

**ADOPTED REGULATION OF THE DIRECTOR  
OF THE STATE DEPARTMENT OF AGRICULTURE**

**LCB File No. R033-14**

§§1-14 and 16-33 become effective October 24, 2014  
§15 becomes effective when 42 U.S.C. § 666 is repealed

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-16, 18-24, 26, 27, 30 and 33, NRS 555.400; §17, NRS 555.330 and 555.400; §§25, 28 and 32, NRS 555.390 and 555.400; §29, NRS 555.400 and 555.470; §31, NRS 555.355 and 555.400.

A REGULATION relating to pest control; revising provisions regarding the supervision of licensees at specific business locations of a pest control business; revising the descriptions of certain fields and categories of licensure; revising certain requirements for examinations required for licensure; revising the requirements for an application for licensure; revising certain coverage amounts for insurance required of a licensee; revising provisions regarding continuing education courses required of a licensee; providing for a license to be placed on inactive status in certain circumstances; providing for the reactivation of a license on inactive status; revising the requirements for certain records and reports required of a licensee; revising provisions relating to tags required for preconstruction treatment; increasing the fee required to obtain a certificate to apply restricted-use pesticides; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the Director of the State Department of Agriculture is authorized to promulgate regulations governing the custom application of pesticides for the control of insects, pests and noxious weeds. (NRS 555.400) Pursuant to that authority, existing regulations provide for the licensure of a pest control business and individual pest control personnel. (NAC 555.270, 555.360, 555.370) Existing regulations also require that each pest control business designate a primary principal who is licensed in the category or categories of pest control in which business is conducted. (NAC 555.370) A primary principal is required at each business location of the pest control business. (NAC 555.395)

**Sections 3, 8, 10, 22, 26 and 29** of this regulation newly authorize the designation of a location principal for a pest control business, and revise the requirement for a primary principal at each business location to allow for a pest control business with more than one business location to have a location principal at a business location instead of a primary principal, provided that the pest control business still has a designated primary principal. A location

principal must be licensed in the appropriate category or categories of pest control performed at the specific business location of the pest control business.

Existing regulations provide for specific fields and categories in which pest control businesses and personnel can be licensed. (NAC 555.280) **Section 9** of this regulation revises the aerial and agricultural ground fields to include the application of pesticides on livestock, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops. **Section 9** also revises the category of rodenticides to include the application of pesticides on agricultural grounds for the control of vertebrate pests. **Section 30** of this regulation makes conforming changes to the fields and categories provided for licensed primary principal commercial applicators who are authorized to use or supervise the use of restricted-use pesticides as part of a pest control business. (NAC 555.613)

Existing regulations require an applicant for an initial license in pest control as a principal or an operator to successfully complete a general examination and a specific examination for each category of pest control in which the applicant seeks licensure. (NAC 555.340) **Section 13** of this regulation revises the examination requirements to provide that applicants for a license as a principal or operator must demonstrate proficiency in reading, writing and speaking English. **Section 13** also revises the examination requirements to provide that: (1) an applicant for a license as a principal must successfully complete a core examination, an examination on the laws and regulations of this State relating to pest control and a specific examination for each category of pest control in which the applicant seeks licensure; and (2) an applicant for a license as an operator must successfully complete a core examination and a specific examination for each category of pest control in which the applicant seeks licensure.

**Sections 14 and 15** of this regulation revise provisions regarding the information that must be provided on an application for licensure as a pest control business to newly require: (1) the state business license number of the applicant, if any; (2) a copy of the current certificate of incorporation and list of officers if the applicant is a corporation; (3) the social security number and employer identification number, if applicable, of each primary principal, location principal, principal, operator and agent employed by the applicant; and (4) the cellular telephone number, if any, of the primary principal and any location principal employed by the pest control business. (NAC 555.350)

Existing law authorizes the Director to refuse to issue a license to perform pest control as a primary principal to any person who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere, to certain felonies. Existing law also requires such an applicant to submit fingerprints along with written permission for the Director to forward the fingerprints to the appropriate criminal history agencies to obtain a report. (NRS 555.345) **Section 16** of this regulation provides that an applicant who has submitted fingerprints for a criminal history report and who has been approved by the Director for licensure as a primary principal has 90 days from such approval to obtain his or her license; if the license is not obtained within 90 days, the applicant must resubmit his or her fingerprints. (NAC 555.360)

Existing law requires an applicant for a pest control license to provide proof of public liability and property damage insurance in certain amounts in order to obtain licensure. (NRS 555.330) Existing regulations require such insurance to meet specific minimum amounts for various

situations. (NAC 555.370) **Section 17** of this regulation revises the required amounts of certain types of insurance.

Existing regulations require a licensee in pest control to complete certain continuing education courses annually for license renewal. (NAC 555.372) Existing regulations further provide certain requirements for the sponsor of a continuing education course to get the course accredited by the Director. (NAC 555.374-555.377) **Section 18** of this regulation requires that a licensee who seeks credit for a continuing education course conducted via the Internet, presented on a compact disc or as a correspondence course, or certain video or other media presentations must receive a grade of at least 70 percent on an examination conducted upon completion of the course, and provides that the examination must consist of not fewer than 10 questions covering each 50 minutes of instruction. A licensee who does not receive a grade of at least 70 percent may request to take a subsequent examination within 30 days in an attempt to receive credit for the course or presentation. (NAC 555.372) **Section 19** of this regulation newly requires the sponsor of such a course who seeks accreditation from the Director to submit to the Department a detailed description of the method or methods by which the sponsor intends to verify attendance and successful completion of the examination by each licensee who takes the course. (NAC 555.374)

Under existing regulations, a licensee who ceases to engage in pest control or has his or her employment terminated by a pest control business must return his or her license to the Department. (NAC 555.385) If such a person applies to be licensed more than 2 years after such an event, the applicant must, in addition to other application and continuing education requirements, complete the examinations required for initial licensure. (NAC 555.290) **Section 21** of this regulation newly allows a licensee who ceases to engage in pest control or has his or her employment terminated by a pest control business to, in lieu of returning the license to the Department, apply to the Department to have his or her license placed on inactive status. A person whose license is on inactive status is still responsible for an annual licensing fee and certain continuing education requirements, but is exempted from the examination requirements upon applying for reactivation of the license. A former licensee who returns his or her license instead of applying for inactive status may, within 2 years after ceasing to engage in pest control or having his or her employment terminated by a pest control business, apply to have his or her former license placed on inactive status. Otherwise, a former licensee seeking to regain his or her license must complete certain application, continuing education and examination requirements.

Existing regulations impose various duties on each person engaged in the application of pesticides for hire. (NAC 555.400) **Section 24** of this regulation newly requires each such person to be responsible for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control. Existing regulations also require each such person to keep certain records for 2 years of each property treated, including a record showing the crop or site treated. (NAC 555.410) **Section 25** of this regulation newly requires that, in the case of a spot treatment, the report must include the term “spot treatment” followed by a description of the treatment area and the spot or spots treated. The section also newly defines the term “spot treatment.” **Section 32** of this regulation makes conforming changes to the duties imposed on and the records required of a person who has a certificate issued by the Director that allows the person to apply restricted-use pesticides in certain circumstances. (NAC 555.700)

Existing regulations require a person who inspects for, or applies pesticides to eradicate, wood-destroying pests to provide a written report of such an inspection or application to the Department within 5 days. Such a report must be on a numbered form supplied by the Department. (NAC 555.430) **Section 28** of this regulation newly provides the option of submitting such a report on an electronic form which has been approved by the Department and which includes a unique number obtained from the Department and a digital signature of the person submitting the form.

Under existing law, the Director is required to adopt regulations specifying a schedule of fines which may be imposed for violations of the provisions of the statutes and regulations governing the custom application of pesticides. (NRS 555.460, 555.470) Existing law also makes it unlawful to: (1) engage in pest control without a license issued by the Director; (2) engage in, advertise or solicit to perform certain pest control activities concerning wood-destroying pests or organisms without a license issued by the Director; and (3) use any restricted-use pesticide without a certificate issued by the Director or under the supervision of a certified applicator. (NRS 555.280, 555.285, 555.351) **Section 29** of this regulation newly provides for administrative fines that may be imposed by the Director on a person who violates one of the statutory provisions making it unlawful to perform certain pest control activities without the appropriate license or certificate issued by the Director. (NAC 555.530)

Existing regulations require the Director to collect a fee of \$25 for each examination period or renewal period for the issuance of a certificate authorizing the application of restricted-use pesticides to a nonprimary principal commercial applicator or private applicator. (NAC 555.690) **Section 31** of this regulation increases that fee to \$50.

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

**Sec. 2.** *“Livestock” has the meaning ascribed to it in NRS 571.022.*

**Sec. 3.** *“Location principal” means the primary principal at a business location of a pest control business or a principal who has been designated by a primary principal as the person responsible for the daily supervision of the category or categories of pest control performed at a business location of the pest control business.*

**Sec. 4.** *“Vertebrate pest” has the meaning ascribed to it in NRS 555.005.*

**Sec. 5.** NAC 555.2555 is hereby amended to read as follows:

555.2555 “Primary principal” ~~means a principal who:~~

~~—1. Is the only principal for a pest control business; or~~

~~—2.— Has been designated by a pest control business licensed pursuant to NAC 555.370 as the person responsible for the daily supervision of the category or categories of pest control performed by each business location of the pest control business within this State.]~~ *has the meaning ascribed to it in NRS 555.2677.*

**Sec. 6.** NAC 555.256 is hereby amended to read as follows:

555.256 “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 set forth in NAC 555.280.}~~ *has the meaning ascribed to it in NRS 555.2679.*

**Sec. 7.** NAC 555.2567 is hereby amended to read as follows:

555.2567 “Serious violation” means:

1. A violation of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, which results in actual damage to the health of persons, wildlife, property or the environment;

2. ~~{Conducting pest control without an appropriate license in violation of NRS 555.280;~~

~~—3.}~~ Performing preconstruction treatment in violation of NAC 555.427; or

~~{4.}~~ **3.** Failing to complete, affix, post or deliver a tag or duplicate tag in violation of NAC 555.428.

**Sec. 8.** NAC 555.270 is hereby amended to read as follows:

555.270 1. The Director may issue the following types of licenses to applicants who have the appropriate qualifications:

(a) ~~{A}~~ *Except as otherwise provided in subsection 2, a* license authorizing the holder to conduct pest control ~~{from any business location}~~ in any category of pest control in which a

primary principal of the business *or a location principal for the specific business location* has been qualified by examination.

(b) For pest control personnel:

(1) Except as otherwise provided in subsection 3, a general license authorizing the holder to perform pest control work in a specific category or categories.

(2) A restricted license authorizing the holder to perform only certain types of pest control work, including, without limitation, pest control work restricted to inspections for wood-destroying pests or restricted to a specific:

(I) Host;

(II) Site;

(III) Pest; or

(IV) Pesticide.

2. An operator or agent will be issued a license only in those categories where he or she has a qualified primary principal ~~H~~ *or a qualified location principal at the business location from which the operator or agent will be working.*

3. The Director will not issue a general license authorizing a primary principal or operator to perform pest control work in the category of structural pest control if that work is limited to preconstruction treatment.

4. An applicant who wishes to perform pest control work with fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards must:

(a) Obtain a restricted license for that purpose;

(b) Provide the Department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and

(c) Maintain the insurance coverage after receiving such a license for the period during which he or she holds the license.

**Sec. 9.** NAC 555.280 is hereby amended to read as follows:

555.280 1. The following fields are established for the licensing of pest control personnel:

(a) Aerial—The use of aircraft *for the application of pesticides* on standing or running water, rangeland ~~{or}~~, *agricultural crops, forest, idle* cropland ~~{}~~ *and noncropland associated with the production of agricultural crops.*

(b) Agricultural ground—The use of ground equipment *for the application of pesticides* on *livestock*, rangeland, *agricultural crops, idle* cropland ~~{or animals.}~~ *and noncropland associated with the production of agricultural crops.*

(c) Urban *and* structural—The use of ground equipment *for the application of pesticides* in urban areas and in, on or around structures.

2. The following categories are established for the licensing of pest control personnel under the fields of licensing:

(a) Aerial:

- (1) ~~{Insecticides}~~ *Insect pests*—The application of insecticides, miticides and acaricides.
- (2) ~~{Herbicides}~~ *Weeds*—The application of herbicides and plant regulators.
- (3) Desiccants and defoliant—The application of desiccants and defoliant.
- (4) ~~{Fungicides and bactericides}~~ *Fungi pests*—The application of fungicides, bactericides and nematicides.

(b) Agricultural ground:

- (1) ~~{Insecticides}~~ *Insect pests*—The application of insecticides, miticides and acaricides.
- (2) ~~{Herbicides}~~ *Weeds*—The application of herbicides and plant regulators.
- (3) Desiccants and defoliants—The application of desiccants and defoliants.
- (4) ~~{Fungicides and bactericides}~~ *Fungi pests*—The application of fungicides, bactericides and nematocides.
- (5) ~~{Rodenticides—The application of rodenticides.}~~ *Vertebrate pests--The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.*

(c) Urban and structural:

- (1) ~~{Ornamental and turf}~~ *Limited landscape*—The control of ~~{insects, weeds, vertebrates}~~ *insect pests, vertebrate pests* and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.
- (2) Industrial and institutional—The control of ~~{insects}~~ *insect pests* and ~~{vertebrates}~~ *vertebrate pests* in, on or around industrial complexes, institutional complexes and dwelling units.
- (3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.
- (4) Fumigation—The use of poisonous and lethal fumigants.

(5) Aquatic—The control of ~~{insects,}~~ *insect pests*, weeds and ~~{vertebrates}~~ *vertebrate pests* in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) ~~{Right-of-way}~~ *Weeds*—The control of weeds in the maintenance of *landscapes, turf and* rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. *This category does not include the control of aquatic weeds.*

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

**Sec. 10.** NAC 555.290 is hereby amended to read as follows:

555.290 1. A person may not be employed or retained in the position of a principal , *location principal* or primary principal for more than one pest control business at any time.

2. Each primary principal, *location principal*, principal, operator or agent of a pest control business shall:

(a) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging in pest control; and

(b) Produce the license upon request by the Director or a person designated by the Director as a field agent or inspector pursuant to subsection 2 of NRS 561.225.

3. The primary principal *or location principal* of a pest control business shall, within 15 days after the change, notify the Director of any change in the status ~~{of}~~ *or* authority of any primary principal, *location principal*, principal, operator or agent of the pest control business or

any change in the information given on the application for the license for the pest control business.

4. A license is not assignable or transferable. If a change in ownership occurs, a new application and fee must be submitted. No fee is required for a change in the name of the business if the application for the change is accompanied by a declaration under penalty of perjury that there is no change in ownership.

5. A separate licensing fee for a principal, operator or agent must be paid by the employer. No additional fee is required for a designation as a primary principal ~~{}~~ *or a location principal.*

6. A principal or operator may apply to the Director for amendment of his or her license to include additional categories of pest control or have restrictions removed. Except as otherwise provided in NAC 555.325, upon examination, the principal or operator is entitled to have the license so amended without any additional licensing fee.

7. ~~{Any former licensee whose license has not been active during the 2 years immediately preceding his or her application for a new license must demonstrate his or her qualifications for the license. The demonstration must include written or oral examinations, or both, currently in use to determine the qualifications of any other applicants.~~

~~8.}~~ A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have *a temporary hold placed on* his or her license for that category . ~~{declared inactive.}~~ The *temporary hold on the* license for that category may be ~~{reactivated}~~ *removed* at any time upon submission of proof of insurance to the Director.

~~{9.}~~ 8. The Director may refuse to issue a license to a pest control business in a name that is:

- (a) The same or similar to a name used by another licensee;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

~~10.1~~ **9.** An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

~~11.1~~ **10.** The Director may refuse to issue a license to an applicant to perform pest control work if, at the time the applicant submits the application:

- (a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or
- (b) Any hearing or other matter that is within the jurisdiction of the Director is pending against the applicant.

**Sec. 11.** NAC 555.320 is hereby amended to read as follows:

555.320 1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS 555.300 before being examined and must file proof of meeting the following requirements when submitting an application for a pest control examination:

- (a) Two years of practical experience in the application of pesticide or related pest control in the initial category or categories applied for; or
- (b) Six months of practical experience in the application of pesticide or related pest control in the initial category or categories applied for and proof of not less than 16 college credit hours in biological sciences of which not less than 8 hours must be in subjects directly related to the field of pest control in which the applicant wishes to be licensed.

2. An applicant who is applying for examination as an operator or agent is not required to have reached the age of majority nor is he or she required to have:

(a) The practical experience in the application of pesticide required of a principal pursuant to paragraph (a) of subsection 1; or

(b) The practical experience and education required of a principal pursuant to paragraph (b) of subsection 1.

3. As used in this section:

(a) “Credit hours in biological sciences” includes courses in, but not limited to, biology, botany, entomology, zoology, agronomy, horticulture, biochemistry, nematology, phytopathology and courses similar or similarly derived.

(b) “Directly related to the field of pest control” courses include economic entomology, phytopathology and similar courses concerning the identification and control of pests through the use of pesticides.

(c) “Practical experience” means experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department. The term does not include any experience obtained by an applicant while engaged in activity as an agent ~~†~~ *or after the applicant:*

*(1) Ceases engaging in pest control;*

*(2) Has his or her employment with a pest control business terminated; or*

*(3) Has his or her license transferred to inactive status pursuant to NAC 555.385.*

(d) “Related pest control” experience includes technical field representative work, termite inspection for private or governmental entities or acting as a consultant on the staff of an area or regional consulting firm. Other experience may be evaluated.

