

SENATE BILL REPORT

SB 5227

As Reported By Senate Committee On:
Agriculture, February 27, 2003

Title: An act relating to regulating structural pest inspectors.

Brief Description: Regulating structural pest inspectors.

Sponsors: Senators Swecker and Rasmussen; by request of Department of Agriculture.

Brief History:

Committee Activity: Agriculture: 2/4/03, 2/27/03 [DPS].

SENATE COMMITTEE ON AGRICULTURE

Majority Report: That Substitute Senate Bill No. 5227 be substituted therefor, and the substitute bill do pass.

Signed by Senators Swecker, Chair; Brandland, Vice Chair; Jacobsen, Rasmussen and Sheahan.

Staff: Bob Lee (786-7404)

Background: The state's Pesticide Control Act requires pesticides distributed in the state to be registered and requires several categories of persons involved with pesticides to be licensed.

Since 1992, persons who perform structural pest inspections are also required to be licensed. Structural pest inspectors are those that inspect buildings for wood destroying organisms, their damage, or conditions conducive to their infestation. These organisms including insects and wood decay fungi.

Current law requires that a structural pest inspector have proof of insurance or a surety bond to address claims of economic losses by homeowners from faulty inspections. The forms of financial responsibility currently accepted are a \$25,000 surety bond or a \$50,000 errors and omissions insurance policy written on a three-year occurrence basis.

Currently, there is no specific structural pest inspector license. However, half are licensed as commercial consultants if they only conduct inspections, and half are licensed as commercial pesticide applicators and operators if they also apply pesticides.

Summary of Substitute Bill: A specific structural pest inspector license is created. Each applicant for a license is required to demonstrate knowledge of applicable laws and skills by satisfactorily passing a written exam. The Department of Agriculture is authorized to require licensees to obtain continuing education credits relating to inspection skills.

These licenses are to be renewed annually and structural pest inspectors are to pay an annual license fee. Persons acting within authorities of other existing pesticide licenses are exempt from the application fee requirements. Individuals that solely repair damage or assess a monetary value of a structure continue to be exempt from licensing under this act.

Businesses that employ structural pest inspectors are required to obtain a company license and to furnish evidence of financial responsibility for inspections conducted by the company. The acceptable forms include: an insurance policy, surety bond, assigned accounts, or other form as provided in rule.

The coverage for financial responsibility is to remain in effect for suits brought within two years of the inspection. The time limit set for bringing a suit on a surety bond or a policy has no affect, however, on the statute of limitations applicable to any claim any person may have against a structural pest inspector.

Substitute Bill Compared to Original Bill: The fees are set in statute rather than by rule. The director may provide by rule other equivalent types of evidence of financial responsibility in addition to those listed in statute.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Improvements to regulation of structural pest control services are needed to provide protection to purchasers of houses and other buildings. The availability and cost of insurance has become an issue since September 11, so additional means of meeting financial responsibility requirements need to be provided.

Testimony Against: None.

Testified: PRO: Larry Treleven, Sprague Pest Solutions; Leslie Emerick, Cliff Weed, WSDA; Brad Cyrier, WSPCA/Bugman Pest Control.