

SECOND REGULAR SESSION

HOUSE BILL NO. 2532

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RONE.

5459H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo, and to enact in lieu thereof nineteen new sections relating to pesticide certification and training, with a delayed effective date.

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

Section A. Sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, RSMo, are repealed and nineteen new sections enacted in lieu thereof, to be known as sections 281.015, 281.020, 281.025, 281.030, 281.035, 281.037, 281.038, 281.040, 281.045, 281.048, 281.050, 281.055, 281.060, 281.063, 281.065, 281.070, 281.075, 281.085, and 281.101, to read as follows:

281.015. Sections 281.005 to 281.115 shall be administered by the director of the department of agriculture of the state of Missouri~~[-hereafter referred to as the "director"]~~.

281.020. As used in sections 281.010 to 281.115, the following terms mean:

(1) "Animal", all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish;

(2) "Applicator, operator or technician":

(a) **"Certified applicator", includes certified commercial applicator, certified noncommercial applicator, certified private applicator, or certified public operator;**

(b) "Certified commercial applicator", any individual, whether or not ~~he~~ the individual is a private applicator with respect to some uses, who is certified by the director as authorized to use, supervise the use of, ~~or~~ determine the need for the use of, **or supervise the**

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.

10 **determination of need for** any pesticide, whether classified for restricted use or for general use,
11 while ~~[he]~~ **the individual** is engaged in the business of using pesticides on the lands of another
12 as a direct service to the public in exchange for a fee or compensation;

13 ~~[(b)]~~ (c) "Certified noncommercial applicator", any individual, whether or not ~~[he]~~ **the**
14 **individual** is a private applicator with respect to some uses, who is certified by the director as
15 authorized to use, or to supervise the use of, any pesticide which is classified for restricted use
16 only on lands owned or rented by ~~[him]~~ **the individual** or ~~[his]~~ **the individual's** employer;

17 ~~[(c)]~~ (d) "Certified private applicator", any individual who is certified by the director as
18 authorized to use~~[-, or to supervise the use of,]~~ any pesticide ~~[which]~~ **that** is classified for
19 restricted use for purposes of producing any agricultural commodity on property owned or rented
20 by ~~[him]~~ **the individual** or ~~[his]~~ **the individual's** employer or on the property of another person,
21 if used without compensation other than trading of personal services between producers of
22 agricultural commodities~~[-, on the property of another person];~~

23 ~~[(d)]~~ (e) "Certified public operator", any individual who is certified by the director as
24 authorized to use, or to supervise the use of, any pesticide classified for restricted use in the
25 performance of ~~[his]~~ **the individual's** duties as an official or employee of any agency of the state
26 of Missouri or any political subdivision thereof, or any other governmental agency;

27 ~~[(e)]~~ (f) "Noncertified restricted use pesticide (RUP) applicator", **any person who**
28 **is not certified in accordance with sections 281.010 to 281.115 who uses or determines the**
29 **need for the use of restricted use pesticides under the direct supervision of a certified**
30 **commercial applicator or uses restricted use pesticides under the direct supervision of a**
31 **certified noncommercial applicator or certified public operator;**

32 (g) "Private applicator", any person not holding a certified private applicator's license
33 who ~~[shall be required to obtain a permit for the use of any restricted use pesticide]~~ **uses general**
34 **use pesticides or minimum risk pesticides** for the purposes of producing any agricultural
35 commodity on property owned or rented by ~~[him]~~ **the person** or ~~[his]~~ **the person's** employer or
36 on the property of another person, if used without compensation other than trading of personal
37 services between producers of agricultural commodities~~[-, such permit shall authorize the~~
38 ~~one-time emergency purchase of a restricted use pesticide for the purpose of a one-time~~
39 ~~emergency use of that pesticide];~~

40 ~~[(f)]~~ (h) "Pesticide technician", any individual working under the direct supervision of
41 a commercial applicator certified in categories as specified by regulation, and who having met
42 the competency requirements of ~~[this chapter]~~ **sections 281.010 to 281.115**, is authorized by the
43 director to determine the need for the use of any pesticide as well as to the use of any pesticide;

44 ~~[(g)]~~ (i) "Pesticide technician trainee", any individual working in the physical presence
45 and under the direct supervision of a certified commercial applicator to gain the required
46 on-the-job training in preparation for obtaining a pesticide technician's license;

47 (3) "Beneficial insects", those insects ~~[which]~~ **that**, during their life cycle, are effective
48 pollinators of plants, are parasites or predators of pests, or are otherwise beneficial;

49 (4) "Defoliant", any substance or mixture of substances intended for causing the leaves
50 or foliage to drop from a plant, with or without causing abscission;

51 (5) **"Department" or "department of agriculture", the state department of**
52 **agriculture, and when by sections 281.010 to 281.115 the department of agriculture is**
53 **charged to perform a duty, the director of the department of agriculture is authorized to**
54 **perform such duty;**