**Sec. 12.** NAC 555.330 is hereby amended to read as follows:

555.330 1. Each person who wishes to be examined on pest control to obtain a license, amend a license to include additional categories of pest control or have restrictions removed from a license must complete an application and file it with the Department.

2. An applicant who wishes to be licensed as a principal, to amend his or her license to include additional categories of pest control or to have restrictions removed from the license must request a date on which to take ~~the~~ *an* examination, but the request may be made only after the applicant has received notice from the Department verifying his or her qualifications.

3. Each applicant must give the Department 5 working days' notice of the date on which he or she wishes to take ~~the~~ *an* examination unless the examining officer waives this requirement.

**Sec. 13.** NAC 555.340 is hereby amended to read as follows:

555.340 1. Each applicant for a license as a principal or operator must pass ~~a~~ written ~~examination~~ *examinations* to demonstrate his or her ~~knowledge~~ :

*(a) Knowledge of:*

~~(a)~~ *(1)* Operations for pest control;

~~(b)~~ *(2)* Pertinent laws and regulations;

~~(c)~~ *(3)* Safety in handling and dispensing pesticides;

~~(d)~~ *(4)* Pests;

~~(e)~~ *(5)* An integrated approach to pest management; and

~~(f)~~ *(6)* Recommended practices for controlling pests.

*(b) Proficiency in reading, writing and speaking English.*

2. The examination for:

(a) Each principal ~~or operator~~ consists of a ~~general~~ *core* examination ~~required for all applicants and~~ , *a separate examination on the laws and regulations of this State relating to*

*pest control and* a specific examination for each category of pest control in which the applicant has requested to be examined.

(b) *Each operator consists of a core examination and a specific examination for each category of pest control in which the applicant has requested to be examined.*

(c) Each agent consists of an examination based upon a presentation.

3. The Director may require an applicant to pass a practical examination that demonstrates the ability properly to inspect or use and apply pesticides in any category of pest control for which the applicant applies.

4. The passing score is 70 percent for each examination for a principal and 65 percent for each examination for an operator or agent.

5. An applicant who fails to receive a passing score on a section of ~~the~~ *an* examination may be retested upon the expiration of the following minimum waiting periods:

(a) If applying for an operator's license, 7 days.

(b) If applying for a principal's license, 10 days.

6. Any applicant who uses an unauthorized aid during an examination or who copies or removes any portion of an examination must be excluded from the remainder of the examination and must not be allowed to take another examination for at least 6 months.

**Sec. 14.** NAC 555.350 is hereby amended to read as follows:

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a license for a pest control business must include, without limitation:

FIRST  
PARALLEL  
SECTION

(a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.

(b) The name ~~and mailing address of the residence~~ of each partner, if the applicant is a partnership.

(c) ~~The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation,~~ *A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS,* if the applicant is a corporation.

(d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) *The state business license number assigned to the pest control business by the Secretary of State, if any.*

(f) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

~~(g)~~ (g) The name, *social security number, employer identification number, if applicable,* telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, *location principal,* principal, operator and agent employed by the applicant.

~~(g)~~ (h) The category of pest control in which the applicant wishes to engage.

~~[(h)]~~ (i) The number of business locations in which the pest control business will operate.

~~[(i)]~~ (j) The address and telephone number of each such business location.

~~[(j)]~~ (k) The name *and cellular telephone number, if any*, of the primary principal *or location principal* who supervises the daily activities of the *principals*, operators *and agents* at each business location.

~~[(k)]~~ (l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, *location principal* and principal employed by the applicant.

~~[(l)] A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in NAC 555.372.~~

(m) In accordance with NRS 555.325, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

(n) If the application is for a license in the urban *and* structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:

(1) The brand name of each pesticide that was applied;

(2) The registration number assigned to the pesticide by the Environmental Protection Agency; and

(3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

(o) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. In addition to the name of the pest control business required to be included in the application pursuant to paragraph (a) of subsection 2, the applicant shall include in the application at least two alternative names for the pest control business.

**Sec. 15.** NAC 555.350 is hereby amended to read as follows:

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a license for a pest control business must include, without limitation:

(a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.

(b) The name ~~and mailing address of the residence~~ of each partner, if the applicant is a partnership.

(c) ~~{The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation,}~~ *A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS,* if the applicant is a corporation.

(d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) *The state business license number assigned to the pest control business by the Secretary of State, if any.*

(f) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

~~(g)~~ (g) The name, *social security number, employer identification number, if applicable,* telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, *location principal,* principal, operator and agent employed by the applicant.

~~(h)~~ (h) The category of pest control in which the applicant wishes to engage.

~~(i)~~ (i) The number of business locations in which the pest control business will operate.

~~(j)~~ (j) The address and telephone number of each such business location.

~~(k)~~ (k) The name *and cellular telephone number, if any,* of the primary principal *or location principal* who supervises the daily activities of the *principals,* operators *and agents* at each business location.

~~(l)~~ (l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, *location principal* and principal employed by the applicant.

~~(l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in NAC 555.372.~~

(m) If the application is for a license in the urban *and* structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:

(1) The brand name of each pesticide that was applied;

(2) The registration number assigned to the pesticide by the Environmental Protection

Agency; and

(3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

(n) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. In addition to the name of the pest control business required to be included in the application pursuant to paragraph (a) of subsection 2, the applicant shall include in the application at least two alternative names for the pest control business.

**Sec. 16.** NAC 555.360 is hereby amended to read as follows:

555.360 **1.** Each application for a license to perform pest control work as a primary principal, principal, operator or agent for a currently licensed pest control business must include, without limitation:

~~111~~ **(a)** The name of the applicant and the mailing address and telephone number of the residence of the applicant.

~~121~~ **(b)** The name of the pest control business in this State that presently employs the applicant and the pest control business in this State that last employed the applicant.

~~131~~ **(c)** A statement indicating:

~~1(a)~~ **(1)** Whether the applicant wishes to be licensed as a primary principal, principal, operator or agent;

~~1(b)~~ **(2)** Whether the applicant holds an active license in another state and, if he or she holds such a license, a list indicating the categories of pest control that the applicant is authorized to engage in pursuant to that license; and

~~1(e)~~ **(3)** Each category of pest control in which the applicant wishes to engage.

~~14.~~ (d) An endorsement by a primary principal or principal of the pest control business employing the applicant.

*2. An applicant for a license as a primary principal will be notified by the Director whether or not the applicant is suitable for licensure as a primary principal based on a criminal history report conducted pursuant to NRS 555.345. After being notified by the Director of his or her suitability, the applicant must complete all other requirements for licensure and obtain a license as a primary principal in not more than 90 days. An applicant who has not obtained his or her license as a primary principal within 90 days after such notification must resubmit a complete set of fingerprints pursuant to NRS 555.345.*

**Sec. 17.** NAC 555.370 is hereby amended to read as follows:

555.370 An applicant for a license to engage in the business of pest control must provide the Department with:

1. Proof that a primary principal of the business is licensed in the category or categories in which the business will be conducted.

2. Proof that the applicant has insurance for public liability and property damage which:

(a) Covers each occurrence of damage to persons or to property from chemicals, chemical drift and equipment used in the operations of the business including any air operations and any use of ground equipment belonging to aerial applicators.

(b) Provides the following minimum amounts of coverage:

(1) For licensees using ground equipment:

(I) For each occurrence of bodily injury, ~~10,000;~~ **50,000;**

(II) For aggregate bodily injury, ~~20,000;~~ **100,000;**

(III) For each occurrence of property damage, ~~10,000;~~ **50,000;** and

(IV) For aggregate property damage, ~~[\$20,000.]~~ **\$100,000.**

(2) For licensees using aircraft equipment:

(I) For each occurrence of bodily injury, \$100,000;

(II) For aggregate bodily injury, \$300,000; and

(III) For each occurrence of property damage, \$100,000.

(c) Provides that not less than 10 days before extending, restricting, cancelling or changing the coverage as certified or paying any claim under the policy, the insurer will give written notice of that action to the Director.

~~{3.— Evidence that the business has the necessary type or types of equipment to perform satisfactory work in the field and categories of pest control to be undertaken. The equipment must be capable of applying pesticides satisfactorily under normal working conditions.~~

~~—4.— A certificate of incorporation or a copy thereof, issued by the Secretary of State, for the business if it is a corporation.}~~

**Sec. 18.** NAC 555.372 is hereby amended to read as follows:

555.372 1. Except as otherwise provided in subsection 3, a person who is licensed to engage in the business of pest control may not renew the license unless the person certifies that he or she has, within the immediately preceding 12 months, completed at least six units of continuing education in courses accredited by the Director. Each unit of continuing education must be completed in a course that relates to pest control. A primary principal or principal:

(a) Is not entitled to receive credit for completing more than three units of continuing education in business management.

(b) Must complete at least one unit of continuing education in a course relating to laws and regulations governing the use of pesticides.

2. To receive credit for the completion of a unit of continuing education, a licensee must attend and successfully complete a course accredited by the Director. If the course for which credit for continuing education is sought is:

- (a) An Internet course;
- (b) A course contained on a compact disc;
- (c) A correspondence course; or
- (d) A video or other media presentation sponsored by the Cooperative Extension Service,

↳ a licensee must receive a ~~passing~~ grade *of at least 70 percent* on an examination , conducted upon completion of the course or presentation ~~H~~ , *which must consist of not fewer than 10 questions covering each 50 minutes of instruction. A licensee who receives a grade of less than 70 percent on an examination may, not more than 30 days after being notified of his or her grade, take a different examination covering the same course or presentation which meets the requirements of this section. The licensee will receive credit for the completion of a unit of continuing education if he or she receives a grade of at least 70 percent on such a subsequent examination.*

3. The provisions of subsection 1 do not apply to a licensee who:

- (a) Obtained the license for the first time less than 12 months immediately preceding the expiration of the license;
- (b) Passes the ~~general~~ *core* and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she is currently licensed;
- (c) Holds a license or certificate as a pest control adviser or certified crop adviser, or the equivalent as determined by the Director;

(d) Is an operator and has become licensed as a principal during the 12 months immediately preceding the expiration of the license by passing the ~~{general}~~ *core* examination and at least one examination for a category of pest control given pursuant to NAC 555.340; *or*

(e) ~~{Passes a written or oral examination specified in subsection 7 of NAC 555.290; or~~  
~~{f}~~ Is licensed solely as an agent.

4. A licensee may receive credit for the completion of a course of continuing education offered in another state if:

(a) The course is approved for continuing education by the appropriate agency of the state;  
and

(b) Upon completion of the course, the licensee or sponsor of the course submits to the Department:

(1) An agenda or outline for the course setting forth:

(I) The location, date and time of the course;

(II) The topics discussed during the course; and

(III) The name of each speaker at the course;

(2) A copy of a letter or other form indicating that the appropriate agency of the state has approved the course for continuing education and the number of units of continuing education approved for the course;

(3) The name of each licensee from this State who attended the course as indicated by the attendance sheet for the course; and

(4) A request to receive credit for attending the course.

5. For each course for which a licensee claims one or more units of continuing education, he or she may request from the sponsor of the course:

- (a) A certificate of completion issued by the sponsor of the course; or
- (b) Another document or record that in the judgment of the Director adequately establishes that the licensee successfully completed the course.

**Sec. 19.** NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least ~~1 day~~ **7 days** before the first day of the course:

- (a) A detailed outline of the subject matter to be presented;
- (b) A description of the method of presentation;
- (c) A curriculum vitae or other biographical statement of the instructor; ~~and~~
- (d) *For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, a detailed description of the method or methods by which the sponsor intends to verify attendance by each licensee and the successful completion by each licensee of the examination required pursuant to subsection 2 of NAC 555.372; and*
- (e) Any other information required in the application for accreditation.

2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction and be directly related to:

- (a) The control or management of pests;
- (b) The classification or usage of pesticides;
- (c) The safe handling or dispensing of pesticides; or
- (d) A law or regulation concerning the use of pesticides.

3. The information required by subsection 1 must be submitted on an application prescribed by the Director.

4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list that includes:

- (a) The name of the course;
- (b) The course number assigned by the Director pursuant to NAC 555.375;
- (c) The number of units of continuing education that a person who successfully completes the course may receive;
- (d) The name of each person who attended the course;
- (e) The identification number assigned by the Department to the licensee, nonprimary principal commercial applicator or private applicator wishing to receive credit for completing the course;
- (f) The name of the business or governmental agency that employs the licensee, nonprimary principal commercial applicator or private applicator;
- (g) The signature of the licensee, nonprimary principal commercial applicator or private applicator; and
- (h) A statement prepared by the sponsor of the course indicating that:
  - (1) The licensee presented to the sponsor the licensee's license as a primary principal, principal or operator or any other form of identification issued by a governmental agency that includes a photograph of the licensee; ~~or~~
  - (2) The nonprimary principal commercial applicator or private applicator presented to the sponsor a form of identification issued by a governmental agency that includes a photograph of the nonprimary principal commercial applicator or private applicator ~~or~~ ; *or*

*(3) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, each licensee listed attended the course or presentation and passed the examination required pursuant to subsection 2 of NAC 555.372.*

5. The sponsor of a course shall maintain a record of the information set forth in subsection 4 for at least 4 years after the completion of the course. The records must be made available to the Director upon request.

6. Except as otherwise provided in subsection 7, courses of continuing education that may be accredited by the Director include, without limitation:

- (a) A seminar;
- (b) A meeting;
- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class;
- (g) A video or other media presentation; and
- (h) Any equivalent activity approved by the Director.

7. A person who attends a meeting of the Nevada Pest Control Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.

8. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the

attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4.

9. A licensee, nonprimary principal commercial applicator or private applicator may not receive credit more than once in a calendar year for attending the same course with the same course number assigned by the Director pursuant to NAC 555.375.

**Sec. 20.** NAC 555.376 is hereby amended to read as follows:

555.376 1. The Director will accredit a course of continuing education sponsored by the Department if the Department complies with NAC 555.374. Such a course may be in the form of:

- (a) A meeting;
- (b) Training for a certificate to use a restricted-use pesticide; or
- (c) A video, slide or other media presentation. ~~{The video, slide or other media presentation will be available for review, by appointment, at the offices of the Department and of the Cooperative Extension Service.}~~

2. The Director will accredit training for a certificate to use a restricted-use pesticide sponsored by the Cooperative Extension Service upon compliance with NAC 555.374.

**Sec. 21.** NAC 555.385 is hereby amended to read as follows:

555.385 1. ~~{Every}~~ *Except as otherwise provided in subsection 6, every* person licensed to engage in pest control shall return his or her license to the Department within 15 working days after:

- (a) He or she ceases engaging in pest control; or
- (b) His or her employment with a pest control business is terminated.

2. A primary principal, principal, operator or agent of a pest control business shall provide written notice to the Department of the date of termination of the employment of a primary principal, principal, operator or agent from the pest control business within 15 days after the date on which that termination occurs.

*3. A former licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated shall not engage in pest control.*

*4. Except as otherwise provided in subsection 11, to regain a license as a principal or an operator after the principal or operator ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:*

*(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:*

*(1) Complete the application requirements of NAC 555.360;*

*(2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and*

*(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.*

*(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:*

*(1) Complete the application requirements of NAC 555.360;*

*(2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;*

*(3) If applicable, meet the requirements of NAC 555.380; and*

*(4) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.*

*5. Except as otherwise provided in subsection 11, to regain a license as a primary principal after the principal ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:*

*(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:*

*(1) Complete the application requirements of NAC 555.360;*

*(2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and*

*(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.*

*(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:*

*(1) Complete the application requirements of NAC 555.360;*

*(2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;*

*(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and*

*(4) Submit a set of fingerprints pursuant to NRS 555.345.*

*6. A licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated may, in lieu of returning his or her license to the Department*

*pursuant to subsection 1, have his or her license transferred to inactive status by submitting to the Director an application on a form prescribed by the Director. The application must include, without limitation:*

*(a) The name and license number of the licensee;*

*(b) The physical address and, if different from the physical address, the mailing address of the licensee;*

*(c) The electronic mail address, if any, of the licensee;*

*(d) The telephone number, if any, of the licensee;*

*(e) The date of birth of the licensee;*

*(f) The social security number or employer identification number, if any, of the licensee;*

*and*

*(g) A statement certifying that the information in the application is correct and that the licensee will not engage in pest control in any category while the license is on inactive status.*

*7. A licensee whose license is placed on inactive status pursuant to subsection 6 shall not engage in pest control during the time the license is on inactive status. The licensee shall provide written notice to the Department within 15 days after any change in the information given on the application for inactive status pursuant to subsection 6.*

*8. A license on inactive status expires on December 31. To renew a license on inactive status, the licensee must:*

*(a) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372;*

*(b) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and*

*(c) Pay the licensing fee pursuant to NAC 555.397.*

*9. The holder of a license on inactive status who fails to renew the license pursuant to subsection 8 shall return his or her license to the Department on or before the January 15 immediately succeeding the expiration of the license.*

*10. The holder of a license on inactive status who wishes to reactivate the license must:*

*(a) Notify the Director on a form prescribed by the Director; and*

*(b) Complete the application required by NAC 555.360.*

*11. A former licensee who returns his or her license to the Department pursuant to subsection 1 may, within 2 years after the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated, apply to the Director to have his or her former license placed on inactive status pursuant to subsection 6.*

