

**Sec 1** *“Government agency license” defined. “Government agency license” means any government entity issued a license by the department for engaging in pest control.*

**Sec 1-2** *“Government applicator” defined. “Government applicator” means a person who is an employee and provides pest control services with general use pesticides for a city, county, state or federal governmental entity, and operates only within their respective governmental jurisdiction.*

**Sec 2-3** *“Business License” defined. “Business license” means an individual, partnership, firm, corporation, or other business entity having a business license issued by the department for engaging in the business of pest control at a particular business location.*

**Sec 3-4** *“Applicator License” defined. “Applicator License” means an individual holding a current pest control license issued by the department.*

**Sec 4-5** *“Gardener” defined. “Gardener” means a person who typically owns or works for a business that provides routine lawn and garden care for homeowners.*

**Sec 5-6 Application for business license.**

1. *An application for a business license must be submitted to the Director and must set forth such information regarding the proposed operations and other relevant matters as required pursuant to regulations adopted by the Director.*

2. *If an applicant fails to complete the business licensing requirements within 30 days after the date on which the applicant submits his or her business license application, the applicant forfeits all fees he or she has tendered. Thereafter the applicant may reinstate the application process upon payment of the appropriate fees.*

**Sec 6-7 Qualifications for a business license**

1. *The Director may require the applicant for a business license to show, upon application, that the applicant possesses a primary principal applicator 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 who can qualify per NRS 555.300 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.*

**Sec 7-8 Issuance, expiration and renewal of a business license.**

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 Sec 5, the Director shall issue a business license to perform pest control within this State.*

2. The license period must be defined by regulation of the Director. The business license may be renewed upon application to the Director and payment of the business license fee and all applicator license fees for applicator licenses issued thereunder.

3. The business license may be restricted 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 business license is not issued or renewed as applied for, the Director shall inform the applicant in writing of the reasons therefor.

**Sec 8-9- Government applicators: License required for pesticide use.**

1. A person who is a government applicator shall not use any pesticide within this State at any time without a license issued by the Director except a person using any pesticide under the indirect supervision of a government applicator.

(a) Indirect supervision as used in this section is defined as daily on-site contact with unlicensed applicators with the ability to be in their physical presence within ~~30~~ 60 minutes.

a. As used in this section, a unlicensed applicator is a person who is a seasonal or equivalent employee that will not be employed for more than ~~640~~ 1039 hours per year.

2. A person, who is a government applicator must comply with the business licensing provisions and applicator licensing provisions of this chapter.

3. A person who is a government applicator and uses restricted-use pesticides, must comply with the restricted-use certificate provisions of this chapter.

**Sec 9-10 Government applicators: Application for a license.**

1. Application for a government license 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.

**Sec 10-11 Government applicators: Qualifications and examination of applicant for a license; fees established by regulation.**

1. The Director will require the applicant to show, upon examination, that the applicant possesses adequate knowledge concerning the proper use and application of general 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.
- (b) Environmental consequences of pesticide use and misuse.
- (c) Pests.
- (d) Pesticides.
- (e) Equipment.
- (f) Application techniques.
- (g) Laws and regulations.

(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 general use pesticide.

3. The Director shall collect from each person applying for the examination or reexamination a testing fee established by regulation of the Director.

4. Upon the successful completion of the testing, the Director shall, before the license is issued, collect from each person applying for a government applicator license for pest control a fee established by regulation of the Director.

**Sec ~~11~~-12 Government applicators: Issuance, expiration and renewal of government applicator licenses; regulations concerning renewal.**

1. If the Director finds that the applicant is qualified, the Director shall issue a government applicator license to make application of, or indirect supervision of, the application of general use pesticides within this State.

2. The government applicator license period must be defined by regulation of the Director. A government applicator license 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 government applicator license.

4. The government applicator license 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 government applicator license is not issued as applied for, the Director shall inform the applicant in writing of the reasons therefor.

**Sec ~~12~~-13 Government applicators: Denial, suspension, revocation or modification of a government applicator license.**

1. 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 government applicator license issued under the provisions of \_\_\_Sec 9 (of this document)\_\_\_, inclusive, if the Director finds that the applicant:

- a. Is no longer qualified;
- b. Has applied known ineffective or improper materials;
- c. Has applied materials inconsistent with labeling or other restrictions imposed by the Director;
- d. Has operated faulty or unsafe equipment;
- e. Has made any application in a faulty, careless or negligent manner;
- f. Aided or abetted an un-licensed person to evade the provisions of \_\_\_This Chapter Sec 1-13 (of this document)\_\_\_, inclusive, combined or conspired with an unlicensed person to evade those provisions, or allowed one's government applicator license to be used by an unlicensed person;

- g. Was guilty of fraud or deception in the procurement of the government applicator license;*
- h. Has deliberately falsified any record or report;*
- i. Has violated any of the provisions of \_\_ This Chapter Sec 1-13 (of this document)\_\_, or any regulation adopted pursuant thereto; or*
- j. Has failed or neglected to give adequate instruction or direction to an unlicensed person working under his or her indirect supervision.*

**NRS 555.2667 “Pest control” defined.** “Pest control” means publicly holding oneself out as being in the business of detecting, preventing, controlling, ~~or~~ exterminating pests or otherwise engaging in, advertising or soliciting for[~~ing~~];

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.

**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, herself or his or her neighbors, if:

(a) The farmer-owner operates farm property and operates and maintains equipment for applying pesticides primarily for his or her own use.

(b) The farmer-owner is not regularly engaged in the business of applying pesticides or performing pest control ~~for hire~~ as an operator, primary principal or principal or as a regular occupation, and the farmer-owner does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or as a pesticide applicator.

(c) The farmer-owner operates his or her equipment for applying pesticides only in the vicinity of the farmer-owner’s own property and for the accommodation of the farmer-owner’s 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 *who is a gardener* using hand-powered equipment, devices or contrivances to apply *toxicity class III or IV (US Environmental Protection Agency pesticide toxicity categories)* pesticides to any landscaped area as an incidental part of the person’s business of taking care of a landscaped area for remuneration, if that person does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or applying pesticides and the cost of applying the pesticides does not exceed 20 percent of the total remuneration received.

**NRS 555.280** *Applicator license* **License** required to engage in pest control. A person shall not engage in pest control or serve as an agent, *consultant, demonstration and research specialist*, operator, pilot, primary principal or principal for that purpose within this State at any time without ~~[a]~~ *an applicator* license issued by the Director.

**NRS 555.285** *Applicator license* **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~~ *an applicator* 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 or altering 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.

**NRS 555.290** Application for *applicator* license. [Effective until the date of the repeal of 42 U.S.C. § 666, 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~~ *an applicator* 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 *applicator* licensing requirements within 30 days after the date on which the applicant submits his or her application, the applicant forfeits all fees he or she has tendered. Thereafter the applicant may reinitiate the application process upon payment of the appropriate fees.

**NRS 555.290** Application for *applicator* license. [Effective on the date of the repeal of 42 U.S.C. § 666, 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~~ *an applicator* 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 *applicator* licensing requirements within 30 days after the date on which the applicant submits his or her application, the applicant forfeits all fees he or she has tendered. Thereafter the applicant may reinstate the application process upon payment of the appropriate fees.

**NRS 555.300 Examination and qualifications of *a principal applicator license applicant*.**

1. The Director may require the applicant *for a principal or primary principal applicator license* to show, upon examination, that the applicant 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 *semester* 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.

**NRS 555.320 Issuance, expiration and renewal of *an applicator license*.**

**[Effective until the date of the repeal of 42 U.S.C. § 666, 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 *must be defined by regulation of the Director* ~~is the calendar year. All licenses expire on December 31 of each year.~~ The *applicator* 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, the

holder must submit with his or her application for renewal the statement required pursuant to [NRS 555.325](#).

3. The applicator license may *be restricted* ~~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.

**NRS 555.320 Issuance, expiration and renewal of *an applicator* license. [Effective on the date of the repeal of 42 U.S.C. § 666, 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 *must be defined by regulation of the Director* ~~is the calendar year. All licenses expire on December 31 of each year.~~ The *applicator* 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 *be restricted* ~~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.~~

**NRS 555.322 Renewal of *a business* license: Application to include information relating to state business license; denial of renewal for unpaid debt assigned to State Controller for collection.**

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a *business* license must indicate in the application submitted to the Director whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the state business license number assigned by the Secretary of State upon compliance with the provisions of [chapter 76](#) of NRS.