55 (6) "Desiccant", any substance or mixture of substances intended for artificially
56 accelerating the drying of plant tissue;

57 ~~[(6)]~~ (7) "Determining the need for the use of any pesticide", the act of inspecting land
58 for the presence of pests for the purpose of contracting for their control or prevention through
59 the use of pesticides in categories as specified by regulation;

60 ~~[(7)]~~ (8) "Device", any instrument or contrivance, other than a firearm, ~~[which]~~ **that** is
61 intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or
62 animal life, other than man and other than bacteria, viruses, or other microorganisms on or in
63 living man or other living animals, but not including equipment used for the application of
64 pesticides when sold separately therefrom;

65 (9) **"Director", the director of the department of agriculture or the director's**
66 **designee;**

67 (10) **"Distribute", to sell, offer for sale, hold for sale, deliver for transportation in**
68 **intrastate commerce, or transport in intrastate commerce;**

69 ~~[(8)]~~ (11) "Environment" includes, **but is not limited to**, water, air, land, and all plants
70 and man and other animals living therein, and the interrelationships ~~[which]~~ **that** exist among
71 these;

72 ~~[(9)]~~ (12) "Equipment" ~~[means]~~ , any type of ground, water, or aerial equipment or
73 contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide
74 on land and anything that may be growing, habitating, or stored on or in such land, but shall not
75 include any pressurized hand-sized household apparatus used to apply any pesticide, or any
76 equipment or contrivance of which the person who is applying the pesticide is the source of
77 power or energy in making such pesticide application;

78 ~~[(10)]~~ (13) "Fungus", any nonchlorophyll-bearing thallophyte, ~~[that]~~ **which** is~~;~~ any
79 nonchlorophyll-bearing plant of a lower order than mosses and liverworts, **such as**~~[-for~~

80 ~~example,]~~ rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other
81 living animals, and except those on or in processed food, beverages, or pharmaceuticals;

82 **(14) "General use pesticide", any pesticide, when applied in accordance with its**
83 **directions for use, warnings, and cautions, and for the uses for which it is registered, or for**
84 **one or more of such uses, or in accordance with a widespread and commonly recognized**
85 **practice, that will not generally cause unreasonable adverse effects on the environment;**

86 ~~[(11)]~~ **(15)** "Individual", any responsible, natural human being;

87 ~~[(12)]~~ **(16)** "Insect", any of the numerous small invertebrate animals generally having the
88 body more or less obviously segmented, for the most part belonging to the class Insecta,
89 comprising six-legged, usually winged forms, **such** as~~[-for example,]~~ beetles, bugs, bees, flies,
90 and to other allied classes of arthropods whose members are wingless and usually have more
91 than six legs, **such** as~~[-for example,]~~ spiders, mites, ticks, centipedes, and wood lice;

92 ~~[(13)]~~ **(17)** "Land", all land and water areas, including airspace, and all plants, animals,
93 structures, buildings, contrivances, and machinery, appurtenant thereto or situated thereon, fixed
94 or mobile, including any used for transportation;

95 **(18) "Minimum risk pesticide", any pesticide product exempted under 40 C.F.R.**
96 **Section 152.25(f) from registration requirements under the Federal Insecticide, Fungicide,**
97 **and Rodenticide Act (FIFRA), as amended;**

98 ~~[(14)]~~ **(19)** "Misuse of a pesticide", a use of any ~~[registered]~~ pesticide in a manner
99 inconsistent with its labeling; provided, that the use of a lesser concentration than provided on
100 the label shall not be considered the misuse of a pesticide when used strictly for agricultural
101 purposes, and when requested in writing by the person on whose behalf a pesticide is used;

102 ~~[(15)]~~ **(20)** "Nematode", invertebrate animals of the phylum Nematelminthes and class
103 Nematoda, that is, unsegmented round worms with elongated, fusiform, or sac-like bodies
104 covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas
105 or eelworms;

106 **(21) "Nontarget organism", any plant, animal, or organism other than the target**
107 **pests that a pesticide is intended to affect;**

108 ~~[(16)]~~ **(22)** "Person", any individual, partnership, association, fiduciary, corporation, or
109 any organized group of persons whether incorporated or not;

110 ~~[(17)]~~ **(23)** "Pest":

111 (a) Any insect, snail, slug, rodent, nematode, fungus, weed; or

112 (b) Any other form of terrestrial or aquatic plant or animal life or virus, bacterium, or
113 other microorganism, except viruses, bacteria, or other microorganisms on or in living man or
114 other living animals, ~~[which]~~ **that** is normally considered to be a pest;

115 ~~[(18)]~~ **(24)** "Pesticide":

116 (a) Any substance or mixture of substances intended for preventing, destroying,
117 repelling, or mitigating any pest; or

