

**Article 3. Report of Damage From Pesticides**  
**Sections 11761-11765**

**11761.** Any person that alleges any loss, nonperformance, or damage as a result of the use or application of any pesticide, or of any substance, method, or device for pesticidal purposes; or for the purpose of preventing, destroying, repelling, mitigating, or correcting any disorder of plants; or for the purpose of inhibiting, regulating, stimulating, or otherwise altering plant growth by direct application to plants or soil shall, within 30 days from the time that the occurrence of such loss, nonperformance, or damage became known to such person, file with the commissioner of the county in which the loss, nonperformance, or damage, or some part of the loss, nonperformance, or damage, is alleged to have occurred, a verified report of the loss, nonperformance, or damage.

**11762.** If a growing crop is alleged to have been damaged as a result of the activities which are described in Section 11761, the verified report of loss, nonperformance, or damage shall be filed prior to the time 50 percent of the crop is harvested, unless the loss, nonperformance, or damage is not known until after the crops are harvested.

**11763.** The verified report of loss, nonperformance, or damage shall set forth, so far as known to the claimant, all of the following:

- (a) Name and address of the claimant.
- (b) Type, kind and location of property which is allegedly injured or damaged.
- (c) Date the alleged loss, nonperformance, or damage occurred.
- (d) Name of pest control operator that is allegedly responsible.
- (e) Name of the owner or occupant of the property for whom the person or pest control operator was rendering labor or services.

**11764.** The filing of the verified report, or the failure to file it, need not be alleged in any complaint which may be filed. The failure to file the verified report of loss, nonperformance, or damage is not a bar to the maintenance of a civil action for the recovery of damages for the loss, nonperformance, or damage.

**11765.** The failure to file a verified report of loss is evidence that no loss, nonperformance, or damage occurred.

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**Article 4. Violations**  
**Sections 11791-11792**

**11791.** It is unlawful for any person subject to this division to do any of the following:

- (a) Make any false or fraudulent claim, or misrepresent the effects of material or method to be applied, apply any worthless or improper material, or otherwise engage in any unfair practices.
- (b) Operate in a faulty, careless, or negligent manner.
- (c) Refuse or neglect to comply with this division, or any regulation issued pursuant to this division, or any lawful order of the commissioner or the director.
- (d) Refuse or neglect to keep and maintain the records which are required by this division, or to make reports when and as required.

**11792.** It is also unlawful for any person that is subject to this division to do any of the following:

- (a) Make any false or fraudulent record or report.
- (b) Operate in any county without first having registered with the commissioner.
- (c) Operate equipment with incompetent or unqualified persons in charge of the equipment.
- (d) Make any false or fraudulent statement, record, report or use any fraud or misrepresentation in connection with meeting any license requirement found in this division.
- (e) Cheat on or subvert a licensing examination. As used in this subdivision, “subvert” includes, but is not limited to, the unauthorized possession, reproduction, or distribution of any portion of the licensing examination.
- (f) Fail to comply with the provisions of Chapter 3 (commencing with Section 14001) of Division 7.





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**CHAPTER 5. AIRCRAFT OPERATION REGULATION**  
**Article 1. General Provisions**  
**Sections 11901-11911**

**11901. (a)** It is unlawful for any person to operate a manned aircraft in pest control unless the

**(b)** It is unlawful for any person to operate an unmanned aircraft system in pest control unless

**11902. (a)** Each manned pest control aircraft pilot's certificate shall designate the manned pest

**(b)** Each unmanned pest control aircraft pilot's certificate shall designate the unmanned pest

**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.

**11903.** A fee as prescribed by the director pursuant to Section 11502.5 shall accompany each application for an initial certificate.

**11904.** Every certificate shall expire on December 31 of the year for which it is issued. Certificates may be renewed before the expiration date by application to the director and upon payment of a fee as prescribed by the director pursuant to Section 11502.5. A penalty fee as prescribed by the director pursuant to Section 11502.5 shall be paid by an applicant who applies for renewal after the expiration date.

**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.

**11906.** A journeyman's certificate shall not be issued to any applicant, other than the holder of an apprentice certificate, unless such applicant has had in effect a journeyman's certificate issued by the director within the previous two calendar years.

**11907.** A journeyman's certificate shall not be issued until the applicant has served as an apprentice under a certificate issued pursuant to this chapter for one year and until the applicant presents to the director satisfactory documentary proof consisting of declaration or affidavit by the holder of a journeyman's certificate attesting to the applicant's performance, under the

attesting journeyman's direct and personal supervision, of not less than 150 hours of operation of fixed-wing aircraft or 50 hours of operation of non fixed-wing aircraft within the previous two calendar years in pest control activities, together with any other evidence as the director may require.

**11908.** Each applicant for an apprentice certificate shall satisfy the director, through documentary evidence or other suitable information, that the applicant shall conduct pest control activities only under the direct and personal supervision of a person that holds a journeyman's certificate.

**11909.** It is unlawful for the holder of an apprentice certificate to conduct pest control activities unless such activities are conducted under the direct and personal supervision of a person that holds a journeyman's certificate.

**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.

**11911.** Notwithstanding any other provision of this article, if the holder of a certificate is called to active duty as a member of the armed forces of the United States of America, the holder, upon the termination of such active duty, is entitled to renewal of such certificate in the same category, if he does all of the following:

(a) Makes application to the director.

(b) Pays the renewal fee required by the director.

(c) Demonstrates to the director his ability to conduct pest control operations and his knowledge of the nature and effect of materials which are used in pest control.







