

REGULATION OF TERMITE INSPECTORS

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Carlene M. Walker

This act amends the Utah Pesticide Control Act. The act provides that no person may, for hire, perform inspections for termites without a license, according to testing requirements and fair and reasonable fees determined by the department. The act gives the department authority to refuse, revoke, or suspend a license for fraudulent or deceptive practices. The act modifies the requirement of annual renewals for pesticide distribution and application licenses and requires that license fees and renewal fees be fair and reasonable.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

4-14-3, as last amended by Chapter 130, Laws of Utah 1985

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-14-3** is amended to read:

4-14-3. Pesticide registration required for distribution -- Application -- Fees -- Renewal -- Local needs registration -- Distributor, applicator, and termite inspector license -- Fees -- Renewal.

(1) No person may distribute a pesticide in this state which is not registered with the department. Application for registration shall be made to the department upon forms prescribed and furnished by it accompanied with an annual registration fee determined by the department pursuant to Subsection 4-2-2 (2) for each pesticide registered. Upon receipt by the department of a proper application and payment of the appropriate fee, the commissioner shall issue a registration to the applicant allowing distribution of the registered pesticide in this state through June 30 of each year, subject to suspension or revocation for cause. Each registration is renewable for a period of one year upon the payment of an annual registration renewal fee in an amount equal to the current applicable original registration fee. Each renewal fee shall be paid on or before June



28 30 of each year.

29 (2) The application shall include the following information:

30 (a) the name and address of the applicant and the name and address of the person whose
31 name will appear on the label, if other than the applicant's name;

32 (b) the name of the pesticide;

33 (c) a complete copy of the label which will appear on the pesticide; and

34 (d) any information prescribed by regulation of the department deemed necessary for the
35 safe and effective use of the pesticide.

36 (3) Forms for the renewal of registration shall be mailed to registrants at least 30 days
37 before their registration expires. A registration in effect on June 30 for which a renewal
38 application has been filed and the registration fee tendered shall continue in effect until the
39 applicant is notified either that the registration is renewed or that it is suspended or revoked
40 pursuant to Section 4-14-8.

41 (4) The department may, before approval of any registration, require the applicant to
42 submit the complete formula of any pesticide including active and inert ingredients and may also,
43 for any pesticide not registered pursuant to Section (3) of FIFRA or for any pesticide on which
44 restrictions are being considered, require a complete description of all tests and test results that
45 support the claims made by the applicant or the manufacturer of the pesticide.

46 (5) A registrant who desires to register a pesticide to meet special local needs pursuant to
47 Section 24(c) of FIFRA shall, in addition to complying with Subsections (1) and (2), satisfy the
48 department that:

49 (a) a special local need exists;

50 (b) the pesticide warrants the claims made for it;

51 (c) the pesticide, if used in accordance with commonly accepted practices, will not cause
52 unreasonable adverse effects on the environment; and

53 (d) the proposed classification for use conforms with Section 3(d) of FIFRA.

54 (6) No registration is required for a pesticide distributed in this state pursuant to an
55 experimental use permit issued by the EPA or under Section 4-14-5.

56 (7) No pesticide dealer may distribute a restricted use pesticide in this state without a
57 license. No person may, for hire, apply a pesticide [~~for hire~~] in this state without a license. A
58 license to engage in either activity may be obtained [~~upon application from~~] or renewed by

59 applying to the department [upon the payment of], paying a fair and reasonable license fee or
60 renewal fee determined by the department pursuant to Subsection 4-2-2(2)[, which shall entitle the
61 applicant to engage in the otherwise proscribed activity through December 31 of the year in which
62 the license is issued. Such a]. Each license is [annually] renewable [upon the payment of an
63 annual license renewal fee determined by the department pursuant to Subsection 4-2-2 (2)] every
64 three years.

65 (8) (a) No person may, for hire, perform inspections for termites without a license.

66 (b) A license to perform inspections for termites may be obtained or renewed by:

67 (i) applying to the department;

68 (ii) passing a written test designed by the department to ensure that the applicant is
69 qualified to perform termite inspections; and

70 (iii) paying a fair and reasonable license fee or renewal fee determined by the department
71 pursuant to Subsection 4-2-2(2).

72 (c) Each license is renewable every three years.

73 (d) The department may refuse, revoke, or suspend a license under this section upon
74 satisfactory evidence that the applicant or licensee has engaged in fraudulent or deceptive
75 practices.

Legislative Review Note
as of 11-14-01 5:32 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel