

ACT 16

S.B. NO. 1123

A Bill for an Act Relating to Pest Control.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to implement the recommendations of the legislative auditor's sunset evaluation report which reviewed state laws relating to pest control operators. The legislature agrees with the auditor's finding that the potential harm to the public health, safety, and welfare requires continued regulation of pest control operators.

SECTION 2. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The following chapters are hereby repealed effective December 31, 1991:

- (1) Chapter 458 (Board of Dispensing Opticians)
- [(2) Chapter 460J (Pest Control Board)]
- (3) (2) Chapter 462A (Pilotage)

[(4)] (3) Chapter 468K (Travel Agencies)”

SECTION 3. Section 26H-4, Hawaii Revised Statutes, is amended by amending subsection (h) to read as follows:

“(h) The following chapters are hereby repealed effective December 31, 1997:

- (1) Chapter 438 (Board of Barbers)
- (2) Chapter 448 (Board of Dental Examiners)
- (3) Chapter 455 (Board of Examiners in Naturopathy)
- (4) Chapter 459 (Board of Examiners in Optometry)
- (5) Chapter 471 (Board of Veterinary Examiners)
- (6) Chapter 460J (Pest Control Board)”

SECTION 4. Section 460J-1, Hawaii Revised Statutes, is amended by amending the definition of “household pests” to read as follows:

““Household pests” means those pests other than wood-destroying insects and microbes which invade households and other structures, including, but not limited to, rodents, vermin, [and] insects[.], and birds.”

SECTION 5. Section 460J-2, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

“(a) There shall be a pest control board of [seven] nine members. [Four] Six members of the board shall be appointed by the governor, pursuant to section 26-34[, and]; of which four shall have been for a period of not less than five years preceding the date of their appointment, licensed pest control operators actively engaged in the business of pest control [with a pest control contractors license.]; and two shall be public members. Three members of the board shall serve on an ex officio voting basis: the [director] chairperson of the [department] board of agriculture or the [director’s] chairperson’s representative, the director of [the department of] health or the director’s representative, and the [chairman] chairperson of the department of entomology of the college of tropical agriculture and human resources of the University of Hawaii or the [chairman’s] chairperson’s representative. No two members of the board shall be employed by or associated with the same business firm engaged in pest control.

(b) Except for members of the board first appointed, no one, except the ex officio and public members, shall be eligible for appointment who does not at the time of the member’s appointment hold a valid and unexpired license to operate as a pest control operator.”

SECTION 6. Section 460J-6, Hawaii Revised Statutes, is amended to read as follows:

“**[[]§460J-6[]] Licenses required.** No person within the purview of this chapter shall act or assume to act, or advertise, as a pest control operator or fumigator or be engaged in the business of pest control without a license previously obtained under and in compliance with this chapter and the rules [and regulations] of the board. No person required to be licensed under this chapter shall be subject to chapter 444.”

ACT 16

SECTION 7. Section 460J-8, Hawaii Revised Statutes, is amended to read as follows:

“§460J-8 No license issued when. No license shall be issued to:

- (1) Any person unless the person has filed an application therefor;
- (2) Any person who does not possess a history of honesty, truthfulness, financial integrity, and fair dealing;
- [(3) Any partnership or joint venture unless one member of the partnership or joint venture who actively participates in the pest control business thereof holds an appropriate license;
- (4) Any corporation unless the pest control business thereof is under the direct management of an officer who holds an appropriate license;]
- (3) Any partnership, joint venture, corporation or sole proprietorship, unless it is under the direct management of an operator or responsible managing employee with an appropriate license;
- [(5)] (4) Any individual unless the individual is of the age of eighteen years or more;
- [(6)] (5) Any person unless the person submits satisfactory proof to the board that the person has obtained workers' compensation insurance or has been authorized to act as a self-insurer as required by chapter 386.”

SECTION 8. Section 460J-25, Hawaii Revised Statutes, is amended to read as follows:

“§460J-25 Insurance. No person shall engage in the business of pest control unless the person has filed with the [director of finance,] director of commerce and consumer affairs a general liability insurance policy approved by the director in the minimum amount of \$20,000 for any one claim and a minimum aggregate of not less than \$50,000 for all claims, and for fumigation work, in the minimum amount of \$50,000, for all claims arising during a policy term of one year. If a policy cannot be obtained, the licensee may file with the director in lieu thereof a verified statement providing proof satisfactory to the director, of financial responsibility equivalent to that provided for by any such insurance policy; provided that no employee of any company need have such policy in effect with respect to work covered by a policy of the company by which the employee is employed. This section shall not apply to vault fumigation.”

SECTION 9. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 10. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 11. This Act shall take effect upon its approval.

(Approved April 12, 1991.)