fee.

A written inspection report conforming to this section and a form approved by the board shall be prepared and delivered to the person requesting the inspection and the property owner, or to the property owner’s designated agent, within 10 business days from the start of the inspection, except that an inspection report prepared for use by an attorney for litigation purposes is not required to be reported to the board or the property owner. An inspection report may be a complete, limited, supplemental, or reinspection report, as defined by Section 1993 of Title 16 of the California Code of Regulations. The report shall be delivered before work is commenced on any property. The registered company shall retain for three years all inspection reports, field notes, and activity forms.

Reports shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. All inspection reports or copies thereof shall be submitted to the board upon demand within two business days. The following shall be set forth in the report:

1. The start date of the inspection and the name of the licensed field representative or operator making the inspection.
2. The name and address of the person or firm ordering the report.
3. The name and address of the property owner and any person who is a party in interest.
4. The address or location of the property.
5. A general description of the building or premises inspected.
6. A foundation diagram or sketch of the structure or structures or portions of the structure or structures inspected, including the approximate location of any infested or infected areas evident, and the parts of the structure where conditions that would ordinarily subject those parts to attack by wood destroying pests or organisms exist. Reporting of the infested or infected wood members, or parts of the structure identified, shall be listed in the inspection report to clearly identify them, as is typical in standard construction components, including, but not limited to, siding, studs, rafters, floor joists, fascia, subfloor, sheathing, and trim boards.
7. Information regarding the substructure, foundation walls and footings, porches, patios and steps, air vents, abutments, attic spaces, roof framing that includes the eaves, rafters, fascias, exposed timbers, exposed sheathing, ceiling joists, and attic walls, or other parts subject to attack by wood destroying pests or organisms. Conditions usually deemed likely to lead to infestation or infection, such as earth-wood contacts, excessive cellulose debris, faulty grade levels, excessive moisture conditions, evidence of roof leaks, and insufficient ventilation are to be reported.
8. One of the following statements, as appropriate, printed in bold type:
   (A) The exterior surface of the roof was not inspected. If you want the water tightness of the roof determined, you should contact a roofing contractor who is licensed by the Contractors’ State License Board.
   (B) The exterior surface of the roof was inspected to determine whether or not wood destroying pests or organisms are present.
(9) Indication or description of any areas that are inaccessible or not inspected with recommendation for further inspection if practicable. If, after the report has been made in compliance with this section, authority is given later to open inaccessible areas, a supplemental report on conditions in these areas shall be made.

(10) Recommendations for corrective measures.

(11) Information regarding the pesticide or pesticides to be used for their control or prevention as set forth in subdivision (a) of Section 8538.

(12) The inspection report shall clearly disclose that if requested by the person ordering the original report, a reinspection of the structure will be performed if an estimate or bid for making repairs was given with the original inspection report, or thereafter. An estimate or bid shall be given separately allocating the costs to perform each and every recommendation for corrective measures as specified in subdivision (c) with the original inspection report if the person who ordered the original inspection report so requests, and if the registered company is regularly in the business of performing each corrective measure. If no estimate or bid was given with the original inspection report, or thereafter, then the registered company shall not be required to perform a reinspection.

A reinspection shall be an inspection of those items previously listed on an original report to determine if the recommendations have been completed. Each reinspection shall be reported on an original inspection report form and shall be labeled “Reinspection.” Each reinspection shall also identify the original report by date. After four months from an original inspection, all inspections shall be original inspections and not reinspections.

Any reinspection shall be performed for not more than the price of the registered company’s original inspection price and shall be completed within 10 business days after a reinspection has been ordered.

(13) The inspection report shall contain the following statement, printed in boldface type: “NOTICE: Reports on this structure prepared by various registered companies should list the same findings (i.e. termite infestations, termite damage, fungus damage, etc.). However, recommendations to correct these findings may vary from company to company. You have a right to seek a second opinion from another company.”

(c) At the time a report is ordered, the registered company or licensee shall inform the person or entity ordering the report, that a separate report is available pursuant to this subdivision. If a separate report is requested at the time the inspection report is ordered, the registered company or licensee shall separately identify on the report each recommendation for corrective measures as follows:

(1) The infestation or infection that is evident.

(2) The conditions that are present that are deemed likely to lead to infestation or infection. If a registered company or licensee fails to inform as required by this subdivision and a dispute arises, or if any other dispute arises as to whether this subdivision has been complied with, a separate report shall be provided within 24 hours of the request but, in no event, later than the next business day, and at no additional cost.