**Sec. 22.** NAC 555.395 is hereby amended to read as follows:

555.395 1. Every person licensed to engage in pest control shall ensure that :

*(a) The pest control business has a primary principal who is licensed in the appropriate category or categories of pest control; and*

*(b) If the pest control business has more than one location, each of his or her business locations in this State has a primary principal **or a location principal** who is licensed in the appropriate category or categories of pest control.*

2. The Director will suspend ~~the~~ license ~~for~~ of a pest control ~~30~~ **business 120** days after the pest control business ceases to have a primary principal ~~at each business location.~~ **who is licensed in the appropriate category or categories of pest control.** The license will remain suspended until the pest control business obtains a primary principal ~~for each business location.~~ **who is licensed in the appropriate category or categories of pest control.**

*3. For a pest control business that has more than one business location, the Director will suspend the license of a business location of a pest control business 30 days after the business location ceases to have a primary principal or a location principal who is licensed in the appropriate category or categories of pest control. The license will remain suspended until the pest control business designates a primary principal or a location principal for that business location who is licensed in the appropriate category or categories.*

**Sec. 23.** NAC 555.397 is hereby amended to read as follows:

555.397 1. ~~{Except as otherwise provided in subsection 3, an}~~ *An* applicant for a license must pay to the Director, as applicable:

(a) For examination or reexamination, a testing fee of \$25 for each category of pest control in which the applicant wishes to be examined;

(b) For licensure of a pest control business, a licensing fee of \$250;

(c) For licensure of a principal or operator, a licensing fee of \$50; and

(d) For licensure of an agent, a licensing fee of \$350.

2. The Director will charge a fee of \$25 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

~~{3. —An applicant for licensure of a pest control business or principal may request a hardship fee reduction in licensing fees by submitting a written request for such a reduction to the Director. The request must include the amount of income the applicant has received from the application of pest control for at least the immediately preceding 12 months or for the duration of the business of the applicant, whichever is shorter. The Director may grant a hardship fee reduction if he or she determines that paying the fee described in subsection 1 would require the business of the applicant to cease operations or would prevent the business from beginning~~

~~operations because of lack of money. If the Director grants a hardship fee reduction, the fee for licensure of a pest control business is \$50 and the fee for licensure of a principal is \$15. The Director may not grant a hardship fee reduction for a testing fee.~~

**Sec. 24.** NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, *and sections 2, 3 and 4 of this regulation*, or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. Apply pesticides only in those categories of pest control for which he or she is licensed. All other applicators must be under the immediate supervision of a primary principal, *location principal*, principal or operator who is qualified and currently licensed in the appropriate category.
2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.
3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.
4. Keep pest control equipment, when in use, in good condition.
5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.
6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the *land*, crop, ~~animal,~~ *livestock*, ornamental, soil or pest is being treated.

8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

9. Provide storage for all undiluted pesticide material in a locked facility. Servicepersons' kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents.

***10. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.***

**Sec. 25.** NAC 555.410 is hereby amended to read as follows:

555.410 Each person subject to the provisions of NAC 555.400 shall:

1. Keep accurate and legible records for 2 years of each property treated, showing:

(a) If the person is licensed in the aerial or agricultural ground field:

(1) The date of the treatment.

(2) The full name of the person for whom and the county where the treatment was conducted.

(3) The full name of the pilot or applicator doing the treating.

(4) The crop or site treated ~~or,~~ ***or, in the case of a spot treatment, the term "spot treatment" must be noted, followed by a description of the treatment area and the spot or spots treated.***

(5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.

(6) The number, name or site identification of the field.

(7) The brand name or generic name of the pesticide that was applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied.

(8) The purpose for which the crop, ~~to~~ site *or spot* was treated.

(9) The time the treatment was started and the time the treatment was finished.

(10) The temperature at the start and finish of the treatment.

(11) The wind velocity and wind direction at the start and finish of the treatment.

(b) If the person is licensed in the urban and structural field:

(1) The date of the treatment.

(2) The address where the treatment was conducted.

(3) The full name of the applicator.

(4) The site treated, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. *In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.*

(5) The brand name or generic name of the pesticide that was applied and the registration number assigned to the pesticide by the Environmental Protection Agency.

(6) The total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If the treatment is conducted in the categories of ~~ornamental and turf, right-of-way,~~  
*limited landscape, weeds*, aquatic or fumigation:

- (I) The temperature at the start and finish of the treatment.
- (II) The wind velocity and direction at the start and finish of the treatment.
- (III) The area of any turf or ground treated.
- (IV) The purpose for which the pesticide was applied.
- (V) The area or volume fumigated.
- (VI) The times at which fumigation started and finished.

(8) If the treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the Housing and Urban Development-National Pest Management Association Form 99-B entitled “New Construction Subterranean Termite Service Record.” The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the price of \$19.95 for a pack of 50 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address ~~<http://www.hud.gov/offices/adm/hudclips/forms/files/npma99b.pdf>~~ <http://portal.hud.gov/>.

2. ~~Keep a copy of each report prepared pursuant to NAC 555.430 for 5 years after completing the report.~~

~~3.~~ Report ~~immediately~~ *by telephone within 24 hours* to the Director ~~+~~ *or his or her designee:*

(a) Any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides; or

(b) The *accidental* spillage at sites of operations of *more than 1 gallon of liquid or 4 pounds of dry weight of* unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

~~{4.}~~ 3. Report *by telephone* to the Director *or his or her designee* within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

~~{5.}~~ 4. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

(a) Be filed on or before the 15th day of the following month; and

(b) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

~~{6.}~~ 5. Submit to the Director any reports or records he or she requests.

↪ *As used in this section, “spot treatment” means the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total treatment area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet.*

**Sec. 26.** NAC 555.415 is hereby amended to read as follows:

555.415 An unlicensed person who performs pest control under the immediate supervision of a primary principal, *location principal*, principal or operator pursuant to NAC 555.400 shall not prepare, distribute, appear on or sign on his or her behalf or on behalf of the primary principal, *location principal*, principal or operator:

1. Any invoice, estimate or bid for pest control;

2. Any report prepared pursuant to NAC 555.410 or 555.430; or
3. Any contract or other agreement for pest control.

**Sec. 27.** NAC 555.428 is hereby amended to read as follows:

555.428 1. ~~{The Department shall supply a}~~ *Each* tag for preconstruction treatment ~~{to a licensee who performs preconstruction treatment.}~~ *must be on a form prescribed by the Department.* A licensee who performs a preconstruction treatment shall complete a tag pursuant to this section. The tag must include at least the following information:

- (a) The name of the pest control business that performed the preconstruction treatment;
- (b) The date that the preconstruction treatment was performed;
- (c) The ~~{trade}~~ *brand* name *and the registration number assigned by the Environmental Protection Agency* of the termiticide that was applied;
- (d) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied;
- (e) The total number of gallons of the diluted termiticide that was applied;
- (f) The printed full name of the licensee who performed the preconstruction treatment;
- (g) A statement indicating whether the licensee performed a preconstruction treatment to soil, a preconstruction treatment to wood, or a combination thereof; *and*
- (h) If the licensee performed a preconstruction treatment to soil, a statement indicating whether the licensee applied the termiticide vertically, horizontally ~~{}~~ or in both manners. ~~{; and~~
- ~~{(i) If the licensee must leave the site before completing the preconstruction treatment, a statement indicating that the preconstruction treatment is incomplete.}~~

2. The information required to be included on a tag for preconstruction treatment pursuant to subsection 1 must be legible and an accurate and truthful representation of the preconstruction treatment performed.

3. Each tag for preconstruction treatment must be:

(a) Affixed securely at the site of each preconstruction treatment immediately after each application of termiticide; and

(b) Except as otherwise provided in subsections 4 and 5, prominently displayed:

(1) On the pipes for plumbing;

(2) On a board that is located at the site of the construction and includes the permit or records of inspection of the contractor of the structure under construction; or

(3) Any other location approved by the Director.

4. If the licensee performed a preconstruction treatment to soil and the soil adjacent to the exterior of the foundation was not treated during the initial treatment, after its treatment, the portion of the tag containing the information relating to the final treatment must be placed in the electrical box of the structure and must include the following information:

(a) The name of the pest control business that performed the preconstruction treatment;

(b) The full name of the licensee who performed the preconstruction treatment;

(c) The date that the final treatment was applied;

(d) The ~~trade~~ **brand** name *and the registration number assigned by the Environmental Protection Agency* of the termiticide that was applied;

(e) The number of gallons of the diluted termiticide that was applied; and

(f) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied.