118 (b) Any substance or mixture of substances intended for use as a plant regulator,
119 defoliant, or desiccant;

120 ~~[(19)]~~ **(25)** "Pesticide dealer", any individual who is engaged in the business of
121 distributing, selling, offering for sale, or holding for sale at retail, or direct wholesale to the end
122 user, any pesticide classified for restricted use;

123 **(26) "Pesticide dealership", any location or outlet where restricted use pesticides**
124 **are held for sale, distributed, or sold;**

125 ~~[(20)]~~ **(27)** "Plant regulator", any substance or mixture of substances, intended, through
126 physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for
127 otherwise altering the behavior of plants or the produce thereof, but shall not include substances
128 to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant
129 inoculants, or soil amendments. The term "plant regulator" does not include any of those
130 nutrient mixtures or soil amendments ~~[which]~~ **that** are commonly known as vitamin-hormone
131 horticultural products, intended for improvement, maintenance, survival, health, and propagation
132 of plants, and ~~[which]~~ **that** are not for pest destruction and are nontoxic, nonpoisonous in the
133 undiluted package concentration;

134 ~~[(21)] "Private applicator permit", a written certificate, issued by the director or his~~
135 ~~authorized agent, authorizing the purchase, possession or use of certain restricted use pesticides~~
136 ~~by a private applicator. Such permit shall authorize the one-time emergency purchase of a~~
137 ~~restricted use pesticide for the purpose of a one-time emergency use of such pesticide;~~

138 ~~———[(22)]~~ **(28)** "Restricted use pesticide", any pesticide when applied in accordance with its
139 directions for use, warnings, and cautions and for the uses for which it is registered, or for one
140 or more of such uses, or in accordance with a widespread and commonly recognized practice,
141 the director determines may cause, without additional regulatory restrictions, unreasonable
142 adverse effects on the environment, including injury to the applicator;

143 ~~[(23)]~~ **(29)** "Sale", selling or offering for sale any pesticide;

144 ~~[(24)]~~ **(30)** "Snails" or "slugs" includes all harmful mollusks;

145 ~~[(25)]~~ **(31)** "Unreasonable adverse effects on the environment", any unreasonable risk
146 to man or the environment, taking into account the economic, social, and environmental costs
147 and benefits of the use of any pesticide;

148 ~~[(26)]~~ **(32)** "Under the direct supervision of a certified applicator", when a pesticide is
149 used by a competent person acting under the instructions and control of a certified applicator
150 who is available if and when needed, even though such certified applicator is not physically
151 present at the time and place the pesticide is used;

152 ~~[(27)]~~ **(33)** "Use", mixing, **loading, or** applying~~[-storing or disposing of a]~~ **any**
153 **pesticide; cleaning pesticide equipment; or storing or disposing of pesticide containers,**
154 **pesticides, spray mix, equipment wash waters, and other pesticide-containing materials;**
155 ~~[(28)]~~ **(34)** "Weed", any plant ~~[which]~~ **that** grows where not wanted; ~~[and~~
156 ~~———(29)]~~ **(35)** "Wildlife", all living things that are neither human, domesticated, or pests,
157 including, but not limited to, mammals, protected birds, and aquatic life.

281.025. 1. The director shall administer and enforce the provisions of sections 281.010
2 to 281.115 and shall have authority to issue regulations after a public hearing following due
3 notice of not less than thirty days to all interested persons, in conformance with the provisions
4 of chapter 536, to carry out the provisions of sections 281.010 to 281.115. Where the director
5 finds that such regulations are needed to carry out the purpose and intent of sections 281.010 to
6 281.115, such regulations may relate to, but need not be limited to, prescribing the time, place,
7 manner, methods, materials, and amounts and concentrations, in connection with the use of the
8 pesticide, and may restrict or prohibit use of pesticides in designated areas during specified
9 periods of time and shall encompass all reasonable factors ~~[which]~~ **that** the director deems
10 necessary to prevent damage or injury. In issuing such regulations, the director may give
11 consideration to pertinent research findings and recommendations of other agencies of this state,
12 the federal government, or other reliable sources. The director may by regulation require that
13 notice of a proposed application of a pesticide be given to landowners adjoining the property to
14 be treated or in the immediate vicinity thereof, if ~~[he]~~ **the director** finds that such notice is
15 necessary to carry out the purpose of sections 281.010 to 281.115. ~~[The director may, by~~
16 ~~regulation, provide for the one-time emergency purchase and one-time emergency use of a~~
17 ~~restricted use pesticide by a private applicator.]~~

18 2. The pesticides on the list of restricted use pesticides, as determined by the federal
19 agency having jurisdiction over the classification of pesticides, shall be so restricted in the state
20 of Missouri. The director shall publish, at least annually, a list of pesticides ~~[which]~~ **that** have
21 restricted uses. Such publication shall be made available to the public upon request. If the
22 director determines that a pesticide, when used in accordance with its directions for use,
23 warnings, and cautions, and for uses for which it is registered, may cause, without additional
24 regulatory restrictions, unreasonable adverse effects on the environment, including injury to the
25 applicator or other persons, the pesticide shall be used only by or under the direct supervision
26 of a certified applicator~~[-or a private applicator with a permit]~~. Such pesticides may be subject
27 to other restrictions as determined by the director, to include the time and conditions of
28 possession and use.

29 3. No regulation, or any amendment or repeal thereof, provided for in sections 281.010
30 to 281.115 shall be adopted, except after public hearing giving an opportunity to the public to

31 be heard, to be held after no less than thirty days' prior notice of the date, time, and place of
32 hearing, to be given by regular mail to any person who has registered with the director for
33 purposes of notice of such public hearings, in accordance with procedures prescribed by the
34 director.

35 4. At any hearing, opportunity to be heard shall be afforded to any interested person upon
36 written request received not later than twenty-four hours prior to the hearing, and may also be
37 afforded to other persons. In addition, any interested person, whether or not heard, may submit
38 within seven days subsequent to the hearing a written statement of views. The director may
39 solicit the views in writing of persons who may be affected by, or interested in any proposed
40 regulation. Any person heard or represented at the hearing, or making written request for notice,
41 shall be given written notice of the action of the director with respect to the subject thereof.

42 5. No rule or portion of a rule promulgated under the authority of this chapter shall
43 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

281.030. 1. The director may, by regulation, classify ~~[certified applicator, operator or~~
2 ~~technician]~~ licenses to be issued under sections 281.010 to 281.115. Such classifications may
3 include but not be limited to commercial applicators, noncommercial applicators, private
4 applicators, public operators ~~[or]~~ , pesticide technicians, **or noncertified RUP applicators**.
5 Separate classifications may be specified as to ground, aerial, or manual methods used by any
6 licensee to apply pesticides or to the use of pesticides for the control of pests.

7 2. The director may, by regulation, establish certification categories to be provided under
8 each license classification. Each certification category shall be subject to separate testing
9 procedures and requirements; provided, that no individual shall be required to pay an additional
10 fee if ~~[he]~~ **the individual** is certified in one or all of the certification categories provided under
11 the license for which ~~[he]~~ **the individual** has applied. The director may, by regulation, establish
12 certification categories limited to the use of certain pesticides and issue a license therefor. Each
13 certification category shall be subject to separate testing procedures covering only those
14 pesticides for which the applicant seeks to be licensed.

15 3. The director may by regulation establish fees for identification documents.

281.035. 1. No individual shall engage in the business of determining the need for the
2 use of, supervising the use of, **supervising the determination of the need for the use of**, or
3 using any pesticide, in categories as specified by regulation, on the lands of another at any time
4 without a certified commercial applicator's license issued by the director. A certified commercial
5 applicator shall not determine the need for the use of, supervise the use of, **supervise the**
6 **determination of the need for the use of**, or use any pesticide for any particular purpose unless
7 ~~[he or she]~~ **the certified commercial applicator** has demonstrated ~~[his or her]~~ **such certified**
8 **commercial applicator's** competence to use pesticides for that purpose by being certified by the

9 director in the proper certification category. The director shall require an annual fee of sixty-five
10 dollars for each certified commercial applicator's license issued. No certified commercial
11 applicator shall knowingly authorize, direct, or instruct any individual to engage in determining
12 the need for the use of or using any **general use pesticide or minimum risk pesticide** on the
13 land of another at any time unless such individual is a pesticide technician or pesticide technician
14 trainee in such categories as specified by regulation or is working under the direct supervision
15 of a certified commercial applicator so authorizing, directing or instructing, in which case the
16 certified commercial applicator shall be liable for any use of a **general use pesticide or**
17 **minimum use pesticide** by an individual operating under ~~[his or her]~~ **the certified commercial**
18 **applicator's** direct supervision. The certified commercial applicator or the employer shall
19 assure that the director is informed in writing within ten ~~[working]~~ days of the employment of
20 any person as a pesticide technician or pesticide technician trainee.

21 2. **No certified commercial applicator shall knowingly authorize, direct, or instruct**
22 **any individual to engage in determining the need for the use of or using any restricted use**
23 **pesticide on the land of another at any time unless such individual is licensed as a**
24 **noncertified RUP applicator while working under the direct supervision of a certified**
25 **commercial applicator so authorizing, directing, or instructing, in which case the certified**
26 **commercial applicator shall be liable for any use of a restricted use pesticide by an**
27 **individual operating under the certified commercial applicator's direct supervision.**

28 3. Application for a certified commercial applicator's license shall be ~~[made in writing]~~
29 **submitted** to the director on a designated form obtained from the ~~[director's office]~~ **department**.
30 Each application shall include such information as prescribed by the director by regulation.

31 ~~[3-]~~ 4. The director shall not issue a certified commercial applicator's license until the
32 applicant is certified by passing an examination provided by the director to demonstrate to the
33 director ~~[his or her]~~ **the applicant's** competence and knowledge of the proper use of pesticides
34 under the classifications ~~[he or she]~~ **the applicant** had applied for, and ~~[his or her]~~ **the**
35 **applicant's** knowledge of the standards prescribed by regulations for the certification of
36 commercial applicators.

37 ~~[4-]~~ 5. The director may renew any certified commercial applicator's license under the
38 classification for which such applicant is licensed, subject to reexamination for additional
39 knowledge that may be required to use pesticides safely and properly either manually or with
40 equipment the applicant has been licensed to operate.

41 ~~[5-]~~ 6. If the director finds the applicant qualified to use pesticides in the classification
42 for which application has been made, and if the applicant files evidence that the requirement for
43 bonds or insurance has been met as required under section 281.065, the director shall issue a
44 certified commercial applicator's license limited to the classifications for which ~~[he or she]~~ **the**

45 **applicant** is qualified, which shall expire one year from date of issuance unless ~~[#]~~ **the license**
46 has been revoked or suspended prior thereto by the director for cause; provided, such financial
47 responsibility required under section 281.065 does not expire at an earlier date, in which case
48 ~~[said]~~ **the license** shall expire upon the expiration date of the financial responsibility. The
49 director may limit the license of the applicant to the use of certain ~~[restricted-use]~~ pesticides, or
50 to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license
51 is not issued as applied for, the director shall inform the applicant in writing of the reasons
52 therefor.

53 ~~[6:]~~ **7.** The director shall require each certified commercial applicator or ~~[his or her]~~ **the**
54 **certified commercial applicator's** employer to maintain records with respect to applications of
55 any pesticide, **including pesticides used under direct supervision by licensed pesticide**
56 **technicians, pesticide technician trainees, and licensed noncertified RUP applicators.** Such
57 relevant information as the director may deem necessary may be specified by regulation. Such
58 records shall be kept for a period of three years from the date of the application of the pesticide
59 to which such records refer, and the director shall, upon request in writing, be furnished with a
60 copy of such records by any certified commercial applicator or ~~[his or her]~~ **the certified**
61 **commercial applicator's** employer.

62 ~~[7:]~~ **8.** A person or individual engaged in the business of using pesticides on the lands
63 of another, who is deprived of ~~[his or her]~~ **such person's or individual's** sole certified
64 commercial applicator by reason of death, illness, incapacity, or any absence which the director
65 determines is unavoidable, is authorized to continue business operations without the services of
66 a certified commercial applicator for a period of time deemed appropriate by the director, but not
67 to exceed sixty days; except that, no restricted-use pesticide shall be used, or caused to be used,
68 by such person or individual. Any such person or individual shall immediately notify the director
69 as to the absence of ~~[his or her]~~ **such person's or individual's** sole certified commercial
70 applicator.

71 ~~[8:]~~ **9.** Every certified commercial applicator shall display ~~[his or her]~~ **the certified**
72 **commercial applicator's** license in a prominent place at the site, location, or office from which
73 ~~[he or she]~~ **the certified commercial applicator** will operate as a certified commercial
74 applicator; that place, location, or office being at the address printed on the license.

75 ~~[9:]~~ **10.** Every certified commercial applicator who changes the address from which ~~[he~~
76 ~~or she]~~ **the certified commercial applicator** will operate as a certified commercial applicator
77 shall immediately notify the director. The director shall immediately issue a revised license upon
78 which shall be printed the changed address. The director shall not collect a fee for the issuance
79 of a revised license. The expiration date of the revised license shall be the same as the expiration
80 date for the original license.

281.037. 1. Any individual who is not certified pursuant to section 281.035, 281.040, or 281.045~~], or has not been issued a private applicator permit pursuant to subsection 5 of section 281.040]~~ shall not use, or supervise the use of, any restricted-use pesticide without a certified noncommercial applicator license. A certified noncommercial applicator shall not use, or supervise the use of, any restricted use pesticide for any purpose unless ~~[he or she]~~ **the certified noncommercial applicator** has demonstrated ~~[his or her]~~ **the certified noncommercial applicator's** competence to use pesticides for that purpose by being certified by the director in the proper certification category.

2. **No certified noncommercial applicator shall knowingly authorize, direct, or instruct any individual to engage in using any restricted use pesticide on lands or structures owned, leased, or rented by the certified noncommercial applicator or the certified noncommercial applicator's employer unless such individual is licensed as a noncertified RUP applicator while working under the direct supervision of a certified noncommercial applicator so authorizing, directing, or instructing, in which case the certified noncommercial applicator shall be liable for any use of a restricted use pesticide by an individual operating under the certified noncommercial applicator's direct supervision.**

3. Application for a certified noncommercial applicator license shall be ~~[made in writing]~~ **submitted** to the director on a designated form obtained from the ~~[director's office]~~ **department**. Each application shall include such information as prescribed by the director by regulation.

