

House Engrossed Senate Bill
certified applicators; fingerprinting requirement

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 283
SENATE BILL 1414

AN ACT

AMENDING SECTIONS 3-3603 AND 3-3614, ARIZONA REVISED STATUTES; RELATING TO
PEST MANAGEMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 3-3603, Arizona Revised Statutes, is amended to
3 read:

4 3-3603. Powers and duties of director

5 A. The director is responsible for administering this chapter and
6 shall:

7 1. Adopt rules that are necessary or proper to administer and
8 implement this chapter, including rules that may be more stringent than a
9 corresponding federal law for:

10 (a) Administrative provisions.

11 (b) Licensure, certification and registration requirements and
12 qualifications, including training and education requirements and
13 financial security standards.

14 (c) Health and safety provisions.

15 (d) Duties and responsibilities.

16 (e) Recordkeeping and production of records requirements.

17 (f) Licensee inspection and treatment report requirements.

18 (g) Disciplinary action provisions.

19 (h) Equipment provisions.

20 (i) Advertising requirements.

21 (j) ~~The use, storage~~ USING, STORING and ~~application of~~ APPLYING
22 pesticides and devices used in pest management.

23 2. Notify the business licensee, applicator and qualifying party in
24 writing of any inquiry into possible violations by the business licensee,
25 applicator or qualifying party by the close of business on the tenth
26 business day after the day on which the director initiated the inquiry if
27 the director anticipates an enforcement action. If in the course of the
28 investigation the division identifies any alleged violations by a
29 different business licensee, applicator or qualified party, the director
30 shall notify the additional alleged violator by the close of business on
31 the tenth business day after the day on which the director initiated the
32 new inquiry.

33 3. Develop and either conduct or contract to conduct certified
34 applicator and certified qualified applicator tests at locations
35 throughout this state. If the director contracts for these tests, the
36 contracts may provide for specific examination fees or a reasonable range
37 of fees determined by the director to be paid directly to the contractor
38 by the applicant. The director shall make all efforts to contract with
39 private parties to electronically administer the tests.

40 4. Maintain a computer system ~~for the~~ TO benefit and ~~protection of~~
41 PROTECT the public that includes the following information on
42 pretreatments, new-construction treatments, final grade treatments,
43 initial corrective treatments and wood-destroying insect inspection
44 reports:

45 (a) The name of the individual who performed the work.

- 1 (b) The address or location of the work or project.
- 2 (c) The name of the pest management company.
- 3 (d) The name of the qualifying party.
- 4 (e) The applicator license numbers.
- 5 (f) The nature and date of the work performed.
- 6 (g) Any other information that is required by rule.
- 7 5. Establish offices the director deems necessary to carry out the
- 8 purposes of this chapter.
- 9 6. Subject to title 41, chapter 4, article 4, employ personnel the
- 10 director deems necessary to carry out the purposes of this chapter and
- 11 designate their duties.
- 12 7. Oversee the approval, content and method of delivery of
- 13 continuing education courses.
- 14 8. Deny a license to any person who has had a license revoked for a
- 15 period of five years from the time of revocation.
- 16 9. License applicators and qualified applicators and license
- 17 businesses in accordance with this chapter and rules adopted pursuant to
- 18 this chapter.
- 19 10. Register qualifying parties, branch supervisors and branch
- 20 offices in accordance with this chapter and rules adopted pursuant to this
- 21 chapter.
- 22 11. Require the payment of a penalty for any late license renewal.
- 23 12. Refuse to issue a business license in a name that is not
- 24 registered with the secretary of state or filed with the Arizona
- 25 corporation commission.
- 26 13. Adopt a wood-destroying insect inspection report form for use by
- 27 business licensees.
- 28 14. Receive monies authorized under this chapter for deposit,
- 29 pursuant to sections 35-146 and 35-147, in the appropriate funds.
- 30 B. The director may:
- 31 1. Compel attendance of witnesses, administer oaths or affirmations
- 32 and take testimony concerning all matters coming within the director's
- 33 jurisdiction.
- 34 2. Issue subpoenas for the taking of depositions, the production of
- 35 documents and things and the entry on land for inspection and measuring,
- 36 surveying, photographing, testing or sampling the property or any
- 37 designated object or operation on the property relevant to an inquiry or
- 38 complaint.
- 39 3. Contract and enter into interagency and intergovernmental
- 40 agreements with any private party or public agency.
- 41 4. With at least twenty-four hours' notice, unless there may be an
- 42 immediate risk to public health and safety, require a business licensee,
- 43 qualifying party or applicator to produce specific records. On a showing
- 44 of good cause by the business licensee, qualifying party or applicator,
- 45 the director may excuse failure to timely comply.

- 1 5. Deny or revoke a license based on the information in the
2 application.
- 3 6. Issue advisory notices for de minimis violations.
- 4 7. Investigate alleged violations of this chapter, rules adopted
5 pursuant to this chapter, consent agreements, orders and any condition
6 imposed in connection with a license.
- 7 8. Require the public to provide notices regarding alleged
8 violations in writing.
- 9 9. Pursuant to section 41-1092.11, summarily suspend a license
10 issued under this chapter to protect the health, safety and welfare of the
11 public.
- 12 10. Issue a corrective work order requiring a business licensee or
13 applicator to remedy deficiencies in treatment or to comply with this
14 chapter or any rules adopted pursuant to this chapter before or after a
15 formal hearing.
- 16 11. On receipt of a complaint or on initiation of a complaint by
17 the division, investigate any alleged violation of unlicensed activity
18 pursuant to this chapter. If the director determines that an unlicensed
19 person is performing an act that is required to be performed by a person
20 licensed pursuant to this chapter, the director shall take one or more of
21 the following enforcement actions:
- 22 (a) Issue a cease and desist order requiring the person to
23 immediately cease operations.
- 24 (b) Impose on the person a civil penalty of not more than ~~one~~
25 ~~thousand dollars~~ \$1,000 for the first occurrence and not more than ~~two~~
26 ~~thousand dollars~~ \$2,000 for the second occurrence.
- 27 (c) File an action to enjoin the person from engaging in the
28 unlicensed activity.
- 29 (d) Request that the county attorney or attorney general file
30 charges against the person.
- 31 12. Refuse to issue a business license in a name that is likely to
32 be misleading or to imply any distorted representation about the business.
- 33 13. Register a certified applicator who is a representative of a
34 business licensee as a temporary qualifying party if the qualifying party
35 becomes disassociated with the business licensee.
- 36 14. Provide and conduct classes to train individuals in preparation
37 for certified applicator and certified qualified applicator tests. The
38 director may assess a fee for each class. The director may contract with
39 a commercial enterprise or an accredited institution to conduct the class.
- 40 15. Provide and conduct continuing education classes quarterly.
41 The director may assess a fee for each credit hour. The director may
42 contract with a commercial enterprise or an accredited institution to
43 conduct the class under the supervision of division staff.
- 44 16. Enter into consent agreements and issue consent orders.

1 17. Designate by rule devices that are exempt from the licensure,
2 certification and registration requirements of this chapter.

3 18. Charge a person for providing copies of rules, forms or
4 policies proposed for adoption and for educational materials.

5 19. Require a business licensee or qualifying party to register
6 with the division or to otherwise identify all of the licensed or
7 unlicensed applicators of the business or supervised by the qualifying
8 party.

9 20. Require a business licensee to produce records for the purpose
10 of verifying that an individual is an applicator of the business licensee.

11 21. Charge a handling fee in addition to the transaction amount for
12 any transaction that could have been completed electronically and was not.

13 22. Deny or refuse to renew a license of a person who owes unpaid
14 fees or civil penalties to the division.

15 23. EDUCATE THE PUBLIC REGARDING THE LICENSURE, CERTIFICATION AND
16 REGISTRATION REQUIREMENTS OF THIS CHAPTER.

17 C. The director or any duly authorized agents may enter any private
18 or public property, including a service vehicle, on which pesticides are
19 located or are reasonably believed to be located to be used for purposes
20 related to pest management or any office of a business engaged in pest
21 management. The owner, managing agent or occupant of the property or
22 office shall permit entry for the purpose of inspecting and investigating
23 conditions relating to the use, storage, application and disposal of
24 pesticides, including worker safety materials and records pertaining to
25 pest management. If a person refuses to admit the director or the
26 authorized agent in accordance with this subsection, the director may
27 obtain a warrant from a court of competent jurisdiction. If a licensed or
28 certified person refuses to admit the director or an authorized agent in
29 accordance with this subsection during regular business hours, the
30 director may impose disciplinary action on the person.

31 D. The director or any duly authorized agents may monitor
32 compliance by a person with this chapter and rules adopted pursuant to
33 this chapter while the person is providing pest management services.

34 E. THE DIRECTOR MAY MAINTAIN A LIST OF PERSONS WHO HAVE VIOLATED
35 SECTION 3-3624, SUBSECTION A, PARAGRAPH 1. THE LIST SHALL INCLUDE ANY
36 KNOWN RELATED BUSINESS NAMES USED BY THOSE PERSONS. THE DEPARTMENT SHALL
37 POST THE LIST ON THE DEPARTMENT'S WEBSITE. THE DIRECTOR SHALL REMOVE A
38 PERSON AND ANY KNOWN RELATED BUSINESS NAMES THAT THE PERSON USED FROM THE
39 LIST WITHIN TEN BUSINESS DAYS AFTER THE PERSON BECOMES LICENSED PURSUANT
40 TO THIS CHAPTER AND SUBMITS A WRITTEN REQUEST TO THE DIRECTOR TO REMOVE
41 THE PERSON'S NAME FROM THE LIST. THE DIRECTOR SHALL PROVIDE A COPY OF THE
42 LIST TO ANY MEMBER OF THE PUBLIC THAT REQUESTS A COPY.

