

House Bill 1182 (AS PASSED HOUSE AND SENATE)

By: Representatives Ray of the 128th, Floyd of the 138th and Barnard of the 154th

BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"43-45-9.

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

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

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

(2) One or more years' specialized training in household pest control, control of 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

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

SECTION 2.

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

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

(1) Make representations for the purpose of defrauding; deceive or defraud another;

(2) Make a false statement with knowledge of its falsity for the purpose of inducing another to act thereon to his detriment;

(3) Use methods or materials that are not suitable; or use any fumigant, insecticide, rodenticide, attractant, or repellant in a manner inconsistent with its labeling or other restrictions imposed by the commission or the Commissioner;

(4) Fail to give the commission or its authorized representative, or the enforcing agency, upon demand or request, true information regarding methods and materials used, work performed, or other information essential to administration of this chapter; or

(5) Make any intentional misrepresentation of a material fact in an application for a license, certification, or registration; or

(6) Fail to perform, report, or submit the appropriate fees consistent with rules and regulations promulgated pursuant to this chapter

shall be guilty of a misdemeanor for the first offense. For the second or any subsequent offense, any person violating this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be punished as provided in Code Section 17-10-4."

SECTION 3.

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

"(a) Any person, firm, corporation, association, or any other organization or combination thereof who shall engage in, solicit, supervise, advertise, represent himself to be in, hold himself out as being in, or purport to be, a manager, owner, operator-owner, operator or agent (other than a registered employee), or agent in household pest control, control of wood-destroying organisms, fumigation, or related work, without having first secured a license issued for that purpose by the commission, shall be guilty of a misdemeanor for the first offense. For the second or any subsequent offense, any person violating this chapter shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be punished as provided in Code Section 17-10-4. Each violation shall constitute a separate offense."

SECTION 4.

Said chapter is further amended by striking Code Section 43-45-25, relating to penalties, and inserting in its place the following:

"43-45-25.

Except as otherwise provided in this chapter, any Any person violating this chapter shall be guilty of a misdemeanor for the first offense. For the second or any subsequent offense, any person violating this chapter shall be guilty of a misdemeanor of a high and aggravated nature, and, upon conviction, shall be punished as provided in Code Section 17-10-4. Each such violation shall constitute a separate offense."

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.