

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 250

By: Senator Stone

By: Representative Beaty Jr.

## For An Act To Be Entitled

AN ACT TO AMEND THE PEST CONTROL LAW; TO REASSIGN CERTAIN DUTIES OF THE STATE PLANT BOARD; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE PEST CONTROL LAW; AND TO REASSIGN CERTAIN DUTIES OF THE STATE PLANT BOARD.

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

SECTION 1. Arkansas Code § 17-37-102(5), concerning definitions pertaining to pest control, is repealed.

~~(5) "Director" means the Director of the State Plant Board;~~

SECTION 2. Arkansas Code § 17-37-102(10), concerning definitions pertaining to pest control, is amended to read as follows:

(10) "Licensed operator" means a person who has fully qualified and has passed the board's written examination and has in force a valid license from the ~~board~~ Department of Agriculture to engage in the work indicated in the license. The person shall also have met the requirements of and be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act and state law as a commercial applicator;

SECTION 3. Arkansas Code § 17-37-102(16), concerning definitions pertaining to pest control, is amended to read as follows:

(16) "Solicitor" means any person registered with the ~~board~~



Department of Agriculture by a licensed operator to solicit or sell pest control service work, which the operator is licensed to perform, but the solicitor may not perform any pest control service work nor be placed in charge of workers or working crews;

SECTION 4. Arkansas Code § 17-37-105(b), concerning the administration of the State Plant Board, is amended to read as follows:

(b) The ~~board~~ Department of Agriculture or its authorized representative may enter upon and inspect properties, plants, or products for the purpose of carrying out the provisions of this chapter and of carrying out the rules made pursuant to this chapter.

SECTION 5. Arkansas Code § 17-37-202 is repealed.

~~17-37-202. Exemption for unlicensed operators under supervision of license holders.~~

~~(a) Persons who are not licensed as pest control operators under this chapter but who worked as unlicensed pest control operators before November 1, 1984, under the direct supervision of a holder of a license under this chapter, and who are working for such a license holder on June 28, 1985, may continue that arrangement without complying with this chapter.~~

~~(b) At the time the unlicensed pest control operators terminate their relationship with the license holder, the unlicensed pest control operators shall not thereafter perform services as pest control operators unless and until they have qualified under this chapter. However, when the licensed manager of a pest control company terminates his or her employment with the company, and if the company had been in operation at least one (1) year before the date of termination, the pest control company may continue to operate for a period not to exceed six (6) months after the date of termination, notwithstanding that the manager was the only licensed personnel in the company.~~

SECTION 6. Arkansas Code § 17-37-203(a)(2)(A) and (B), concerning exemptions for noncommercial pest control applicators, is amended to read as follows:

(2)(A) However, no noncommercial applicator shall use, supervise the use of, or demonstrate the use of a restricted-use pesticide, as defined

by the Federal Insecticide, Fungicide, and Rodenticide Act, unless the person has passed a prescribed examination and has been licensed by the ~~State Plant Board~~ Department of Agriculture.

(B)(i) The examination shall demonstrate the applicant's knowledge of how to apply pesticides under the classifications applied for and his or her knowledge of the nature and effect of the pesticides.

(ii) If the applicant is found qualified and has paid the required examination and license fees, the ~~board~~ department shall issue a noncommercial applicator license limited to such activities and classifications as qualified for.

SECTION 7. Arkansas Code § 17-37-205 is amended to read as follows:  
17-37-205. Applicants previously convicted of violations.

Nothing in this chapter shall require the ~~State Plant Board~~ Department of Agriculture to issue a license or registration to an applicant who has been convicted in a court for a violation of this chapter or the Federal Insecticide, Fungicide, and Rodenticide Act.

SECTION 8. Arkansas Code § 17-37-206 is amended to read as follows:  
17-37-206. License application.

(a) Any person desiring to obtain a license for pest control service work shall make an application to the ~~State Plant Board~~ Department of Agriculture on forms provided by the ~~board~~ department, giving complete information requested.

(b) The applicant must prove to the satisfaction of the ~~board~~ department that he or she is morally and financially responsible.

(c) An applicant must show proof of at least one (1) year of experience in the classification for which a license is desired or have completed at least two (2) years of work in an accredited college or university, including the completion of at least one (1) basic course in entomology, to be eligible to take the examination in either of the following classifications:

- (1) Termite and other structural pests; or
- (2) Household pests and rodent control.

(d)(1) To demonstrate the ability of the applicant to perform the classification of work for which a license is desired and to demonstrate his

or her knowledge of the nature and effect of pesticides and how to apply them safely and properly, the ~~board~~ department shall prescribe in advance an examination in writing to be taken by the applicant and to be given by a person designated by the ~~board~~ department who is not interested financially or otherwise in pest control service work in Arkansas.

(2) This representative shall examine the applicant by ~~a written~~ an examination as prescribed, and the examination shall be graded by the examiner or designated proctor ~~with the results being certified to the board for approval either as having passed or failed the examination as the case may be.~~

(e)(1) The ~~board~~ department is directed to give examinations on various classifications of pest control work ~~on designated dates~~ at least one (1) time each quarter.

(2) If the applicant is found qualified in one (1) or more of the classifications, he or she may be licensed to do the classification of work for which he or she is found qualified upon the payment of the required fees.

(f) By virtue of these qualifications, the applicant shall be eligible for certification under the Federal Insecticide, Fungicide, and Rodenticide Act or state law as a commercial applicator.

(g) By rule, the ~~board~~ department shall make provisions to ensure that applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(h) Any licensee who fails to renew his or her license for a period of two (2) years shall be required to follow the same procedure as a new applicant in obtaining another license.

SECTION 9. Arkansas Code § 17-37-209 is amended to read as follows:

17-37-209. Eligibility for reexamination.

Any applicant who fails to pass the written examination in any classification must wait at least ~~three (3) months~~ fourteen (14) days before being eligible to take another examination in the same classification.

SECTION 10. Arkansas Code § 17-37-210 is amended to read as follows:

17-37-210. Bond and insurance requirements.

## (a) Bond.

(1) Before a license is issued or renewed, the ~~State Plant Board~~ Department of Agriculture shall be furnished an acceptable surety bond by each applicant for a license in either of the following classifications:

- (A) Termite and other structural pests; or
- (B) Household pests and rodent control.

(2)(A)(i) The bond shall be executed by the applicant for a termite and other structural pests license or any combination of licenses that includes termite and other structural pests as principal and by a surety company licensed to do business in this state in the surety amount of one hundred thousand dollars (\$100,000).

(ii)(a) The bond shall be executed by an applicant for a household pests and rodent control license or any combination of licenses that includes household pests and rodent control as principal and by a surety company licensed to do business in this state in the surety amount of fifty thousand dollars (\$50,000).

(b) Subdivision (a)(2)(A)(ii)(a) of this section does not apply to a combination of licenses that includes termite and other structural pests.

(B) The bond shall be for a term not to exceed one (1) year and shall coincide with the licensing period.

(3)(A) A bond required by this chapter shall be in favor of the State of Arkansas for the benefit of any person damaged as the result of a violation of this chapter by an operator licensed under this chapter and for the benefit of any person who, after entering into a contract with the licensee, is damaged by the failure of the licensee to properly perform the contract.

(B) A person claiming against the bond may maintain an action at law against the licensee and the surety.

(C) The aggregate liability of the surety to all persons shall not exceed the sum of the bond.

## (b) Insurance.

(1) In addition to the bond required in subdivision (a)(1) of this section, before a license is issued or renewed, each applicant for a license in the classification of household pests and rodent control or the classification of general fumigation shall furnish the ~~board~~ department a

certificate of insurance written by an insurance company authorized to do business in this state covering the public liability of the applicant for personal injuries for not less than twenty-five thousand dollars (\$25,000) for any one (1) person, and fifty thousand dollars (\$50,000) for any one (1) accident, and not less than five thousand dollars (\$5,000) for property damage.

(2) In addition to the bond required in subdivision (a)(1) of this section, before a license is issued or renewed, each applicant for a license or any combination of licenses that includes the classification of termite and other structural pests shall furnish the ~~board~~ department a certificate of insurance for a general liability insurance policy written by an insurance company authorized to do business in this state covering public liability of the applicant for personal injuries and property damage in an amount not less than five hundred thousand dollars (\$500,000) per occurrence or five hundred thousand dollars (\$500,000) per aggregate.

(c) Cancellation.

(1) The bond and insurance shall not be cancelled or terminated until at least thirty (30) days after a notice of cancellation is received by the ~~board~~ department.

(2) Upon failure of a licensee to maintain in full force and effect the bond and insurance required by this section, the license shall become void and shall not be reinstated until a satisfactory bond and insurance have been filed.

