

SENATE BILL NO. 159—SENATOR HAMMOND

FEBRUARY 15, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to pest control. (BDR 49-608)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to pest control; establishing provisions governing the issuance of a provisional license as an applicator to engage in pest control; requiring the Director of the State Department of Agriculture to establish a fee for the issuance of such a provisional license; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits a natural person from engaging in, offering to engage in,
2 advertising or soliciting to perform certain pest control activities without first
3 obtaining a license from the Director of the State Department of Agriculture. (NRS
4 555.280, 555.285) **Section 1** of this bill authorizes the Director to issue to a natural
5 person a provisional license as an applicator to engage in certain pest control
6 activities under the direct supervision of a person who is licensed as an applicator.
7 A provisional license issued under **section 1** expires 90 days after the date of
8 issuance. **Sections 2-4 and 9** of this bill make conforming changes to indicate the
9 proper placement of **section 1** in the Nevada Revised Statutes.

10 **Sections 5 and 6** of this bill additionally prohibits a natural person from
11 training to engage in and engaging in certain pest control activities without first
12 obtaining a provisional license as an applicator.

13 Existing law requires the Director to develop and implement a process by
14 which a person with a criminal history may petition the Director to review the
15 criminal history of the person to determine if the person’s criminal history will
16 disqualify the person from obtaining a business license or a license as an applicator.
17 (NRS 555.305) **Section 7** of this bill requires the Director to develop and
18 implement such a process for persons obtaining a provisional license as an
19 applicator pursuant to **section 1**.



20 Existing law requires the Director to collect a fee from each applicant for a
21 business license or license as an applicator, which is established by regulation of
22 the Director. (NRS 555.310) **Section 8** of this bill requires the Director to collect a
23 fee for the issuance of a provisional license.

24 Existing law authorizes the Director to investigate, refuse to issue, suspend,
25 revoke or modify a business license or license issued to an applicator under certain
26 circumstances. (NRS 555.330-555.3505) **Sections 10-13** of this bill also authorize
27 the Director to suspend, revoke or modify a provisional license under certain
28 circumstances.

29 Existing law provides that any person violating the provisions of law relating to
30 the application of pesticides is guilty of a misdemeanor, must pay an administrative
31 fine of not more than \$5,000 per violation and may be subject to an administrative
32 fine of not more than \$5,000 per day. (NRS 555.460, 555.470) **Sections 14 and 15**
33 of this bill provide that a person violating the provisions of **section 1** governing a
34 provisional license as an applicator is also subject to criminal penalties and administrative fines.
35

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 555 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. In accordance with the requirements of this section, the*
4 *Director may grant a natural person a provisional license as an*
5 *applicator to engage in pest control under the direct supervision of*
6 *a person licensed as an applicator in this State.*

7 *2. An applicant for a provisional license as an applicator*
8 *shall submit to the Director an application and the fee established*
9 *by regulation pursuant to NRS 555.310. The application must set*
10 *forth any information requested by the Director, including,*
11 *without limitation, the qualifications of the applicant and the*
12 *person who will supervise the applicant. The application must*
13 *include the social security number of the applicant.*

14 *3. The Director may:*

15 *(a) Require an applicant for a provisional license as an*
16 *applicator to establish to the satisfaction of the Director that the*
17 *applicant will be under the direct supervision of a person who is*
18 *licensed as an applicator; and*

19 *(b) Restrict the holder of the provisional license as an*
20 *applicator to the use of a certain type or types of equipment or*
21 *materials if the Director finds that the person who is supervising*
22 *the applicant is qualified to use only a certain type or types of*
23 *equipment or materials.*

24 *4. If the Director finds that an applicant for a provisional*
25 *license as an applicator is qualified and satisfies the requirements*
26 *of this section, the Director shall issue the provisional license.*



1 **5. A provisional license issued pursuant to this section**
2 **expires 90 days after the date of issuance.**

3 **6. If the Director denies an application for a provisional**
4 **license as an applicator, the Director shall inform the applicant in**
5 **writing of the reasons for the denial.**

6 **Sec. 2.** NRS 555.2605 is hereby amended to read as follows:

7 555.2605 As used in NRS 555.2605 to 555.460, inclusive, **and**
8 **section 1 of this act**, unless the context otherwise requires, the
9 words and terms defined in NRS 555.261 to 555.2695, inclusive,
10 have the meanings ascribed to them in those sections.

