

**Introduced by Senator Calderon**February 13, 2008

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An act to amend Section 8514 of the Business and Professions Code, relating to pest control.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1206, as introduced, Calderon. Pest control.

Existing law provides for the regulation of registered structural pest control companies by the Structural Pest Control Board. Existing law authorizes a registered company with a branch registration that restricts the method of eradication or control permitted to enter into a contract for the eradication or control of pests within the scope of its branch registration if it subcontracts the actual performance of the work to a company holding the branch registration authorizing the particular method to be used. Existing law prohibits a registered company from subcontracting structural fumigation work without the written consent of the consumer, as specified. Existing law also prohibits a registered company from advertising, or holding out to the public or to any person, that it is authorized, qualified, or registered to perform pest control work in any branch, or by any method, for which it is not registered.

This bill would instead authorize a Branch 2 or Branch 3 registered company to advertise fumigation or any all encompassing treatment, as specified, if the company complies with specified requirements.

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

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

1 SECTION 1. Section 8514 of the Business and Professions  
2 Code is amended to read:

3 8514. No registered company shall commence work on a  
4 contract, or sign, issue, or deliver any documents expressing an  
5 opinion or statement relating to the control of household pests, or  
6 wood destroying pests or organisms until an inspection has been  
7 made.

8 Notwithstanding any provision of this chapter, after an inspection  
9 has been made, a registered company which holds a branch  
10 registration for the control of household pests, or wood destroying  
11 pests or organisms, but its branch registration restricts the method  
12 of eradication or control permitted, may recommend and enter into  
13 a contract for the eradication or control of pests within the scope  
14 of its branch registration, provided *that* it subcontracts in writing  
15 the actual performance of the work to a registered company which  
16 holds a branch registration authorizing the particular method to be  
17 used.

18 A registered company may in writing subcontract any pest  
19 control work for which it is registered in any branch or branches  
20 to a registered company holding a valid branch registration to do  
21 such work.

22 Nothing in this chapter shall be construed to prohibit a registered  
23 company or the consumer from subcontracting with a licensed  
24 contractor to do any work authorized under Section 8556.

25 A registered company shall not subcontract structural fumigation  
26 work, as permitted in this section, without the written consent of  
27 the consumer. The consumer must be informed in advance, in  
28 writing, of any proposed work which the registered company  
29 intends to subcontract and of the consumer's right to select another  
30 person or entity of the consumer's choosing to perform the work.  
31 The consumer may authorize the subcontracting of the work as  
32 proposed or may contract directly with another registered company  
33 licensed to perform the work. Nothing in this paragraph shall be  
34 construed to eliminate any otherwise applicable licensure  
35 requirements, nor permit a licensed contractor to perform any work  
36 beyond that authorized by Section 8556.

37 Nothing herein contained shall permit or authorize ~~any~~ a  
38 registered company to perform, attempt to perform, advertise or

1 hold out to the public or to any person that it is authorized,  
2 qualified, or registered to perform, pest control work in ~~any a~~  
3 branch, or by ~~any a~~ method, for which it is not registered, *except*  
4 *that a Branch 2 or Branch 3 registered company may advertise*  
5 *fumigation or any all encompassing treatment described in*  
6 *paragraph (8) of subdivision (a) of Section 1991 of Title 16 of the*  
7 *California Code of Regulations if the company complies with the*  
8 *requirements of this section.*

9 Subcontracting of work, as permitted herein, shall not relieve  
10 the prime contractor or the subcontractor from responsibility for,  
11 or from disciplinary action because of, ~~any an~~ act or omission on  
12 its part, which would otherwise be a ground for disciplinary action.  
13 However, the registered company making the initial proposal  
14 including proposed work that the registered company intends to  
15 subcontract shall not be subject to disciplinary action or otherwise  
16 responsible for ~~any an~~ act or omission in the performance of the  
17 work that the consumer directly contracts with another registered  
18 company to perform, as permitted by this section.

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