5. If the contractor of the structure under construction on which the preconstruction treatment is being performed requests a tag for preconstruction treatment, the licensee shall:

- (a) Prepare a duplicate tag;
- (b) Print the word “DUPLICATE” in capital letters on the tag; and
- (c) Post the tag on the site in the location requested by the contractor or deliver the tag to the contractor.

**Sec. 28.** NAC 555.430 is hereby amended to read as follows:

555.430 1. Each person who:

- (a) Makes an inspection for wood-destroying pests;
- (b) Gives any oral or written statement relating to such an inspection; or
- (c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,  
↪ shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or a designated agent thereof, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department ~~+~~ *or an electronic form approved by the Department which includes a unique number obtained from the Department.*

2. A *person who prepares a report pursuant to subsection 1 must:*

- (a) *File a legible* copy of ~~each~~ *the* report ~~must be filed~~ with the district or subdistrict office of the Department not later than 15 days after the inspection or the application of a pesticide is made ~~+~~ *;* *and*

- (b) *Keep a copy of the report for at least 3 years after preparation of the report.*

3. The report must contain:

(a) The name, license number and mailing address of the pest control business performing the inspection or the application of a pesticide and the date of the inspection or application.

(b) The number assigned to the escrow or mortgage by the Federal Housing Administration or the Department of Veterans Affairs, if applicable and obtainable.

(c) The street address, city and zip code where the property is located.

(d) The name of the person who requested the inspection or the application of a pesticide.

(e) The name of the person to whom the original of the report is being sent.

(f) The name and address of the owner of the property.

(g) The name and address of the buyer or other interested person, if applicable and obtainable.

(h) If an application of a pesticide was made:

(1) The date of the treatment.

(2) An identification of any area to which a pesticide was applied.

(3) The pesticide name and the registration number assigned by the Environmental Protection Agency.

(i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as wood-destroying fungi. As used in this paragraph:

(1) “Active infestation” means the presence of living wood-destroying pests.

(2) “Inactive infestation” means evidence of infestation by wood-destroying pests, without the presence of such pests.

(j) A statement of whether there is or is not any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:

(1) “Contact of wood with the earth” means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. The term does not include:

(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements.

(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.

(III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.

(IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.

(V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.

(2) “Faulty grade” means a condition in which:

(I) A floor joist or stringer is less than 12 inches above the soil level;

(II) The top of the foundation is less than 3 inches above the adjacent soil level; or

(III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

(3) “Insufficient ventilation” means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier and less than four areas permitting ventilation. The term “insufficient ventilation” does not include a crawlspace which is:

(I) Mechanically ventilated; and

(II) Free of wood-destroying fungi and excessive moisture.

(4) “Excessive moisture” means actual moisture on the wood or wood products used in the structure.

(5) “Cellulose debris” means any such debris that is of a size that can be raked and in the aggregate comprises one-half cubic foot or more, or a stump or any other wood that is imbedded in a footing and constitutes a contact of wood with the earth. The term does not include pressure-treated wood that is used to support a manufactured home or the skirting of a manufactured home.

(k) A diagram or sketch of the foundation or part of the inspected structure indicating the location of any condition likely to lead to infestation or infection or any area showing infestation or infection.

(l) A diagram or explanation, or both, of the inspected structure or part of it showing:

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

(3) Any area where normal conditions have been altered so an inspection is not possible, such as storage in a closet.

(m) The full name, license number and signature *or, if an electronic form is used, a digital signature* of the licensee performing the inspection and application of a pesticide if an application is performed. *If an electronic form is used, the report must include the number obtained from the Department pursuant to subsection 1 and a digital signature of the licensee which complies with the applicable requirements of chapter 720 of NRS.*

4. Upon completion of an inspection or the application of a pesticide, the person making the inspection or application shall:

(a) If the structure has a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the entrance to the crawlspace;

(b) If the structure does not have a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the access area under the kitchen sink; or

(c) If the inspection or application is performed at a structure with multiple units for occupancy, deliver the tag to the office of the manager of the structure or to the owner of the structure if there is no office of the manager of the structure.

5. The tag affixed pursuant to subsection 4 must contain:

(a) The license number and name of the pest control business that performed the inspection or application.

(b) A statement indicating whether an inspection or application was performed. If an application was performed, the tag must contain a statement of the name, amount and concentration of the pesticide applied.

(c) The date on which the inspection or application was performed.

6. Unless otherwise authorized by the Director, each person who, after the construction of a structure, applies a termiticide or other pesticide to eradicate wood-destroying pests shall apply the termiticide or other pesticide only to the sites and in the specific quantities and dosages listed on the label of the termiticide or other pesticide.

7. As used in this section, “pressure-treated wood” means wood or wood products that:

(a) Are pressure-treated or certified by the Board of Review of the American Lumber Standard Committee, Inc.;

(b) Are designed by the manufacturer for contact with the ground;

(c) Are guaranteed against structural damage by termites or fungal decay; or

(d) Are described in paragraph (a), (b) or (c) and have surfaces which have been cut, if those surfaces have been treated with a preservative for wood and the wood or wood products have been inspected and determined to be free of infestation.

**Sec. 29.** NAC 555.530 is hereby amended to read as follows:

555.530 In addition to any other penalty, the Director may assess a fine against a person according to the following schedule:

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$1,000	\$100 to \$1,000
2. For a violation of NRS 555.351:		
(a) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$300
(b) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
3. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials .....	\$300	\$50
(b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:		
(1) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment .....	\$100	\$50
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$301 to \$1,000

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive.....	\$100 to \$1,000	\$50 to \$300
(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her certificate to be used by an uncertified person .....	\$1,001 to \$5,000	\$301 to \$1,000
(g) Fraudulently or deceptively procuring a certificate .....	\$1,001 to \$5,000	\$301 to \$1,000
(h) Falsifying records or reports .....	\$250 to \$500	\$100 to \$250
(i) Failing to give adequate instructions or directions to an uncertified person under his or her supervision:		
(1) If it is a nonserious violation .....	\$100 to \$500	\$50 to \$300
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$301 to \$1,000
4. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$301 to \$1,000
(b) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.....	\$200 to \$500	\$100 to \$300
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation .....	\$100 to \$1,000  (per item not provided)	\$50 to \$300  (per item not provided)
(2) If it is a serious violation .....	\$1,001 to \$5,000  (per item not provided)	\$301 to \$1,000  (per item not provided)

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
<p>(d) Failing to maintain the required safety equipment in good working order.....</p>		
	\$100 to \$1,000  (per item not  maintained)	\$50 to \$300  (per item not  maintained)
<p>(e) Not using materials, dosages, formulas, devices  or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:</p>		
(1) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$301 to \$1,000
<p>5. For a violation of NAC 555.510, if the violation is for:</p>		
<p>(a) Fumigating without the supervision of a person who is a certified applicator:</p>		
(1) If it is a nonserious violation .....	\$100 to \$1,000	\$50 to \$500
(2) If it is a serious violation .....	\$1,001 to \$5,000	\$501 to \$5,000

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

(b) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant ~~†~~ and, if required, a copy of the fully developed site-specific fumigation management plan .....

\$100 to \$500  
(per item not provided)

\$100 to \$300  
(per item not provided)

(c) Failing to have the antidote , *if any*, and instructions for administering it ~~†, if any,†~~ as prescribed by the manufacturer of the fumigant....

\$50 to \$300

\$50 to \$300

6. For a violation of NAC 555.700, if the violation is for:

(a) Failing to keep an accurate and legible record of each property treated for 2 years.....

\$100

\$50

(b) Failing to maintain required information for 2 years .....

\$100

\$50

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(c) Failing to report <del>immediately</del> <i>within 24 hours</i> any emergency dump or accidental spillage of a pesticide.....	\$100	\$50
(d) Failing to report <i>to the Director or his or her designee</i> within 48 hours any case of apparent pesticide poisoning requiring medical treatment .....	\$100	\$50
(e) Failing to have contact with an applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours .....	\$100	\$50
	FIRST OFFENSE	SUBSEQUENT OFFENSE
7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$500	\$301 to \$1,000
8. For a violation of NRS 555.280 .....	\$500	\$1,000
9. For a violation of NRS 555.285 .....	\$500	\$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
10. For failing to supervise adequately an applicator who does not have a license issued by the Director .....	\$500	\$500
11. For a violation of NAC 555.290, if the violation is for:		
(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector .....	\$25	\$25
(b) Failing to notify the Director of any change in the status <del>fee</del> <i>or</i> authority of any primary principal, <i>location principal</i> , principal, operator or agent or of any change in the information given on the application for the license of the pest control business.....	\$100	\$100
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$25	\$25

