

ACT 102

S.B. NO. 1277

A Bill for an Act Relating to Pest Control Operators.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 460J-19, Hawaii Revised Statutes, is amended to read as follows:

“[~~§460J-19~~] [Wood-destroying pests or inspection required; field reports; inspection reports;] Termite control contracts; form and contents; filing and delivery; [statement of guarantee;] control service; control service contract. (a) This section shall apply only to [wood-destroying pests.] contracts for the control of termites.

(b) No licensee shall commence work on a contract[, or sign, issue, or deliver any documents expressing an opinion or statement relating to the absence or presence of wood-destroying pests] for the control of termites until an inspection has been made[. A] and a written inspection report and a written estimate [conforming to this section and on a form prescribed by the board shall be prepared and delivered to] have been approved by the person requesting the [inspection or the person’s designated agent, before work is commenced.] work; provided that no written inspection report shall be required in the event that a live infestation exists. The following shall be [set forth] included in the written inspection report on a form prescribed by the board.¹

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- (1) The date of the inspection and the name of the person making the inspection;
- (2) The name and address of the person or firm ordering the report;
- (3) The name and address of any person who is a party in interest to whom the licensee is to send certified copies of inspection reports and completion notices;
- (4) The address or location of the property;
- (5) A general description of the building or premises inspected[.]; and
- (6) The location of visible termite infestations apparent to the licensee.¹

The licensee shall not be responsible for subsequent infestations unless their presence was visible at the time of the inspection. There shall be no guarantees or warranties on inspection reports. [Any contract entered into, shall state specifically when any guarantee for the work is made, and if so, the specific terms of the guarantee and the period of time for which the guarantee shall be in effect.]

(c) Control service is defined as the regular reinspection of a property after a report has been made in compliance with this section and such corrections as have been agreed upon have been completed. Under a control service agreement, a licensee shall refer to the original report and contract in such manner as to identify them clearly, and the report shall be assumed to be a true report of conditions as originally issued, except it may be modified after a control service inspection. A licensee is not required to issue a report as outlined in paragraphs (1) to [(5)] (6) after each control service inspection. If after control service inspection, no modification of the original report is made in writing, then it will be assumed that conditions are as originally reported. A control service contract shall [state specifically] identify the particular [wood-destroying pests] types of termites and the portions of the buildings or structures covered by the contract.”

SECTION 2. New statutory material is underscored. Statutory material to be deleted is bracketed.

SECTION 3. This Act shall take effect on July 1, 1987.

(Approved May 30, 1987.)

Note

1. So in original.