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AB-527 Pest control aircraft pilot's certificate: unmanned aircraft. (2017-2018)

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Assembly Bill No. 527

CHAPTER 404

An act to amend Sections 11901, 11902, 11905, and 11910 of, and to add Section 11902.5 to, the Food and Agricultural Code, relating to pest control operations.

[Approved by Governor October 02, 2017. Filed with Secretary of State October 02, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 527, Caballero. Pest control aircraft pilot's certificate: unmanned aircraft.

Existing law makes it unlawful for any person to operate an aircraft in pest control unless the pilot operating the aircraft holds a valid pest control aircraft pilot's certificate issued by the Director of Pesticide Regulation and an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the Federal Aviation Administration. Existing law requires each pest control aircraft pilot's certificate to designate the pilot's status as a journeyman or apprentice, and requires an applicant for a pest control aircraft pilot's certificate to pass an examination as a condition of licensure. Existing law also makes it unlawful for any person to act as a pest control aircraft pilot in any county without first registering with the appropriate county agricultural commissioner. A violation of the provisions regulating pest control or regulations adopted pursuant to those provisions is a misdemeanor.

This bill would make it unlawful for a person to operate a manned aircraft in pest control unless the person holds a valid manned pest control aircraft pilot's certificate or to operate an unmanned aircraft system in pest control unless the pilot operating the unmanned aircraft holds either a valid manned pest control aircraft pilot's certificate or a valid unmanned pest control aircraft pilot's certificate issued by the director and is certified or otherwise authorized by the Federal Aviation Administration to operate an unmanned aircraft system approved by the Federal Aviation Administration to conduct pest control. The bill would require a pilot to be certified by the State Department of Public Health as a vector control technician, as specified, to be eligible for an unmanned pest control aircraft pilot's certificate under the status of vector control technician. The bill would also make conforming changes. To the extent the bill would impose additional duties on county agricultural commissioners and because the bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11901 of the Food and Agricultural Code is amended to read:

11901. (a) It is unlawful for any person to operate a manned aircraft in pest control unless the pilot operating the aircraft holds a valid manned pest control aircraft pilot's certificate issued by the director and an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the Federal Aviation Administration.

(b) It is unlawful for any person to operate an unmanned aircraft system in pest control unless the pilot operating the unmanned aircraft system holds a valid manned pest control aircraft pilot's certificate or a valid unmanned pest control aircraft pilot's certificate issued by the director and is certified or otherwise authorized by the Federal Aviation Administration to operate an unmanned aircraft system approved by the Federal Aviation Administration to conduct pest control.

SEC. 2. Section 11902 of the Food and Agricultural Code is amended to read:

11902. (a) Each manned pest control aircraft pilot's certificate shall designate the manned pest control aircraft pilot's status as a journeyman or apprentice.

(b) Each unmanned pest control aircraft pilot's certificate shall designate the unmanned pest control aircraft pilot's status as a journeyman, apprentice, or vector control technician.

SEC. 3. Section 11902.5 is added to the Food and Agricultural Code, to read:

11902.5. To be eligible for an unmanned pest control aircraft pilot's certificate under the status of vector control technician, a pilot shall be certified by the State Department of Public Health as a vector control technician in the category of mosquito control pursuant to paragraph (1) of subdivision (a) of Section 2052 of the Health and Safety Code.

SEC. 4. Section 11905 of the Food and Agricultural Code is amended to read:

11905. Before an initial manned or unmanned certificate is issued, the applicant for an apprentice, journeyman, or vector control technician shall pass an examination to demonstrate to the director his or her ability to legally and safely conduct pest control operations and his or her knowledge of the nature and effect of materials that are used in pest control.

SEC. 5. Section 11910 of the Food and Agricultural Code is amended to read:

11910. (a) The director may refuse to issue a manned or unmanned pest control aircraft pilot certificate to an applicant and may revoke or suspend a manned or unmanned pest control aircraft pilot certificate after a hearing in which one or more of the following findings are made:

(1) The person is not qualified to conduct the pest control operations in accordance with the certificate.

(2) The application or certificate is for the operation of a manned aircraft in pest control and the person does not hold an appropriate and valid commercial pilot's certificate and a current appropriate medical certificate issued by the Federal Aviation Administration.

(3) The application or certificate is for the operation of an unmanned aircraft system in pest control and the person does not hold a certificate or other authorization issued by the Federal Aviation Administration for the operation of an unmanned aircraft system authorized by the Federal Aviation Administration for pest control.

(4) The person has violated any provision of, or any regulation adopted pursuant to, this division or Division 7 (commencing with Section 12501) pertaining to pesticides, any regulation of a county agricultural commissioner, or any industrial safety order of the Department of Industrial Relations, or has not complied with any order of the director or commissioner as authorized by Section 11737.

(5) The person has violated any regulation or privacy guideline adopted by the Federal Aviation Administration pertaining to the commercial operation of an unmanned aircraft system.

(b) The director may, pending a hearing, suspend or condition the certificate of any pest control aircraft pilot when, upon an investigation that the director determines to be necessary and upon the receipt of affidavits by the enforcement personnel provided in Section 11501.5 or injured parties, the director finds that continuance of the certificate endangers public welfare or safety. The director may terminate the suspension or condition upon the taking of corrective action that the director determines to

be satisfactory to ensure qualification or compliance with the law or regulations. In that event, the matter may proceed to hearing as though that action had not been taken.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.