

## **217B.500 Definitions.**

As used in KRS 217B.505 to 217B.585 unless the context requires otherwise:

- (1) "Department" shall mean the Department of Agriculture.
- (2) "KPCA" shall mean Kentucky Pest Control Association, Inc.
- (3) "Termite" shall mean the eastern subterranean termite, *Reticulotermes flavipes* (Kollar), the southeastern subterranean termite, *R. virginicus* Banks, or the light southeastern subterranean termite, *R. hageni* Banks.
- (4) "Old house borer" shall mean the cerambycid beetle *Hylotrupes bajalus* (L.).
- (5) "Powder post beetle" shall mean the beetles that damage wooden structures and are classified within the families Lyctidae, Bostrichidae or Anobiidae.
- (6) "Carpenter ants" shall mean those ants that damage wooden structures and are classified within the genus *Camponotus*.
- (7) "Carpenter bees" shall mean those bees that damage wooden structures and are classified in the genus *Xylocopa*.
- (8) "General pests" shall mean any arthropods, mollusks, annelid worms, rodents or other pestiferous vertebrate animals, vermin or fungi, excluding those defined in subsections (3), (4), (5), (6), and (7) of this section.
- (9) "Fumigation" shall mean the use of poisonous gases for the control of pests in enclosed spaces including but not restricted to structures such as box cars, warehouses, ships, barges, homes, garages and granaries.
- (10) "Wood destroying organisms" shall mean those organisms that cause damage to the wood used in the construction of commercial or residential establishments including the insects defined under subsections (3), (4), (5), (6), and (7) of this section.
- (11) "Structural pest control" shall mean the control of termites or pests, including the identification of infestations or infections; the making of inspections, inspection reports, recommendations; offering advice regarding control methods or sanitation procedures relative to termites and general pests; estimates, or bids, whether oral or written, with respect to such infestations; issuing contracts or submitting bids for, advertising for or performing services designated to prevent, control, repel or eliminate such infestations by the use of pesticides, mechanical devices or structural modifications under whatever name known, for the purpose of preventing, controlling and repelling wood destroying organisms and general pests in household structures, commercial buildings, and other structures (including those in all stages of construction) or the contents thereof, and outside areas, including the treatment of railroad cars, trucks, ships and airplanes or any one (1) or any combination thereof. Excluded under this definition are textile manufacturers, cleaners or furriers who treat fabrics or furs in their place of business exclusively.
- (12) "Applicant" shall mean any named natural person applying for an applicator license or a manager's license.
- (13) "Applicator" shall mean the license holder for a structural pest control firm and shall be the designated natural person, within a firm, partnership, corporation, organization, association or any combination thereof, who manages or is in charge

of a business of structural pest control including advertising, soliciting or performing any of the services covered under the provisions of KRS 217B.505 to 217B.585.

- (14) "Manager" shall hold a manager's license and be a designated natural person within a firm who may perform the functions of an applicator but must always work under the full-time supervision of an applicator.
- (15) "License" shall mean an instrument authorizing a person to act or engage in structural pest control operations as an applicator or manager. The license may be issued by the department upon certification of the applicant's qualification and upon recommendation of the Pest Control Advisory Board.
- (16) "Office" shall mean the point of headquarters or location of the principal operation of an applicator or a point or location from which branch offices or operations are supervised.
- (17) "Branch offices" shall mean any location other than the main or home office or point of headquarters of principal operation of a firm from which structural pest control activities are carried out. The maintenance of personnel and/or where pesticides are stored and mixed (other than in service vehicles) or a point from which sales are made or solicited, or service rendered shall constitute a branch office within the meaning of KRS 217B.505 to 217B.585. Each branch office shall have a licensed manager.
- (18) "Full-time supervision" shall mean the act or process whereby professional work or services are made by a competent person acting under the instructions and control of an applicator or manager who is responsible for the action of that person and who is available if and when needed even though such applicator or manager is not physically present at the time and place that professional work or services are performed.
- (19) "Reserve applicator license holder" shall be that person within a designated structural pest control firm or structural fumigation firm who maintains a current applicator's license but is not the designated license holder for that firm. This license holder can become the designated license holder for said firm only in the event of the death, incapacitation or removal of the original license holder other than by bankruptcy or sale of the firm.
- (20) "Board" means the Pest Control Advisory Board.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 295, sec. 65, effective July 15, 1980. -- Created 1978 Ky. Acts ch. 81, sec. 1, effective June 17, 1978.