SECTION 11. Arkansas Code § 17-37-212(b), concerning the change of license status related to pest control, is amended to read as follows:

(b) When there is a change in the status of a licensee, such as change of address, operator in charge, agents, or solicitors, the licensee shall immediately notify the ~~State Plant Board~~ Department of Agriculture of the changes.

SECTION 12. Arkansas Code § 17-37-213(a), concerning agents and solicitors related to pest control, is amended to read as follows:

(a) Each licensed operator shall register with the ~~State Plant Board~~ Department of Agriculture the name and address of each agent or solicitor and shall pay to the ~~board~~ department a registration fee annually for each

solicitor and agent at the time of registration.

SECTION 13. Arkansas Code § 17-37-215(b), concerning pest control operator names, is amended to read as follows:

(b) No person shall issue a solicitor's or agent's license to any other person for the purpose of operating under any other name except that of the licensed operator who registers the solicitor or agent with the ~~State Plant Board~~ Department of Agriculture.

SECTION 14. Arkansas Code § 17-37-217 is amended to read as follows:

17-37-217. Grounds for license invalidation or nonrenewal.

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

- (1) Misrepresentations for the purpose of deceiving or defrauding;
- (2) Making of a false statement with knowledge of its falsity for the purpose of inducing others to act thereon to their damage;
- (3) Failure of the licensee to supply the ~~State Plant Board~~ Department of Agriculture or its authorized representative, upon request, with true and accurate information concerning methods and materials used or work performed or other information essential to the administration and enforcement of this chapter;
- (4) Performing work, whether for compensation or not, in a classification for which the licensee does not have a license;
- (5) If repeated inspections by the ~~board~~ department reveal that the licensee is not securing satisfactory control of the pests or diseases which the licensee engages to control or eradicate;
- (6) Failure of the licensee to register agents or solicitors, failure to pay registration, inspection, or reporting fees due, or failure to make reports within the time specified;
- (7) Conviction in any court of a violation of this chapter or of the Federal Insecticide, Fungicide, and Rodenticide Act;
- (8) Intentional misrepresentation in any application for a license;
- (9) Failure to correct substandard work;
- (10) Making a pesticide recommendation or application which is

inconsistent with any or all of the following:

- (A) The labeling;
- (B) Federal or state registration; or
- (C) Federal or state restrictions on the use of that

pesticide; and

(11) Falsification of records or failure to maintain or make available the records required by this chapter.

SECTION 15. Arkansas Code § 17-37-221(c), concerning contracts, reports, and records for licensed operators related to pest control, is amended to read as follows:

(c)(1)(A) By the fifteenth of each month, every licensed operator shall file a report with the ~~board~~ Department of Agriculture covering termite and other structural pest work performed the previous calendar month.

(B) The report required under subdivision (c)(1)(A) of this section shall include:

(i) A summary listing of each contract issued for the prevention, control, or eradication of termites or other structural pests;

(ii) Letters of clearance issued and service contracts issued regardless of whether chemical treatments were carried out;

(iii) The name and address of the property owner;

(iv) The address of the property; and

(v) Any other information deemed necessary by the ~~board~~ department and stipulated in the rules adopted under this chapter.

(C) Within forty-eight (48) normal business hours, the licensed operator shall produce documents requested by an authorized agent of the ~~board~~ department, including without limitation contracts and related documents.

(D) Failure to meet timelines set in this section may result in additional penalties.

(2)(A) Reporting and payment of inspection fees may also be required for household pest and rodent control work or other classifications as the ~~board~~ department may specify if deemed necessary or if required by the Federal Insecticide, Fungicide, and Rodenticide Act.

(B)(i) All fees due the ~~board~~ department shall be filed

with the board by the fifteenth day of each month to cover work performed the previous calendar month department as stipulated by the rules of the board.

(ii) If payment of fees due is delayed more than thirty (30) days, then the fees due shall be doubled.

(3) A report shall be filed each month even if no work is performed.

SECTION 16. Arkansas Code § 17-37-221(e)(1), concerning contracts, reports, and records for licensed operators related to pest control, is amended to read as follows:

(e)~~(1)~~ All licensed operators, qualified operators, or license holders shall ~~stencil or paint~~ display on both sides of all motor equipment that requires a state vehicle license the name of the ~~operator or company~~ license holder with letters at least two inches (2") high.