

AMENDED IN SENATE APRIL 25, 2000

SENATE BILL

No. 2143

Introduced by Senator Bowen

February 25, 2000

An act to *amend Section 8538 of the Business and Professions Code, and to add Section 1940.8 to the Civil Code, relating to landlords.*

LEGISLATIVE COUNSEL'S DIGEST

SB 2143, as amended, Bowen. Landlords: notice of pest control.

Existing law requires a registered structural pest control company to provide a specified written warning notice to the owner, owner's agent, and tenant of the premises where pest control work is to be done. Existing law provides that in cases involving a contract for periodic pest control service, the notice is only required to be provided at the time of initial treatment. *A violation of these provisions is a crime.*

This bill would require the landlord of a residential dwelling unit to provide each new tenant that occupies the unit with a copy of the notice provided by a registered structural pest control company pursuant to these provisions if a contract for periodic pest control service has been executed.

This bill would also require the notice provided by the structural pest control company to contain information about the frequency of treatment if a contract for periodic pest control has been executed. Because this bill would expand the definition of a crime, it would thereby impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. *Section 8538 of the Business and*
2 *Professions Code is amended to read:*

3 8538. (a) A registered structural pest control
4 company shall provide the owner, or owner’s agent, and
5 tenant of the premises for which the work is to be done
6 with clear written notice which contains the following
7 statements and information using words with common
8 and everyday meaning:

9 (1) The pest to be controlled or in the case of wood roof
10 cleaning and treatment registered company applications,
11 the purpose of applying the wood preservative or
12 preservatives.

13 (2) The pesticide or pesticides proposed to be used,
14 and the active ingredient or ingredients.

15 (3) “State law requires that you be given the following
16 information: CAUTION—PESTICIDES ARE TOXIC
17 CHEMICALS. Structural Pest Control Companies are
18 registered and regulated by the Structural Pest Control
19 Board, and apply pesticides which are registered and
20 approved for use by the California Department of
21 Pesticide Regulation and the United States
22 Environmental Protection Agency. Registration is
23 granted when the state finds that based on existing
24 scientific evidence there are no appreciable risks if
25 proper use conditions are followed or that the risks are
26 outweighed by the benefits. The degree of risk depends
27 upon the degree of exposure, so exposure should be
28 minimized.”



1 “If within 24 hours following application you
2 experience symptoms similar to common seasonal illness
3 comparable to the flu, contact your physician or poison
4 control center (telephone number) and your pest control
5 company immediately.” (This statement shall be
6 modified to include any other symptoms of overexposure
7 which are not typical of influenza.)

8 “For further information, contact any of the following:
9 Your Pest Control Company (telephone number); for
10 Health Questions—the County Health Department
11 (telephone number); for Application Information—the
12 County Agricultural Commissioner (telephone number)
13 and for Regulatory Information—the Structural Pest
14 Control Board (telephone number and address).”

15 *(4) If a contract for periodic pest control has been*
16 *executed, the frequency with which the treatment is to*
17 *be done.*

18 (b) In the case of Branch 1 applications, the notice, as
19 prescribed by subdivision (a), shall be provided at least
20 48 hours prior to application unless fumigation follows
21 inspection by less than 48 hours.

22 In the case of Branch 2, Branch 3, or wood roof cleaning
23 and treatment registered company applications, the
24 notice, as prescribed by subdivision (a) shall be provided
25 no later than prior to application.

26 In either case, the notice shall be given to the owner,
27 or owner’s agent, and tenant, if there is a tenant, in at least
28 one of the following ways:

29 (1) First-class mail.

30 (2) Posting in a conspicuous place on the real
31 property.

32 (3) Personal delivery.

33 If the building is commercial or industrial, a notice shall
34 be posted in a conspicuous place, unless the owner or
35 owner’s agent objects, in addition to any other
36 notification required by this section.

37 The notice shall only be required to be provided at the
38 time of the initial treatment if a contract for periodic
39 service has been executed. If the pesticide to be used is



1 changed, another notice shall be required to be provided
2 in the manner previously set forth herein.

3 (c) Any person or licensee who, or registered
4 company which, violates any provision of this section is
5 guilty of a misdemeanor and is punishable as set forth in
6 Section 8553.

7 *SEC. 2.* Section 1940.8 is added to the Civil Code, to
8 read:

9 1940.8. A landlord of a residential dwelling unit shall
10 provide each new tenant that occupies the unit with a
11 copy of the notice provided by a registered structural pest
12 control company pursuant to Section 8538 of the Business
13 and Professions Code, if a contract for periodic pest
14 control service has been executed.

15 *SEC. 3. No reimbursement is required by this act*
16 *pursuant to Section 6 of Article XIII B of the California*
17 *Constitution because the only costs that may be incurred*
18 *by a local agency or school district will be incurred*
19 *because this act creates a new crime or infraction,*
20 *eliminates a crime or infraction, or changes the penalty*
21 *for a crime or infraction, within the meaning of Section*
22 *17556 of the Government Code, or changes the definition*
23 *of a crime within the meaning of Section 6 of Article*
24 *XIII B of the California Constitution.*

