

OPM Proposed Statutes Update
Brief Summary of Changes to March 12, 2012 Draft

Throughout

Removed “structural”

Changed “wood-destroying organism inspection report” back to “wood-destroying insect inspection report”

Excluded golf courses

Rephrased “before or during construction treatments” to “pretreatments” and “new-construction treatments”

Substituted “office” with “Department”

§ 3502 – Definitions

Branch office – deleted supervision part, which is covered by § 3-3514. This deletion is designed to prevent someone from saying there is not a supervisor, therefore it is not subject to regulation as a branch office.

Branch supervisor – added equipping

Business of pest management – omitted details in the definition without trying to change the meaning

Certified applicator – revised definition to more closely match present definition of licensed applicator

Initial termite corrective treatment – revised

Pest management services added

Political subdivision added – Arizona Constitution, Article XIII & A.R.S. § 15-101(21) were used as references

Post-construction added

Qualifying party – added registered private owners and political subdivisions to business licensees; changed employee to applicator

Service vehicle added

Sterilant added

3503 – Powers

- (A)(1) (rulemaking authority) – slightly rephrased; added equipment
- (A)(3) (notice of complaints) – revised to be similar to Agriculture statutes
- (B)(1) (subpoenas) – added “inquiry or complaint”; was just “complaint”
- (B)(2) (records request) – slightly reworded
- (B)(19) – added new subsection covering production of records showing that an individual is an employee of a business licensee
- (C) – added a specific reference to service vehicles
- (D) – new: monitoring compliance by licensees while performing pest management services

3511 -- Categories

Switched order of aquatic and right-of-way

3512 – Business license

- (B)(3) – replaced “legal damages” with “bodily injury or property damage”

3515 – Exemptions

Revised title

- (A)(5) – added exemption for swimming pool treatment

3516 – Political subdivisions

- (A) – added a specific reference to easements
- (B) – added a limit restricting a QP to serving no more than 1 political subdivision without permission from the Director and requiring the QP to register separately for each political subdivision

3518 – Fees

- (B) – clarified that late fees are a penalty

3523(E) & 3524(A) – Wood-destroying organism instruction

The five hours of required instruction must now come from the business licensee an applicator is currently working for as opposed to any business licensee or OPM.

3524 – WDIIR

(A) – added wood-destroying insect inspection as a category authorized to make WDIIRs.

(E) – new: added provision preventing a person from completing a WDIIR for a property the person owns or occupies

3531 – Unlawful acts

(A)(1) – removed “holding” and added “unless exempt”

(B)(17) – added “has access to those records”

3532 – Disciplinary action

(E) – rephrased

(G) – new: allows the Department to take action against a license that otherwise would be expired