

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2315

Introduced by

Senators Thane, Krauter, Tomac

Representatives Carlisle, Thompson

1 A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota
2 Century Code, relating to proof of financial responsibility for persons engaged in commercial
3 chemical application; and to provide an effective date.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 4-35 of the North Dakota Century Code is
6 created and enacted as follows:

7 **Proof of financial responsibility.** A commercial pesticide applicator certificate may
8 not be issued or renewed unless the applicant furnishes proof of financial responsibility as
9 provided in this section. Minimum financial responsibility must be demonstrated annually in the
10 amount of one hundred dollars, and may be demonstrated by proof of net assets, a
11 performance bond, or a liability insurance policy. Financial responsibility information must be
12 provided in a form approved by the commissioner of agriculture. The performance bond or
13 insurance policy must contain a provision requiring the issuing company to notify the
14 commissioner of agriculture at least ten days before the effective date of cancellation,
15 termination, or other modification of the bond or insurance policy. The commissioner of
16 agriculture must immediately request the suspension of the certification of a person who fails to
17 maintain the minimum financial responsibility standards of this section. If there is any recovery
18 against the certificate holder, the holder must demonstrate continued compliance with the
19 minimum standards of this section. An employee of a commercial pesticide application
20 business is not required to meet these standards separately if the business documents
21 compliance with the minimum financial responsibility standards of this section. An application
22 for reinstatement of a suspended certificate under this section must be accompanied by proof of
23 satisfaction of any judgment previously rendered.

24 **SECTION 2. EFFECTIVE DATE.** This Act becomes effective on January 1, 1998.