~~[3-]~~ 4. The director shall not issue a certified noncommercial applicator license until the applicant is certified by passing an examination provided by the director to demonstrate to the director ~~[his or her]~~ **the applicant's** competence and knowledge of the proper use of pesticides under the classifications for which ~~[he or she]~~ **the applicant** has applied, and ~~[his or her]~~ **the applicant's** knowledge of the standards prescribed by regulations for the certification of noncommercial applicators.

~~[4-]~~ 5. If the director finds the applicant qualified to use restricted use pesticides in the classification for which ~~[he or she]~~ **the applicant** has applied, the director shall issue a certified noncommercial applicator license limited to the applicator categories in which ~~[he or she]~~ **the applicant** is certified. The license shall expire one year from the date of issuance unless ~~[it]~~ **the license** has been revoked or suspended prior thereto by the director for cause. The director may limit the license of the applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of equipment if the applicant is only so qualified. If a license is not issued as applied for, the director shall inform the applicant in writing of the reasons therefor.

35 ~~[5:]~~ 6. The director may renew any certified noncommercial applicator license under the
36 classification for which the license is issued subject to reexamination for additional knowledge
37 ~~[which]~~ **that** may be required to apply pesticides safely and properly.

38 ~~[6:]~~ 7. The director shall collect a fee of thirty-five dollars for each certified
39 noncommercial applicator license issued.

40 ~~[7:]~~ 8. Any certified noncommercial applicator may use, or supervise the use of,
41 restricted use pesticides only to or on lands or structures owned, leased or rented by ~~[himself or~~
42 ~~herself]~~ **the certified noncommercial applicator** or ~~[his or her]~~ **the certified noncommercial**
43 **applicator's** employer.

44 ~~[8:]~~ 9. The director shall require the certified noncommercial applicator or ~~[his or her]~~
45 **the certified noncommercial applicator's** employer to maintain records with respect to
46 applications of restricted use pesticides. Any relevant information ~~[which]~~ **that** the director may
47 deem necessary may be required by regulation. Such records shall be kept for a period of three
48 years from the date of the application of the pesticide to which such records refer, and the
49 director shall, upon request in writing, be furnished with a copy of such records by any certified
50 noncommercial applicator or ~~[his or her]~~ **the certified noncommercial applicator's** employer.

51 ~~[9:]~~ 10. Every certified noncommercial applicator shall display ~~[his or her]~~ **the certified**
52 **noncommercial applicator's** license in a prominent place at the site, location, or office from
53 which ~~[he or she]~~ **the certified noncommercial applicator** will operate as a certified
54 noncommercial applicator; that place, location, or office being at the address printed on the
55 license.

56 ~~[10:]~~ 11. Every certified noncommercial applicator who changes the address from which
57 ~~[he or she]~~ **the certified noncommercial applicator** will operate as a certified noncommercial
58 applicator shall immediately notify the director. The director shall immediately issue a revised
59 license upon which shall be printed the changed address. The director shall not collect a fee for
60 the issuance of a revised license. The expiration date of the revised license shall be the same as
61 the expiration date for the original license.

281.038. 1. ~~[After July 1, 1990,]~~ No individual working under the direct supervision of
2 a certified commercial applicator shall determine the need for the use of **or use any general use**
3 pesticide ~~[nor use any]~~ **or minimum risk** pesticide in categories as specified by regulation,
4 unless and until the individual has met the requirements of ~~[this chapter]~~ **sections 281.010 to**
5 **281.115.**

6 2. Application for a pesticide technician's license shall be ~~[made in writing]~~ **submitted**
7 to the director on a designated form obtained from the ~~[director's office]~~ **department.** Each
8 application shall include such information as prescribed by the director by regulation and shall

9 be received by the director within forty-five days of employment of the pesticide technician or
10 pesticide technician trainee.

11 3. The director shall not issue a pesticide technician's license until the individual has
12 demonstrated ~~[his or her]~~ **the applicant's** competence by completion of an approved training
13 program to the satisfaction of the director.

14 4. The director may renew any pesticide technician's license under the classification for
15 which that applicant is licensed subject to completion of an additional approved training program
16 to the satisfaction of the director as prescribed by regulation.

17 5. The director shall collect a fee of thirty-five dollars for each pesticide technician
18 license issued.

19 6. If the director finds the applicant qualified to use pesticides in the classification for
20 which application has been made, the director shall issue a pesticide technician's license limited
21 to the classifications for which ~~[he or she]~~ **the applicant** is qualified, which shall expire one year
22 from date of issuance unless ~~[it]~~ **the license** has been revoked or suspended prior thereto by the
23 director for cause. The director may limit the license of the applicant to the use of certain
24 pesticides, or to certain areas, or to certain types of equipment if the applicant is only so
25 qualified. If a license is not issued as applied for, the director shall inform the applicant in
26 writing of the reasons for such denial of license.