11 **Sec. 3.** NRS 555.273 is hereby amended to read as follows:

12 555.273 All state agencies, municipal corporations and public
13 utilities or any other governmental agency are subject to the
14 provisions of NRS 555.2605 to 555.460, inclusive, **and section 1 of**
15 **this act** and rules adopted thereunder concerning the application of
16 restricted-use pesticides by any person.

17 **Sec. 4.** NRS 555.277 is hereby amended to read as follows:

18 555.277 1. The provisions of NRS 555.2605 to 555.460,
19 inclusive, **and section 1 of this act** relating to licenses and
20 requirements for their issuance, except those provisions relating to a
21 certificate or permit to use a restricted-use pesticide, do not apply to
22 any farmer-owner of ground equipment applying pesticides for
23 himself, herself or his or her neighbors, if:

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

27 (b) The farmer-owner is not regularly engaged in the business of
28 applying pesticides or performing pest control as an operator,
29 primary principal or principal or as a regular occupation, and the
30 farmer-owner does not advertise or solicit pest control or publicly
31 hold himself or herself out as being in the business of pest control or
32 as an applicator; and

33 (c) The farmer-owner operates his or her equipment for applying
34 pesticides only in the vicinity of the farmer-owner's own property
35 and for the accommodation of the farmer-owner's neighbors for
36 agricultural purposes only.

37 2. The provisions of NRS 555.2605 to 555.460, inclusive, **and**
38 **section 1 of this act**, except those provisions relating to a certificate
39 or permit to use a restricted-use pesticide, do not apply to a gardener
40 using hand-powered equipment, devices or contrivances to apply
41 any pesticides of toxicity class III or IV, as classified by the United
42 States Environmental Protection Agency, to any lawn or garden as
43 an incidental part of his or her business of taking care of a lawn or
44 garden for remuneration, if he or she does not advertise or solicit
45 pest control or publicly hold himself or herself out as being in the



1 business of pest control or applying pesticides. As used in this
2 subsection, “gardener” means a person who owns, operates or is
3 employed by a business that provides routine care of a lawn or
4 garden for a homeowner.

5 **Sec. 5.** NRS 555.280 is hereby amended to read as follows:

6 555.280 1. A natural person, including, without limitation,
7 any consultant, demonstrator, researcher or specialist, shall not
8 engage, for hire or for profit, in pest control or serve as an agent,
9 operator, pilot, primary principal, location principal or principal for
10 that purpose within this State at any time without a license as an
11 applicator issued by the Director ~~[]~~ *pursuant to NRS 555.320.*

12 2. A natural person or business entity shall not operate, for hire
13 or for profit, as a pest control business within this State at any time
14 without a business license issued by the Director ~~[]~~ *pursuant to*
15 *NRS 555.320.*

16 3. *A natural person shall not train to engage, for hire or for*
17 *profit, in pest control within this State at any time without a*
18 *provisional license as an applicator issued by the Director*
19 *pursuant to section 1 of this act.*

20 **Sec. 6.** NRS 555.285 is hereby amended to read as follows:

21 555.285 A natural person shall not engage in, offer to engage
22 in, advertise or solicit to perform any of the following pest control
23 activities concerning wood-destroying pests or organisms without a
24 license as an applicator *issued pursuant to NRS 555.320 or a*
25 *provisional license as an applicator* issued ~~[by the Director:]~~
26 *pursuant to section 1 of this act:*

27 1. Making an inspection to identify or to attempt to identify
28 infestations or infections of households or other structures by those
29 pests or organisms.

30 2. Making or altering inspection reports concerning the
31 infestations or infections.

32 3. Making estimates or bids, whether written or oral,
33 concerning the infestations or infections.

34 4. Submitting bids to perform any work involving the
35 application of pesticides for the elimination, extermination, control
36 or prevention of infestations or infections of those pests.

37 **Sec. 7.** NRS 555.305 is hereby amended to read as follows:

38 555.305 1. The Director shall develop and implement a
39 process by which a person with a criminal history may petition the
40 Director to review the criminal history of the person to determine if
41 the person’s criminal history will disqualify the person from
42 obtaining a business license or license as an applicator pursuant to
43 NRS 555.290 ~~[]~~ *or a provisional license as an applicator issued*
44 *pursuant to section 1 of this act.*



1 2. Not later than 90 days after a petition is submitted to the
2 Director pursuant to subsection 1, the Director shall inform the
3 person of the determination of the Director of whether the person's
4 criminal history will disqualify the person from obtaining a license.
5 The Director is not bound by his or her determination of
6 disqualification or qualification and may rescind such a
7 determination at any time.

8 3. The Director may provide instructions to a person who
9 receives a determination of disqualification to remedy the
10 determination of disqualification. A person may resubmit a petition
11 pursuant to subsection 1 not earlier than 6 months after receiving
12 instructions pursuant to this subsection if the person remedies the
13 determination of disqualification.

14 4. A person with a criminal history may petition the Director at
15 any time, including, without limitation, before obtaining any
16 education or paying any fee required to obtain a license from the
17 Director.

18 5. A person may submit a new petition to the Director not
19 earlier than 2 years after the final determination of the initial petition
20 submitted to the Director.

21 6. The Director may impose a fee of up to \$50 upon the person
22 to fund the administrative costs in complying with the provisions of
23 this section. The Director may waive such fees or allow such fees to
24 be covered by funds from a scholarship or grant.

25 7. The Director may post on the Internet website of the
26 Department:

27 (a) The requirements to obtain a license from the Director; and

28 (b) A list of crimes, if any, that would disqualify a person from
29 obtaining a license from the Director.

30 8. The Director may request the criminal history record of a
31 person who petitions the Director for a determination pursuant to
32 subsection 1. To the extent consistent with federal law, if the
33 Director makes such a request of a person, the Director shall require
34 the person to submit his or her criminal history record which
35 includes a report from:

36 (a) The Central Repository for Nevada Records of Criminal
37 History; and

38 (b) The Federal Bureau of Investigation.

39 9. A person who petitions the Director for a determination
40 pursuant to subsection 1 shall not submit false or misleading
41 information to the Director.

42 10. The Director of the State Department of Agriculture shall,
43 on or before the 20th day of January, April, July and October,
44 submit to the Director of the Legislative Counsel Bureau in an
45 electronic format prescribed by the Director, a report that includes:



1 (a) The number of petitions submitted to the Director of the
2 State Department of Agriculture pursuant to subsection 1;

3 (b) The number of determinations of disqualification made by
4 the Director of the State Department of Agriculture pursuant to
5 subsection 1;

6 (c) The reasons for such determinations; and

7 (d) Any other information that is requested by the Director of
8 the Legislative Counsel Bureau or which the Director of the State
9 Department of Agriculture determines would be helpful.

10 11. The Director of the Legislative Counsel Bureau shall
11 transmit a compilation of the information received pursuant to
12 subsection 10 to the Legislative Commission quarterly, unless
13 otherwise directed by the Commission.

14 **Sec. 8.** NRS 555.310 is hereby amended to read as follows:

15 555.310 1. The Director shall collect from each person
16 applying for examination or reexamination a testing fee established
17 by regulation of the Director.

18 2. The Director shall, before the license or certificate is issued,
19 collect from each person applying for a business license , ~~for~~
20 license as an applicator *or provisional license as an applicator* a fee
21 established by regulation of the Director. Any person employing
22 primary principals, location principals, principals, operators or
23 agents shall pay to the Director a fee established by regulation of the
24 Director for each primary principal, location principal, principal,
25 operator or agent licensed.

26 **Sec. 9.** NRS 555.325 is hereby amended to read as follows:

27 555.325 1. A natural person who applies for the issuance or
28 renewal of a license pursuant to NRS 555.2605 to 555.460,
29 inclusive, *and section 1 of this act* shall submit to the Director the
30 statement prescribed by the Division of Welfare and Supportive
31 Services of the Department of Health and Human Services pursuant
32 to NRS 425.520. The statement must be completed and signed by
33 the applicant.

34 2. The Director shall include the statement required pursuant to
35 subsection 1 in:

36 (a) The application or any other forms that must be submitted
37 for the issuance or renewal of the license; or

38 (b) A separate form prescribed by the Director.

39 3. A license may not be issued or renewed by the Director if
40 the applicant is a natural person who:

41 (a) Fails to submit the statement required pursuant to subsection
42 1; or

43 (b) Indicates on the statement submitted pursuant to subsection
44 1 that the applicant is subject to a court order for the support of a
45 child and is not in compliance with the order or a plan approved by



1 the district attorney or other public agency enforcing the order for
2 the repayment of the amount owed pursuant to the order.

3 4. If an applicant indicates on the statement submitted pursuant
4 to subsection 1 that the applicant is subject to a court order for the
5 support of a child and is not in compliance with the order or a plan
6 approved by the district attorney or other public agency enforcing
7 the order for the repayment of the amount owed pursuant to the
8 order, the Director shall advise the applicant to contact the district
9 attorney or other public agency enforcing the order to determine the
10 actions that the applicant may take to satisfy the arrearage.

11 **Sec. 10.** NRS 555.330 is hereby amended to read as follows:

12 555.330 1. The Director shall require from each applicant for
13 a business license proof of public liability and property damage
14 insurance in an amount of:

15 (a) Except as otherwise provided in paragraph (b), not less than
16 \$50,000.

17 (b) If the business license would authorize the application of
18 pesticides by aircraft:

19 (1) Not less than \$100,000 for bodily injury to or death of
20 one person in any one accident;

21 (2) Subject to the limit for one person, not less than \$300,000
22 for bodily injury to or death of two or more persons in any one
23 accident; and

24 (3) Not less than \$100,000 for each occurrence of damage to
25 property in any one accident.

26 ↪ The Director may accept a liability insurance policy or surety
27 bond in the proper amount.

28 2. The Director may require drift insurance for the use of
29 pesticides or other materials declared hazardous or dangerous to
30 humans, livestock, wildlife, crops or plantlife.

31 3. Any person injured by the breach of any such obligation is
32 entitled to sue in his or her own name in any court of competent
33 jurisdiction to recover the damages the person sustained by that
34 breach, if each claim is made within 6 months after the alleged
35 injury.

36 4. The Director on his or her own motion may, or upon receipt
37 of a verified complaint of an interested person shall, investigate, as
38 he or she deems necessary, any loss or damage resulting from the
39 application of any pesticide by ~~{a-licensed}~~ *any* applicator ~~{-}~~
40 *licensed pursuant to NRS 555.2605 to 555.460, inclusive, and*
41 *section 1 of this act, including, without limitation, a* commercial
42 applicator, authorized commercial applicator, licensed pest control
43 operator, primary principal, location principal, ~~{or}~~ principal ~~{-}~~ *or*
44 *provisionally licensed applicator.* A verified complaint of loss or
45 damage must be filed within 60 days after the time that the



1 occurrence of the loss or damage becomes known except that, if a
2 growing crop is alleged to have been damaged, the verified
3 complaint must be filed before 50 percent of the crop has been
4 harvested. A report of investigations resulting from a verified
5 complaint must be furnished to the person who filed the complaint.

6 **Sec. 11.** NRS 555.345 is hereby amended to read as follows:

7 555.345 1. The Director may refuse to issue a license as an
8 applicator *or a provisional license as an applicator* to any person
9 who:

10 (a) Is a primary principal, location principal or principal or
11 intends to act as a primary principal, location principal or principal
12 for a pest control business; and

13 (b) Has been convicted of, or entered a plea of guilty, guilty but
14 mentally ill or nolo contendere to, a category A or B felony or a
15 category C, D or E felony if the conviction occurred or the plea was
16 entered for the category C, D or E felony during the immediately
17 preceding 10 years in any court of competent jurisdiction in the
18 United States or any other country.

19 2. In addition to any other requirements set forth in this chapter
20 and except as otherwise provided in subsection 3, each applicant for
21 a license as an applicator specified in paragraph (a) of subsection 1
22 shall submit with his or her application a complete set of the
23 applicant's fingerprints and written permission authorizing the
24 Director to forward the fingerprints to the Central Repository for
25 Nevada Records of Criminal History for submission to the Federal
26 Bureau of Investigation for its report. The application must be
27 accompanied by a fee in an amount that is equal to any fee charged
28 by the Central Repository for Nevada Records of Criminal History
29 and the Federal Bureau of Investigation for processing the
30 fingerprints of the applicant.

31 3. In lieu of submitting a complete set of his or her fingerprints
32 and written permission pursuant to subsection 2, an applicant may,
33 in accordance with regulations adopted by the Department and upon
34 the payment of any fee required by the Department pursuant to those
35 regulations, submit any document or other information required by
36 the Department to perform a background check of the applicant.

