

The House Committee on Agriculture & Consumer Affairs offered the following substitute to HB 1182:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 45 of Title 43 of the Official Code of Georgia Annotated, known as the  
2 "Structural Pest Control Act," so as to change the provisions relating to examinations; to  
3 provide for additional qualifications for operators; to provide for insurance requirements; to  
4 provide that certain conduct shall be unlawful; to change the provisions relating to penalties  
5 and provide for additional penalties; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

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8 Chapter 45 of Title 43 of the Official Code of Georgia Annotated, known as the "Structural  
9 Pest Control Act," is amended by striking Code Section 43-45-9, relating to examination for  
10 certification as an operator, evidence from applicants as to employment of qualified  
11 operators, and insurance requirements, and inserting in its place the following:

12 "43-45-9.

13 (a) All applicants for examination for certification as an operator must have a knowledge  
14 of the practical and scientific facts underlying the practice of structural pest control, control  
15 of wood-destroying organisms, and fumigation and the necessary knowledge and ability  
16 to recognize and control those hazardous conditions which may affect human life and  
17 health. The commission may refuse to examine anyone convicted of a crime involving  
18 moral turpitude.

19 (b) Each applicant must present satisfactory evidence to the commission concerning his  
20 or her qualifications which must include at least one of the following:

21 (1) Two years' actual experience relating to service, one year of which must have been,  
22 within the last five years, as an employee, employer, or owner-operator in the field of  
23 household pest control, control of wood-destroying organisms, or fumigation, for  
24 whichever license is applied for;

25 (2) One or more years' specialized training in household pest control, control of  
26 wood-destroying organisms, or fumigation, or any combination thereof, under university

1 or college supervision as a substitute for practical experience at the ratio of one year of  
2 schooling for one-fourth year practical experience; or

3 (3) A degree from a recognized college or university with advanced training or major in  
4 entomology, sanitary or public health engineering, or related subjects, including sufficient  
5 practical experience of structural pest control work under proper supervision.

6 (c) Each applicant for a license shall present evidence satisfactory to the commission that  
7 the business entity desiring the license has in its employ one or more qualified operators  
8 to engage in the business of structural pest control as provided in this chapter.

9 (d) Each applicant for a license shall submit with the application and each licensee shall  
10 submit at the time of renewal of the license a certificate of insurance verifying coverage  
11 from an insurance company licensed to do business in this state. Such coverage shall be  
12 in the amount of not less than \$50,000.00 per occurrence, with a minimum annual  
13 aggregate of \$200,000.00 for all occurrences, and shall insure the licensee's business  
14 against bodily injury and property damage claims. The insurance shall also cover claims  
15 for pollution liability caused by sudden and accidental discharge or release of pollutants.  
16 ~~No license shall be issued or renewed and no business license shall be issued by a political~~  
17 ~~subdivision pursuant to Code Section 43-45-15 until the insurance requirements of this~~  
18 ~~subsection are met. Policies shall contain a cancellation provision whereby notification of~~  
19 ~~cancellation is made to and received by the commission not less than 30 days prior to the~~  
20 ~~cancellation.~~

21 (e) In addition to the insurance coverage specified in subsection (d) of this Code section,  
22 each licensee for control of wood-destroying organisms shall submit on July 1, 2002, or  
23 within 30 days thereafter, each applicant for a license for control of wood-destroying  
24 organisms shall submit with the application for a license, and each licensee for control of  
25 wood-destroying organisms shall submit at the time of renewal of the license a certificate  
26 of insurance verifying coverage during the term of the license from an insurance company  
27 licensed to do business in this state. Such coverage shall be in the amount of not less than  
28 \$100,000.00 per occurrence, with a minimum annual aggregate of \$500,000.00 for all  
29 occurrences and shall insure the licensee's business against bodily injury and property  
30 damage claims arising from the licensee's treatment or services for control of  
31 wood-destroying organisms including, without limitation, errors and omission coverage on  
32 an occurrence basis.

33 (f) No license shall be issued or renewed and no business license shall be issued by a  
34 political subdivision pursuant to Code Section 43-45-15 until the insurance requirements  
35 of this Code section are met. The minimum insurance coverages required by this Code  
36 section must be maintained during the entire period of time a license is in force, and the  
37 licensee shall furnish the name, address, and contact telephone number of the insurance

1 carrier to each person receiving treatment or service from the licensee each time treatment  
 2 or service is furnished. Policies shall contain a cancellation provision whereby notification  
 3 of cancellation is made by the insurer to and actually received by the commission, through  
 4 the Structural Pest Control Section of the Department of Agriculture, not less than 30 days  
 5 prior to the cancellation. Any license or renewal of a license shall be suspended  
 6 automatically by operation of law if the insurance coverages are not in force or are  
 7 canceled for any reason, unless equivalent insurance is then in effect. It shall be the duty  
 8 of the licensee to notify the commission that equivalent insurance is in effect and furnish  
 9 proof of such insurance to the commission. If the license or renewal license is not  
 10 reinstated within three months, it shall be revoked by operation of law without a hearing."

## 11 SECTION 2.

12 Said chapter is further amended by striking subsection (b) of Code Section 43-45-12, relating  
 13 to suspension, cancellation, and revocation of licenses, certifications, and registrations and  
 14 unlawful acts, and inserting in lieu thereof the following:

15 "(b) Any licensee, certified operator, or registered employee who shall:

- 16 (1) Make representations for the purpose of defrauding; deceive or defraud another;  
 17 (2) Make a false statement with knowledge of its falsity for the purpose of inducing  
 18 another to act thereon to his detriment;  
 19 (3) Use methods or materials that are not suitable; or use any fumigant, insecticide,  
 20 rodenticide, attractant, or repellent in a manner inconsistent with its labeling or other  
 21 restrictions imposed by the commission or the Commissioner;  
 22 (4) Fail to give the commission or its authorized representative, or the enforcing agency,  
 23 upon demand or request, true information regarding methods and materials used, work  
 24 performed, or other information essential to administration of this chapter; or  
 25 (5) Make any intentional misrepresentation of a material fact in an application for a  
 26 license, certification, or registration; or  
 27 (6) Fail to perform, report, or submit the appropriate fees consistent with any rules and  
 28 regulations promulgated pursuant to this chapter  
 29 shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction,  
 30 shall be punished as provided in Code Section 17-10-4."

## 31 SECTION 3.

32 Said chapter is further amended by striking subsection (a) of Code Section 43-45-24, relating  
 33 to engaging in structural pest control without a license, and inserting in lieu thereof the  
 34 following:

