

Fifty-sixth  
Legislative Assembly  
of North Dakota

## ENGROSSED HOUSE BILL NO. 1439

Introduced by

Representatives Kempenich, Drovdal, Warner

Senators Solberg, Tomac

1 A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code,  
2 relating to proof of financial responsibility for commercial pesticide applicators; and to declare  
3 an emergency.

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

5 **SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1997 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **4-35-09.1. (~~Effective January 1, 1998~~) Proof of financial responsibility -**

8 **Exceptions.**

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

1 business documents compliance with the minimum financial responsibility  
2 standards of this section. An application for reinstatement of a suspended  
3 certificate under this section must be accompanied by proof of satisfaction of any  
4 judgment previously rendered. ~~A rancher is exempt from this section if the~~

5 2. This section does not apply to:

6 a. A rancher who is required to obtain a commercial pesticide applicator  
7 certificate for controlling noxious weeds on the leased federal acreage as a  
8 condition of a federal grasslands lease.

9 b. A grazing association and its members if either the association or any  
10 member is required to obtain a commercial pesticide applicator certificate for  
11 controlling noxious weeds on the leased federal acreage as a condition of a  
12 federal grasslands lease.

13 c. A person required to be certified in the right-of-way category.

14 d. An applicator who holds a commercial pesticide certificate and is controlling  
15 noxious weeds on grassland, land producing tame hay, or other lands not  
16 devoted to the production of an annual crop.

17 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.