

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Hawkins**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND THE ARKANSAS CODE TO PROVIDE THAT ALL
9 PERSONS LICENSED BY THE ARKANSAS STATE PLANT BOARD TO
10 PERFORM PEST CONTROL SERVICE SHALL OFFER A WRITTEN
11 CONTRACT FOR MOISTURE CONTROL WHEN EMPLOYED BY A PROPERTY
12 OWNER TO CONTROL OR ERADICATE TERMITES OR OTHER STRUCTURAL
13 PESTS AND SHALL OBTAIN A SIGNED WAIVER FROM A CLIENT WHO
14 REJECTS THE MOISTURE CONTROL CONTRACT; THAT AN INTENTIONAL
15 VIOLATION OF THE ARKANSAS PEST CONTROL ACT SHALL BE
16 GROUNDS FOR INVALIDATION OR NONRENEWAL OF A LICENSE; AND
17 FOR OTHER PURPOSES."

Subtitle

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20 "TO REQUIRE PEST CONTROL SERVICES TO OFFER WRITTEN
21 MOISTURE CONTROL CONTRACTS WHEN OFFERING CONTROL SERVICES
22 TO CUSTOMERS."

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code 17-30-221(a) is hereby amended to read as
27 follows:

28 "(a) All licensed operators shall enter into a written contract with
29 the property owner when employed to control or eradicate termites or other
30 structural pests, or in such other classifications as the board may specify in
31 its rules and regulations made under authority of this chapter. All licensed
32 operators shall also offer a written contract for moisture control prior to
33 entering into a contract with the property owner to control or eradicate
34 termites or other structural pests and shall obtain a signed waiver from a
35 client who rejects the moisture control contract. The contract for termite

1 and other structural pests shall guarantee the performance of the work for at
2 least one (1) year and that the property meets the minimum standards
3 established by the board in its rules and regulations for the work, unless
4 these standards are waived or altered upon approval of the board."

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6 SECTION 2. Arkansas Code 17-30-217 is hereby amended to read as
7 follows:

8 "Acts which shall be grounds for invalidation or nonrenewal of a license
9 shall include, but shall not be limited to, the following:

10 (1) Misrepresentations for the purpose of deceiving or defrauding;

11 (2) Making of a false statement with knowledge of its falsity for the
12 purpose of inducing others to act thereon to their damage;

13 (3) Failure of the licensee to supply the board or its authorized
14 representative, upon request, with true and accurate information concerning
15 methods and materials used or work performed or other information essential to
16 the administration and enforcement of this chapter;

17 (4) Performing work, whether for compensation or not, in a
18 classification for which the licensee does not have a license;

19 (5) If repeated inspections by the board reveal that the licensee is
20 not securing satisfactory control of the pests or diseases which the licensee
21 engages to control or eradicate;

22 (6) Failure of licensee to register agents or solicitors, or failure to
23 pay registration, inspection, or reporting fees due, or failure to make
24 reports within the time specified;

25 (7) Conviction in any court of a violation of this chapter or of FIFRA;

26 (8) Intentional misrepresentation in any application for a license;

27 (9) Failure to correct substandard work;

28 (10) Making a pesticide recommendation or application which is
29 inconsistent with any or all of the following:

30 (A) The labeling;

31 (B) Federal or state registration; or

32 (C) Federal or state restrictions on the use of that pesticide;

33 (11) Falsification of records or failure to maintain or make available
34 the records required by this chapter; and

35 (12) Intentional violation of this chapter."

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SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

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