

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2228

Introduced by

Senator Klein

Representative DeKrey

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 notification of alleged pesticide damage; to repeal sections 4-35-21,
3 4-35-21.1, and 4-35-21.2 of the North Dakota Century Code, relating to reports of loss resulting
4 from pesticide application; and to declare an emergency.

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

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

8 **Pesticide application - Alleged property damage - Notification of applicator.**

9 1. a. Before a person may file a civil action seeking reimbursement for property
10 damage allegedly stemming from the application of a pesticide, the person
11 shall notify by certified mail the pesticide applicator of the alleged damage
12 within the earlier of:

13 (1) Twenty-eight days from the date the person first knew or should have
14 known of the alleged damage; or

15 (2) Before twenty percent of the crop or field allegedly damaged is
16 harvested or destroyed.

17 b. Subdivision a does not apply if the person seeking reimbursement for
18 property damage was the applicator of the pesticide.

19 2. Upon notifying the applicator as required under subsection 1, the person seeking
20 reimbursement for the alleged property damage shall permit the applicator and up
21 to four representatives of the applicator to enter the person's property for the
22 purpose of observing and examining the alleged damage. If the person fails to
23 allow entry, the person is barred from asserting a claim against the applicator.

- 1 **SECTION 2. REPEAL.** Sections 4-35-21, 4-35-21.1, and 4-35-21.2 of the North
- 2 Dakota Century Code are repealed.
- 3 **SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure.