

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 thousand dollars, and may be demonstrated by a notarized letter from
11 an officer of a financial institution or from a certified public accountant attesting to the existence
12 of net assets equal to at least one hundred thousand dollars, a performance bond, or a general
13 liability insurance policy. The performance bond or insurance policy must contain a provision
14 requiring the issuing company to notify the commissioner of agriculture at least ten days before
15 the effective date of cancellation, termination, or other modification of the bond or insurance
16 policy. The commissioner of agriculture must immediately request the suspension of the
17 certification of a person who fails to maintain the minimum financial responsibility standards of
18 this section. If there is any recovery against the certificate holder, the holder must demonstrate
19 continued compliance with the minimum standards of this section. An employee of a
20 commercial pesticide application business is not required to meet these standards separately if
21 the business documents compliance with the minimum financial responsibility standards of this
22 section. An application for reinstatement of a suspended certificate under this section must be
23 accompanied by proof of satisfaction of any judgment previously rendered. A rancher is
24 exempt from this section if the rancher is required to obtain a commercial pesticide applicator

- 1 certificate for controlling noxious weeds on the leased federal acreage as a condition of a
- 2 federal grasslands lease.

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