

APPENDIX 1 – N R S, CHAPTER 555

NEVADA REVISED STATUTE, CHAPTER 555
WEB SITE: www.leg.state.nv.us/nrs/nrs%2D555.html

NRS 555.005 –201: CONTROL OF INSECTS, PESTS AND NOXIOUS WEEDS, GENERAL PROVISIONS

NRS 555.202 – 220: WEED CONTROL DISTRICTS

NRS 555.235 – 249: REGULATION OF NURSERIES AND NURSERY STOCK

NRS 555.2605 – 470: CUSTOM APPLICATION OF PESTICIDES

NRS 555.2605 Definitions. As used in [NRS 555.2605](#) to [555.460](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 555.261](#) to [555.2695](#), inclusive, have the meanings ascribed to them in those sections. (Added to NRS by 1971, 1252; A 1975, 595; 1997, 2092; [1999, 520](#), [542](#); [2003, 539](#))

NRS 555.261 “Agent” defined. “Agent” means any person who solicits business in behalf of a custom pest control licensee. (Added to NRS by 1971, 1252; A 1975, 358)

NRS 555.2615 “Aircraft” defined. “Aircraft” means any contrivance now known or hereafter invented, used or designed for navigation of, or flight in, the air. (Added to NRS by 1971, 1252)

NRS 555.2617 “Certificate” defined. “Certificate” means a certificate of competency issued by the Director to a commercial applicator or private applicator authorizing that person to make application of or to supervise the application of a restricted-use pesticide. (Added to NRS by 1975, 593; A 1993, 1714; [1999, 3645](#))

NRS 555.2618 “Certified applicator” defined. “Certified applicator” means any person who is certified by the Director as qualified to use or to supervise the use of any restricted-use pesticide. (Added to NRS by 1975, 593; A 1977, 311; 1993, 1714; [1999, 3646](#))

NRS 555.2619 “Commercial applicator” defined. “Commercial applicator” means a certified applicator who applies or supervises the application of any restricted-use pesticide and does not qualify as a private applicator under [NRS 555.2681](#). (Added to NRS by 1975, 593)

NRS 555.2625 “Defoliant” defined. “Defoliant” means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission. (Added to NRS by 1971, 1252)

NRS 555.263 “Desiccant” defined. “Desiccant” means any substance or mixture of substances intended to accelerate the drying of plant tissues artificially. (Added to NRS by 1971, 1252)

NRS 555.2634 “Environment” defined. “Environment” includes the water, air, land and all plants and man and other animals living therein and the interrelationships which exist among these. (Added to NRS by 1975, 593)

NRS 555.264 “Fungi” defined. “Fungi” means all non-chlorophyll-bearing thallophytes (that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts) as, for example, rusts, smuts, mildews, molds, yeasts and bacteria, except those on or in living man or other animals. (Added to NRS by 1971, 1252)

NRS 555.2645 “Ground equipment” defined. “Ground equipment” means any machine or device (other than aircraft) for use on land or water, designed for, or adaptable to, use in applying pesticides as sprays, dusts, aerosols or fogs, or in other forms. (Added to NRS by 1971, 1252)

NRS 555.265 “Insect” defined. “Insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example beetles, bugs, wasps and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example spiders, mites, ticks, centipedes and wood lice. (Added to NRS by 1971, 1252)

NRS 555.2655 “Nematode” defined. “Nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants or plant parts, also called nemas or eelworms. (Added to NRS by 1971, 1252)

NRS 555.266 “Person” defined. “Person” includes a government, a governmental agency and a political subdivision of a government. (Added to NRS by 1971, 1253; A 1985, 526)

NRS 555.2665 “Pest” defined. “Pest” includes, but is not limited to, any insect, fungus, rodent, nematode, snail, slug and weed and any form of plant or animal life or virus, except any virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest. (Added to NRS by 1971, 1253; A 1993, 1714; [1999, 3646](#))

APPENDIX 1 – NRS, CHAPTER 555

NRS 555.2667 “Pest control” defined. “Pest control” means the business of engaging in, advertising or soliciting for:

1. The use for hire of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.
2. The inspection for hire of households or other structures and the submission of reports of inspection, estimates or bids, written or oral, for the inspection, extermination, control or prevention of wood-destroying pests. (Added to NRS by 1973, 1506; A 1981, 610)

NRS 555.267 “Pesticide” defined. “Pesticide” means:

