

R4-29-102. License Categories and Scope of Work

For the purpose of this Chapter and A.R.S. § 32-2301 et seq., license categories and the scope of work for each category are as follows:

1. ~~Category B1 (General pest management)~~ Industrial Institutional Pest Management is limited to ~~control~~managling general terrestrial vertebrate and invertebrate pests in or about a residential or other structure, health-related pests, and pests not included in another license category except mosquito larvae but does not include pests in forests, aquatic food production, or agricultural plant areas.
2. ~~Category B2 (Wood-destroying organism management)~~ is limited to inspecting a structure for the presence or absence of wood-destroying organisms; and ~~control~~managling wood-destroying organism in or about a structure by a means other than use of a fumigant.
3. Wood-destroying organism inspection is limited to inspecting a structure for the presence or absence of wood-destroying organisms only.
4. Wood Preservation is limited to the application of pesticides directly to structural components of wood or wood products, which are not part of an existing structure normally habitable by persons, to prevent or manage wood degradation by wood-destroying organisms which shall include fungi and bacteria.
35. ~~Category B3 (Right-of-way management)~~ is limited to ~~control~~managling ~~terrestrial weeds on a right-of-way area~~invertebrate pests in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas.
46. ~~Category B4 (Fumigation)~~ is limited to using fumigants.
57. ~~Category B5 (Ornamental and turf pest management)~~ is limited to ~~manage~~controlling ~~plant and turf~~invertebrate pests, ~~including weeds, diseases, or viruses and using plant growth regulators on ornamental horticultural plants and turf in all areas other than a forest or agricultural plant area and except by means of a fumigant~~in the maintenance and production of ornamental trees, shrubs, flowers, and turf.
68. ~~Category B6 (Aquatic pest management)~~ is limited to ~~control~~managing pests, including weeds and mosquito larvae, in an aquatic area other than an agricultural or forest area.

OBTAINING OR, RENEWING, ACTIVATING OR INACTIVATING A CERTIFICATION OR LICENSE; EXAMINATION; CONTINUING EDUCATION REQUIREMENT; APPROVAL OF CONTINUING EDUCATION

R4-29-201. Activities that Require a License; General Provisions

- A. Unless exempt under A.R.S. § 32-2311, an individual who provides pest management services shall obtain an applicator ~~license certification~~ from the Department. An applicator shall perform pest management services only on behalf of a business licensed by the Department.
- B. To ~~obtain~~apply for a ~~license-qualified applicator as a qualifying party~~certification, an individual shall also be ~~licensed-certified~~ as an applicator in Arizona.
- C. A licensed business shall provide pest management services only if the licensed business employs at least one individual who holds a ~~qualifying-qualified party applicator license~~certification. A licensed business shall provide pest management services in a category only if the licensed business employs an individual who has ~~an-activated~~registered as a qualifying party or temporary qualifying party license in the category.

- D. A ~~licensed~~-qualifying party or temporary qualifying party shall not qualify more than one licensed business. A licensed business may employ more than one ~~licensed~~-qualifying party.
- E. An applicator or ~~qualifying applicator party~~ shall provide pest management services only in the category for which the applicator or qualifying party is ~~licensed~~certified. To provide pest management services in a new category, an applicator or ~~qualifying party applicator~~ shall complete the ~~license~~-broadening process described in ~~R4-29-212()~~.
- ~~F. Under A. R. S. § 32-2312(D), an applicant for licensure is required to be of good moral character. The Department shall deny a license to an applicant determined not to be of good moral character. In determining whether an applicant is of good moral character, the Department shall consider whether the applicant:~~
 - 1. ~~Committed an act, which, if committed by a licensee, would be grounds for disciplinary action against the licensee;~~
 - 2. ~~Has been convicted of a felony or a misdemeanor; or~~
 - 3. ~~Cheated on a licensing examination.~~
- ~~GF.~~ The holder of a certification or license issued by the Department shall not assign or transfer the certification or license.
- ~~HG.~~ An ~~applicator license expires on May 31 except that a new applicator license that is issued in January of the current year is valid until May 31 of the following year.~~
- ~~IH.~~ A ~~qualifying party or business license expires on May 31 except that a new qualifying party or business license issued in January of the current year is valid until May 31 of the following year.~~
- ~~JI.~~ If a certified applicator, certified qualified applicator, or business licensee files a ~~timely and~~ complete renewal application by May 31, the existing certification or license does not expire until the Department issues a notice granting or denying renewal. If the Department denies the certification or license renewal, the existing certification or license does not expire until all administrative appeals are exhausted.

R4-29-202. License Exemptions; Unlicensed Persons

- A. In addition to the exemptions in A.R.S. § 32-2311, a person is not required to be licensed by the Department if:
 - 1. The person provides general information about a label or labeling, identifying or control~~managing~~ a pest, integrated pest management, or use of an EPA- or Arizona-Department-of-Agriculture-registered pesticide, does not directly or indirectly charge for the information provided, and does not make an on-site recommendation; or
 - 2. The person performs sales work that does not include any of the tasks identified under A.R.S. § 32-2301 as comprising the business of structural pest control~~management~~ or structural pest control~~management~~.
- B. Even if not required to be licensed by the Department, a person shall not misuse a pesticide or device. Misuse includes using, applying, handling, or storing a pesticide in a manner inconsistent with the label or labeling, or using a device for an unintended purpose as indicated by the labeling of the device.
- C. An allegation that an unlicensed person misused a pesticide may be investigated by the Department or the EPA and may be prosecuted by the EPA.
- ~~D. If a licensee fails to renew because the licensee is on active military duty but applies for renewal within 180 days of honorable separation from active military duty, the Department shall process the renewal application as timely and not charge the penalty prescribed under R4-29-105.~~

ED. Under A.R.S. § 32-2312, an unlicensed person employed by a business licensee may apply pesticides for a maximum of 90 days from the date after employment if the unlicensed person is supervised by a licensed applicator or qualifying party and the applicator or qualifying party providing supervision:

1. Is licensed in the category for which supervision is provided;
2. Provides immediate supervision while the unlicensed person performs wood-destroying insect ~~control~~management or fumigation, or uses a restricted-use pesticide; and
3. Provides direct supervision while the unlicensed person performs pest management services not listed in subsection (E)(2).

R4-29-203. Obtaining an Applicator License Certification

A. An applicant for an applicator license certification shall submit the following information to the Department on a form obtained from the Department:

1. Full name;
2. Applicator license Certification number, if any;
3. Physical Home address;
4. Mailing address, if different from the physical Home address;
5. Telephone number;
6. Electronic mail address, if any;
7. Date of birth;
8. Social Security number;
- ~~9. A statement whether the applicant has ever been convicted of a felony or a misdemeanor and if the answer is yes, submit:
 - a. A completed Criminal Conviction Supplement form that includes information regarding the charge, date, jurisdiction and disposition of conviction, and current status;
 - b. A copy of documents pertaining to each conviction including court orders and police, probation, and pre-sentence reports;
 - c. A complete set of fingerprints; and
 - d. The fee for fingerprint processing;~~

~~109.~~ A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;

~~110.~~ —Name of employer, if any;

~~1211.~~ —Employer's business license number, if applicable;

~~1312.~~ —Employer's telephone number, if applicable;

~~1413.~~ —License eCertification Category for which application is made; and

~~1514.~~ —The applicant's dated signature affirming that the information provided is true and correct.

B. In addition to the form required under subsection (A), an applicant shall submit the fee specified in R4-29-105.

~~C. Under the authority at A.R.S. § 32-2304(B)(2), if the Department determines it is in the best interest of the state, the Department shall require an applicant to submit a complete set of fingerprints and the fee for fingerprint processing.~~

DC. If the Department determines that an applicant is eligible for license recertification, the Department shall notify the applicant that the applicant may schedule and take a licensing certification examination described under R4-29-205.

~~ED.~~ If the Department determines there may be cause to deny a license to an applicant, the Department shall send a written notice to the applicant specifying the location, date and time for the applicant to appear ~~at a Department Office and to~~ answer questions.

~~F.~~ The Department shall issue a license to an applicant who meets all of the qualifications in A.R.S. § 32-2312 and this Chapter and passes the licensing examinations. The license authorizes the applicator to provide pest management services until May 31 if the applicator is employed by a licensed business except as provided in A.R.S. § 32-2311.

~~E.~~ An applicator certification expires on May 31 except that a new applicator license that is issued in January or later of the current year is valid until May 31 of the following year.

R4-29-204. Obtaining a Qualifying Party Applicator License Certification

A. Before applying for a qualifying party license~~qualified applicator certification~~, an applicant shall hold an applicator license certification for each category in which a qualifying party license~~qualified applicator certification~~ is sought and fulfill the practical experience requirements for each category.

B. An applicant for a qualifying party license~~qualified applicator certification~~ shall submit the following information to the Department on a form obtained from the Department:

1. Full name;
2. Applicator license certification number;
3. Qualifying party applicator license certification number, if any;
4. Physical Home address;
5. Mailing address, if different from the physical Home address;
6. Telephone number;
7. Electronic mail address, if any;
8. Date of birth;
9. Social Security number;
10. ~~A statement whether the applicant has ever been convicted of a felony or a misdemeanor and if the answer is yes, submit:~~
 - a. ~~A completed Criminal Conviction Supplement form that includes information regarding the charge, date, jurisdiction and disposition of conviction, and current status; and~~
 - b. ~~A copy of documents pertaining to each conviction including court orders and police, probation, and pre-sentence reports;~~

~~110.~~ A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;

~~121.~~ Name of employer, if any;

~~1312.~~ Employer's business license number, if applicable;

~~1413.~~ Employer's telephone number, if applicable;

~~1514.~~ License Certification category for which application is made; and

~~1615.~~ The applicant's dated signature affirming that the information provided is true and correct.

C. In addition to the form required under subsection (B), an applicant shall ~~submit:~~

1. ~~The fee specified in R4-29-105;~~

2. ~~Evidence of the hours of practical experience required under A.R.S. §32-2314(C)(2) in each category for which the applicant seeks licensure. Evidence that is acceptable to the Department includes:~~

- ~~a. A completed Verification of Practical Experience form that is signed by a business or qualifying party licensee or another person with first hand knowledge of the applicant's experience and notarized;~~
- ~~b. Payroll records, invoices, route sheets, or calendars;~~
- ~~c. Letters from persons with first hand knowledge of the applicant's experience; and~~
- ~~d. An official transcript from an educational institution at which the applicant completed relevant course work;~~

~~3. A complete set of fingerprints; and~~

~~4. The fingerprint processing fee. Pass an examination, given under the direction of the Department, with a score of seventy-five percent or more.~~

2. Possess one of the following qualifications:

(a) Certification as an applicator under this chapter for twenty four months within the five years preceding the application in the category applied for.

(b) Certification as an applicator under this chapter for twelve months within the five years preceding the application and successful completion of twelve semester hours or its equivalent within the ten years preceding the application in pest management courses directly related to each category applied for.

(c) Certification as an applicator under this chapter for twelve months within the five years preceding the application and a Bachelor's degree in agricultural sciences, biological sciences, or pest management with twelve semester hours or its equivalent in pest management courses directly related to each category applied for.

(d) Twenty four months of experience in the business of structural pest management, in another State where licensure was not required, within the ten years preceding application directly related to the category applied for.

D. The examination shall test the qualified applicators knowledge of pests and the use, storage and application of pesticides and other devices used in the eradication of pests within the category for which the person is applying.

E. For the purposes of this section, pest management courses means courses in entomology, zoology, vertebrate management, plant pathology, agronomy, general horticulture, plant biology or botany, biochemistry, organic or inorganic chemistry, the eradication or management of weeds, toxicology, the environmental impact of pesticides, or any combination thereof.

F.

~~D. Department~~Department If the Acting Director determines there may be cause to deny a license to an applicant, the Department shall send a written notice to the applicant specifying the date and time for the applicant to appear at a Office and answer questions. The applicant shall appear as noticed.

~~E. The Department shall issue an inactive license to an applicant who meets all of the qualifications in A.R.S. § 32-2314 and this Chapter and passes the licensing examination, except if the applicant already possesses an active qualifying party license in one or more categories. Before working as the qualifying party of a licensed business, the licensee shall activate the license.~~

~~F. An active qualifying party license authorizes the licensee to qualify one licensed business until May 31. A qualifying party licensee may qualify the one licensed business at any given time.~~
G. An qualified applicator certification expires on May 31 except that a new applicator license that is issued in January or later of the current year is valid until May 31 of the following year.

~~G. Department~~Department

R4-29-205. Licensing Examination for an Applicator or ~~Qualified~~ Party ~~Applicator~~ Applicant

~~A. Under A.R.S. §§ 32-2312(C) and 32-2314(C), taking and passing an examination is a condition for licensure as an applicator or qualifying party.~~

~~B.~~An applicant who has received notice from the Department that the applicant is approved to take the licensing certification examination shall make arrangements to take the examination by contacting the Department or the examination service or testing vendor with which the Department has contracted.

~~CB.~~ To assist an applicant to prepare for the licensing examination, the Department shall maintain a list of study materials on its web site and may provide an examination training class. An applicant may also take an examination training class from a private vendor.

DC. The licensing certification examination measures knowledge and understanding of both general standards (“core”) and category-specific information. To be ~~licensed~~certified, an applicant shall score at least 75 percent on the ~~general standards (“core”)~~ examination and the category-specific examination for each category in which the applicant seeks licensure certification.

