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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 14.5. Structural Fumigation Enforcement Program [8698 - 8698.6] (*Chapter 14.5 added by Stats. 1993, Ch. 393, Sec. 1.)*

8698. The Director of the Department of Pesticide Regulation shall provide oversight for the purposes of carrying out Section 8698.1. The Los Angeles County Agricultural Commissioner, the Orange County Agricultural Commissioner, and the Santa Clara County Agricultural Commissioner may perform increased structural fumigation, inspection, and enforcement activities, to be funded by the eight-dollar (\$8) fee collected pursuant to Section 8698.1.

(Amended by Stats. 2022, Ch. 235, Sec. 1. (AB 2452) Effective January 1, 2023. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.1. (a) Any company that performs a structural fumigation in Los Angeles County, Orange County, or Santa Clara County shall pay to the county agricultural commissioner a fee of eight dollars (\$8) for each fumigation conducted at a specific location.

(b) The fees shall be submitted by the 10th day of the month following the month in which the structural fumigation was performed. The fees shall be accompanied by report that lists the addresses of all locations in that county at which a structural fumigation was performed during the prior month.

(Amended by Stats. 2022, Ch. 235, Sec. 2. (AB 2452) Effective January 1, 2023. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.2. The Director of the Department of Pesticide Regulation may adopt regulations to carry out the provisions of this chapter. In adopting regulations the director shall, in consultation with the Structural Pest Control Board, review recommendations from any individual, including any licensed pest control operator regarding matters which pertain to the use of structural fumigation to control pests. The director shall respond within a reasonable period of time to recommendations which the director deems are practicable and in the interest of the structural pest control industry and the public. The response of the director shall be in writing and shall contain statements regarding reasons for acceptance or rejection of a recommendation.

(Added by Stats. 1993, Ch. 393, Sec. 1. Effective January 1, 1994. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.3. (a) The Director of the Department of Pesticide Regulation or a county agricultural commissioner listed in Section 8698 may levy a civil penalty against a person or company violating this chapter, including any regulation adopted pursuant to this chapter for failing to comply with Section 8698.1.

(b) Before a civil penalty is levied, the person charged with the violation shall receive notice of the nature of the violation and shall be given an opportunity to be heard, including the right to review the director's evidence and a right to present evidence on his or her own behalf.

(c) Review of the decision of the director may be sought by the person against whom the penalty was levied, within 30 days of receiving notice of the decision, pursuant to Section 1094.5 of the Code of Civil Procedure.

(d) After the exhaustion of the review procedure provided in this section, the director, or his or her representative, may file a certified copy of a final decision of the director that directs the payment of a civil penalty and, if applicable, any order that denies a petition for a writ of administrative mandamus, with the clerk of the superior court of any county. Judgment shall be entered immediately by the clerk in conformity with the decision or order. No fees shall be charged by the clerk of the superior court for the performance of any official service required in connection with the entry of judgment pursuant to this section.

(Amended by Stats. 2018, Ch. 572, Sec. 17. (SB 1481) Effective January 1, 2019. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.4. Pursuant to Section 15204.6 of the Food and Agricultural Code, a county agricultural commissioner may require full payment of any delinquent fees due to that county pursuant to Section 8698.1 as a condition to registering a structural pest control

licensee to operate a structural pest control business in that county.

(Added by Stats. 2013, Ch. 596, Sec. 4. (AB 1177) Effective January 1, 2014. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.5. Funds collected pursuant to this chapter shall be paid to the county and used for the sole purpose of funding enforcement and training activities directly related to the structural fumigation program created pursuant to Section 8698. The fees collected under this chapter shall be in addition to, and shall not be used to supplant, other funds provided to the county agricultural commissioner pursuant to Section 12844 of the Food and Agricultural Code.

(Amended by Stats. 2008, Ch. 179, Sec. 19. Effective January 1, 2009. Repealed as of January 1, 2029, pursuant to Section 8698.6.)

8698.6. This chapter shall remain in effect only until January 1, 2029, and as of that date is repealed.

(Amended by Stats. 2023, Ch. 82, Sec. 1. (AB 307) Effective January 1, 2024. Repealed as of January 1, 2029, by its own provisions. Note: Repeal affects Chapter 14.5, commencing with Section 8698.)