37 4. A suspension or revocation of a license as an applicator *or a*
38 *provisional license as an applicator* pursuant to NRS 555.350 or
39 any previous revocation or current suspension of such a license or
40 an equivalent license in this or any other state, district or territory of
41 the United States or any foreign country is grounds for refusal to
42 issue a license as an applicator.

43 **Sec. 12.** NRS 555.350 is hereby amended to read as follows:

44 555.350 1. The Director may suspend, pending inquiry, his or her
45 not longer than 10 days, and, after opportunity for a hearing, may



1 revoke, suspend or modify any business license, ~~for~~ license issued
2 to an applicator *or provisional license as an applicator* under NRS
3 555.2605 to 555.460, inclusive, *and section 1 of this act*, if the
4 Director finds that ~~{:} the licensee:~~

5 (a) ~~{The licensee is}~~ *Is* no longer qualified;

6 (b) ~~{The licensee has}~~ *Has* engaged in fraudulent business
7 practices in pest control;

8 (c) ~~{The licensee has}~~ *Has* made false or fraudulent claims
9 through any media by misrepresenting the effect of materials or
10 methods to be used;

11 (d) ~~{The licensee has}~~ *Has* applied known ineffective or
12 improper materials;

13 (e) ~~{The licensee has}~~ *Has* operated faulty or unsafe equipment;

14 (f) ~~{The licensee has}~~ *Has* made any application of materials in a
15 manner inconsistent with labeling or any restriction imposed by
16 regulation of the Director, or otherwise in a faulty, careless or
17 negligent manner;

18 (g) ~~{The licensee has}~~ *Has* violated any of the provisions of
19 NRS 555.2605 to 555.460, inclusive, *and section 1 of this act* or
20 regulations adopted pursuant thereto;

21 (h) ~~{The licensee has}~~ *Has* engaged in the business of pest
22 control without having a licensed agent, operator, primary principal
23 or principal in direct on-the-job supervision;

24 (i) ~~{The licensee has}~~ *Has* aided or abetted a licensed or an
25 unlicensed person to evade the provisions of NRS 555.2605 to
26 555.460, inclusive, *and section 1 of this act* combined or conspired
27 with such a licensee or an unlicensed person to evade the provisions,
28 or allowed the license to be used by an unlicensed person;

29 (j) ~~{The licensee was}~~ *Was* intentionally guilty of fraud or
30 deception in the procurement of the license;

31 (k) ~~{The licensee was}~~ *Was* intentionally guilty of fraud,
32 falsification or deception in the issuance of an inspection report on
33 wood-destroying pests or other report or record required by
34 regulation;

35 (l) ~~{The licensee has}~~ *Has* been convicted of, or entered a plea of
36 nolo contendere to, a category A or B felony or a category C, D or E
37 felony if the conviction occurred or the plea was entered for the
38 category C, D or E felony during the immediately preceding 10
39 years in any court of competent jurisdiction in the United States or
40 any other country; or

41 (m) ~~{The licensee has}~~ *Has* failed to provide adequate
42 instruction or supervision to any *holder of a provisional license or*
43 unlicensed applicator working under the supervision of the licensee.

44 2. A business license and any license issued to a principal of
45 the business as an applicator is suspended automatically, without



1 action of the Director, if the proof of public liability and property
2 damage or drift insurance filed pursuant to NRS 555.330 is
3 cancelled, and the licenses remain suspended until the insurance is
4 re-established.

5 3. If the licensee is a natural person, any licensee against whom
6 the Director initiates disciplinary action pursuant to this section
7 shall, within 30 days after receiving written notice of the
8 disciplinary action from the Director and in accordance with any
9 regulations adopted by the Department, submit to the Director any
10 document or other information required by the Department to
11 perform a background check of the licensee. Any document or other
12 information submitted pursuant to this subsection must be
13 accompanied by the appropriate fees, if any, specified in regulations
14 adopted by the Department for performing the background check. A
15 willful failure of a licensee to comply with the requirements of this
16 subsection constitutes an additional ground for the revocation,
17 suspension or modification of the license pursuant to this section.

18 **Sec. 13.** NRS 555.3505 is hereby amended to read as follows:

19 555.3505 1. If the Director receives a copy of a court order
20 issued pursuant to NRS 425.540 that provides for the suspension of
21 all professional, occupational and recreational licenses, certificates
22 and permits issued to a natural person who is the holder of a license
23 issued pursuant to NRS 555.2605 to 555.460, inclusive, *and section*
24 *1 of this act*, the Director shall deem the license issued to that
25 person to be suspended at the end of the 30th day after the date on
26 which the court order was issued unless the Director receives a letter
27 issued to the holder of the license by the district attorney or other
28 public agency pursuant to NRS 425.550 stating that the holder of the
29 license has complied with the subpoena or warrant or has satisfied
30 the arrearage pursuant to NRS 425.560.