(d) When a corrective condition is identified, either as paragraph (1) or (2) of subdivision (c), and the property owner or the property owner’s designated agent chooses not to correct those conditions, the registered company or licensee shall not be liable for damages resulting from a
failure to correct those conditions or subject to any disciplinary action by the board. Nothing in
this subdivision, however, shall relieve a registered company or a licensee of any liability
resulting from negligence, fraud, dishonest dealing, other violations pursuant to this chapter, or
contractual obligations between the registered company or licensee and the responsible parties.
(e) The inspection report form prescribed by the board shall separately identify the infestation or
infection that is evident and the conditions that are present that are deemed likely to lead to
infestation or infection. If a separate form is requested, the form shall explain the infestation or
infection that is evident and the conditions that are present that are deemed likely to lead to
infestation or infection and the difference between those conditions. In no event, however, shall
conditions deemed likely to lead to infestation or infection be characterized as actual “defects”
or as actual “active” infestations or infections or in need of correction as a precondition to
issuing a certification pursuant to Section 8519.
(f) The report and any contract entered into shall also state specifically when any guarantee for
the work is made, and if so, the specific terms of the guarantee and the period of time for which
the guarantee shall be in effect. If a guarantee extends beyond three years, the registered
company shall maintain all original inspection reports, field notes, activity forms, and notices of
completion for the duration of the guarantee period and for one year after the guarantee expires.
(g) For purposes of this section, “control service agreement” means an agreement, including
extended warranties, to have a licensee conduct over a period of time regular inspections and
other activities related to the control or eradication of wood destroying pests and organisms.
Under a control service agreement a registered company shall refer to the original report and
contract in a manner as to identify them clearly, and the report shall be assumed to be a true
report of conditions as originally issued, except it may be modified after a control service
inspection. A registered company is not required to issue a report as outlined in paragraphs (1)
to (11), inclusive, of subdivision (b) after each control service inspection. If after control service
inspection, no modification of the original report is made in writing, then it will be assumed that
conditions are as originally reported. A control service contract shall state specifically the
particular wood destroying pests or organisms and the portions of the buildings or structures
covered by the contract.
(h) A registered company or licensee may enter into and maintain a control service agreement
provided the following requirements are met:
(1) The control service agreement shall be in writing, signed by both parties, and shall
specifically include the following:
(A) The wood destroying pests and organisms covered by the control service agreement.
(B) Any wood destroying pest or organism that is not covered must be specifically listed.
(C) The type and manner of treatment to be used to correct the infestations or infections.
(D) The structures or buildings, or portions thereof, covered by the agreement, including a
statement specifying whether the coverage for purposes of periodic inspections is limited or full.
Any exclusions from those described in the original report must be specifically listed.
(E) A reference to the original inspection report.
(F) The frequency of the inspections to be provided, the fee to be charged for each renewal, and
the duration of the agreement.
(G) Whether the fee includes structural repairs.
(H) If the services provided are guaranteed, and, if so, the terms of the guarantee.
(I) A statement that all corrections of infestations or infections covered by the control service agreement shall be completed within six months of discovery, unless otherwise agreed to in writing by both parties.

(2) The original inspection report, the control service agreement, and completion report shall be maintained for three years after the cancellation of the control service agreement.

(3) Inspections made pursuant to a control service agreement shall be conducted by a Branch 3 licensee. Section 8506.1 does not modify this provision.

(4) A full inspection of the property covered by the control service agreement shall be conducted and a report filed pursuant to subdivision (b) at least once every three years from the date that the agreement was entered into, unless the consumer cancels the contract within three years from the date the agreement was entered into.

(5) Under a control service agreement, a written report shall be required for the correction of any infestation or infection unless all of the following conditions are met:

(A) The infestation or infection has been previously reported.

(B) The infestation or infection is covered by the control service agreement.

(C) There is no additional charge for correcting the infestation or infection.

(D) Correction of the infestation or infection takes place within 45 days of its discovery.

(E) Correction of the infestation or infection does not include fumigation.

(6) All notice requirements pursuant to Section 8538 shall apply to all pesticide treatments conducted under control service agreements.

(i) All work recommended by a registered company, where an estimate or bid for making repairs was given with the original inspection report, or thereafter, shall be recorded on this report or a separate work agreement and shall specify a price for each recommendation. This information shall be provided to the person requesting the inspection, and shall be retained by the registered company with the inspection report copy for three years.

8517. Any work contract, billing, agreement, letter of work completed, or other correspondence or document expressing an opinion or making a statement relating to the presence or absence of wood destroying pests or organisms, shall refer to the inspection report required by Section 8516. These documents shall indicate specifically whether all of the recommended work as set forth in the inspection report was completed, or, if not, the document shall indicate specifically which recommendations were not completed.

8518. (a) When a registered company completes work under a contract, it shall prepare, on a form prescribed by the board, a notice of work completed and not completed, and shall furnish that notice to the owner of the property or the owner’s agent within 10 business days after completing the work. The notice shall include a statement of the cost of the completed work and estimated cost of work not completed.

(b) The address of each property inspected or upon which work was completed shall be reported on a form prescribed by the board and shall be filed with the board no later than 10 business days after completed work.

(c) A filing fee shall be assessed pursuant to Section 8674 for every property upon which work is completed.
(d) Failure of a registered company to report and file with the board the address of any property upon which work was completed pursuant to subdivision (b) of Section 8516 or this section is grounds for disciplinary action and shall subject the registered company to a fine of not more than two thousand five hundred dollars ($2,500).

(e) The registered company shall retain for three years all original notices of work completed, work not completed, and activity forms.

(f) Notices of work completed and not completed shall be made available for inspection and reproduction to the executive officer of the board or his or her duly authorized representative during business hours. Original notices of work completed or not completed or copies thereof shall be submitted to the board upon request within two business days.

(g) This section shall only apply to work relating to wood destroying pests or organisms.

8519. Certification as used in this section means a written statement by the registered company attesting to the statement contained therein relating to the absence or presence of wood-destroying pests or organisms and, listing such recommendations, if any, which appear on an inspection report prepared pursuant to Section 8516, and which relate to (1) infestation or infection of wood-destroying pests or organisms found, or (2) repair of structurally weakened members caused by such infestation or infection, and which recommendations have not been completed at the time of certification.

Any registered company which makes an inspection report pursuant to Section 8516, shall, if requested by the person ordering the inspection report, prepare and deliver to that person or his or her designated agent, a certification, to provide:

(a) When the inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: “This is to certify that the above property was inspected on ____ (date(s)) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto, and that no evidence of active infestation or infection was found in the visible and accessible areas.”

(b) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518, or when the reinspection report prepared pursuant to Section 8516, indicates that all recommendations to remove that infestation or infection and to repair damage caused by that infestation or infection have been completed: “This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas.”

(c) When the inspection report prepared pursuant to Section 8516 discloses infestation or infection and the notice of work completed prepared pursuant to Section 8518 indicates that the registered company has not completed all recommendations to remove infestation or infection or to repair damage caused by it: “This is to certify that the property described herein is now free of evidence of active infestation or infection in the visible and accessible areas except as follows: ____ (describing infestations, infections, damage or evidence thereof, excepted).”

(d) When a limited inspection report prepared pursuant to Section 8516 has disclosed no infestation or infection: “This is to certify that a limited inspection report was conducted on the area of the property described herein on ____ (date(s)) in accordance with the Structural Pest Control Act and rules and regulations adopted pursuant thereto, and has revealed no evidence of active infestation or infection in the visible and accessible areas inspected.”
This certification shall be included on and made part of the complete, limited, supplemental, or reinpection report prepared pursuant to Section 8516, and by a copy of the notice of work completed prepared pursuant to Section 8518, if any notice has been prepared at the time of the certification, or the certification may be endorsed on and made a part of that inspection report or notice of work completed.

8519.5. (a) After an inspection report has been prepared by a Branch 3 registered company pursuant to Section 8516, which discloses a wood destroying pest or organism that can be eradicated by fumigation, and the fumigation has been duly performed by a Branch 1 registered company, the Branch 1 registered company, on a company document that identifies the licensee performing the fumigation and the name and address of the registered company, shall issue the following certification: “This is to certify that the property located at ____ (address) was fumigated on ____ (date) for the extermination of ____ (target pest).” This certification shall be issued to the registered company that prepared the inspection report within five working days after completing the fumigation.

1) Where a consumer has authorized a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, a copy of the certification pursuant to subdivision (a) shall accompany any inspection report, notice of work completed pursuant to Section 8518, or certification issued by the Branch 3 registered company.

2) Where the consumer has elected to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company shall provide the certification described in subdivision (a) to the consumer who ordered the fumigation.

(b) A warranty for fumigation shall be provided in writing by the registered company contracting with the owner or the owner’s designated agent.

(c) In the event of a failed fumigation, the following shall apply:

1) When a consumer authorizes a Branch 3 registered company to subcontract the fumigation to a Branch 1 registered company, the Branch 3 registered company shall verify the need for a refumigation and issue an inspection report in accordance with Section 8516. The consumer shall not be charged for this inspection. Following completion of the refumigation, a new certification and any additional warranty or guarantee shall be issued to the owner or the owner’s designated agent.

2) When the consumer elects to contract directly with a Branch 1 registered company to perform a fumigation, the Branch 1 registered company shall do all of the following: (A) Verify the need for a refumigation by obtaining a Branch 3 inspection at no charge to the consumer during the duration of a warranty or guarantee issued by the Branch 1 registered company.

(B) Maintain with the original inspection report, on a company document, all of the following:

(i) The name of the current owner of the structure fumigated, the address of the structure, and the date of the failed fumigation.

(ii) An explanation of the need for refumigation.

(iii) The proposed date for the refumigation. Following completion of the refumigation, a new certification and any additional warranty or guarantee shall be issued to the owner or the owner’s designated agent.
(C) Within five working days after the completion of the refumigation, the Branch 1 registered company, on a company document, shall file with the current owner, notification of the Branch 3 registered company whose report was used for the original fumigation, or refumigation. Any certification issued by the Branch 1 registered company shall also comply with subdivision (a), if applicable.

