

Fifty-fifth
Legislative Assembly
of North Dakota

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

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