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....	\$25	\$25
13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, operator or agent from the pest control business within 15 days after the date on which that termination occurs .....	\$100	\$100
14. For a violation of NAC 555.400, if the violation is for:		
(a) Applying a pesticide in a category of pest control for which he or she is not licensed .....	\$500	\$1,000
(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials .....	\$100 to \$500	\$301 to \$1000
(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000
(d) Failing to keep pest control equipment in good condition .....	\$25 to \$100	\$50 to \$301
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25 to \$100	\$50 to \$301
(f) Failing to maintain a uniform mixture .....	\$25	\$25
(g) Failing to confine in a substantial manner the material applied to the premises where the <i>land</i> , crop, <del>animal,</del> <i>livestock</i> , ornamental, soil or pest which is being treated:		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	\$25	\$25

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(i) Failing to store undiluted pesticides in a locked facility or failing to handle serviceperson's kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000
<p>15. For a violation of NAC 555.410, if the violation is for:</p>		
(a) Failing to keep an accurate and legible record of each property treated for 2 years.....	\$100 to \$500	\$501 to \$1,000
(b) Failing to record an item of information required for the record .....	\$25 to \$100	\$50 to \$301
<del>(c) Failing to keep a copy of each report prepared pursuant to NAC 555.430 for 5 years after the report is completed .....</del>	<del>\$100 to \$500</del>	<del>\$501 to \$1,000</del>
<p><del>(d)</del> Failing to report to the Director <i>or his or her designee</i> within 48 hours any cases of apparent pesticide poisoning which require medical treatment:</p>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation .....	\$100	\$100
(2) If it is a serious violation .....	\$500	\$500
<del>(e)</del> (d) Failing to file the required monthly report on or before the 15th day of the following month .....	\$100	\$100
16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide .....	\$100	\$100
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity .....	\$100 to \$1,000	\$100 to \$5,000
18. For a violation of NAC 555.415 .....	\$100 to \$1,000	\$301 to \$1,000
19. For a violation of NAC 555.425, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle .....</p>	\$25	\$100
<p>(b) Failing to equip a service vehicle used in the custom application of pesticides with:</p> <p>(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....</p>	\$100	\$150
<p>(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....</p>	\$100	\$150
<p>(3) Equipment designed to store safely materials contaminated with pesticide.....</p>	\$100	\$150
<p>(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....</p>	\$100	\$100

20. For a violation of NAC 555.427, if the violation is for:

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....	\$25 to \$100  (per item not included)	\$50 to \$301  (per item not included)
(c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director.....	\$500 to \$1,000	\$1,001 to \$5,000
(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the walls of the foundation or the exterior of the concrete slab, as appropriate, within 30 days after grading and any other disturbance of the soil has been completed .....	\$301 to \$1,000	\$1,001 to \$5,000

21. For a violation of NAC 555.428, if the violation is for:

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the tag for preconstruction treatment .....	\$50 to \$100  (per item not included)	\$100 to \$301  (per item not included)
(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide.....	\$301 to \$1,000	\$301 to \$1,000
22. For a violation of NAC 555.430, if the violation is for:		
(a) Failing to write and deliver the required report before starting work on a project or giving an oral or written opinion on a form supplied by the Department <i>or on an electronic form approved by the Department</i> .....	\$100	\$150

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made.....	\$100	\$150
(c) Failing to include each item of information required in a report.....	\$50 to \$500  (per item not included)	\$50 to \$1,000  (per item not included)
(d) <i>Failing to keep a copy of each report for at least 3 years after preparation of the report ....</i>	<i>\$100 to \$500</i>	<i>\$501 to \$1,000</i>
(e) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide .....	\$100	\$300
<del>(e)</del> (f) Failing to record each item of information required on the tag .....	\$25 to \$100  (per item not included)	\$100 to \$301  (per item not included)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p><del>(f)</del> (g) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000
<p>23. For a violation of NAC 555.440, if the violation is for:</p>		
<p>(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000
<p>(b) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.....</p>		
	\$100 to \$301	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(c) Failing to provide employees with the required information, precautions and safety equipment:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500  (per item not provided)	\$301 to \$1,000  (per item not provided)
(2) If it is a serious violation .....	\$501 to \$5,000  (per item not provided)	\$1,001 to \$5,000  (per item not provided)
<p>(d) Failing to keep the required safety equipment in good working order.....</p>		
	\$50 to \$300  (per item not maintained)	\$301 to \$1,000  (per item not maintained)
<p>(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$5,000	\$1,001 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(f) Failing to use an accurately calibrated metering device when dispensing a termiticide.....	\$100 to \$301	\$301 to \$1,000
24. For a violation of NAC 555.445, if the violation is for:		
(a) Failing to attach abbreviated labels to a service container .....	\$50 to \$100	\$50 to \$301
(b) Failing to include each item of information required on an abbreviated label .....	\$50 to \$100	\$50 to \$301
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50 to \$100	\$50 to \$301
25. For a violation of NAC 555.460, if the violation is for:		
(a) Failing to give notice within a reasonable time before treatment to an owner of any animals known to be on the property to be treated or on property where a material containing a harmful substance is likely to drift .....	\$100 to \$500	\$301 to \$1,000
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain .....	\$100 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100 to \$500	\$301 to \$1,000
(d) Failing to place a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station:		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$1,000	\$1,001 to \$5,000
(e) Failing to mark the outside of a bait station with the required information:		
(1) If it is a nonserious violation .....	\$25 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$1,000	\$1,001 to \$5,000
(f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$1,000	\$1,001 to \$5,000
26. For a violation of NAC 555.470, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to give notice personally or by telephone to an apiarist within the required time .....	\$100 to \$500	\$301 to \$1,000
(b) Failing to give notice of his or her intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time .....	\$100 to \$500	\$301 to \$1,000
(c) Failing to provide each item of information required to be included in the notice.....	\$100 to \$500	\$301 to \$1,000
27. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is a certified applicator and licensed pursuant to subparagraph (4) of paragraph (c) of subsection 2 of NAC 555.280 to perform pest control using lethal fumigants:		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$1,000	\$1,001 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(b) Except as otherwise provided by NAC 555.510, failing to have at least one licensee and one person under the supervision of that licensee present during the release of the fumigant or the ventilation process:</p>		
(1) If it is a nonserious violation .....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation .....	\$501 to \$1,000	\$1,001 to \$5,000
<p>(c) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan .....</p>		
	\$50 to \$300	\$501 to \$1,000
	(per item not provided)	(per item not provided)
<p>(d) Failing to have the antidote , <i>if any</i>, and instructions for administering it <del>if any,</del> as prescribed by the manufacturer of the fumigant....</p>		
	\$50 to \$300	\$301 to \$1,000

<i>PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE</i>	<i>FIRST OFFENSE</i>	<i>SUBSEQUENT OFFENSE</i>
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28. For a violation of:

(a) NRS 555.280 or 555.285 by a person

who does not hold a license issued by the

<i>Director.....</i>	<i>\$50 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
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(b) NRS 555.351 by a person who does not

<i>hold a certificate issued by the Director.....</i>	<i>\$50 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
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Sec. 30. NAC 555.613 is hereby amended to read as follows:

555.613 1. The fields of licensed primary principal commercial applicators are:

(a) Aerial—The use of aircraft *for the application of pesticides* on standing or running water, rangeland ~~for~~, *agricultural crops, forest, idle* cropland ~~for~~ *and noncropland associated with the production of agricultural crops.*

(b) Agricultural ground—The use of ground equipment *for the application of pesticides* on *livestock*, rangeland, *agricultural crops, idle* cropland ~~for animals~~ *and noncropland associated with the production of agricultural crops.*

(c) Urban *and* structural—The use of ground equipment *for the application of pesticides* in urban areas and in, on or around structures.

2. The categories of licensed primary principal commercial applicators are:

(a) Aerial:

(1) ~~Insecticides~~ *Insect pests*—The application of insecticides, miticides and acaricides.

(2) ~~Herbicides~~ *Weeds*—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) ~~{Fungicides and bactericides}~~ *Fungi pests*—The application of fungicides, bactericides and nematocides.

(b) Agricultural ground:

(1) ~~{Insecticides}~~ *Insect pests*—The application of insecticides, miticides and acaricides.

(2) ~~{Herbicides}~~ *Weeds*—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) ~~{Fungicides and bactericides}~~ *Fungi pests*—The application of fungicides, bactericides and nematocides.

(5) ~~{Rodenticides—The application of rodenticides.}~~ *Vertebrate pests--The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.*

(c) Urban and structural:

(1) ~~{Ornamental and turf}~~ *Limited landscape*—The control of ~~{insects, weeds, vertebrates}~~ *insect pests, vertebrate pests* and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

(2) Industrial and institutional—The control of ~~{insects}~~ *insect pests* and ~~{vertebrates}~~ *vertebrate pests* in, on or around industrial complexes, institutional complexes and dwelling units.

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.

(4) Fumigation—The use of poisonous and lethal fumigants.