ED. Both the core and category-specific licensing examination for an applicator and ~~qualified~~ party applicator measure knowledge and understanding of the following content areas:

1. Pesticide label and labeling and pesticide types and formulations;
2. Pest identification, life cycles, and habits;
3. Safety and environmental factors relating to the use, handling, and disposal of pesticides;
4. Application techniques, calibration and dilution, and equipment types, uses, and maintenance; and
5. Laws and rules.

~~FE.~~ The Department or the examination service or testing vendor shall provide immediate, written notice to an applicant regarding whether the applicant passed a licensing examination

GF. An applicant shall not take the same examination more than once ~~in the a 7~~ same day period.

A qualified applicator applicant may not take the required examinations more than four times in a 1 year period from the date of approval.

HG. The Department shall ~~immediately~~ close the application of an applicant that the Department determines cheated on an examination. The applicant shall be denied for 1 year from the date of closure.

IH. If an application is closed under subsection (H), ~~the score received on the examination is void~~ all exams must be retaken with a passing score to become certified.

R4-29-206. Obtaining a Business License

A. An applicant for a business license to conduct pest management services shall submit the following information to the Department on a form obtained from the Department:

1. About the ~~qualified~~ party applicator who will qualify the business:

- a. Full name;
 - b. Physical-Home address;
 - c. Mailing address, if different from the physical address;
 - d. Electronic mail address, if any;
 - e. Date of birth;
 - f. Social Security number;
 - g. Telephone number;
 - h. Certified ~~Qualified~~ party-applicator ~~license~~ number and certified applicator ~~license~~ number, if any;
 - i. License-Certification category of qualification; and
 - j. The dated signature of the certified ~~qualified~~ party ~~applicator~~;
2. About the business license applicant:
 - a. Full name,
 - b. Mailing address;
 - c. Electronic mail address, if any;
 - d. Telephone number;
 - e. Date of birth; and
 - f. Social Security number; if applicable
 3. About the business:
 - a. Business name;
 - b. Form of business organization and names of the following persons authorized to act on behalf of the business:
 - i. Owner if a sole proprietorship;
 - ii. Managing or general partner if a partnership;
 - iii. President, secretary, and statutory agent if a corporation;
 - iv. Manager or at least two members if a limited liability company;
 - v. Designated agent of an appointed or elected person or body if the state or a political subdivision; or
 - vi. Person authorized to make decisions for the business if any other type of business form;
 - c. Telephone number;
 - d. Fax number;
 - e. Physical address;
 - f. Mailing address, if different from physical address; and
 - g. Chemical storage address; and
 4. The business applicant's dated signature affirming that the information provided is true and correct.
- B.** In addition to the form required under subsection (A), an applicant shall submit:
1. The fee specified in R4-29-105;
 2. proof of financial security pursuant to A.R.S. § 32-2313 D
 3. e.—The names of all individuals who own at least 10 percent of the business; if an Limited Liability Company, the names of all managers and members;
 4. f.—The name of the statutory agent of the business; and
 5. g. If a corporation, the names of all corporate officers; and
 3. ~~Department~~ ~~Department~~ ~~Department~~ ~~Department~~ and

4. a. A copy of the Articles of Incorporation or Organization, trade name certificate, partnership agreement, or other evidence of the form of business organization.

~~C. The Department shall deny use of a business license name that the Department determines is similar to an existing business name and may cause a reasonable person to confuse the two businesses.~~

D. If the Department determines there may be cause to deny a license to an applicant, the Department shall send a written notice to the applicant specifying the date and time for the applicant to appear at a Department Office and answer questions.

E. The Department shall issue a business license to an applicant that the Department determines is qualified under A.R.S. § 32-2313 and this Chapter. The business license, which is valid until ~~December~~ May 31, authorizes the licensee to operate a structural pest ~~control~~ management business in each category in which the licensee ~~employs~~ has registered a ~~certified~~ qualified ~~party applicator licensed-certified~~ in the category.

F. A business license expires on May 31 except that a new business license issued in January or later of the current year is valid until May 31 of the following year.

R4-29-207. Renewing an Applicator, Qualifying Party, or Business License

A. The Department shall mail a renewal form to a licensee at the licensee's address of record, provide access to a downloadable renewal form, or provide access to on-line renewal. Timely license renewal is the responsibility of the licensee. Failure to receive notice of renewal does not justify failure to renew.

B. If a licensee's renewal application is not administratively complete before the license expiration date, the Department shall require the licensee to pay the penalty prescribed at R4-29-105(B).

C. Renewal applications are due as follows on May 1 and not considered late until after May 31:

~~1. For an applicator license, May 1;~~

~~2. For a qualifying party license, May 1; and~~

~~3. For a business license, May 1.~~

D. To renew an applicator or ~~qualified~~ party applicator ~~license~~ certification, the ~~licensee~~ applicator shall:

1. Submit the following information to the Department on a completed renewal form:

a. A change in mailing address, if any;

b. Electronic mail address, if any;

c. Telephone number;

d. ~~For a qualifying party, a statement whether the licensee wants to renew or inactivate each category in which the licensee is licensed.~~ An applicator license certification cannot be inactivated by category but only in whole;

e. Name of employer;

~~f. Name of business for which the qualifying party provides qualification;~~

~~g. A statement whether the licensee has ever been convicted of a felony or a misdemeanor and if the answer is yes, a statement whether all felony convictions have been reviewed and voted on by the Department and if the answer is no:~~

~~i. A completed Criminal Conviction Supplement form that includes information regarding the charge, date, jurisdiction and disposition of conviction, and current status;~~

~~ii. A copy of documents pertaining to each conviction including court orders and police, probation, and pre-sentence reports;~~

- c. Physical address;
 - d. Mailing address, if different from the physical address;
 - e. Telephone number; and
 - f. Fax number;
2. About the licensed-certified applicator:
- a. Full name;
 - b. Applicator license number;
 - c. Physical-Home address;
 - d. Mailing address, if different from the physical-Home address;
 - e. Telephone number;
 - f. Electronic mail address, if any;
 - g. Fax number;
 - h. ~~A statement whether the applicant has ever been convicted of a felony or a misdemeanor and if the answer is yes, a statement whether all felony convictions have been reviewed and voted on by the Department and if the answer is no:~~
 - ~~i. A completed Criminal Conviction Supplement form that includes information regarding the charge, date, jurisdiction and disposition of conviction, and current status;~~
 - ~~ii. A copy of documents pertaining to each conviction including court orders and police, probation, and pre-sentence reports;~~
 - ~~iii. A complete set of fingerprints; and~~
 - ~~iv. The fee for fingerprint processing;~~
 - i. A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;
 - ji. License category for which application is made; and
 - kj. The applicant's dated signature affirming that the information provided is true and correct.
- C. In addition to the form required under subsection (B), an applicant or business licensee shall submit:
- 1. The fee specified in R4-29-105;
 - 2. A written notice of disassociation from-of the qualifying party who previously qualified the business;
 - 3. A written request from the business licensee that an applicator licensed-certified in the category in which the disassociating qualifying party qualified the business be granted a temporary qualifying party license. The Department shall not issue a temporary qualifying party license-certification to an applicator to qualify a business in a category different from the category in which the disassociating qualifying party qualified the business;
 - 4. A written statement from the business licensee that the business has not operated since the disassociation in the category for which the disassociated qualifying party qualified the business; and
 - 5. A written description of how the temporary qualifying party will:
 - a. Manage the pest management services provided by the business,
 - b. Supervise the pest management services provided by the business, and

- c. Train and supervise all ~~licensed~~certified and ~~uncertified~~licensed applicators employed by the business.
- D. The Department shall issue a temporary qualifying party ~~license~~certification to an applicant who is qualified under A.R.S. § 32-2314 and this Chapter. The temporary qualifying party ~~license~~certification authorizes the ~~licensee~~qualified applicator to qualify a licensed business for ~~60-90~~ days in each category in which the temporary qualifying party is ~~licensed~~certified.
- E. If a temporary qualifying party ~~license~~certification expires, the business licensee qualified by the temporary qualifying party ~~licensee~~ shall not perform pest management services in the category for which the temporary qualifying party qualified the business.
- F. A temporary qualified party may be renewed once, for an additional 90 days if the Business Licensee submits the fee required under R4-29-105 and the temporary qualifying party remains employed by the business licensee.

~~Department~~~~Department~~~~Department~~~~Department~~~~Department~~**R4-29-210. — Inactivating — or Activating an Applicator License**

~~A. — To place a valid, active applicator license on inactive status, the licensee shall submit the following information to the Department on a form obtained from the Department:~~

- 1. ~~Name;~~
- 2. ~~Applicator license number;~~
- 3. ~~Physical address;~~
- 4. ~~Mailing address, if different from the physical address;~~
- 5. ~~Electronic mail address, if any;~~
- 6. ~~Date of birth;~~
- 7. ~~Social Security number;~~
- 8. ~~Telephone number; and~~
- 9. ~~Dated signature of the licensee affirming that:~~
 - a. ~~The information provided is true and correct; and~~
 - b. ~~The licensee shall not perform pest management services in any category while the license is on inactive status.~~