**12997.7.**, continued

(b) The protocols shall include, but not be limited to, all of the following:

(1) Protocols for requesting and providing immediate access to pesticide-specific information necessary to assist emergency medical services personnel in identifying pesticides that may be causing a pesticide drift exposure incident and appropriate treatments.

(2) Protocols to delineate specific agency responsibilities and the process for responding to calls, notifying residents, and coordinating evacuation, if needed.

(3) Protocols to establish emergency shelter procedures and locations to be used in the event evacuation is needed.

(4) Protocols to access services in all languages known to be spoken in the affected area in accordance with Section 11135 of the Government Code.

(5) Protocols to ensure access to health care within 24 hours of the exposure and up to a week after the exposure.

(6) Protocols to notify medical providers regarding eligibility for reimbursement pursuant to Section 12997.5.

(c) The CUPA or administering agency shall amend the area plan for emergency response, pursuant to subdivision (c) of Section 25503, to specifically address pesticide drift exposure and to incorporate provisions of the protocols of subdivision (b).

(d) Upon the next schedule update of the area plan, all CUPAs shall have incorporated a pesticide drift component into their area plan.

(e) The minimum standard protocols developed under subdivision (a) shall be in accordance with the California Environmental Protection Agency's guidelines.

**12998.** Any person who violates this division relating to pesticides or structural pest control devices, or any regulation issued pursuant to a provision of this division relating to pesticides or structural pest control devices, is liable civilly in an amount not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000) for each violation. Any person who commits a second or subsequent violation that is the same as a prior violation or similar to a prior violation or whose intentional violation resulted or reasonably could have resulted in the creation of a hazard to human health or the environment or in the disruption of the market of the crop or commodity involved, is liable civilly in an amount not less than five thousand dollars (\$5,000) nor more than twenty-five thousand dollars (\$25,000) for each violation. Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department in administering this division, and Division 6 (commencing with Section 11401).

**12999.** Upon a complaint by the director, or by the Structural Pest Control Board in the case of violations of Chapter 7.5 (commencing with Section 15300) or regulations adopted pursuant to that chapter relating to structural pest control devices, the Attorney General may bring an action for civil penalties in any court of competent jurisdiction in this state against any person violating any provision of this division, or any regulation issued pursuant to it. The Attorney General may bring an action for civil penalties on his or her own initiative if, after examining the complaint and the evidence, he or she believes a violation has occurred.

**12999.2.** The remedies or penalties provided by this division are in addition to the remedies or penalties available under any other law.

**12999.4. (a)** In lieu of civil prosecution by the director, the director may levy a civil penalty against a person violating subdivision (d) or (e) of Section 11792 or Sections 12115, 12116, 12671, 12992, and 12993, Chapter 10 (commencing with Section 12400) of Division 6, Article 4.5 (commencing with Section 12841), Section 13186.5, Chapter 7.5 (commencing with Section 15300), or the regulations adopted pursuant to those provisions, of not more than five thousand dollars (\$5,000) for each violation.

**(b)** Before a civil penalty is levied, the person charged with the violation shall be given a written notice of the proposed action, including the nature of the violation and the amount of the proposed penalty, and shall have the right to request a hearing within 20 days after receiving notice of the proposed action. A notice of the proposed action that is sent by certified mail to the last known address of the person charged shall be considered received even if delivery is refused or the notice is not accepted at that address. If a hearing is requested, notice of the time and place of the hearing shall be given at least 10 days before the date set for the hearing. Before the hearing, the person shall be given an opportunity to review the director's evidence. At the hearing, the person shall be given the opportunity to present evidence on his or her own behalf. If a hearing is not timely requested, the director may take the action proposed without a hearing.

**(c)** If the person against whom the director levied a civil penalty requested and appeared at a hearing, the person may seek review of the director's decision within 30 days of the date 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. Pursuant to Section 6103 of the Government Code, the clerk of the superior court shall not charge a fee for the performance of any official service required in connection with the entry of judgment pursuant to this section.

**(e)** Any money recovered under this section shall be paid into the Department of Pesticide Regulation Fund for use by the department, upon appropriation, in administering this division and Division 6 (commencing with Section 11401).

**12999.5. (a)** In lieu of civil prosecution by the director, the county agricultural commissioner may levy a civil penalty against a person violating Division 6 (commencing with Section 11401), Article 10 (commencing with Section 12971) or Article 10.5 (commencing with Section 12980) of this chapter, Section 12995, Article 1 (commencing with Section 14001) of Chapter 3, Chapter 3.7 (commencing with section 14160), Chapter 7.5 (commencing with Section 15300), or a regulation adopted pursuant to any of these provisions, of not more than one thousand dollars (\$1,000) for each violation. Any violation determined by the county agricultural commissioner to be a Class A violation as defined in Section 6130 of Title 3 of the California Code of Regulations is subject to a fine of not more than five thousand dollars (\$5,000) for each violation. It is unlawful and grounds for denial of a permit under Section 14008 for a person to refuse or neglect to pay a civil penalty levied pursuant to this section once the order is final.

**(b)** If a person has received a civil penalty for pesticide drift in a school area subject to Section 11503.5 that results in a Class A violation as defined in subdivision (a), the county agricultural commissioner shall charge a fee, not to exceed fifty dollars (\$50), for processing and monitoring each subsequent pesticide application that may pose a risk of pesticide drift made in a school area subject to Section 11503.5. The county agricultural commissioner shall continue to impose