

AN ACT concerning regulation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Structural Pest Control Act is amended by changing Sections 3.03, 3.09, 3.11, 4, 5.01, 6, 7, 9, 10.3, 13, 21, 21.1, and 22 as follows:

(225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.03. "Person" means any individual, group of individuals, association, trust, partnership, corporation, person doing business under an assumed name, the State of Illinois, or department thereof, any other state-owned and operated institution, public school, licensed day care center, or any other entity.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.09. "Structural Pest Control" means and includes the ~~on-site identification of an infestation in, on or under a structure or the~~ use of any ~~method or~~ device or the application of any substance to prevent, repel, mitigate, curb, control, or eradicate any structural pest in, on, ~~or~~ under, or around a

structure, or within a part of, or materials used in building, a structure; the use of any pesticide, including insecticides, fungicides and other wood treatment products, attractants, repellents, rodenticides, fumigants, or mechanical devices for preventing, controlling, eradicating, identifying, mitigating, diminishing, or curbing insects, vermin, rats, mice, or other pests in, on, ~~or~~ under, or around a structure, or within a part of, or materials used in building, a structure; vault fumigation and fumigation of box cars, trucks, ships, airplanes, docks, warehouses, and common carriers or soliciting to perform any of the foregoing functions. Notwithstanding any other law, an applicator who is licensed or certified under the Illinois Pesticide Act may not engage in structural pest control as defined in this Act unless the applicator is also licensed and certified under this Act.

(Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

(Section scheduled to be repealed on December 31, 2019)

Sec. 3.11. "Commercial Structural Pest Control Business" means any business in the course of which any person performs, advertises, or contracts to perform structural pest control services on property under the ownership or control of another ~~in exchange for any consideration.~~

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

(Section scheduled to be repealed on December 31, 2019)

Sec. 4. Licensing and registration location requirements~~†~~.

(a) It shall be unlawful for any person to engage in a commercial structural pest control business at any location in this State ~~after October 21, 1977,~~ or within Illinois from any location outside of this State, unless such person is licensed by the Department. A person shall have a separate license for each commercial structural pest control business location. ~~It shall also be unlawful for any person to engage in a commercial pest control business in Illinois from any location outside this State unless such person is licensed by this Department.~~ The licensee may use its state identification number in all forms of advertising.

(b) It shall be unlawful for any person who owns or operates a non-commercial structural pest control location to engage in non-commercial structural pest control using restricted pesticides in this State ~~after October 21, 1977,~~ unless registered as a non-commercial structural pest control location by the Department.

(c) No person shall be licensed or registered as a commercial or non-commercial structural pest control business at any location without complying with the certification requirements as prescribed in Section 5 of this Act.

(d) If a licensee or registrant changes its location of operation during the year of issuance, the Department shall be

notified in writing of the new location within 15 days. The license or registration shall accompany the notification along with the fee as prescribed in Section 9 of this Act, be surrendered and, upon receipt, a replacement will be issued by the Department ~~for a fee of \$10.~~

(e) All licenses and registrations issued under this Act shall expire on December 31 of the year issued, except that an original license or registration issued after October 1 and before December 31 shall expire on December 31 of the following year. A license or registration may be renewed by filing with the Department a completed renewal application form as prescribed by rule, including payment of the fee as prescribed in Section 9 of this Act, and may be postmarked no later than the December 1 preceding the date of expiration. Applications received by the Department that are postmarked after December 1 up to and including December 31 shall be accompanied by the required late filing charge as prescribed in Section 9 of this Act. License or registration applications that are postmarked after December 31 will not be eligible for renewal ~~A license or registration may be renewed by making application on a form prescribed by the Department and by paying the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 of each year.~~

(f) No license or registration shall be transferable from one person to another.

(g) No person shall be licensed as a commercial structural

pest control business location without complying with the insurance requirements of Section 9 of this Act.

(Source: P.A. 83-825; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

(Section scheduled to be repealed on December 31, 2019)

Sec. 5.01. Reciprocity.

(a) Upon payment of the required fee as prescribed in Section 9 of this Act, a person who is certified or licensed as a structural pest control technician by a state or the federal government may apply for reciprocal certification without examination by the Department in those sub-categories or areas for which the applicant holds certification or licensure by the state or the federal government.

(b) In order to receive reciprocal certification under subsection (a) of this Section, the requirements for the certification or licensure by the state or the federal government must have been, at the date of the certification or licensure, substantially equivalent to the requirements then in force in this State, as determined by the Department. ~~Upon the payment of the required fee, an applicant who is certified in another state, may, without examination, be granted a certificate as a certified structural pest control technician by the Department in those sub-categories for which he has been certified by another state, provided that the Department finds that the requirements for certification of structural pest~~

~~control technicians in that state were, at the date of certification, substantially equal to the requirements then in force in this State and provided that the same privilege of certification is similarly granted by said state to technicians certified by the State of Illinois.~~

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

(Section scheduled to be repealed on December 31, 2019)

Sec. 6. Renewal of technician certification ~~Certificate renewal~~).

(a) A certified technician's certificate shall be valid for a period of 3 years expiring on December 31 of the third year, except that an original certificate issued between October 1 and December 31 shall expire on December 31 of the third full calendar year following issuance ~~and must be renewed by January 1 of each third year.~~ A certificate may be renewed by application upon a form prescribed by the Department, provided that the certified technician furnishes the following:

(1) a renewal application filed with the Department postmarked no later than December 1 preceding the date of expiration;

(2) evidence attached to the renewal, or on file with the Department, of acquiring, that he has attended during the 3 year period, a minimum of 9 classroom hours, in increments of 3 hours or more, of training at Department

approved pest control training seminars; and

(3) the required fee as prescribed in Section 9 of this Act ~~and pays the fee required by this Act. Renewal applications shall be filed with the Department prior to December 1 preceding the date of expiration.~~

Applications received by the Department postmarked after December 1 shall be accompanied by the required late filing charge as prescribed in Section 9 of this Act.

(b) Certified technician's certificates are not transferable from one person to another person, and no licensee or registrant shall use the certificate of a certified technician to secure or hold a license or registration unless the holder of such certificate is actively engaged in the direction of pest control operations of the licensee or registrant.

(c) A certified technician who has not renewed his or her certificate for a period of not more than one year after its expiration may secure a renewal upon payment of the renewal fee and ~~7~~ late filing charge and the furnishing of evidence of training in accordance with item (2) of subsection (a) of this Section ~~as may be required by the Department~~. If a technician has not renewed his or her certificate for a period of more than one year after its expiration, the technician ~~he~~ shall file an original application for examination, pay all required fees, which may include renewal, examination, and late filing charges, and successfully pass the examination before his or

her certificate is renewed. Any individual who fails to renew a certification by the date of expiration shall not perform any pest control activities until the requirements of this Section have been met and a certificate has been issued by the Department.

(Source: P.A. 93-922, eff. 1-1-05; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

(Section scheduled to be repealed on December 31, 2019)

Sec. 7. Written examination required~~†~~. The Department shall adopt rules for any examinations required for the proper administration of this Act, including any category or sub-category examination involving the use of general or restricted use pesticides and any examination which may be required under Category 7, Industrial, Institutional, Structural, and Health Related Pest Control, or Category 8, Public Health Pest Control (excluding Mosquito Pest Control), in the rules adopted by the Department of Agriculture in Section 250.120 of Title 8 of the Illinois Administrative Code. Applications for examination shall be in the form prescribed by the Department, ~~and shall be~~ accompanied by the required fee as prescribed in Section 9 of this Act, and received by the Department at least 15 days prior to an examination. The Department shall conduct written examinations at least 4 times each year and may require a practical demonstration by each

applicant. The written examination shall be prepared from suggested study materials.

~~All applicants shall be tested and required to attain a passing grade on a General Standards examination which evaluates their general knowledge of label and labeling comprehension, safety, environment, equipment, application techniques, laws and regulations, and pests and pesticides. Applicants who pass the General Standards examination may also, if qualified, be examined in any one or more of the other sub categories in which they desire to use restricted pesticides:~~

~~(a) Insects (excluding termites and other wood destroying organisms), rodents and other pests including those pests in food manufacturing, food processing, food storage and grain handling;~~

~~(b) Termites and other wood destroying organisms;~~

~~(c) Bird control;~~

~~(d) Fumigation;~~

~~(e) Food manufacturing, food processing and food storage facilities;~~

~~(f) Institutional and multi-unit residential housing pest control;~~

~~(g) Public health pest control; and~~

~~(h) Wood products pest control, which includes the application of restricted use wood treatment pesticides by individuals working for commercial wood treatment companies or~~

~~non-commercial wood treatment plants using pressure, as well as nonpressure, treatment methods to control or prevent wood degradation by wood destroying organisms which include but are not limited to insects, and by fungi or bacteria which cause surface molding, surface staining, sap staining, brown rot, white rot and soft rot.~~

~~An applicant who is examined and certified in sub categories (a), (b), (c), (d) and (h) shall be qualified to use restricted pesticides in performing structural pest control activities in commercial and non commercial structural pest control in those sub-categories in which he has been certified.~~

~~An applicant who is examined and certified in sub categories (e), (f), or (g) shall be permitted to apply restricted pesticides only to structures of the non-commercial structural pest control registrant of which he is an employee.~~

(Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/9) (from Ch. 111 1/2, par. 2209)

(Section scheduled to be repealed on December 31, 2019)

Sec. 9. Fees and required insurance.

(a) The fees required by this Act are as follows:

(1) The fee for an original commercial structural pest control business license is \$250; and the fee for the renewal of that license is \$150.

(2) The fee for an original non-commercial structural

pest control business registration is \$200; and the fee for the renewal of that registration is \$125.

(3) The fee for an application for examination as a certified technician, including an original certificate, is \$75; and the fee for the renewal of that certification is \$75.

(4) The fee for an application for examination in sub-categories not previously examined or for reexamination as a certified technician in areas previously failed is \$50.

(5) The fee for the replacement of a license, registration, or certification is \$25.

(6) The late filing charge for any license, registration, or certification is \$75.

(7) The fee for multiple copies of this Act and regulations or for any category or sub-category specific training materials is \$5 per copy.

~~(a) For an original license and each renewal — \$100.~~

~~(b) For an original registration and each renewal — \$50.~~

~~(c) For each certificate renewal — \$40.~~

~~(d) For an application for examination including an original certificate — \$40.~~

~~(e) Any person who fails to file a renewal application by the date of expiration of a license, certification or registration shall be assessed a late filing charge of \$75.~~

~~(f) For duplicate copies of certificates, licenses or registrations — \$10.~~

All fees shall be paid by check or money order. Any fee required by this Act is not refundable in the event that the original application or application for renewal is denied.

(b) Every application for an original commercial structural pest control business location license shall be accompanied by a certificate of insurance issued by an insurance company authorized to do business in the State of Illinois or by a risk retention or purchasing group formed pursuant to the federal Liability Risk Retention Act of 1986, which provides primary, first dollar public liability coverage of the applicant or licensee for personal injuries for not less than \$100,000 per person, or \$300,000 per occurrence, and, in addition, for not less than \$50,000 per occurrence for property damage, resulting from structural pest control. The insurance policy shall be in effect at all times during the license year and a new certificate of insurance shall be filed with the Department within 30 days after the renewal of the insurance policy. Each application for renewal of a commercial structural pest control location license shall also include a certificate of insurance as detailed above unless a valid certificate of insurance is already on file with the Department. Applicants for registration or registration renewal shall not be required to provide evidence of public liability insurance coverage.

All administrative civil fines and fees collected pursuant

to this Act shall be deposited into the Pesticide Control Fund established pursuant to the Illinois Pesticide Act. The amount annually collected as administrative civil fines and fees shall be appropriated by the General Assembly to the Department for the purposes of conducting a public education program on the proper use of pesticides and for other activities related to enforcement of this Act and the Illinois Pesticide Act.

(Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/10.3)

(Section scheduled to be repealed on December 31, 2019)

Sec. 10.3. Notification. School districts and day care centers must maintain a registry of parents and guardians of students and employees who have registered to receive written or telephonic notification prior to application of pesticides to school property or day care centers or provide written or telephonic notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district or day care center. The written or telephonic notification must be given at least 2 business days before application of the pesticide application and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school or day care center personnel responsible for the pesticide application

program. Prior ~~written~~ notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school or day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written or telephonic notice is provided as soon as practicable. For purposes of this Section, pesticides subject to notification requirements shall not include (i) an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or (ii) insecticide baits and rodenticide baits.

(Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

(Section scheduled to be repealed on December 31, 2019)

Sec. 13. Violations of the Act. It is a violation of this Act and the Department may suspend, revoke, or refuse to issue or renew any certificate, registration, or license, in accordance with Section 14 of this Act, upon proof of any of the following:

(a) Violation of this Act or any rule or regulation promulgated hereunder.

(b) Conviction of a certified technician, registrant, or licensee of a violation of any provision of this Act or of pest control laws in any other state, or any other laws or rules and regulations adopted thereto relating to pesticides.

(c) Knowingly making false or fraudulent claims, misrepresenting the effects of materials or methods or failing to use methods or materials suitable for structural pest control.

(d) Performing structural pest control in a careless or negligent manner so as to be detrimental to health.

(e) Failure to supply within a reasonable time, upon request from the Department or its authorized representative, true information regarding methods and materials used, work performed, or other information essential to the administration of this Act.

(f) Fraudulent advertising or solicitations relating to structural pest control.

(g) Aiding or abetting a person to evade any provision of this Act, conspiring with any person to evade provisions of this Act or allowing a license, permit, certification, or registration to be used by another person.

(h) Impersonating any federal, state, county, or city official.

(i) Performing structural pest control, utilizing or authorizing the use or sale of, pesticides which are in violation of the FIFRA, or the Illinois Pesticide Act.

(j) Failing to comply with a written Department notice or lawful order of the Director.

(Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

(Section scheduled to be repealed on December 31, 2019)

Sec. 21. Penalty~~y~~. Any person who violates this Act or any rule or regulation adopted by the Department, or who violates any determination or order of the Department under this Act shall be guilty of a Class A misdemeanor and shall be fined a sum of not more less than \$2,500, serve a jail term of up to 1 day less than 1 year in jail, or both \$100.

Each day's violation constitutes a separate offense. The State's Attorney of the county in which the violation occurred or the Attorney General shall bring such actions in the name of the people of the State of Illinois.

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

(Section scheduled to be repealed on December 31, 2019)

Sec. 21.1. Administrative Civil Fines. The Department is empowered to assess administrative civil fines in accordance with Section 15 of this Act against a licensee, registrant, ~~or~~ certified technician, person, public school, licensed day care center, or other entity for violations of this Act or its rules and regulations. These fines shall be established by the Department by rule and may be assessed in addition to, or in lieu of, license, registration, or certification suspensions and revocations. ~~Rules to implement this Section shall be proposed by the Department by January 1, 1993.~~

~~The amount of these fines shall be determined by the hearing officer upon determination that a violation or violations of the Act or rules has occurred.~~ Any fine assessed and not paid within 60 days after receiving ~~of~~ notice from the Department may be submitted to the Attorney General's Office, or any other public or private agency, for collection of the amounts owed plus any fees and costs incurred during the collection process. Failure to pay a fine shall also be grounds for immediate suspension or revocation of a license, registration, or certification issued under this Act.

(Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

(Section scheduled to be repealed on December 31, 2019)

Sec. 22. Scope of Act~~}. The provisions of this Act apply to any structural pest control operations performed by the State or agency thereof. However, the State or agency thereof or any unit of local government shall not be required to pay any fees, nor shall the employees thereof engaged in pest control activities in their official capacity be required to pay any fees for examination, certification, or renewal of certification in the sub-categories of either (f) or (g) specified in Section 7 of this Act.~~

This Act does not apply to any person certified by the Illinois Department of Agriculture to use restricted pesticides in structures on his own individual property.

Public Act 096-1362

SB2602 Enrolled

LRB096 16296 ASK 31554 b

(Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

(225 ILCS 235/5.02 rep.)

Section 10. The Structural Pest Control Act is amended by repealing Section 5.02.

Section 99. Effective date. This Act takes effect upon becoming law.