1. Any substance or mixture of substances, including any living organisms or any product derived therefrom or any fungicide, herbicide, insecticide, nematocide or rodenticide, intended to prevent, destroy, control, repel, attract or mitigate any insect, rodent, nematode, snail, slug, fungus and weed and any other form of plant or animal life or virus, except virus on or in a living human or other animal, which is normally considered to be a pest or which the Director declares to be a pest.
2. Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant, and any other substances intended for that use as are named by the Director by regulation. (Added to NRS by 1971, 1253; A 1981, 610; 1993, 1715; [1999, 3646](#))

NRS 555.2675 “Plant regulator” defined. “Plant regulator” means any substance or mixture of substances intended through physiological action to accelerate or retard the rate of growth or maturation, or otherwise to alter the behavior of plants, but does not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants or soil amendments. (Added to NRS by 1971, 1253)

NRS 555.2681 “Private applicator” defined. “Private applicator” means a certified applicator who uses or supervises the use of any restricted-use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer or on the property of his neighbors if applied without compensation other than trading of personal services between producers of agricultural commodities. (Added to NRS by 1975, 593)

NRS 555.2683 “Restricted-use pesticide” defined. “Restricted-use pesticide” means any pesticide, including any highly toxic pesticide, which:

1. The Director has found and determined, after a hearing, to be:
 - (a) Injurious to persons, pollinating insects, bees, animals, crops or land, other than pests or vegetation it is intended to prevent, destroy, control or mitigate; or
 - (b) Detrimental to:
 - (1) Vegetation, except weeds;
 - (2) Wildlife; or
 - (3) Public health and safety; or
2. Has been classified for restricted use by or under the supervision of a certified applicator in accordance with the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq. (Added to NRS by 1975, 593; A 1993, 1715; [1999, 3646](#))

NRS 555.2685 “Snails or slugs” defined. “Snails or slugs” include all harmful mollusks. (Added to NRS by 1971, 1253)

NRS 555.2687 “Supervision” defined. “Supervision” of the application of a restricted-use pesticide by a certified applicator must be defined by regulation of the Director. (Added to NRS by 1975, 593; A 1993, 1715; [1999, 3646](#))

NRS 555.269 “Weed” defined. “Weed” means any plant or part thereof which grows where not wanted. (Added to NRS by 1971, 1253)

NRS 555.2695 “Wildlife” defined. “Wildlife” means all living things that are neither human, domesticated, nor, as defined in [NRS 555.2665](#), pests, including but not limited to mammals, birds and aquatic life. (Added to NRS by 1971, 1253)

NRS 555.270 Policy of this State; purpose of provisions. It is the policy of this State and the purpose of [NRS 555.2605](#) to [555.460](#), inclusive, to regulate, in the public interest, the application of pesticides which, although valuable for the control of pests, may seriously injure man, animals and crops over wide areas if not properly applied. [1:215:1955]—(NRS A 1959, 243; 1967, 368; 1971, 1254; 1973, 285; 1975, 595; [2003, 539](#))

NRS 555.273 Provisions concerning restricted-use pesticides applicable to governmental agencies and public utilities. All state agencies, municipal corporations and public utilities or any other governmental agency shall be subject to the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, and rules adopted thereunder concerning the application of restricted-use pesticides by any person. (Added to NRS by 1971, 1253; A 1975, 595)

APPENDIX 1 – N R S, CHAPTER 555

NRS 555.277 Exemption of farmer-owners and gardeners.

1. The provisions of [NRS 555.2605](#) to [555.460](#), inclusive, relating to licenses and requirements for their issuance, except a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself or his neighbors, if:

- (a) He operates farm property and operates and maintains equipment for applying pesticides primarily for his own use.
- (b) He is not regularly engaged in the business of applying pesticides for hire as a principal or regular occupation, and he does not publicly hold himself out as a pesticide applicator.
- (c) He operates his equipment for applying pesticides only in the vicinity of his own property and for the accommodation of his neighbors for agricultural purposes only.

