
**Agriculture & Natural
Resources Committee**

HB 1269

Brief Description: Regulating structural pest inspectors.

Sponsors: Representatives Linville and Schoesler; by request of Department of Agriculture.

Brief Summary of Bill

- Requires businesses that employ structural pest inspectors to be licensed, creates a separate licensing category for such inspectors, and requires certain evidence of financial responsibility.
- Requires certain structural inspections to be "complete wood destroying organism inspections."
- Authorizes the Director of the Department of Agriculture to set certain fees by rule.

Hearing Date: 1/28/03

Staff: Kenneth Hirst (786-7105).

Background:

The state's Pesticide Control Act requires pesticides to be licensed by the state's Department of Agriculture (WSDA). (RCW 15.58.050.) The Act also requires pesticide dealers, dealer managers, and public and private pest control consultants to be licensed. The fee that must accompany an application for a pesticide dealer is \$50; for a dealer manager, \$25; for a pest control consultant, \$45; and for a public pest control consultant, \$25. (RCW 15.58.180, .200, .210, and .220.)

A special category of the pest control consultant license is for structural pest inspectors. (RCW 15.58.210.) A structural pest inspector is a person who inspects buildings for wood destroying organisms, their damage, or conditions conducive to their infestation. (RCW 15.58.030(40).) As a condition for licensure, a pest control inspector must provide evidence of financial responsibility in the form of a surety bond, or an errors and omissions insurance policy or certification. The minimum amounts required for the bonds and policies are specified under the Act. (RCW 15.58.460 and .465.)

Summary of Bill:

Structural Pest Inspector's License. Structural pest inspection is no longer a licensing subcategory of a pest control consultant's license. (Section 1(30) and Section 4(1).) A structural pest inspector's license is required for a person who performs the services of a structural pest inspector or who advertises that he or she performs such services. A person who currently holds a valid license to perform such services is exempted from this requirement until the expiration of the license. The license application fee is to be set by the director by rule. (Section 5.) Persons who had been exempted from licensure to perform such inspections because they hold other pesticide licenses and are operating within the authority of those other licenses are now exempt only from the license application fee requirement. The exemption no longer applies to all governmental employees acting within their official capacities or to pesticide dealer managers or their employees. The other licenses to which the fee exemption applies includes a pest control consultant's license. (Sections 4(2) and 5(2).)

An applicant for a structural pest inspector's license must pass a written examination designed to demonstrate certain knowledge, including knowledge of the conditions that are conducive to the development of wood destroying organisms. (Section 6.)

A "complete wood destroying organism inspection" is an inspection conducted to determine evidence of infestation or damage by, or conducive conditions for, wood destroying organisms as part of the transfer, exchange, or refinancing of a structure. Any inspection conducted as the result of a telephone solicitation must be conducted as such a complete inspection. (Section 1(4).) A wood destroying organism is one that consumes, excavates, develops in, or otherwise modifies the integrity of wood or wood products. (Section 1(45).)

Company License. A business that employs one or more structural pest inspectors must itself be licensed. (Section 8.) It is unlawful for a business to act as a structural pest inspection business without a structural pest inspection license. (Section 3.) The contents of the application form for such a license are listed. Changes to the information provided on such a form must be reported to the WSDA within 30 days. With certain exceptions, a structural pest inspector cannot be licensed until the business that employs the inspector furnishes evidence of certain specified financial responsibility. (Section 8.)

Required Evidence of Financial Responsibility The evidence of financial responsibility required for a structural pest inspector may now be shifted to applying to the business employing the inspector. (Section 9.) Greater detail is provided regarding the evidence of financial responsibility. It is to be provided by: an errors and omissions insurance policy; a surety bond; a surety bond and an errors and omissions policy; or an assigned account. The errors and omissions insurance policy or surety bond must be for not less than \$25,000 separately; if provided together, the insurance policy must be for not less than \$25,000 and the bond must be for not less than \$12,500. The assigned account must be held by the WSDA in an amount not less than \$25,000 (and the WSDA is not liable for payments beyond this specified amount). Means of making claims against the various forms of financial responsibility are specified. They apply to such claims made within two years of the inspection. (Section 10(1).) This time limitation applies to claims against these forms of financial responsibility; it does not affect any statute of limitations for claims a person may

have against the inspector. (Section 10(2).)

All Licenses. The director is authorized to adopt rules for fixing and collecting all of the license examination fees required under the Pesticide Control Act. (Section 2.) The fee that must accompany an application for a pest control consultant license is no longer specified by statute. The fee is set by rule. (Section 4(1).) The director may also adopt rules setting fees for recertification course sponsorship and requiring individuals to earn recertification credits that are in their licensing classification.

Other. Provisions of the Pesticide Control Act are removed that indicate that a pest control consultant supervises or aids the application of a pesticide by a user. (Section 1(30).)

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect July 1, 2003.