

AMENDED IN SENATE JUNE 6, 2005

AMENDED IN ASSEMBLY APRIL 25, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 87

Introduced by Assembly Member Bermudez
(Principal coauthor: Assembly Member Maze)
(Coauthors: Assembly Members Benoit, Daucher, DeVore,
Emmerson, Leslie, Mountjoy, Parra, and Sharon Runner)
(Coauthor: Senator Machado)

January 6, 2005

An act to amend Sections 8564, 8565, and 8565.5 of the Business and Professions Code, and to amend Section 4005 of the Fish and Game Code, and to amend Sections 11702, 12203, and 14153 of the Food and Agricultural Code, relating to trapping licenses.

LEGISLATIVE COUNSEL'S DIGEST

AB 87, as amended, Bermudez. Trapping licenses: exemptions.

Existing law requires every person, other than a fur dealer, who traps fur-bearing mammals or nongame mammals, designated by the Fish and Game Commission or who sells *the* raw furs of those mammals, to procure a trapping license from the Department of Fish and Game.

Existing law provides for the licensing by the Structural Pest Control Board of individuals who practice structural pest control. Existing law also provides for the licensing by the Department of Pesticide Regulation of various persons and businesses who apply pesticides.

This bill would exempt a structural pest control operator licensed by the Structural Pest Control Board and a person or business licensed or

certified by the Department of Pesticide Regulation from the licensing requirement for trapping mammals, as provided.

Existing law prescribes the procedures to obtain pest control field representative and applicator licenses.

This bill would require an applicant seeking a general pest, Branch 2, field representative's license to have had training and experience that includes the management of vertebrate pests and training on applicable Fish and Game regulations, and would require an operator applicant to have adequate knowledge of *the* same and to have satisfactorily passed board-approved courses in that area.

Existing law requires persons licensed or certified by the Department of Pesticide Regulation meet certain requirements, as specified.

This bill would require that in addition, persons licensed or certified by the department be trained and tested in applicable Fish and Game regulations governing trapping of mammals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8564 of the Business and Professions
- 2 Code is amended to read:
- 3 8564. To obtain an original field representative's license, an
- 4 applicant shall submit to the registrar an application in writing
- 5 containing a statement that the applicant desires the issuance of a
- 6 field representative's license under the terms of this chapter.
- 7 The application shall be made on a form prescribed by the
- 8 board and issued by the registrar in accordance with rules and
- 9 regulations adopted by the board, and shall contain the following:
- 10 (a) The length of time during which the applicant has engaged
- 11 in any work relating to pest control.
- 12 (b) The name and place of business of the person who last
- 13 employed him or her.
- 14 (c) The name of the person by whom the applicant is
- 15 employed.
- 16 (d) The name of the registered company by which the
- 17 applicant is to be employed.
- 18 (e) The fees prescribed by this chapter.

1 The board shall not accept any application for a field
2 representative's license in Branch 1 unless the applicant submits
3 proof satisfactory to the board that he or she has had six months'
4 training and experience in the practice of fumigating with
5 poisonous or lethal gases under the immediate supervision of an
6 individual licensed to practice fumigating, or the equivalent of
7 that training and experience.

8 The board shall not accept any application for a field
9 representative's license in Branch 2 unless the applicant submits
10 proof satisfactory to the board that he or she has had training and
11 experience in the practice of pesticide application, Branch 2 pest
12 identification and biology, including the management of
13 vertebrate pests and training on applicable Fish and Game codes
14 and regulations governing trapping of mammals, pesticide
15 application equipment, and pesticide hazards and safety practice
16 under the immediate supervision of an operator or field
17 representative licensed in Branch 2, or the equivalent of that
18 training and experience.

19 The board shall not accept any application for a field
20 representative's license in Branch 3 unless the applicant submits
21 proof satisfactory to the board that he or she has had training and
22 experience in the practice of pesticide application, Branch 3 pest
23 identification and biology, pesticide application equipment,
24 pesticide hazards and safety practices, structural repairs, and
25 structural inspection procedures and report writing under the
26 immediate supervision of an operator or field representative
27 licensed in Branch 3, or the equivalent of that training and
28 experience.

29 SEC. 2. Section 8565 of the Business and Professions Code is
30 amended to read:

31 8565. The board shall ascertain by written examination that
32 an applicant for a license as operator is qualified in the use and
33 understanding of all of the following:

34 (a) The English language, including reading, writing, and
35 spelling.

36 (b) The building and safety laws of the state and any of its
37 political subdivisions, if the branch or branches of pest control
38 for which he or she is applying, require that knowledge.

39 (c) The labor laws of the state.

40 (d) The provisions of this chapter.

1 (e) Poisonous and other dangerous chemicals used in pest
2 control, if the branch license or licenses for which he or she is
3 applying, require that knowledge.

4 (f) The theory and practice of the branch or branches of pest
5 control in which the applicant desires to be licensed.

6 (g) Other state laws, safety or health measures, or practices
7 that are reasonably within the scope of structural pest control in
8 the various branches. This shall include an applicant's knowledge
9 of the requirements regarding health effects and restrictions on
10 applications, as set forth in Section 8538, and for Branch 2
11 applicants, the applicant's knowledge of the management of
12 vertebrate pests and applicable Fish and Game codes and
13 regulations governing trapping of mammals.

14 SEC. 3. Section 8565.5 of the Business and Professions Code
15 is amended to read:

16 8565.5. (a) An applicant for a Branch 1 operator's license
17 shall demonstrate to the board that he or she has passed
18 satisfactorily board-approved courses in the following areas:

- 19 (1) Pesticides.
- 20 (2) Pest identification and biology.
- 21 (3) Contract law.
- 22 (4) Rules and regulations.
- 23 (5) Business practices.
- 24 (6) Fumigation safety.

25 (b) An applicant for a Branch 2 operator's license shall
26 demonstrate to the board that he or she has passed satisfactorily
27 board-approved courses in the following areas:

- 28 (1) Pesticides.
- 29 (2) Pest identification and biology, including the management
30 of vertebrate pests. This training shall address the applicable Fish
31 and Game codes and regulations governing trapping of
32 mammals.
- 33 (3) Contract law.
- 34 (4) Rules and regulations.
- 35 (5) Business practices.

36 (c) An applicant for a Branch 3 operator's license shall
37 demonstrate to the board that he or she has passed satisfactorily
38 board-approved courses in the following areas:

- 39 (1) Pesticides.
- 40 (2) Pest identification and biology.

- 1 (3) Contract law.
- 2 (4) Rules and regulations.
- 3 (5) Business practices.
- 4 (6) Construction repair and preservation techniques.

5 The board shall develop a correspondence course or courses
6 with any educational institution or institutions as it deems
7 appropriate. These courses may be used to fulfill the
8 requirements of this section. The institution may charge a
9 reasonable fee for each course.

10 SEC. 4. Section 4005 of the Fish and Game Code is amended
11 to read:

12 4005. (a) Except as otherwise provided in this section, every
13 person, other than a fur dealer, who traps fur-bearing mammals
14 or nongame mammals, designated by the commission or who
15 sells raw furs of those mammals, shall procure a trapping license.
16 “Raw fur” means any fur, pelt, or skin that has not been tanned or
17 cured, except that salt-cured or sun-cured pelts are raw furs.

18 (b) The department shall develop standards that are necessary
19 to ensure the competence and proficiency of applicants for a
20 trapping license. No person shall be issued a license until he or
21 she has passed a test of his or her knowledge and skill in this
22 field.

23 (c) Persons trapping mammals in accordance with Section
24 4152 or 4180 are not required to procure a trapping license
25 except when providing trapping services for profit.

26 (d) No raw furs taken by persons providing trapping services
27 for profit may be sold.

28 (e) The license requirement imposed by this section does not
29 apply to any of the following:

30 (1) Officers or employees of federal, county, or city agencies
31 or the department, when acting in their official capacities, or
32 officers or employees of the Department of Food and Agriculture
33 when acting pursuant to the Food and Agricultural Code
34 pertaining to pests or pursuant to Article 6 (commencing with
35 Section 6021) of Chapter 9 of Part 1 of Division 4 of the Food
36 and Agricultural Code.

37 (2) Structural pest control operators licensed pursuant to
38 Chapter 14 (commencing with Section 8500) of Division 3 of the
39 Business and Professions Code when trapping rats, mice, moles,
40 voles, gophers, squirrels, chipmunks, skunks, and opossums.

1 (3) Persons and businesses licensed or certified by the
2 Department of Pesticide Regulation pursuant to Chapter 4
3 (commencing with Section 11701) and Chapter 8 (commencing
4 with Section 12201) of Division 6 of, and Chapter 3.6
5 (commencing with Section 14151) of Division 7 of, the Food and
6 Agricultural Code when trapping rats, mice, moles, ~~vales~~, *voles*,
7 gophers, squirrels, chipmunks, skunks, and opossums.

8 SEC. 5. Section 11702 of the Food and Agricultural Code is
9 amended to read:

10 11702. Applicants for a pest control business license shall do
11 all of the following:

12 (a) Submit information to the director covering the applicant's
13 business and personal qualifications that the director requires.

14 (b) Designate in the application the qualified applicator who
15 shall be responsible for the conduct of the principal office of the
16 applicant and of each branch location.

17 (c) Satisfy the director of the responsibility of the applicant as
18 to any of the following:

19 (1) Equipment and facilities.

20 (2) Financial ability to perform the work authorized by the
21 license and to respond in damages for any illness, injury, or
22 damage resulting from the work, which ability may be satisfied
23 by insurance in a form satisfactory to the director insuring
24 against liability for personal injury and property damage in an
25 amount prescribed by regulation of the director. The amount
26 shall be related to the volume and type of pest control operations
27 for which the applicant is licensed to perform.

28 (3) Personal responsibility to conduct the business.

29 (4) His or her training and testing in applicable Fish and Game
30 codes and regulations governing trapping of mammals.

31 The director shall establish by regulation the general classes of
32 pest control operations in which the applicant may be qualified.

33 Licensing by the director shall not derogate from the authority
34 of commissioners stated in Sections 11731 to 11741, inclusive.

35 SEC. 6. Section 12203 of the Food and Agricultural Code is
36 amended to read:

37 12203. (a) Applicants shall be examined on the requirements
38 of laws and regulations concerning pesticide use and shall elect
39 to be examined for licensing in one or more of the following
40 categories:

- 1 (1) Residential, industrial, and institutional pest control.
- 2 (2) Landscape maintenance pest control.
- 3 (3) Right-of-way pest control.
- 4 (4) Agricultural pest control.
- 5 (5) Forest pest control.
- 6 (6) Aquatic pest control.
- 7 (7) Regulatory pest control.
- 8 (8) Seed treatment.
- 9 (9) Agricultural pest control—~~animal control~~—*animal control*.
- 10 (10) Demonstration and research.
- 11 (11) Health-related pest control.
- 12 (b) In addition to being licensed in one or more of the
- 13 categories in subdivision (a), an applicant for licensing may elect
- 14 to be trained in the handling, control, and techniques of removal
- 15 of Africanized honey bees.
- 16 (c) The director may develop a training program that covers
- 17 the handling, control, and techniques of removal of Africanized
- 18 honey bees or may approve a training program developed by the
- 19 Pest Control Operators of California or any other equivalent
- 20 training program, subject to the following requirements:
- 21 (1) A certificate of training shall be presented by the training
- 22 provider to the applicant upon completion of the approved
- 23 training program.
- 24 (2) Providers of approved Africanized honey bee training shall
- 25 submit to the director a listing of those persons who have
- 26 completed the training, including, but not limited to, the
- 27 following information:
- 28 (A) The full name of each person who has completed the
- 29 training.
- 30 (B) The license or certificate number of each person who has
- 31 completed the training, if the person trained is licensed by the
- 32 Department of Pesticide Regulation.
- 33 (3) The providers of approved Africanized honey bee training
- 34 shall maintain a record for three years of the individuals who
- 35 have completed the training.
- 36 (d) In addition, persons licensed by the Department of
- 37 Pesticide Regulation shall be trained and tested in applicable Fish
- 38 and Game codes and regulations governing trapping of
- 39 mammals.

1 SEC. 7. Section 14153 of the Food and Agricultural Code is
2 amended to read:

3 14153. (a) Applicants shall be examined on the requirements
4 of laws and regulations concerning pesticide use and shall elect
5 to be examined for certification in one or more of the following
6 categories:

7 (1) Residential, industrial, and institutional pest control.

8 (2) Landscape maintenance pest control.

9 (3) Right-of-way pest control.

10 (4) Agricultural pest control.

11 (5) Forest pest control.

12 (6) Aquatic pest control.

13 (7) Regulatory pest control.

14 (8) Seed treatment.

15 (9) Agricultural pest control—~~animal control—animal~~.

16 (10) Demonstration and research.

17 (11) Health-related pest control.

18 (b) In addition to being certified in one or more of the
19 categories in subdivision (a), an applicant may elect to be trained
20 in the handling, control, and techniques of removal of
21 Africanized honey bees.

22 (c) The director may develop a training program that covers
23 the handling, control, and techniques of removal of Africanized
24 honey bees or may approve a training program developed by the
25 Pest Control Operators of California or any other equivalent
26 training program, subject to the following requirements:

27 (1) A certificate of training shall be presented by the training
28 provider to the applicant upon completion of the approved
29 training program.

30 (2) Providers of approved Africanized honey bee training shall
31 submit to the director a listing of those persons who have
32 completed the training, including, but not limited to, the
33 following information:

34 (A) The full name of each person who has completed the
35 training.

36 (B) The license or certificate number of each person who has
37 completed the training, if the person trained is licensed by the
38 Department of Pesticide Regulation.

1 (3) The providers of approved Africanized honey bee training
2 shall maintain a record for three years of the individuals who
3 have completed the training.

4 (d) In addition, persons certified by the Department of
5 Pesticide Regulation shall be trained and tested in applicable Fish
6 and Game codes and regulations governing trapping of
7 mammals.

O