2. The provisions of [NRS 555.2605](#) to [555.460](#), inclusive, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to any person using hand-powered equipment, devices or contrivances to apply pesticides to lawns or to ornamental shrubs and trees as an incidental part of his business of taking care of lawns and yards for remuneration, if that person does not publicly hold himself out as being in the business of applying pesticides and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received. (Added to NRS by 1971, 1253; A 1981, 611; 1983, 230; [2003, 539](#))

NRS 555.280 License required to engage in pest control. A person shall not engage in pest control or serve as an agent, operator or pilot for that purpose within this State at any time without a license issued by the Director. [Part 3:215:1955]—(NRS A 1959, 243; 1961, 530; 1965, 65; 1967, 368; 1971, 1254; 1973, 1505; 1981, 611; 1985, 346; 1993, 1715; [1999, 3646](#))

NRS 555.285 License required to engage in activities concerning control of wood-destroying pests or organisms.

A person shall not for hire engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license issued by the Director:

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by those pests or organisms.
2. Making inspection reports concerning the infestations or infections.
3. Making estimates or bids, whether written or oral, concerning the infestations or infections.
4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of those pests. (Added to NRS by 1973, 1506; A 1985, 346; 1993, 1715; [1999, 3647](#))

NRS 555.290 Application for license. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. An application for a license must be submitted to the Director and must set forth such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the Director. If the applicant is a natural person, the application must include the social security number of the applicant.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees. [Part 3:215:1955]—(NRS A 1961, 530; 1973, 285; 1993, 1716; 1997, 2092; [1999, 3647](#))

NRS 555.290 Application for license. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. Application for a license must be made to the Director and must set forth such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to regulations adopted by the Director.

2. If an applicant fails to complete the licensing requirements within 30 days after the date on which he submits his application, he forfeits all fees he has tendered. Thereafter he may reinitiate the application process upon payment of the appropriate fees. [Part 3:215:1955]—(NRS A 1961, 530; 1973, 285; 1993, 1716; 1997, 2092; [1999, 3647](#), effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

APPENDIX 1 – N R S, CHAPTER 555

NRS 555.300 Examination and qualifications of applicant.

1. The Director may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of pesticides and the dangers involved and precautions to be taken in connection with their application.
2. If the applicant is not a natural person, the applicant shall designate an officer, member or technician of the organization to take the examination. The person so designated is subject to the approval of the director. If the extent of the applicant's operations require it, the Director may require more than one officer, member or technician to take the examination.
3. The applicant or the person designated by the applicant in accordance with the provisions of subsection 2 must have attained the age of majority and have:
 - (a) Not less than 2 years' practical experience in pest control; or
 - (b) Possess university credits of not less than 16 credit hours in biological sciences of which not less than 8 credit hours must be in subjects directly related to the categories of pest control in which the applicant wishes to be licensed and have 6 or more months of practical experience in pesticide application or related pest control.
4. The requirements of subsection 3 do not apply to persons holding a license issued by the Director before July 1, 1973, or to the renewal of the license of any such person. [Part 3:215:1955]—(NRS A 1959, 243; 1961, 530; 1967, 368; 1971, 1254; 1973, 1505; 1993, 1716; [1999, 3647](#))

NRS 555.310 Fees established by regulation.

1. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the State Board of Agriculture.
2. Upon the successful completion of the testing, the Director shall, before the license is issued, collect from each person applying for a license for pest control an annual fee established by regulation of the State Board of Agriculture. Any company or person employing operators, pilots or agents shall pay to the Director a fee established by regulation of the Board for each operator, pilot or agent licensed. [Part 3:215:1955]—(NRS A 1961, 530; 1965, 65; 1973, 286; 1981, 611; 1983, 1101; 1993, 1716; [1999, 3599, 3648](#))

NRS 555.320 Issuance, expiration and renewal of license. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director finds the applicant qualified, and upon the applicant's appointing the Director agent for service of process and finding that the applicant has satisfied the requirements of [NRS 555.325](#) and [555.330](#), the Director shall issue a license to perform pest control within this State.
2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the Director and payment of the license fee on or before December 31 of each year. If the holder of the license is a natural person, he must submit with his application for renewal the statement required pursuant to [NRS 555.325](#).
3. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the Director finds that the applicant is qualified to use only a certain type or types.
4. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor. [Part 3:215:1955]—(NRS A 1957, 753; 1959, 243; 1961, 531; 1967, 368; 1971, 1254; 1973, 286; 1981, 611; 1993, 1717; 1997, 2093; [1999, 3648](#); [2003, 540](#))