~~B. — An inactive license expires on May 31 unless renewed. To renew an inactive license, the licensee shall comply with the renewal provisions at R4-29-207(C) and (D). There is no continuing education requirement to renew an inactive applicator license.~~

~~C. — To activate an inactive applicator license, the licensee shall submit to the Department:~~

- 1. ~~The following information on a form obtained from the Department:~~
 - a. ~~Name;~~
 - b. ~~Applicator license number;~~
 - c. ~~Categories in which the licensee is licensed;~~

- d. ~~Physical address;~~
 - e. ~~Mailing address, if different from the physical address;~~
 - f. ~~Electronic mail address, if any;~~
 - g. ~~Date of birth;~~
 - h. ~~Social Security number;~~
 - i. ~~Telephone number;~~
 - j. ~~A statement whether the applicant has ever been convicted of a felony or a misdemeanor and if the answer is yes, a statement whether all convictions have been reviewed by the Department and if the answer is no, submit:~~
 - i. ~~A completed Criminal Conviction Supplement form that includes information regarding the charge, date, jurisdiction and disposition of conviction, and current status;~~
 - ii. ~~A copy of documents pertaining to each conviction including court orders and police, probation, and pre-sentence reports;~~ iii. ~~A complete set of fingerprints; and~~
 - iv. ~~The fee for fingerprint processing;~~
 - k. ~~A statement whether the applicant has ever had a license or permit to practice structural pest control denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;~~
 - l. ~~Name of employer;~~
 - m. ~~Employer's business license number;~~
 - n. ~~Employer's telephone number; and~~
 - o. ~~Dated signature of the licensee affirming that the information provided is true and correct;~~
 - 2. ~~The fee required under R4-29-105; and~~
 - 3. ~~Evidence described at R4-29-215(C) of completing six units of continuing education.~~
- ~~**D.** If the Department determines there may be cause to deny activating an applicator license, the Department shall send a written notice to the applicant specifying the date and time for the applicant to appear at a Department meeting and answer questions.~~

R4-29-211. Inactivating or ActivatingRegistering a Qualifying Party License

- A.** To ~~place a valid, active~~register a certified qualified applicator as a qualifying party ~~license on inactive status~~, the ~~licensee-qualified applicator~~ shall submit the following information to the Department on a form obtained from the Department:
- 1. Name;
 - 2. ~~Qualifying party license~~Qualified Applicator Certification number;
 - 3. ~~Physical-Home~~ address;
 - 4. Mailing address, if different from the ~~physical-Home~~ address;
 - 5. Electronic mail address;
 - 6. Date of birth;
 - 7. Social Security number;
 - 8. Telephone number;

9. The license certification categories to be ~~inactivated~~registered;

~~10. Employer's name and telephone number; and~~

140. Dated signature of the licensee affirming that:

~~a. The information provided is true and correct; and~~

~~b. The licensee shall not act to qualify a business in an inactive category without activating the license in that category.~~

~~B. An inactive qualifying party license expires on December 31 unless renewed. To renew an inactive license, the licensee shall comply with the renewal provisions at R4-29-207(C) and (D). There is no continuing education requirement to renew an inactive qualifying party license.~~

~~C. To activate an inactive qualifying party license and register as a qualifying party for a new business, the certified qualified applicator ~~party licensee~~ and the new business applicant shall:~~

~~1. Comply with R4-29-206,~~

~~2. Submit both the fee required to activate register a qualifying party ~~license~~ and apply for a business license, and~~

~~3. Submit evidence described at R4-29-215(C) of the qualifying party completing six units of continuing education.~~

~~DC. To activate an inactive qualifying party license and register as a qualifying party for an existing business, the certified qualified applicator ~~party licensee~~ and the business licensee shall:~~

~~1. Comply with R4-29-206,~~

~~2. Submit the fee required to activate register a qualifying party ~~license~~, and~~

~~3. Submit evidence described at R4-29-215(C) of the qualifying party completing six units of continuing education.~~

~~E. If the Department determines there may be cause to deny activating a qualifying party license, the Department shall send a written notice to the applicant specifying the date and time for the applicant to appear at a Department meeting and answer questions.~~

R4-29-212. Broadening an Applicator or Qualified Party—Applicator Certification License

A. To broaden an applicator license certification, the licensed certified applicator shall:

1. Submit to the Department the license application form described in R4-29-203 and indicate on the form the category in which broadening is sought,

2. Submit the fee required under R4-29-105(A)(1)(b), and

3. Take and pass the licensing examination described in R4-29-205 for the specific category in which broadening is sought.

B. A certified qualified party applicator is eligible to broaden the qualified party applicator license certification only if the certified qualified party applicator holds an applicator license certification in the category in which broadening is sought.

