

620-6-.02 Contracts.

- (1) Every licensee shall issue a written contract to the property owner or owner's agent covering each job of Wood Destroying Organisms Control, setting forth the following:
- (a) The specific type of application to be performed;
 - (b) The effective date and the contract period;
 - (c) A diagram consisting of a reasonable depiction of the structure(s) to be treated, indicating the location of any visible active or previous infestation;
 - (d) The price to be charged, including an estimate of the cost of repairs, replacements or excavation, when such repairs, replacements or excavation are related to the control of Wood Destroying Organisms and are to be performed by the licensee;
 - (e) The specific terms of any guaranty or warranty and whether they apply to retreatment or repair of damages. Any contract for Wood Destroying Organism Jobs that offers any type of guaranty or warranty shall contain at the top of the first page one of the following statements, in at least one-eighth (1/8) inch letters and blocked in with a heavy black line:
 - 1. This contract provides for retreatment of a structure but does not provide for the repair of damages caused by wood destroying organisms.
 - 2. This contract provides for retreatment of a structure and the repair of damages caused by wood destroying organisms within the limits stated in this contract.
 - (f) If the licensee has an approved bond, whether or not the work under the contract is to be covered by the bond, and the details of coverage expressed in terms identical to those in the bond itself;
 - (g) Specific conditions for renewal including:
 - 1. the amount of the renewal fee;
 - 2. the number of years over which the renewal fee will remain fixed;
 - 3. whether or not reinspections of the structure(s) under contract are to be made, and the approximate interval.
 - (h) Any provision for a limitation of liability based upon any modification or addition to the structure as depicted in the diagram referenced in subsection (b) above shall be set forth in the contract so that the homeowner understands that he is responsible for notifying the pest control company of any modifications or alterations which are made during any contract period.
 - (i) Contracts for residential structures, not exceeding two (2) units, may not limit the area to be treated.
- (2) Every Wood Destroying Organism Control contract shall be signed by the property owner or owner's agent prior to performance of any control measures and the three (3) day right of cancellation shall be disclosed to every contractee in accordance with the Fair Business Practices Act of 1975, and rules of the Federal Trade Commission, 16 C.F.R. 429.
- (3) Every Wood Destroying Organism Control contract for treatment which utilizes a bait or baiting system shall contain the following statement in at least one-eighth (1/8) inch letters and blocked in with a heavy black line "The removal of the bait or baiting system may result in a lack of termite protection".
- (4) In addition to all other recordkeeping requirements, the licensee shall maintain reports of all monitoring, inspections and/or reinspections of the structure(s), baits or baiting systems and devices under contract. Such reports shall be provided to the property owner

and a copy shall be maintained by the licensee for inspection by the enforcement agency, in a reasonable amount of time, for a period of two (2) years. The reports shall include the date of the monitoring, inspection or reinspection, name of the person performing the monitoring, inspection or reinspection and whether or not Wood Destroying Organisms or signs of termite activity were found.

(5) Copies of all contracts and supporting documentation (pesticide use records, diagrams of the structure and any Exception Form IIs) shall be maintained by the licensee during the contract period and for a period of two (2) years following the date of expiration of the contract.

Authority O.C.G.A. Sec. 43-45-8. **History.** Original Rule entitled "Crimes" adopted. F. and eff. June 30, 1965. **Repealed:** New Rule of same title adopted. F. Oct. 25, 1966; eff. Nov. 13, 1966. **Amended:** F. Jan. 23, 1979; eff. Feb. 12, 1979. **Repealed:** New Rule entitled "Contracts" (formerly 620-7-.02) adopted. F. Feb. 14, 1985; eff. Mar. 6, 1985. **Repealed:** New Rule of same title adopted. F. Mar. 30, 1988; eff. Apr. 19, 1988. **Amended:** F. Sept. 14, 1995; eff. Oct. 4, 1995. **Amended:** F. Apr. 12, 1996; eff. Nov. 1, 1996, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. June 4, 1997; eff. July 1, 1997, as specified by the Agency. **Amended:** F. Oct. 3, 2000; eff. Nov. 1, 2000, as specified by the Agency. **Amended:** F. Jan. 6, 2003; eff. Feb. 1, 2003, as specified by the Agency. **Amended:** F. Aug. 26, 2005; eff. Sept. 16, 2005, as specified by the Agency.