(5) Aquatic—The control of ~~{insects,}~~ *insect pests*, weeds and ~~{vertebrates}~~ *vertebrate pests* in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) ~~{Right-of-way}~~ *Weeds*—The control of weeds in the maintenance of *landscapes, turf and* rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. *This category does not include the control of aquatic weeds.*

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

**Sec. 31.** NAC 555.690 is hereby amended to read as follows:

555.690 1. The Director will collect a fee of ~~{*\$25*}~~ *\$50* for each examination period or renewal period for the issuance of a certificate pursuant to NAC 555.655, before the applicant is examined.

2. If a certificate specified in subsection 1:

(a) Is lost, stolen, mutilated or destroyed; or

(b) Is determined by the Director to be undeliverable because the applicant provided an incomplete address or other incorrect information when applying for the certificate,

↳ the Director will collect a fee of \$25 for issuing a duplicate certificate.

**Sec. 32.** NAC 555.700 is hereby amended to read as follows:

555.700 Except as otherwise provided in this chapter or as specifically authorized in writing by the Director, any licensed primary principal commercial applicator, nonprimary principal commercial applicator or private applicator applying or supervising the application of restricted-use pesticides shall, in addition to the provisions of subsections 2 to ~~9~~ 10, inclusive, of NAC 555.400:

1. Keep and maintain an accurate and legible record of each property treated for 2 years, showing the following:

(a) Date of treatment;

(b) First and last name of the nonprimary principal commercial applicator or private applicator applying or supervising the application of the restricted-use pesticide;

(c) Address of property treated;

(d) Brand name or generic name and Environmental Protection Agency registration number of the pesticide applied;

(e) Use information:

(1) ~~Item~~ *The item* or site treated ~~;~~ *or, in the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and the spot or spots treated;* and

(2) ~~Amount~~ *The amount* of diluted material used and the concentration of the pesticide that was applied or the amount of undiluted material used; and

(f) In addition to the requirements of paragraphs (a) to (e), inclusive, if the treatment is conducted in the nonprimary principal commercial categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, aquatic pest control, forest pest control, fumigation pest control, ornamental and turf pest control, right-of-way pest control or mosquito

control, or in the private categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, aquatic pest control, forest pest control, fumigation pest control or ornamental and turf pest control:

- (1) Temperature at the start and finish of treatment.
  - (2) Wind velocity and direction at the start and finish of treatment.
  - (3) Number of units treated, area of surface treated or volume fumigated.
  - (4) The purpose for which the pesticide was applied.
  - (5) The time the treatment was started and the time the treatment was finished.
2. Report ~~immediately~~ *by telephone within 24 hours* to the Director *or his or her designee* any emergency dump of a pesticide by an aircraft, any accident of a pesticide-loaded aircraft or ground equipment involving the spillage of a pesticide, or the accidental spillage *of more than 1 gallon of liquid or 4 pounds of dry weight* of a pesticide at any site of operations of pesticides.
3. Report *by telephone* to the Director *or his or her designee* within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
4. Have contact with any applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.
5. *Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.*

*↪ As used in this section, “spot treatment” means the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total treatment area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet.*

**Sec. 33.** 1. This section and sections 1 to 14, inclusive, and 16 to 32, inclusive, of this regulation become effective on October 24, 2014.

2. Section 15 of this regulation becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Section 14 of this regulation expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R033-14**

**1. A clear and concise explanation of the need for the adopted regulation.**

The need for the adopted regulation is to streamline the operations of the Pest Control Operator Licensing and Enforcement Program in order to better regulate the commercial pest control industry and increase fees for the Restricted Use Pesticide (RUP) certificate program. In particular, the following regulation changes were adopted:

- 1) Defined the term “spot treatment” which is found on many pesticide labels to clarify the meaning for applicators and to simplify enforcement,
- 2) Combined the weed control section of the Ornamental and Turf license category with the weed control section of the Right of Way category to create a single Weed category, streamlining examination, licensing, and enforcement,
- 3) Added a Location Principal to identify the person responsible at each pesticide business location to streamline communications and enforcement,
- 4) Clarified and strengthened the authority for the Director of the Nevada Department of Agriculture (NDA) to assess administrative fines and penalties against persons or entities conducting the custom application of pesticides without a license in order bring unlicensed persons and entities into compliance,
- 5) Clarified that in the case of a pesticide spill, the person or entity that made the spill is responsible for cleanup of the spill and define the reportable amounts of pesticide spill so that spills are cleaned up and reported properly,
- 6) Amended the regulations to allow the NDA Pest Control Operator Licensing and Enforcement Program to accept electronic forms and electronic signature to simplify administration of the program and to reduce costs to both the state and the industry,
- 7) Increased the once-every-four-years fee for the RUP certificate in order to better cover the costs of administering the program, and
- 8) Made minor editorial clarifications.

**2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Thirty days before the hearing date, a Notice of Intent to Act Upon a Regulation in regards to the proposed regulations was

- 1) Posted to the NDA web site, NDA offices in Sparks, Las Vegas, and Elko,
- 2) Posted at public libraries in all Nevada counties,
- 3) Emailed to the following NDA on-line mailing lists: all NDA licensed pest control business and operators in northern and southern Nevada (619 persons or entities) and all Nevada RUP certificate holders (743 persons) all NDA pest control operator program continuing education provider contacts (137 persons or entities), all persons and entities on the NDA Pesticide Laboratory interested person list (605 persons or entities).
- 4) Announced at the Nevada Pest Control Association quarterly meeting (44 members attending).

One public hearing was held on May 21, 2014 at the NDA Las Vegas office with video link to NDA offices in Sparks and Elko. There were 9 attendees in Las Vegas (including 4 NDA employees), and 2 attendees in Sparks (including 1 NDA employee), 0 attendees in Elko, (and one attendee by phone from the Attorney General's Office in Carson City). All comments were recorded in an audio/visual file; a copy of the audio/visual file can be obtained by contacting the NDA, attention Kathleen Bednarz, at the NDA Las Vegas office.

To summarize, there were three public comments. One comment was in support of the NDA amending the regulations to allow for the receipt of electronic forms, especially the Wood Destroying Pest Inspection Report. A second comment was in regards to the definition of spot treatment, which was clarified. A third comment was in regards to the establishment of the new "weeds" category. The new weeds category will combine the current weed section of the Ornamental and Turf pest control license category and the current Right of Way category into a single Weed category. The comment was neither supportive nor non-supportive of the proposed Weed category, but in regards to NDA's plans to implement the regulation change. The individual felt that NDA's plans to grandfather in pest control operators that hold the current license for the Ornamental and Turf category and pest control operators that hold the current license for the Right of Way category would be an issue because he believes that Right of Way licensees would not have the necessary knowledge or training to adequately treat weeds in ornamental and turf settings.

3. **The number of persons who:**
  - (a) **Attended each hearing:** 12 including 6 state employees
  - (b) **Testified at each hearing:** 3
  - (c) **Submitted written comments:** 0
  
4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
  - (a) **Name; John Fortanini**
  - (b) **Telephone number; 702-400-4778**
  - (c) **Business address; 5470 Arville St, Suite 201, Las Vegas NV**
  - (d) **Business telephone number; 702-597-9760**
  - (e) **Electronic mail address; jfontanini@rollins.com**
  - (f) **Name of entity or organization represented: Orkin.**  
  - (a) **Name; Rick Rutkey**
  - (b) **Telephone number; 702-251-5559**
  - (c) **Business address; 3400 W. Desert Inn Rd # 23, Las Vegas NV**
  - (d) **Business telephone number; 702-251-5559**
  - (e) **Electronic mail address; rrupkey@senske.com**
  - (f) **Name of entity or organization represented: Senske Pest Control.**

- (a) **Name; Timothy Plants**
- (b) **Telephone number;**
- (c) **Business address; PO Box 5841, Fallon, NV**
- (d) **Business telephone number; 775-423-7129**
- (e) **Electronic mail address; ipm@cccomm.net**
- (f) **Name of entity or organization represented: Integrity Pest Control.**

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Same as question 2 above.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There were no comments given that substantially changed the meaning or scope or intent of the proposed regulations.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

- (a) **Estimated economic effect on the businesses which they are to regulate.**

Little to no economic effect on the regulated businesses. Many of the proposed changes were requested by industry. The use of electronic forms and signatures should decrease costs to industry. The increase in the once-every-four-years RUP fee amounts to only \$6.25 per year to the certificate holder.

- (b) **Estimated economic effect on the public which they are to regulate.**

No economic effect on the public.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

Some savings may accrue to the NDA from streamlined examinations, training, and enforcement. Savings will accrue to the NDA from raising the fee for the Restricted Use Pesticide certificate to recover costs of administering the program.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No duplication or overlap of regulations of other state or federal agencies.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Not more stringent than federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

By increasing the fee for the Restricted Use Pesticide certificate, the NDA expects to collect an additional \$8,250 per year that will go to offsetting costs of administering the program.