C. To broaden a certified qualified party applicator license certification, the licensed certified qualified party applicator shall:

1. Submit to the Department the license application form described in R4-29-204 and indicate on the form the category in which broadening is sought,

2. Submit the fee required under R4-29-105(A)(2)(b),

3. Submit the following required evidence ~~required under R4-29-204(C)(2)~~ for the category in which broadening is sought:

(a) A qualified applicator may become certified in the categories of right-of-way pest management or ornamental and turf pest management without meeting the requirements of subsection (C)(2) if the qualifying party is currently certified in the category of industrial, institutional pest management, wood-destroying organism management, right-of-way pest management, or ornamental and turf pest management.

(b) A qualified applicator may become certified in the categories of wood-destroying organism management without meeting the requirements of subsection (C)(2) if the qualified applicator is currently certified in the category of industrial, institutional pest management;

~~4. Appear at a Department meeting for an evaluation of the qualifying party's practical experience for the category in which broadening is sought, and~~

~~54. Take and pass the licensing certification examination described in R4-29-205 for the specific category in which broadening is sought.~~

~~D. If a qualifying party whose application for license broadening is closed under R4-29-107(B)(3) or (C) submits a new application under subsection (C) within one year after the prior application closed, the Department shall not require the applicant to appear before the Department as described in subsection (C)(4) unless the applicant was convicted of a felony or misdemeanor during the time between applications.~~

R4-29-213. Branch Office Registration

A. A business licensee that wishes to do business from a branch office shall register the branch office with the Department before doing any business from the branch office.

B. To register a branch office, the business licensee shall complete a form, that is available on the Department's web site, and provide the following information:

1. About the business:

- a. Name;
- b. License number;
- c. Telephone and fax numbers;
- d. Physical address;
- e. Mailing address, if different from physical address; and
- f. Electronic mail address, if any;
- g. Chemical storage address;

2. About the branch office:

- a. Name of ~~manager~~branch supervisor;
- b. Manager's Branch supervisor's certified applicator ~~license~~ number;
- c. Telephone and fax numbers;
- d. Physical address;
- e. Mailing address, if different from physical address;
- f. Electronic mail address, if any;
- g. Chemical storage address; and
- ~~h. The pest management categories in which the branch office will do business;~~

~~3. About the qualifying party:~~

- ~~a. Name;~~
- ~~b. Date of birth;~~
- ~~c. Mailing address;~~
- ~~d. Telephone number;~~
- ~~e. Electronic mail address, if any; and~~

~~f. Qualifying party license number; and~~

43. The dated signature of an authorized representative of the licensed business.

- C. In addition to the form required under subsection (B), the business licensee shall submit the fee required under R4-29-105.
- D. ~~A branch office shall be owned by the business licensee.~~ A branch office shall do business in the name of the licensed business only.

R4-29-214. Change in a Business Licensee

- A. If a sole proprietor business licensee dies or becomes disabled, the spouse of the sole proprietor business licensee may apply to the Department to have the business license transferred to the spouse. The Department shall transfer the business license to the spouse of the dead or disabled sole proprietor business licensee if the spouse agrees to fulfill all the responsibilities of a business licensee and to honor all customer warranties provided by the business.
- B. Except as provided in subsection (A), ~~a business licensee shall stop providing pest management services and apply for a new business license immediately after the owner of a sole proprietorship changes any change in the majority ownership of a business entity shall require a new business license.~~
- C. If a business licensee changes the name ~~or form~~ of the business, the licensee shall provide the following information on a Business Name ~~or Entity~~ Change Application submitted to the Department ~~within 30 days of the~~prior to the change:
1. Business ownership status;
 2. Name of business entity;
 3. Physical address of business entity;
 4. Mailing address of business entity, if different from the physical address;
 5. Current business name;
 6. Business license number;
 7. Telephone number;
 8. Fax number;
 9. Physical address of business;
 10. Mailing address of business, if different from the physical address;
 11. Electronic mail address, if any;
 12. Chemical storage address of business;
 13. New name requested, if any;
 14. Reason for name change, if applicable;
 15. Copy of the Registered Trade Name Certificate showing the new name or amended Articles of Organization or Incorporation; and
 16. Dated signature of the authorized representative of the business licensee affirming that the information provided is true and correct.

R4-29-215. Continuing Education Requirement for a Certified ~~Applicator~~ or Qualified Party Applicator

- A. ~~A certified applicator or qualifying party shall obtain six units of continuing education within the 13 months before a license renewal application is submitted under R4-29-207 preceding the renewal of the applicator certification.~~
- B. A certified qualified applicator shall obtain 15 hours of continuing education within the 13 months preceding the renewal of the qualified applicator certification.

- ~~B. Continuing education units used to renew an applicator license may be used to renew the applicator's qualifying party license if the continuing education units were obtained within 13 months before the qualifying party license renewal application is submitted. Continuing education units used to renew a qualifying party license may be used to renew the qualifying party's applicator license if the continuing education units were obtained within 13 months before the applicator license renewal application is submitted.~~
- C. To document attendance at a continuing education, a certified applicator or qualified ~~party applicator~~ shall obtain a verification of attendance from the continuing education provider that includes:
1. The applicator's ~~or qualifying party's~~ name;
 2. The applicator's ~~or qualifying party's~~ license certification number;
 3. The name of the continuing education course;
 4. The name of the continuing education provider;
 5. The date of the continuing education; and
 6. The number of continuing education units obtained.
- D. An applicator ~~and qualifying party~~ shall maintain a verification of attendance for one year and make the verification of attendance at a continuing education available for review by the Department upon request.
- ~~E. An applicator or qualifying party may earn one unit of continuing education each year for attending a regularly scheduled meeting of the Department in its entirety. To ensure receipt of a verification of attendance, an applicator or qualifying party shall contact the Department staff before attending a Department meeting and sign the meeting sign-in sheet.~~
- FE.** An applicator ~~or qualifying party~~ who teaches a continuing education course may earn one unit of continuing education for each hour taught, not more than once during a calendar year.

R4-29-216. Requirements for Approval of Continuing Education

- A. Only continuing education approved by the Department may be used to satisfy the continuing education requirement in R4-29-215. The Department shall approve a continuing education only if it addresses:
1. Pesticide labels and labeling;
 2. Safety, environmental factors, and consequences;
 3. Pesticide use and disposal;
 4. Laws and rules related to pest management and the business of pest management;
 5. Application techniques;
 6. Calibration and dilution;
 7. Equipment;
 8. Pest identification;
 9. Life cycles and habits;
 10. Calculation and measurements;
 11. New pest management technologies; or
 12. Licensee responsibilities.
- B. An applicator, ~~qualifying party,~~ or continuing education provider may apply to the Department for approval of continuing education.
- C. A person applying for approval of continuing education shall submit the following to the Department:

1. A continuing education approval application form, obtained from the Department, that provides the following information:
 - a. Type of continuing education;
 - b. Name of continuing education provider;
 - c. Address and telephone number of continuing education provider;
 - d. Topic of continuing education;
 - e. Pest management category of continuing education;
 - f. Date, time, and location of the continuing education, if known at the time of the application. If this information is not known at the time of application, the person applying for approval of the continuing education shall submit this information when it is known;
 - g. Number of continuing education units;
 - h. Previous continuing education number, if any;
 - i. Level and type of instruction;
 - j. Description of learning activities;
 - k. Frequency at which the continuing education will be offered;
 - l. Method of proof of attendance in addition to on-line reporting; and
 - m. Dated signature of applicant;
 2. An instructor application or resume that includes information about the instructor's education and experience relevant to pest management;
 3. An outline of the subject matter to be covered in the continuing education that demonstrates the continuing education will address at least one of the topics identified in subsection (A);
 4. A copy of any material that will be used or provided to those who attend;
 5. A copy of an examination, if any, used to measure learning; and
 6. A copy of promotional materials, if any.
- D.** The provider of an approved continuing education shall:
1. Provide a verification of attendance that meets the requirements of R4-29-215(C) to each individual who completes the continuing education;
 2. Enter attendance information using the Department's on-line continuing education reporting tool within 10 [business](#) days after the date of the continuing education; and
 3. Maintain a copy of the verification of attendance or original sign-in sheet that lists the attendees' names and license numbers for two years.
- E.** Unless otherwise indicated in the notice of approval, the Department's approval of a continuing education is valid for two years.
- F.** Approval of continuing education is not renewable. To reapply for approval of a continuing education, a person shall comply with the requirements of subsection (C).
- G.** The provider of an approved continuing education shall provide notice and updated information to the Department within 10 [business](#) days after the subject matter or instructor of the approved continuing education changes.
- H.** To evaluate the effectiveness of a continuing education, the Department may monitor an approved continuing education. Upon request by the Department, a continuing education provider shall provide the Department with the date and time that approved continuing education will be provided.
- I.** The Department shall revoke its approval of continuing education if the Department determines that the continuing education fails to meet the standards for approval listed in this

Section, the continuing education provider provided false information on its application or false information pertaining to attendance, or the continuing education provider fails to comply with the Department's statutes and this Chapter.