

## PROPOSED TEXT

### California Code of Regulations Title 16. Professional and Vocational Regulations Division 19. Structural Pest Control Board

Proposed amendments to the regulatory language are shown in single underline for new text and ~~single strikethrough~~ for deleted text.

Amend Sections 1940, 1940.1, 1941, and 1942 of Division 19 of Title 16 of the California Code of Regulations as follows:

#### **§ 1940. Notice of Operator's and Field Representative's Examinations.**

~~Operator's and Field Representative's examination notices shall be mailed to all persons eligible for examination. Such notice shall be sent by United States mail, the postage fully prepaid, addressed to the applicant's address as shown on the notice of examination.~~

(a) As a condition of licensure, an applicant shall pass the board's examination for the license type and branch for which they are applying as specified in paragraphs (1)-(7). Each examination shall test applicants in any or all of the content areas, tasks, and associated knowledge statements ("subjects") identified in the applicable paragraphs, as follows:

- (1) **Applicator License:** The California Applicator Examination shall test applicants on any or all of the subjects covered in the examination outline titled "Attachment A: Examination Outline for the California Applicator Examination," which is hereby incorporated by reference, and published in the memorandum entitled "Occupational Analysis of the Applicator Profession" from the Chief of the Office of Professional Examination Services to the board's Executive Officer, dated March 9, 2023.
- (2) **Field Representative License, Branch 1:** The Branch 1 Field Representative Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled "Table 10 – Examination Outline for the Branch 1 Field Representative Profession," which is hereby incorporated by reference, and published in the document entitled "Occupational Analysis of the Branch 1 Field Representative Profession" by the Department of Consumer Affairs' Office of Professional Examination Services, dated August 2019; and, (B) the federal core and category-specific competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(14), dated July 1, 2023, which are hereby incorporated by reference.
- (3) **Field Representative License, Branch 2:** The Branch 2 Field Representative Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled "Table 14 – Branch 2 Field Representative Examination Outline 2025," which is hereby incorporated by reference and published in the

document entitled “Occupational Analysis of the Branch 2 Field Representative Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated July 2025; and, (B) the federal competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(7), dated July 1, 2023, which are hereby incorporated by reference.

(4) **Field Representative License, Branch 3:** The Branch 3 Field Representative Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled “Table 13 – Examination Content Outline: Branch 3 Field Representative,” which is hereby incorporated by reference and published in the document entitled “Occupational Analysis of the Branch 3 Field Representative Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated January 2017; and, (B) the federal competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(7), dated July 1, 2023, which are hereby incorporated by reference.

(5) **Operator License, Branch 1:** The Branch 1 Operator Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled “Table 10 – Examination Outline For The Branch 1 Operator Profession,” which is hereby incorporated by reference and published in the document entitled “Occupational Analysis of the Branch 1 Operator Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated August 2019; and, (B) the federal competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(14), dated July 1, 2023, which are hereby incorporated by reference.

(6) **Operator License, Branch 2:** The Branch 2 Operator Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled “Table 14 – Branch 2 Operator Examination Outline 2025,” which is hereby incorporated by reference and published in the document entitled “Occupational Analysis of the Branch 2 Operator Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated July 2025; and, (B) the federal competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(7), dated July 1, 2023, which are hereby incorporated by reference.

(7) **Operator License, Branch 3:** The Branch 3 Operator Examination shall test applicants on any or all of the subjects covered in: (A) the examination outline titled “Table 13 – Examination Outline For Branch 3 Operator Profession,” which is hereby incorporated by reference and published in the document entitled “Occupational Analysis of the Branch 3 Operator Profession” by the Department of Consumer Affairs’ Office of Professional Examination Services, dated August 2017; and, (B) the federal competency standards specified in 40 CFR §§ 171.103(c) and 171.103(d)(7), dated July 1, 2023, which are hereby incorporated by reference.

(b) Upon passing an examination specified in this section, an applicant may submit an application for an applicator, field representative, or operator license pursuant to section 1936 or 1936.2, as applicable.

(c) "Pass" or "Passing" an examination specified in this section means earning a score consistent with the requirements set forth in section 8560 of the code.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8561, 8563, 8564.5, 8565, 8565.5, 8566, and 8674, Business and Professions Code.

### **§ 1940.1. Application for Examination.**

(a) All new applicants seeking to take an examination specified in section 1940 shall first submit a completed application for examination to the board. The application for examination required by this subsection, may be submitted as a hard copy to the board's current physical address listed on its website, or electronically through the board's online portal accessible through the board's website. A completed application for examination shall include the applicable applicator, field representative, or operator examination fee required by section 1948 and all of the following information:

- (1) Applicant's full legal name (Last Name, First Name, and Middle Name).
- (2) Applicant's date of birth (Month, Day, and Year).
- (3) Applicant's Social Security Number or Individual Taxpayer Identification Number, which is authorized to be collected pursuant to sections 30 and 494.5 of the Code and Pub. L 94-455 (42 U.S.C.A. § 405(c)(2)(C)), and will be used exclusively for identification, tax enforcement purposes, or compliance with any judgment or order for family support in accordance with section 17520 of the Family Code.
- (4) Applicant's residence address.
- (5) Applicant's mailing address, if different from residence address.
- (6) Applicant's telephone number.
- (7) Applicant's email address.
- (8) Whether the applicant has previously applied for the examination.
- (9) Whether the applicant is presently or was previously licensed with the board.
- (10) A disclosure regarding whether the applicant is requesting a reasonable accommodation pursuant to subdivision (b) of Government Code section 12944. If so, the applicant shall provide medical documentation consisting of a written document with the name, license number, telephone number, date and signature of a physician confirming the existence of the applicant's disability or medical condition (as defined in Government Code section 12926) and the need for the reasonable accommodation.
- (11) A statement signed by the applicant under penalty of perjury that the information provided in the application for examination is true and correct.
- (12) A copy of the applicant's acceptable government-issued photo identification.
- (13) Applicants for Branch 1, 2, or 3 operator licenses shall also submit satisfactory proof of completing the applicable courses required by section 8565.5 of the Code within the timeframe required by section 1934. "Satisfactory proof" shall mean a certificate of completion or other document signed and dated by an

authorized representative of a continuing education provider approved by the board per section 1953, specifying that the applicant satisfactorily completed course(s) in the applicable subjects specified in section 8565.5 of the Code.

(b) Once the board confirms the application for examination is complete in accordance with subsection (a), the applicant is qualified pursuant to sections 8563, 8564, 8564.5 and 8565 of the Code, as applicable, and the appropriate examination fee is paid as required by subsection (a), the board shall send a written approval notice to the examination vendor, PSI Services LLC (PSI), and to the applicant by email or, if an email address is not provided by the applicant, by United States Postal Service to the mailing address the applicant provided in their application for examination.

(1) The approval notice shall contain the web-site address, email address, telephone number, and mailing address of PSI, specify that the applicant is responsible for complying with the requirements in paragraphs (2) and (3) of this subsection, and specify that failure to appear for the examination is grounds for forfeiture of the examination fee, unless the applicant requests and is granted a postponement in accordance with section 1941.

(2) The applicant shall contact PSI to schedule an examination date, time, and site location.

(3) The applicant shall appear at the designated PSI examination site location at their scheduled date and time, and the applicant shall present their acceptable government-issued photo identification at the time of examination.

(c) For the purposes of this section, "acceptable government-issued photo identification" means any of the following:

(1) Unexpired driver's license or identification card issued by a U.S. state or territory,

(2) Unexpired United States military identification card including active duty, retiree, or reservist military identification card (DD Form 2 or 2 A),

(3) Unexpired United States-issued passport card,

(4) Unexpired Passport from any other country,

(5) Unexpired United States-issued Permanent Resident Card (Form I-551),

(6) Unexpired Mexican Consulate identification card, or,

(7) Unexpired United States-issued Employment Authorization Card (EAD/Form I-766).

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Section 8560, 8561, 8563, 8564.5, 8565, 8565.5, 8566, and 8674, Business and Professions Code.

### **§ 1941. Failure to Appear for ~~an Operator's or Field Representative's~~ Examinations.**

Failure of an applicant to appear for an ~~operator's or field representative's~~ examination specified in section 1940 after proper notification thereof shall be grounds for forfeiture

of the examination fee, unless the applicant requests and is granted a postponement not less than five days prior to such examination or is excused by the board, for good cause, from complying with this requirement. An applicant who receives a postponement of not more than six (6) months will not be required to file a new application for examination prescribed in section 1940.1.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560 and 8674, Business and Professions Code.

#### **1942. Applicant Failing Operator's or Field Representative's Application for Re-Examination.**

(a) An applicant who does not pass an fails the operator's or field Representative's examination specified in section 1940 may request to take another examination within six (6) months thereafter by submitting on the same an application for re-examination to the board, accompanied by such statements and documents as required by this subsection, in hard copy to the board's current physical address listed on its website or electronically through the board's online portal accessible through the board's website. A completed application for re-examination shall include the application fee required by section 1948 and the following information:

- (1) Applicant's full legal name (Last Name, First Name, and Middle Name).
- (2) Applicant's Examination ID Number.
- (3) Applicant's current mailing address.
- (4) Applicant's telephone number.
- (5) Applicant's email address.
- (6) A statement signed by the applicant under penalty of perjury that the information provided in the application for examination is true and correct.

(b) Once the board approves an applicant for re-examination, the board shall send a written approval notice to the examination vendor, PSI Services LLC (PSI), and to the applicant by email or, if an email address is not provided by the applicant, by United States Postal Service to the mailing address the applicant provided in their application for re-examination.

(1) The approval notice shall contain the web-site address, email address, telephone number, and mailing address of PSI, specify that the applicant is responsible for complying with the requirements in paragraphs (2) and (3) of this subsection, and specify that failure to appear for the examination is grounds for forfeiture of the examination fee, unless the applicant requests and is granted a postponement in accordance with section 1941.

(2) The applicant shall contact PSI to schedule an examination date, time, and site location.

(3) The applicant shall appear at the designated PSI examination site location at their scheduled date and time, and the applicant shall present their acceptable

government-issued photo identification at the time of examination. “Acceptable government-issued photo identification” has the same meaning as provided in section 1940.1.

NOTE: Authority cited: Section 8525, Business and Professions Code. Reference: Sections 8560, 8561, 8563, 8564.5, and 8674, Business and Professions Code.