

Introduced by

Senators Nichols, Kroeplin

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

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

5 **SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1999 Supplement to the North  
6 Dakota Century Code is amended and reenacted as follows:

7 **4-35-09.1. Proof of financial responsibility - Exceptions.**

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

1 application business is not required to meet these standards separately if the  
2 business documents compliance with the minimum financial responsibility  
3 standards of this section. An application for reinstatement of a suspended  
4 certificate under this section must be accompanied by proof of satisfaction of any  
5 judgment previously rendered.

6 2. This section does not apply to:

- 7 a. A rancher who is required to obtain a commercial pesticide applicator  
8 certificate for controlling noxious weeds on the leased federal acreage as a  
9 condition of a federal grasslands lease.
- 10 b. A grazing association and its members if either the association or any  
11 member is required to obtain a commercial pesticide applicator certificate for  
12 controlling noxious weeds on the leased federal acreage as a condition of a  
13 federal grasslands lease.
- 14 c. A person required to be certified in the right-of-way category.
- 15 d. An applicator who holds a commercial pesticide certificate and is controlling  
16 noxious weeds on grassland, land producing tame hay, or other lands not  
17 devoted to the production of an annual crop.

18 **SECTION 2. LEGISLATIVE COUNCIL STUDY - FINANCIAL RESPONSIBILITY**

19 **REQUIREMENTS FOR COMMERCIAL PESTICIDE APPLICATORS.** The legislative council  
20 shall consider studying issues regarding financial responsibility requirements for commercial  
21 pesticide applicators. The legislative council shall report its findings and recommendations,  
22 together with any legislation necessary to implement the recommendations, to the fifty-eighth  
23 legislative assembly.