

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Bill No. 807, Page 1, in the Title, Line 3, by deleting all of said line and inserting in  
2 lieu thereof the words "court proceedings."; and

3  
4 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said line  
5 the following:

6  
7 "281.065. 1. The director shall not issue a certified commercial applicator's license until the  
8 applicant or the employer of the applicant has furnished evidence of financial responsibility with the  
9 director consisting either of a surety bond or a liability insurance policy or certification thereof,  
10 protecting persons who may suffer legal damages as a result of the operations of the applicant;  
11 except that, such surety bond or liability insurance policy need not apply to damages or injury to  
12 crops, plants or land being worked upon by the applicant. Following the receipt of the initial license,  
13 the certified commercial applicator shall not be required to furnish evidence of financial  
14 responsibility to the department for the purpose of license renewal unless upon request. Annual  
15 renewals for surety bonds or liability insurance shall be maintained at the business location from  
16 which the certified commercial applicator is licensed. Valid surety bonds or liability insurance  
17 certificates shall be available for inspection by the director or his or her designee at a reasonable time  
18 during regular business hours or, upon request in writing, the director shall be furnished a copy of the  
19 surety bond or liability insurance certificate within ten working days of receipt of request.

20 2. The amount of the surety bond or liability insurance required by this section shall be not  
21 less than [twenty-five] fifty thousand dollars [for property damage and bodily injury insurance, each  
22 separately and] for each occurrence. Such surety bond or liability insurance shall be maintained at  
23 not less than that sum at all times during the licensed period. The director shall be notified by the  
24 surety or insurer within twenty days prior to any cancellation or reduction [at the request of the  
25 bond- or policyholder or any cancellation of such] of the surety bond or liability insurance [by the  
26 surety or insurer, as long as the total and aggregate of the surety and insurer for all claims shall be  
27 limited to the face of the bond or liability insurance policy]. If the surety bond or liability insurance  
28 policy which provides the financial responsibility for the [applicant] certified commercial applicator  
29 is provided by the employer of the [applicant] certified commercial applicator, the employer of the  
30 [applicant] certified commercial applicator shall immediately notify the director upon the  
31 termination of the employment of the [applicant] certified commercial applicator or when a  
32 condition exists under which the [applicant] certified commercial applicator is no longer provided  
33 bond or insurance coverage by the employer. The [applicant] certified commercial applicator shall  
34 then immediately execute a surety bond or an insurance policy to cover the financial responsibility  
35 requirements of this section and [shall furnish the director with evidence of financial responsibility  
36 as required by this section] the certified commercial applicator or the applicator's employer shall

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 maintain the surety bond or liability insurance certificate at the business location from which the  
2 certified commercial applicator is licensed. The director may accept a liability insurance policy or  
3 surety bond in the proper sum which has a deductible clause in an amount not exceeding one  
4 thousand dollars; except that, if the bond- or policyholder has not satisfied the requirement of the  
5 deductible amount in any prior legal claim, such deductible clause shall not be accepted by the  
6 director unless the bond- or policyholder [furnishes the director with] executes and maintains a  
7 surety bond or liability insurance which shall satisfy the amount of the deductible as to all claims that  
8 may arise in his or her application of pesticides.

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

19 4. Nothing in sections 281.010 to 281.115 shall be construed to relieve any person from  
20 liability for any damage to the person or lands of another caused by the use of pesticides even though  
21 such use conforms to the rules and regulations of the director."; and  
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23 Further amend said bill by amending the title, enacting clause, and intersectional references  
24 accordingly.  
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