

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1952

97TH GENERAL ASSEMBLY

6071H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 281.065, RSMo, and to enact in lieu thereof one new section relating to certified commercial pesticide applicators.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 281.065, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 281.065, to read as follows:

281.065. 1. The director shall not issue a certified commercial applicator's license until the applicant or the employer of the applicant has furnished evidence of financial responsibility with the director consisting either of a surety bond or a liability insurance policy or certification thereof, protecting persons who may suffer legal damages as a result of the operations of the applicant; except that, such surety bond or liability insurance policy need not apply to damages or injury to crops, plants or land being worked upon by the applicant. **Following the receipt of the initial license, the certified commercial applicator shall not be required to furnish evidence of financial responsibility to the department for the purpose of license renewal unless upon request. Annual renewals for surety bonds or liability insurance shall be maintained at the business location from which the certified commercial applicator is licensed. Valid surety bonds or liability insurance certificates shall be available for inspection by the director or his or her designee at a reasonable time during regular business hours or, upon request in writing, the director shall be furnished a copy of the surety bond or liability insurance certificate within ten working days of receipt of request.**

2. The amount of the surety bond or liability insurance required by this section shall be not less than [twenty-five] **fifty** thousand dollars [for property damage and bodily injury insurance, each separately and] for each occurrence. [Such surety bond or liability insurance

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 shall be maintained at not less than that sum at all times during the licensed period.] The director
19 shall be notified **by the surety or insurer** within twenty days prior to any **cancellation or**
20 reduction [at the request of the bond- or policyholder or any cancellation of such] **of the** surety
21 bond or liability insurance [by the surety or insurer, as long as the total and aggregate of the
22 surety and insurer for all claims shall be limited to the face of the bond or liability insurance
23 policy]. If the surety bond or liability insurance policy which provides the financial
24 responsibility for the [applicant] **certified commercial applicator** is provided by the employer
25 of the [applicant] **certified commercial applicator**, the employer of the [applicant] **certified**
26 **commercial applicator** shall immediately notify the director upon the termination of the
27 employment of the [applicant] **certified commercial applicator** or when a condition exists
28 under which the [applicant] **certified commercial applicator** is no longer provided bond or
29 insurance coverage by the employer. The [applicant] **certified commercial applicator** shall then
30 immediately execute a surety bond or an insurance policy to cover the financial responsibility
31 requirements of this section and [shall furnish the director with evidence of financial
32 responsibility as required by this section] **the certified commercial applicator or the**
33 **applicator's employer shall maintain the surety bond or liability insurance certificate at**
34 **the business location from which the certified commercial applicator is licensed.** The
35 director may accept a liability insurance policy or surety bond in the proper sum which has a
36 deductible clause in an amount not exceeding one thousand dollars; except that, if the bond- or
37 policyholder has not satisfied the requirement of the deductible amount in any prior legal claim,
38 such deductible clause shall not be accepted by the director unless the bond- or policyholder
39 [furnishes the director with] **executes and maintains** a surety bond or liability insurance which
40 shall satisfy the amount of the deductible as to all claims that may arise in his application of
41 pesticides.

42 3. If the surety [furnished] becomes unsatisfactory, the bond- or policyholder shall[,
43 upon notice,] immediately execute a new bond or insurance **policy** and **maintain the surety**
44 **bond or liability insurance certificate at the business location from which the certified**
45 **commercial applicator is licensed and**, if he **or she** fails to do so, the director shall cancel his
46 **or her** license, or deny the license of an applicant, and give him **or her** notice of cancellation or
47 denial, and it shall be unlawful thereafter for the applicant to engage in the business of using
48 pesticides until the bond or insurance is brought into compliance with the requirements of
49 subsection 1 of this section. If the bond- or policyholder does not execute a new bond or
50 insurance policy within sixty days of expiration of such bond or policy, the licensee shall be
51 required to satisfy all the requirements for licensure as if never before licensed.

52 4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from
53 liability for any damage to the person or lands of another caused by the use of pesticides even
54 though such use conforms to the rules and regulations of the director.