8520. (a) There is in the Department of Consumer Affairs a Structural Pest Control Board, which consists of seven members.
(b) Subject to the jurisdiction conferred upon the director by Division 1 (commencing with Section 100), the board is vested with the power to and shall administer the provisions of this chapter.
(c) It is the intent of the Legislature that consumer protection is the primary mission of the board.
(d) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date. Notwithstanding any other law, the repeal of this section renders the board subject to review by the appropriate policy committees of the Legislature.

8528. (a) With the approval of the director, the board shall appoint a registrar, fix his or her compensation, and prescribe his or her duties.
(b) The registrar is the executive officer and secretary of the board.
(c) This section shall remain in effect only until January 1, 2023, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2023, deletes or extends that date.

8550. (a) It is unlawful for any person to advertise, to engage in, or offer to engage in the business or practice of structural pest control, as defined in Section 8505, unless he or she is licensed under this chapter.
(b) Notwithstanding subdivision (a), an unlicensed person may solicit pest control work on behalf of a structural pest control company only if the company is registered pursuant to this chapter, and the unlicensed individual does not perform or offer to perform any act for which an operator, field representative, or applicator license is required pursuant to this chapter. As used in this subdivision, to “solicit pest control work” means to introduce consumers to a registered company and the services it provides, to distribute advertising literature, and to set appointments on behalf of a licensed operator or field representative.
(c) It is unlawful for an unlicensed person, soliciting pest control work on behalf of a registered structural pest control company pursuant to subdivision (b), to perform or offer to perform any act for which an operator, field representative, or applicator license is required, including, but not limited to, performing or offering pest control evaluations or inspections, pest identification, making any claims of pest control safety or pest control efficacy, or to offer price quotes other than what is provided and printed on the company advertising or literature, or both.
(d) It is also unlawful for any unlicensed person to offer any opinion, or to make any recommendations, concerning the need for structural pest control work in general, or in connection with a particular structure.
(e) It is unlawful for any firm, sole proprietorship, partnership, corporation, association, or other organization or combination thereof to engage or offer to engage in the practice of structural pest control, unless registered in accordance with Article 6 (commencing with Section 8610).

8553. Any person who violates any provision of this chapter, or who conspires with another person to violate any provision of this chapter, is guilty of a misdemeanor, and is punishable by a fine of not less than fifty dollars ($50) nor more than five thousand dollars ($5,000), or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

8567. (a) Should a field representative or applicator change his or her employment, or should an operator enter the employ of a registered company, or being already employed by a registered company change his or her employment, or being employed by a registered company leave that employment and enter the pest control business on his or her own behalf, he or she shall notify the registrar on a form prescribed by the board and issued by the registrar in accordance with rules and regulations adopted by the board. The registrar shall register the change in his or her records.
(b) If a field representative, operator, or applicator fails to notify the registrar within 30 days of the date a change of employment occurs, a registered company may notify the registrar, on a form prescribed by the board, that the field representative, operator, or applicator is no longer associated with the registered company.

8613. A registered company which changes the location of its principal office or any branch office or which changes its qualifying manager, branch supervisor, officers, sole proprietors, partners, or its bond or insurance shall notify the registrar on a form prescribed by the board of that change within 10 days thereafter. A fee for filing those changes shall be charged in accordance with Section 8674.

8616.9. (a) If an employee is found during an inspection or investigation not wearing personal protective equipment required by label or regulation, the commissioner may refer the violation by the employer for statewide disciplinary action by the board or suspend the right of the employer to work in the county for up to three working days. If the commissioner does neither, the commissioner may assess an administrative fine against both the employer and the employee. If the commissioner takes no action against the employer for this violation, the commissioner may assess an administrative fine against the employee if the employer provides evidence of all of the following:
(1) The employer has a written training program, has provided training to the employee, and has maintained a record of training as required by label or regulation.
(2) The employer provided personal protective equipment required by label or regulation, the equipment was available at the site when the employee was handling the pesticide or pesticides, and the equipment was properly maintained and in good working order.
(3) The employer is in compliance with regulations relating to the workplace and supervision of employees.
(4) The employer has documented implementation and adheres to a written company policy of disciplinary action for employees who violate company policy or state or local laws or regulations.

(5) The employer has not been disciplined or assessed an administrative fine for a violation of the personal protective equipment requirement for the previous two years.

(b) (1) An administrative fine assessed against an employer pursuant to this section shall not be less than seven hundred dollars ($700) nor more than five thousand dollars ($5,000). An administrative fine assessed against an employee pursuant to this section shall not be less than two hundred fifty dollars ($250) nor more than five thousand dollars ($5,000).

(2) In assessing an administrative fine pursuant to this section, the board or commissioner shall consider the appropriateness of the amount of the fine to the gravity of the violation, the good faith of the licensee, and the history of prior violations.

(c) Nothing in this section is intended to limit the authority of the commissioner to take action against the employee pursuant to Section 8617, including suspension of the employee’s license or referral of the violation for statewide disciplinary action by the board pursuant to Section 8620.

8619. (a) An inspection tag shall be posted whenever an inspection for wood destroying pests or organisms is made.

(b) If the registered company completes any work with respect to wood destroying pests or organisms, it shall post a completion tag next to the inspection tag, unless both the inspection and completion tags are combined on the same form.

8621. A complaint of any person against a nonlicensee, licensee, or registered company shall be filed with the board no later than two years after the act or omission alleged as the ground for disciplinary action or, in a matter involving fraud, gross negligence, or misrepresentation, no later than four years after commission of the act or omission. The board shall file any accusation no later than 18 months after the complaint has been filed with the board, except that with respect to a violation of Section 8637, the accusation may be filed no later than two years after the discovery by the board of the alleged facts constituting the fraud or misrepresentation prohibited by the section.

8623. (a) Notwithstanding Section 8620 or any other provision of law, the board may revoke, suspend, or deny at any time a license under this chapter on any of the grounds for disciplinary action provided in this chapter. The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

(b) The board may deny a license to an applicant on any of the grounds specified in Section 480.

(c) In addition to the requirements provided in Sections 485 and 486, upon denial of an application for a license, the board shall provide a statement of reasons for the denial that does the following:

(1) Evaluates evidence of rehabilitation submitted by the applicant, if any.
(2) Provides the board's criteria relating to rehabilitation, formulated pursuant to Section 482, that takes into account the age and severity of the offense, and the evidence relating to participation in treatment or other rehabilitation programs.

(3) If the board's decision was based on the applicant's prior criminal conviction, justifies the board's denial of a license and conveys the reasons why the prior criminal conviction is substantially related to the qualifications, functions, or duties of a licensed structural pest control operator.

(d) Commencing July 1, 2009, all of the following shall apply:

(1) If the denial of a license is due at least in part to the applicant's state or federal criminal history record, the board shall, in addition to the information provided pursuant to paragraph (3) of subdivision (c), provide to the applicant a copy of his or her criminal history record at an address specified by the candidate.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall retain a copy of the applicant's written request and a copy of the response sent to the applicant, which shall include the date and the address to which the response was sent.

(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

8623.5. (a) A person whose license or registration has been revoked, suspended, or surrendered, or who has been placed on probation, may petition the board for reinstatement or modification of the penalty, including modification or termination of probation, after not less than the following minimum periods have elapsed, beginning on the effective date of the decision ordering that disciplinary action:

(1) At least three years for reinstatement of a license revoked or surrendered.

(2) At least two years for modification of a condition of probation.

(3) At least one year for early termination of a probation of less than three years.

(4) At least two years for early termination of a probation of three years or more.

(b) The board may require an examination for reinstatement of a license revoked or surrendered.

8663. (a) This section only applies to work conducted under a Branch 1 license.

(b) A copy of a notice of violation issued for any violation committed by a subcontractor shall be sent to the prime contractor responsible for the work by the issuing authority within 30 days from the date the violation was committed or discovered. In circumstances where the violation is classified as serious or moderate, notification shall be performed by certified mail with a return receipt requested.
(c) The board or county agricultural commissioners, when acting pursuant to Section 8616.4, may levy a fine of up to five thousand dollars ($5,000) against a registered company acting as a prime contractor for any serious or moderate violation committed by any licensee with whom the prime contractor has subcontracted if, before that violation occurred, the prime contractor had been notified by certified mail, return receipt requested, of two or more serious or moderate violations committed by that subcontractor within 12 consecutive months.

Fines collected pursuant to this section shall be paid to the Education and Enforcement Account in the Structural Pest Control Education and Enforcement Fund.

(d) For purposes of this section, “serious or moderate” violation includes, but is not limited to, a violation of any of the following provisions of this code or of the California Code of Regulations that poses a serious hazard to humans:

1. A violation of subdivision (a) or (b) of Section 1970.4 of Title 16 of, or Section 6454 of Title 3 of, the California Code of Regulations, or a violation of Section 8505.5.
2. Any violation of the structural pest control law that results in a serious injury to any person.
3. A violation of Section 8505.2 or 8505.3, relating to direct and personal supervision.
4. A violation of Section 8505.7, relating to vacating and securing structures.
5. A violation of Section 6780 of Title 3 of the California Code of Regulations.
6. A violation of Section 6454 of Title 3 of the California Code of Regulations.
7. A violation of Section 8505.12, relating to warning agents.
8. A violation of Section 8505.9 or 8505.10, relating to warning signs.

(e) Notwithstanding subdivision (c), a prime contractor may be fined for a subcontractor’s first violation for failing to have a signed Occupants Fumigation Notice, pursuant to Section 1970.4 of Title 16 of the California Code of Regulations, on the premises being treated, or for failure to provide advance notice of a fumigation pursuant to Section 8538 to the occupants of the premises being treated.