2. A *business* license may not be renewed by the Director if:

(a) The applicant fails to submit the information required by subsection 1; or

(b) The State Controller has informed the Director pursuant to subsection 5 of [NRS 353C.1965](#) that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:

(1) Satisfied the debt;

(2) Entered into an agreement for the payment of the debt pursuant to [NRS 353C.130](#); or

(3) Demonstrated that the debt is not valid.

3. As used in this section:

(a) "Agency" has the meaning ascribed to it in [NRS 353C.020](#).

(b) "Debt" has the meaning ascribed to it in [NRS 353C.040](#).

(Added to NRS by [2013, 2738](#))

**NRS 555.325 Application for *applicator* license: Statement by applicant concerning payment of child support; grounds for denial; duty of Director. [Effective until the date of the repeal of 42 U.S.C. § 666, 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~~ *an applicator* 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~~ *An applicator* 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 the applicant 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 the applicant 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.

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

1. The Director shall require from each applicant for a pest control *business* license proof of public liability and property damage insurance in an amount of:
  - (a) Except as otherwise provided in paragraph (b), not less than \$50,000.
  - (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 humans, livestock, wildlife, crops or plant life.
3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.
4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator, primary principal or principal. 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.

**NRS 555.345 Refusal to issue *an applicator* license to perform pest control; submission of *sheriffs card fingerprints*.**

1. The Director may refuse to issue ~~a~~ *an applicator* license to perform pest control to any person who:
  - (a) Is a primary principal, *location principal, principal* or intends to act as a primary principal, *location principal, or principal* for a pest control business pursuant to [NRS 555.3507](#); and
  - (b) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or any other country.
2. In addition to any other requirements set forth in this chapter, each applicant for ~~a~~ *an applicator* license to perform pest control specified in paragraph (a) of subsection 1 shall submit with his or her application a *valid sheriffs card* ~~complete set of the applicant's fingerprints and written permission authorizing the Director to forward the~~

~~fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

3. A suspension or revocation of ~~a~~ *an applicator* license (*or equivalent*) to perform pest control pursuant to [NRS 555.350](#) or any previous revocation or current suspension of such a license in this or any other state, district or territory of the United States or any foreign country is grounds for refusal to issue the license.

### **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 *business* license *or applicator license* issued under [NRS 555.2605](#) to [555.460](#), inclusive, if the Director 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;
- (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 agent, operator, primary principal or principal 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 *applicator* license to be used by an unlicensed person;
- (j) The licensee was intentionally guilty of fraud or deception in the procurement of his or her *business* license or *applicator license*;
- (k) The licensee was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation; or
- (l) The licensee has been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving moral turpitude in any court of competent jurisdiction in the United States or any other country.

2. A *business* license, *and all applicator licenses issued thereunder*, 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 *business* license, *and all applicator licenses issued thereunder*, remains suspended until the insurance is re-established.

3. A licensee against whom the Director initiates disciplinary action to revoke, suspend or modify the *applicator* license of the licensee pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director,

submit to the Director a *valid sheriffs card* ~~complete set of the licensee's fingerprints and written permission authorizing the Director to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

4. A willful failure of a licensee to comply with the requirements of subsection 3 constitutes an additional ground for the revocation, suspension or modification of the *applicator* license of the licensee pursuant to this section.

~~5.—The Director has additional grounds to revoke, suspend or modify a license pursuant to this section if the report from the Federal Bureau of Investigation indicates that the licensee has been convicted of a felony or crime specified in paragraph (l) of subsection 4.~~

**NRS 555.3505 Suspension of *an applicator* license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, 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 *an applicator* license to perform pest control, the Director shall deem the *applicator* 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 *applicator* license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the *applicator* license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

2. The Director shall reinstate a *an applicator* 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 *applicator* license was suspended stating that the person whose *applicator* license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).

**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, the Director 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 years after the date it is issued.~~ *The certification period of a certificate holder must be defined by regulation of the Director.* 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.

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Black Text = Current Regulation

*Blue Text = Proposed New Language*

~~Red Text = Proposed Removed Language~~

*Green Text = Revised Proposed New Language 10/12/16*