31 2. The Director shall reinstate a license that has been
32 suspended by a district court pursuant to NRS 425.540 if the
33 Director receives a letter issued by the district attorney or other
34 public agency pursuant to NRS 425.550 to the person whose license
35 was suspended stating that the person whose license was suspended
36 has complied with the subpoena or warrant or has satisfied the
37 arrearage pursuant to NRS 425.560.

38 **Sec. 14.** NRS 555.460 is hereby amended to read as follows:

39 555.460 Any person violating the provisions of NRS 555.2605
40 to 555.420, inclusive, *and section 1 of this act* or the regulations
41 adopted pursuant thereto, is guilty of a misdemeanor and, in
42 addition to any criminal penalty, shall pay to the Department an
43 administrative fine of not more than \$5,000 per violation. If an
44 administrative fine is imposed pursuant to this section, the costs of



1 the proceeding, including investigative costs and attorney's fees,
2 may be recovered by the Department.

3 **Sec. 15.** NRS 555.470 is hereby amended to read as follows:

4 555.470 1. The Director shall adopt regulations specifying a
5 schedule of fines which may be imposed, upon notice and a hearing,
6 for each violation of the provisions of NRS 555.2605 to 555.460,
7 inclusive ~~H~~, and section 1 of this act. The maximum fine that may
8 be imposed by the Director for each violation must not exceed
9 \$5,000 per day. All fines collected by the Director pursuant to this
10 subsection must be remitted to the county treasurer of the county in
11 which the violation occurred for credit to the county school district
12 fund.

13 2. The Director may:

14 (a) In addition to imposing a fine pursuant to subsection 1, issue
15 an order requiring a violator to take appropriate action to correct the
16 violation; or

17 (b) Request the district attorney of the appropriate county to
18 investigate or file a criminal complaint against any person that the
19 State Board of Agriculture suspects may have violated any provision
20 of NRS 555.2605 to 555.460, inclusive ~~H~~, and section 1 of this
21 act.

22 **Sec. 16.** Section 1 of this act is hereby amended as follows:

23 Section 1. Chapter 555 of NRS is hereby amended by
24 adding thereto a new section to read as follows:

25 1. In accordance with the requirements of this section,
26 the Director may grant a natural person a provisional license
27 as an applicator to engage in pest control under the direct
28 supervision of a person licensed as an applicator in this State.

29 2. An applicant for a provisional license as an applicator
30 shall submit to the Director an application and the fee
31 established by regulation pursuant to NRS 555.310. The
32 application must set forth any information requested by the
33 Director, including, without limitation, the qualifications of
34 the applicant and the person who will supervise the applicant.
35 ~~[The application must include the social security number of~~
36 ~~the applicant.]~~

37 3. The Director may:

38 (a) Require an applicant for a provisional license as an
39 applicator to establish to the satisfaction of the Director that
40 the applicant will be under the direct supervision of a person
41 who is licensed as an applicator; and

42 (b) Restrict the holder of the provisional license as an
43 applicator to the use of a certain type or types of equipment or
44 materials if the Director finds that the person who is



1 supervising the applicant is qualified to use only a certain
2 type or types of equipment or materials.

3 4. If the Director finds that an applicant for a provisional
4 license as an applicator is qualified and satisfies the
5 requirements of this section, the Director shall issue the
6 provisional license.

7 5. A provisional license issued pursuant to this section
8 expires 90 days after the date of issuance.

9 6. If the Director denies an application for a provisional
10 license as an applicator, the Director shall inform the
11 applicant in writing of the reasons for the denial.

12 **Sec. 17.** 1. This section and sections 1 to 15, inclusive, of
13 this act become effective on October 1, 2023.

14 2. Section 16 of this act becomes effective on the date on
15 which the provisions of 42 U.S.C. § 666 requiring each state to
16 establish procedures under which the state has authority to withhold
17 or suspend, or to restrict the use of professional, occupational and
18 recreational licenses of persons who:

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

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

24 ➤ are repealed by the Congress of the United States.