8674. The fees prescribed by this chapter are the following:

(a) A duplicate license fee of not more than two dollars ($2).
(b) A fee for filing a change of name of a licensee of not more than two dollars ($2).
(c) An operator’s examination fee of not more than one hundred dollars ($100).
(d) An operator’s license fee of not more than one hundred fifty dollars ($150).
(e) An operator’s license renewal fee of not more than one hundred fifty dollars ($150).
(f) A company registration fee of not more than one hundred twenty dollars ($120).
(g) A branch office registration fee of not more than sixty dollars ($60).
(h) A field representative’s examination fee of not more than seventy-five dollars ($75).
(i) A field representative’s license fee of not more than forty-five dollars ($45).
(j) A field representative’s license renewal fee of not more than forty-five dollars ($45).
(k) An applicator’s examination fee of not more than sixty dollars ($60).
(l) An applicator’s license fee of not more than fifty dollars ($50).
(m) An applicator’s license renewal fee of not more than fifty dollars ($50).
(n) An activity form fee, per property address, of not more than five dollars ($5).
(o) A fee for certifying a copy of an activity form of not more than three dollars ($3).
(p) A fee for filing a change of a registered company’s name, principal office address, or branch office address, qualifying manager, or the names of a registered company’s officers, or bond or insurance of not more than twenty-five dollars ($25) for each change.

(q) A fee for approval of continuing education providers of not more than fifty dollars ($50).

(r) A pesticide use report filing fee of not more than five dollars ($5) for each pesticide use report or combination of use reports representing a registered structural pest control company’s total county pesticide use for the month.

(s) A fee for approval of continuing education courses of not more than twenty-five dollars ($25).

(t) (1) Any person who pays a fee pursuant to subdivision (r) shall, in addition, pay a fee of two dollars ($2) for each pesticide use stamp or stamp number purchased from the board. Notwithstanding any other law, the fee established pursuant to this subdivision shall be deposited into the Structural Pest Control Research Fund that is hereby continued in existence and continuously appropriated to be used only for structural pest control research.

(2) A charge for administrative expenses of the board in an amount not to exceed 5 percent of the amount collected and deposited in the Structural Pest Control Research Fund may be assessed against the fund. The charge shall be limited to expenses directly related to the administration of the fund.

(3) The board shall, by regulation, establish a five-member research advisory panel, including, but not limited to, representatives from the Structural Pest Control Board, the structural pest control industry, the Department of Pesticide Regulation, and the University of California. The panel, or other entity designated by the board, shall solicit on behalf of the board all requests for proposals and present to the panel all proposals that meet the criteria established by the panel. The panel shall review the proposals and recommend to the board which proposals to accept. The recommendations shall be accepted upon a two-thirds vote of the board. The board shall direct the panel, or other entity designated by the board, to prepare and issue the research contracts and authorize the transfer of funds from the Structural Pest Control Research Fund to the applicants whose proposals were accepted by the board.

(4) A charge for requests for proposals, contracts, and monitoring of contracted research shall not exceed 5 percent of the research funds available each year and shall be paid from the Structural Pest Control Research Fund.

8698.3. (a) The Director of the Department of Pesticide Regulation or a county agricultural commissioner listed in Section 8698 may levy a civil penalty against a person or company violating this chapter, including any regulation adopted pursuant to this chapter for failing to comply with Section 8698.1.

(b) Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the director’s evidence and a right to present evidence on his or her own behalf.

(c) Review of the decision of the director may be sought by the person against whom the penalty was levied, within 30 days of receiving notice of the decision, pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of
administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

8698.6. This chapter shall remain in effect only until January 1, 2023, and as of that date is repealed.

CALIFORNIA CODE OF REGULATIONS, TITLE 16, DIVISION 19

§ 1914. Name Style - Company Registration.
No company registration certificate shall be issued in a fictitious name which the board determines is likely to be confused with that of a governmental agency or trade association. No company registration shall be issued in the same name of a firm whose company registration has been suspended, surrendered or revoked unless a period of at least one year has elapsed from the effective date of the suspension, surrender or revocation.

It shall be grounds for disciplinary action for a registered company to use the telephone number and/or name style of a firm whose company registration has been suspended, surrendered or revoked, without the prior written approval of the board.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8525, 8625 and 8650, Business and Professions Code.

HISTORY
1. Amendment filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
3. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2 (d) (Register 87, No. 13).
4. Amendment of first paragraph filed 3-21-2006; operative 4-20-2006 (Register 2006, No. 12).
5. Amendment of section and Note filed 10-2-2017; operative 1-1-2018 (Register 2017, No. 40).

§ 1936. Form and Date for Filing Application for License.
(a) An application for an initial operator's or field representative's license shall be:
(1) Filed at the principal office of the board on Form 43L-1 (Rev. 6/16) or Form 43L-14 (Rev. 6/16), which are hereby incorporated by reference, and shall comply with every requirement shown thereon.
(2) Accompanied by the required fee.
(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 114.5, 115.5, 480, 8560-8566 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.

HISTORY
§ 1936.1. Form and Date for Filing Application for Company Registration Certificate.
(a) An application for a company registration certificate shall be:
(1) Filed at the principal office of the board on Form 43L-26 (Rev. 3/14), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.
(2) Accompanied by the required company registration fee.
(b) All documents filed in support of any application will be retained by the board; provided, however, that the board may at its discretion permit such documents to be withdrawn upon substitution of a true copy.
Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 114.5, 115.5, 480, 8610 and 8674, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.
HISTORY
1. New section filed 3-23-87; effective upon filing pursuant to Government Code section 11346.2(d) (Register 87, No. 13).
2. Change without regulatory effect amending subsection (a)(1) filed pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 30).
3. Relocation and amendment of Form 43L-1 to section 1936 and editorial correction of page order of Form 43L-14 filed 8-25-2006; operative 9-24-2006 (Register 2006, No. 34).
4. Amendment of subsection (a)(1), repealer of form 43L-26, adoption and incorporation by reference of new forms 43L-1 and 43L-14 and amendment of Note filed 10-12-2016; operative 1-1-2017 (Register 2016, No. 42).

§ 1936.2. Form for Filing Application for Applicator's License.
(a) An application for an initial applicator's license shall be:
(1) Filed at the principal office of the board on Form 43L-21 (Rev. 4/15), which is hereby incorporated by reference, and shall comply with every requirement shown thereon.
(2) Accompanied by the required fee.
(b) All documents filed in support of any application will be retained by the board.
Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 114.5, 115.5, 480, 8564.5 and 8564.6, Business and Professions Code; and Sections 11361.5 and 11361.7, Health and Safety Code.
All licensees applying for a license renewal must submit a set of fingerprints for the purpose of conducting a criminal history record check as a condition for license renewal. Applications for license renewal will be deemed incomplete and not eligible for renewal if a set of fingerprints is not included with the application. This section applies to licensees whose license expires on or after June 30, 2016. This section does not apply to licensees who already have submitted a set of fingerprints for the purpose of conducting a criminal history record check.

Note: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 144 and 8520.1, Business and Professions Code; and Section 11105(b)(10), Penal Code.

(a) The primary contractor for fumigation shall have in his or her possession and shall provide to any subcontractor for fumigation a form (See Form 43M-48 (Rev. 5/07) at the end of this section) signed by the occupants or designated agent of a structure. The primary contractor for fumigation and the subcontractor for fumigation shall retain a copy of the occupants fumigation notice for a period of at least three years. In case of multiple-family dwellings, the owner, manager or designated agent of the building may obtain signatures and/or verify the notification of the occupants.

The form shall state the name of the pest to be controlled, the pesticide(s)/fumigant(s) proposed to be used, the active ingredient(s) and the health cautionary statement as required under section 8538 of the code. The form shall also state that a lethal gas (poison) will be used in the building on indicated dates and that it is unsafe to return to the building until a certification notice for reentry is posted by the licensed fumigator. The form shall also indicate that the occupant has received the prime contractor's information regarding the procedures for leaving the structure.

The properly signed form or a copy, written or electronic, thereof shall be in the possession of the licensed fumigator when the fumigant is released. Such form shall be attached to and become a permanent part of the fumigation log upon completion of the fumigation.

(b) Any death or serious injury relating to pesticide application or use, whether to a worker or member of the public, shall be reported to the nearest Structural Pest Control Board office immediately.

(c) Whenever a licensee employed by a branch 2 or branch 3 registered company applies a pesticide within, around or to any structure such person shall leave in a conspicuous location a
written notice identifying the common, generic or chemical name of each pesticide applied. In case of a multiple family structure, such notice may be given to the designated agent or the owner. Such pesticide identification notice may be a door hanger, invoice, billing statement or other similar written document which contains the registered company's name, address, and telephone number.

(d) All pest control operators, field representatives, applicators and employees in all branches shall comply in every respect with the requirements of section 8538 of the code. Failure to comply with section 8538 of the code is a misdemeanor and shall constitute grounds for discipline.

(e) Where notification is required under section 8538 of the code, and the premises on which the work is to be performed is a multiple family dwelling consisting of more than 4 units, the owner/owner's agent shall receive notification and other notices shall be posted in heavily frequented, highly visible areas including, but not limited to, all mailboxes, manager's apartment, in all laundry rooms, and community rooms on all external pest control servicing. Complexes with fewer than 5 units will have each affected unit notified. Any pest control servicing done within a tenant's apartment requires that the tenant be notified according to section 8538 of the code.

(f) A registered company which applies any pesticide within, around or to any structure shall provide to any person, within 24 hours after request therefore, the common, generic or chemical name of each pesticide applied.


HISTORY
1. New section filed 5-19-78; effective thirtieth day thereafter (Register 78, No. 20).
2. Amendment filed 5-8-80; effective thirtieth day thereafter (Register 80, No. 19).
3. Amendment of subsection (a) filed 6-3-81; effective thirtieth day thereafter (Register 81, No. 23).
4. Relettering of former subsection (d) to (e) and new subsection (d) filed 6-17-85; effective thirtieth day thereafter (Register 85, No. 25).
5. Relettering of former subsection (e) to (f) and new subsection (e) filed 11-10-86; effective thirtieth day thereafter (Register 86, No. 46).
6. Amendment filed 3-23-87; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 87, No. 13).
7. Amendment of subsections (a), (d) and (e) filed 4-12-90; operative 5-12-90 (Register 90, No. 17).
8. Amendment of subsections (a), (c) and Note filed 3-6-95; operative 4-5-95 (Register 95, No. 10).
9. Amendment of subsections (a), (c) and (d), amendment of Note, and new form 43M-48 filed 4-28-98; operative 5-28-98 (Register 98, No. 18).
10. Change without regulatory effect amending subsections (c) and (f) filed 3-26-2002 pursuant to section 100, title 1, California Code of Regulations (Register 2002, No. 13).
11. Amendment of subsection (a) and repealer and new form 43M-48 filed 12-30-2005; operative 1-29-2006 (Register 2005, No. 52).
12. Amendment of subsection (a) and repealer and new Form 43M-48 filed 4-29-2008; operative 5-29-2008 (Register 2008, No. 18).
13. Amendment of subsection (a) filed 3-22-2016; operative 7-1-2016 (Register 2016, No. 13).

§ 1993.2. Termite Bait Station.
(a) For the purposes of this section, “termite bait station” shall include:
(1) an “above-ground bait station,” which shall mean any device containing pesticide bait used for the eradication of termites that is attached to the structure, or
(2) an “in-ground bait station,” which shall mean any device containing pesticide bait used for the eradication of termites that is placed in the ground.
(b) Prior to the installation of a termite bait station, a full or limited inspection of the structure shall be made.
(c) Use of a termite bait station shall be considered a control service agreement as defined by section 8516 of the code.

HISTORY
1. New section filed 6-26-2003; operative 7-26-2003 (Register 2003, No. 26).
2. Amendment of section and Note filed 10-6-2017; operative 1-1-2018 (Register 2017, No. 40).

§ 1993.3. In-Ground Termite Bait Stations. [Repealed]

HISTORY
1. New section filed 6-26-2003; operative 7-26-2003 (Register 2003, No. 26).

(a) A “termite monitoring device” is defined as a device that:
(1) Solely provides an indication of the possible presence or absence of termites.
(2) Does not provide for positive identification of an infestation.
(3) Does not eliminate the need for an inspection conducted by a Branch 3 Operator or Field Representative prior to any treatment or work being performed.
(4) Does not contain any pesticides.
(5) Does not provide any control measures.
(b) Installation of any termite monitoring device must be performed by a registered Branch 3 company.
(c) Prior to installation of any termite monitoring device(s), the following disclosure language shall be provided in writing to the property owner or the property owner's designated agent: “Termite monitoring devices are intended to solely provide an indication of the possible presence or absence of termites in the areas where such devices are installed. Termite monitoring devices do not replace the requirement for a termite inspection to be performed by a
licensed termite inspector prior to the commencement of any treatment or work being performed. If the termite monitoring device indicates the possible presence of termites, you should consider having an inspection performed. You have the right to choose any registered company licensed to perform these services.”

HISTORY
1. New section filed 10-6-2017; operative 1-1-2018 (Register 2017, No. 40).

§ 1997. WDO Inspection and Completion Activity Fee.
Pursuant to the provisions of section 8674 of the Business and Professions Code, the following fee is determined, set and established:
(1) The Activity Reporting fee per Property Address is $4.00.

HISTORY
1. Amendment filed 3-15-77; effective thirtieth day thereafter (Register 77, No. 12). For prior history, see Register 68, No. 6.
2. Amendment filed 2-22-80; effective thirtieth day thereafter (Register 80, No. 8).
3. Amendment filed 6-9-82; effective thirtieth day thereafter (Register 82, No. 24).
4. Amendment filed 9-22-83; effective thirtieth day thereafter (Register 83, No. 39).
5. Amendment filed 9-7-84; effective thirtieth day thereafter (Register 84, No. 36).
6. Amendment filed 2-13-87; effective thirtieth day thereafter (Register 87, No. 8).
8. Amendment filed 9-19-90; operative 10-19-90 (Register 90, No. 44).
9. Amendment filed 7-21-92; operative 8-20-92 (Register 92, No. 30).
10. Amendment filed 10-15-96; operative 11-14-96 (Register 96, No. 42).
11. Change without regulatory effect amending section heading, section and Note filed 1-28-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 4).
12. Amendment filed 5-20-2010; operative 7-1-2010 (Register 2010, No. 21).
13. Amendment of subsection (1) filed 5-7-2019; operative 7-1-2019 (Register 2019, No. 19).
14. Amendment of subsection (1) filed 8-22-2019 as an emergency; operative 8-22-2019 (Register 2019, No. 34). A Certificate of Compliance must be transmitted to OAL by 2-18-2020 or emergency language will be repealed by operation of law on the following day.