

Introduced by

Senators Nichols, Kroeplin

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 provide
3 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 financial responsibility on
11 demand to the agriculture commissioner as provided in this section. Minimum
12 financial responsibility must be ~~demonstrated annually~~ maintained in the amount of
13 one hundred thousand dollars, and may be demonstrated by a notarized letter
14 from an officer of a financial institution or from a certified public accountant
15 attesting to the existence of net assets equal to at least one hundred thousand
16 dollars, a performance bond, or a general liability insurance policy. The
17 performance bond or insurance policy must contain a provision requiring the
18 issuing company to notify the agriculture commissioner at least ten days before the
19 effective date of cancellation, termination, or other modification of the bond or
20 insurance policy. The agriculture commissioner ~~must~~ shall immediately ~~request~~
21 ~~the suspension of~~ suspend the certification of a person who fails to maintain the
22 minimum financial responsibility standards of this section. If there is any recovery
23 against the certificate holder, the holder ~~must~~ shall demonstrate continued
24 compliance with the minimum standards of this section. An employee of a

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

2. This section does not apply to:

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

SECTION 2. LEGISLATIVE COUNCIL STUDY - FINANCIAL RESPONSIBILITY

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