NRS 555.320 Issuance, expiration and renewal of license. [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director finds the applicant qualified, and upon the applicant's appointing the Director agent for service of process and finding that the applicant has satisfied the requirements of [NRS 555.330](#), the Director shall issue a license to perform pest control within this State.
2. The license period is the calendar year. All licenses expire on December 31 of each year. The license may be renewed annually upon application to the Director and payment of the license fee on or before December 31 of each year.
3. The license may restrict the licensee to the use of a certain type or types of equipment or materials if the Director finds that the applicant is qualified to use only a certain type or types.
4. If a license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor. [Part 3:215:1955]—(NRS A 1957, 753; 1959, 243; 1961, 531; 1967, 368; 1971, 1254; 1973, 286; 1981, 611; 1993, 1717; 1997, 2093; [1999, 3648](#); [2003, 540](#), effective on the date of the repeal of the federal law requiring each state to establish

APPENDIX 1 – NRS, CHAPTER 555

procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

NRS 555.325 Application for license: Statement by applicant concerning payment of child support; grounds for denial; duty of Director. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. A natural person who applies for the issuance or renewal of a license to perform pest control shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.
2. The Director shall include the statement required pursuant to subsection 1 in:
 - (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
 - (b) A separate form prescribed by the Director.
3. A license to perform pest control may not be issued or renewed by the Director if the applicant is a natural person who:
 - (a) Fails to submit the statement required pursuant to subsection 1; or
 - (b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage. (Added to NRS by 1997, 2091; A [1999, 3648](#))

NRS 555.330 Proof of insurance required of applicant for license; actions by injured persons; limitation of actions; investigations by Director.

1. The Director shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount of:
 - (a) Except as otherwise provided in paragraph (b), not less than \$10,000.
 - (b) If the license would authorize the application of pesticides by aircraft:
 - (1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;
 - (2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and
 - (3) Not less than \$100,000 for each occurrence of damage to property in any one accident. The Director may accept a liability insurance policy or surety bond in the proper amount.
2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to man, livestock, wildlife, crops or plantlife.
3. Any person injured by the breach of any such obligation is entitled to sue in his own name in any court of competent jurisdiction to recover the damages he sustained by that breach, if each claim is made within 6 months after the alleged injury.
4. The Director on his own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint. [Part 3:215:1955]—(NRS A 1957, 753; 1961, 531; 1965, 65; 1967, 369; 1969, 353; 1971, 1255; 1981, 612; 1983, 231; 1987, 170; 1993, 1717; [1999, 3649](#); [2001, 469](#))

NRS 555.350 Suspension, revocation or modification of license.

1. The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any license issued under [NRS 555.2605](#) to [555.460](#), inclusive, if he finds that:
 - (a) The licensee is no longer qualified;
 - (b) The licensee has engaged in fraudulent business practices in pest control;
 - (c) The licensee has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;
 - (d) The licensee has applied known ineffective or improper materials;

APPENDIX 1 – NRS, CHAPTER 555

- (e) The licensee operated faulty or unsafe equipment;
 - (f) The licensee has made any application in a faulty, careless or negligent manner;
 - (g) The licensee has violated any of the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, or regulations adopted pursuant thereto;
 - (h) The licensee engaged in the business of pest control without having a licensed applicator or operator in direct on-the-job supervision;
 - (i) The licensee aided or abetted a licensed or an unlicensed person to evade the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed one's license to be used by an unlicensed person;
 - (j) The licensee was intentionally guilty of fraud or deception in the procurement of his license; or
 - (k) The licensee was intentionally guilty of fraud or deception in the issuance of an inspection report on wood-destroying pests or other report required by regulation.
2. A license is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to [NRS 555.330](#), is cancelled, and the license remains suspended until the insurance is reestablished. [Part 3:215:1955]—(NRS A 1959, 244; 1961, 531; 1965, 66; 1967, 369; 1969, 353; 1971, 1255; 1975, 358; 1981, 612; 1993, 1717; [1999, 3649](#); [2003, 540](#))

NRS 555.3505 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Expires by limitation on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the Director receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to perform pest control, the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).
2. The Director shall reinstate a license to perform pest control that has been suspended by a district court pursuant to [NRS 425.540](#) if the Director receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#). (Added to NRS by 1997, 2092; A [1999, 3650](#))

NRS 555.3507 Primary principal required at each business location; suspension of license for failure to comply.

1. A person licensed to engage in pest control shall ensure that each of his business locations in this State has a primary principal who is licensed in the appropriate category or categories of pest control.
2. If a licensee ceases to have a primary principal at each of his business locations in this State for 30 consecutive calendar days, his license for pest control is automatically suspended, without action of the Director, and remains suspended until such time as the licensee obtains a primary principal for each business location.
3. As used in this section, "primary principal" means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more of the categories of pest control and who has been designated by the pest control business as the person responsible for the daily supervision of the category or categories of pest control performed by a business location of the pest control business within this State. (Added to NRS by [2003, 532](#))

NRS 555.351 Restricted-use pesticides: Certificate and permits required for use.

1. A person shall not use any restricted-use pesticide within this State at any time without a certificate issued by the Director except a person using any restricted-use pesticide under the supervision of a certified applicator.
2. If the Director has adopted regulations requiring:
 - (a) A permit pursuant to [NRS 586.403](#); or
 - (b) A special use permit pursuant to [NRS 586.405](#), for a restricted-use pesticide, a person shall not use that pesticide without obtaining the required permit. (Added to NRS by 1975, 593; A 1993, 1718; [1999, 3650](#))

NRS 555.353 Restricted-use pesticides: Application for certificate. Application for a certificate must be made to the Director and contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as required pursuant to the regulations adopted by the Director. (Added to NRS by 1975, 594; A 1993, 1718; [1999, 3651](#))

APPENDIX 1 – N R S, CHAPTER 555

NRS 555.355 Restricted-use pesticides: Qualifications and examination of applicant for certificate; fees established by regulation.

1. The Director may require the applicant to show, upon examination, that he possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved and precautions to be taken in connection with the application of those pesticides, including, but not limited to, the following areas:

- | | |
|-------------------------------------------------------------|-----------------------------|
| (a) Label and labeling comprehension. | (e) Equipment. |
| (b) Environmental consequences of pesticide use and misuse. | (f) Application techniques. |
| (c) Pests. | (g) Laws and regulations. |
| (d) Pesticides | (h) Safety |

.2. In addition, the Director may require the applicant to meet special qualifications of competency to meet the special needs of a given locality regarding the use or application of a specific restricted-use pesticide.

3. The Director shall collect from each person applying for an examination or reexamination, in connection with the issuance of a certificate, a testing fee established by regulation of the State Board of Agriculture for any one examination period. (Added to NRS by 1975, 594; A 1993, 1718; [1999, 3599, 3651](#))

NRS 555.357 Restricted-use pesticides: Issuance, expiration and renewal of certificates; regulations concerning renewal.

1. If the Director finds that the applicant is qualified, he shall issue a certificate to make application of or to supervise the application of restricted-use pesticides within this State.

2. A certificate is valid for 4 calendar years and expires on December 31. The certificate may be renewed upon completion of the requirements established by the regulations of the Director.

3. The Director shall adopt regulations concerning the requirements for renewal of a certificate.

4. The certificate may limit the applicant to the use of a certain type or types of equipment or material if the Director finds that the applicant is qualified to use only that type or types.

5. If a certificate is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor. (Added to NRS by 1975, 594; A 1983, 231; 1993, 1719; [1999, 3651](#))

NRS 555.359 Restricted-use pesticides: Denial, suspension, revocation or modification of certificate. The Director may deny or suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may deny, revoke, suspend or modify any certificate issued under the provisions of [NRS 555.351](#) to [555.357](#), inclusive, if he finds that the applicant or the certified applicator:

1. Is no longer qualified;
2. Has applied known ineffective or improper materials;
3. Has applied materials inconsistent with labeling or other restrictions imposed by the Director;
4. Has operated faulty or unsafe equipment;
5. Has made any application in a faulty, careless or negligent manner;
6. Aided or abetted an uncertified person to evade the provisions of [NRS 555.351](#) to [555.357](#), inclusive, combined or conspired with an uncertified person to evade those provisions, or allowed one's certificate to be used by an uncertified person;
7. Was guilty of fraud or deception in the procurement of his certificate;
8. Has deliberately falsified any record or report;
9. Has violated any of the provisions of [NRS 555.351](#) to [555.357](#), inclusive, [555.390](#) or any regulation adopted pursuant thereto; or
10. Has failed or neglected to give adequate instruction or direction to an uncertified person working under his supervision. (Added to NRS by 1975, 595; A 1993, 1719; [1999, 3651](#))

NRS 555.360 Judicial review of action of Director.

1. Any person aggrieved by any action of the Director may obtain a review thereof by filing in the district court of the county in which the person resides, within 30 days after notice of the action, a written petition praying that the action of the Director be set aside.

2. A copy of the petition must forthwith be delivered to the Director, and within 20 days thereafter, the Director shall certify and file in the court a transcript of any record pertaining thereto, including a transcript of evidence received.

3. Upon compliance with the provisions of subsections 1 and 2, the court has jurisdiction to affirm, set aside or modify the action of the Director, except that the findings of the Director concerning the facts, if supported by substantial evidence, are conclusive. [Part 3:215:1955]—(NRS A 1961, 531; 1993, 1720; [1999, 3652](#))

NRS 555.370 Inspection of equipment; repairs. The Director may provide for the inspection of any ground equipment or of any device or apparatus used for application of pesticides by aircraft, and may require proper repairs or

APPENDIX 1 – N R S, CHAPTER 555

other changes before its further use. [4:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1971, 1256; 1973, 286; 1993, 1720; [1999, 3652](#))

NRS 555.380 Regulations of Director: Materials and methods for application.

1. The Director may, by regulation, prescribe materials or methods to be used and prohibit the use of materials or methods in custom application of pesticides, to the extent necessary to protect health or to prevent injury because of the drifting, washing or application of those materials to desired plants or animals, including pollinating insects and aquatic life.

2. In adopting the regulations, the Director shall give consideration to relevant research findings and recommendations of other agencies of this State or of the Federal Government. [5:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1971, 1256; 1975, 359; 1993, 1720; [1999, 3652](#))

NRS 555.390 Regulations of Director: Records and reports of licensees and certified applicators.

1. The Director may, by regulation, require any licensee to maintain such records and furnish reports giving such information with respect to particular applications of pesticides and such other relevant information as he may deem necessary.

2. The Director may, by regulation, require any certified applicator to maintain such records and furnish reports giving such information with respect to application of restricted-use pesticides and such other relevant information as he may deem necessary. [6:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1975, 359, 595; 1993, 1720; [1999, 3653](#))

NRS 555.400 Regulations of Director: General authority; limitations.

1. The Director may adopt regulations to carry out the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, but the regulations must not be inconsistent with regulations issued by this State or by the Federal Government relating to safety in air navigation or operation of aircraft.

2. Before issuing regulations directly relating to any matter within the jurisdiction of any other officer of this State, the Director shall consult with that officer with reference thereto. [7:215:1955]—(NRS A 1961, 532; 1971, 1256; 1975, 596; 1993, 1720; [1999, 3653](#))

NRS 555.410 Publication of information regarding injuries from improper application and prevention of injuries. The Director may, in cooperation with the Nevada System of Higher Education, publish information regarding injury which may result from improper application or handling of pesticides and methods and precautions designed to prevent such an injury. [8:215:1955]—(NRS A 1959, 244; 1961, 532; 1967, 370; 1969, 1446; 1971, 1257; 1993, 416, 1721; 1995, 579; [1999, 3653](#))

NRS 555.420 Authority of Director and inspectors to enter and inspect public or private premises. To carry out the provisions of [NRS 555.2605](#) to [555.460](#), inclusive, the Director and his appointed inspectors may enter upon any public or private premises at reasonable times to inspect, audit, sample or monitor any aircraft, ground equipment, records, storage, pesticides, pesticide sprays, disposal operations or other operations which are subject to [NRS 555.2605](#) to [555.460](#), inclusive, or regulations adopted pursuant thereto. [11:215:1955]—(NRS A 1961, 533; 1971, 1257; 1975, 359, 596; 1977, 312; 1993, 1721; [1999, 3653](#))

NRS 555.460 Violation of provisions: Criminal penalty; administrative fine. Any person violating the provisions of [NRS 555.2605](#) to [555.420](#), inclusive, or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department. [9:215:1955]—(NRS A 1961, 533; 1971, 1257; 1975, 596; 1993, 899; 1995, 548; [1999, 3653](#); [2003, 541](#))

NRS 555.470 Enforcement by Director: Administrative fine; order to correct violation; request for action by district attorney; regulations.

1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of [NRS 555.2605](#) to [555.460](#), inclusive. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of [NRS 555.2605](#) to [555.460](#), inclusive.

(Added to NRS by 1993, 1193; A 1995, 556; [1999, 3653](#); [2003, 541](#))

NRS 555.500 – 570: RODENT CONTROL DISTRICTS