27 **7. No pesticide technician shall use or determine the need for the use of any**
28 **pesticide unless there is a certified commercial applicator, certified in categories as**
29 **specified by regulation, working from the same physical location as the licensed pesticide**
30 **technician. A pesticide technician may complete retraining requirements and renew the**
31 **technician's license without a certified commercial applicator working from the same**
32 **physical location.**

281.040. 1. No private applicator shall use any restricted-use pesticide unless ~~[he]~~ **the**
2 **private applicator** first complies with the requirements determined pursuant to subsection ~~[2~~
3 ~~or 5]~~ **3** of this section, as necessary to prevent unreasonable adverse effects on the environment,
4 including injury to the applicator or other persons, for that specific pesticide use.

5 **2. No certified private applicator shall knowingly authorize, direct, or instruct any**
6 **individual to engage in using any restricted use pesticide on lands or structures owned,**
7 **leased, or rented by the certified private applicator or the certified applicator's employer**
8 **unless such individual is licensed as a certified private applicator.**

9 **3. The private applicator shall qualify for a certified private applicator's license by**
10 **[either] attending [a course or completing an online course of instruction] an approved**
11 **certification training program provided by University of Missouri Extension, completing**
12 **an online certification training program provided by University of Missouri Extension, or**

13 **by passing the required private applicator certification examination** provided by the director
14 on the use, handling, storage, and application of restricted-use pesticides **in the proper**
15 **certification categories as specified by regulation.** The content of the instruction shall be
16 determined and revised as necessary by the director. Upon completion of the ~~[course]~~
17 **certification training program, online certification training program, or passing of the**
18 **required private applicator certification examination,** the director shall issue a certified
19 private applicator's license to the applicant. The director shall not collect a fee for the issuance
20 of such license~~[-but the]~~ . University of Missouri Extension ~~[service]~~ may collect ~~[a fee for the~~
21 ~~actual cost of the materials necessary to complete the course of instruction]~~ **reasonable fees for**
22 **training and study materials, for attendance of a certification training program, and for**
23 **an online certification training program.** However, no ~~[fee]~~ **fees** shall be assessed or collected
24 from an individual ~~[completing an online course of instruction. Both]~~ **until** the director of the
25 department and ~~[of the]~~ University of Missouri Extension ~~[service shall]~~ review ~~[such costs]~~ **and**
26 **agree upon the fees. The director of the department and University of Missouri Extension**
27 **shall review and agree upon the fees** annually.

28 ~~[3:]~~ **4.** A certified private applicator's license shall expire five years from date of issuance
29 and may then be renewed without charge or additional fee. Any certified private applicator
30 holding a valid license may renew that license for the next five years ~~[without additional training~~
31 ~~unless the director determines that additional knowledge related to the use of agricultural~~
32 ~~pesticides makes additional training necessary]~~ **upon successful completion of recertification**
33 **training or by passing the required private applicator certification examination.**

34 ~~[4:]~~ **5.** If the director does not qualify the private applicator under this section ~~[he]~~ , **the**
35 **director** shall inform the applicant in writing of the reasons therefor.

36 ~~[5. The private applicator may apply to the director, or his designated agent, for a private~~
37 ~~applicator permit for the one-time emergency purchase and use of restricted use pesticides.~~
38 ~~When the private applicator has demonstrated his competence in the use of the pesticides to be~~
39 ~~purchased and used on a one-time emergency basis, he shall be issued a permit for the one-time~~
40 ~~emergency purchase and use of restricted use pesticides. The director or his designated agent~~
41 ~~shall not collect a fee for the issuance of such permit.]~~

281.045. 1. All agencies of the state of Missouri and the political subdivisions thereof,
2 and any other governmental agency shall be subject to the provisions of sections 281.010 to
3 281.115 and rules adopted thereunder concerning the use of restricted use pesticides.

4 2. Public operators for agencies listed in subsection 1 of this section shall not use, or
5 supervise the use of, any restricted use pesticides on any land or structure without a certified
6 public operator license issued by the director. The certified public operator shall not use or
7 supervise the use of any restricted use pesticide for any purpose unless ~~[he]~~ **the certified public**

8 **operator** has demonstrated ~~[his] the certified public operator's~~ competence to use pesticides
9 for that purpose by being certified by the director in the proper certification category. ~~[Any~~
10 ~~employee of any agency listed in subsection 1 of this section who is not licensed as a certified~~
11 ~~public operator may use restricted use pesticides only under the direct supervision of a certified~~
12 ~~public operator.]~~

13 3. **No certified public operator shall knowingly authorize, direct, or instruct any**
14 **individual to engage in using any restricted use pesticide on lands or structures unless such**
15 **individual is licensed as a noncertified RUP applicator while working under the direct**
16 **supervision of a certified public operator so authorizing, directing, or instructing, in which**
17 **case the certified public operator shall be liable for any use of a restricted use pesticide by**
18 **an individual operating under the certified public operator's direct supervision.**

19 4. Application for a certified public operator license shall be ~~[made in writing]~~
20 **submitted** to the director on a designated form obtained from the ~~[director's office]~~ **department**.
21 Each application shall include all information prescribed by the director by regulation.

22 ~~[4.]~~ 5. The director shall not issue a certified public operator license until the applicant
23 is certified by passing an examination provided by the director to demonstrate to the director
24 ~~[his] the applicant's~~ competence and knowledge of the proper use of pesticides under the
25 classifications for which ~~[he] the applicant~~ has applied, and ~~[his] the applicant's~~ knowledge
26 of the standards prescribed by regulations for the certification of public operators.

27 ~~[5.]~~ 6. If the director finds the applicant qualified to use pesticides in the classification
28 for which ~~[he] the applicant~~ has applied, the director shall issue a license, without a fee, to the
29 certified public operator who has so qualified. The certified public operator license shall be valid
30 only when the operator is acting as an operator using, or supervising the use of, restricted use
31 pesticides in the course of ~~[his] the operator's~~ employment. A certified public operator license
32 shall expire three years from the date of issuance unless ~~[it] the license~~ has been revoked or
33 suspended prior thereto by the director for cause. The director may limit the license of the
34 applicant to the use of certain restricted use pesticides, or to certain areas, or to certain types of
35 equipment if the applicant is only so qualified. If a license is not issued as applied for, the
36 director shall inform the applicant in writing of the reasons therefor.

37 ~~[6.]~~ 7. The director may renew any certified public operator license under the
38 classification for which that applicant is licensed, subject to reexamination for additional
39 knowledge which may be required to use pesticides safely and properly either manually or with
40 equipment the applicant has been licensed to operate.

41 ~~[7.]~~ 8. The director shall require the certified public operator, or ~~[his] the certified~~
42 **public operator's** employer, to maintain records with respect to applications of restricted use
43 pesticides. Any relevant information which the director may deem necessary may be required

44 by regulation. Such records shall be kept for a period of three years from the date of the
45 application of the pesticide to which such records refer, and the director shall, upon request in
46 writing, be furnished with a copy of such records by any certified public operator or ~~his~~ **the**
47 **certified public operator's** employer.

48 ~~[8-]~~ **9.** Agencies listed in subsection 1 of this section shall be subject to a legal action by
49 any person damaged by any use of any pesticide, which may be brought in the county where the
50 damage or any part thereof occurred.

51 ~~[9-]~~ **10.** Every certified public operator shall display ~~his~~ **the certified public operator's**
52 license in a prominent place at the site, location, or office from which ~~he~~ **the certified public**
53 **operator** will operate as a certified public operator, that place, location, or office being at the
54 address printed on the license.

55 ~~[10-]~~ **11.** Every certified public operator who changes the address from which ~~he~~ **the**
56 **certified public operator** will operate as a certified public operator shall immediately notify the
57 director. The director shall immediately issue a revised license upon which shall be printed the
58 changed address. The director shall not collect a fee for the issuance of a revised license. The
59 expiration date of the revised license shall be the same as the expiration date for the original
60 license.

61 **12.** Any person who volunteers to work for a public agency may use general use
62 pesticides without a license under the supervision of the public agency on lands owned or
63 managed by the state agency, political subdivision, or governmental agency.

281.048. 1. No individual shall use or determine the need for the use of any
2 restricted use pesticide while working under the direct supervision of a certified
3 commercial applicator until the individual has met the requirements of this section.

4 **2.** No individual shall use restricted use pesticides while working under the direct
5 supervision of a certified noncommercial applicator or certified public operator until the
6 individual has met the requirements of this section.

7 **3.** Application for a noncertified RUP applicator's license shall be submitted to the
8 director on a designated form obtained from the department. Each application shall
9 include such information as prescribed by the director by regulation and shall be received
10 by the director within forty-five days of employment of the noncertified RUP applicator.

11 **4.** The director may issue a noncertified RUP applicator license once an individual
12 has demonstrated the individual's competence by passing any examination required by the
13 department. The director shall collect an annual fee of thirty-five dollars for each
14 noncertified RUP applicator license issued. The license shall be valid for one year unless
15 revoked or suspended by the department prior to its expiration. The director may renew
16 a noncertified RUP applicator license subject to completion of an approved training

17 program or examination as required by the department. Any individual whose application
18 is denied shall receive a written explanation as to the determination of the denial.

19 **5. Individuals holding a valid noncertified RUP applicator license may use and**
20 **determine the need for the use of restricted use pesticides, general use pesticides, and**
21 **minimum risk pesticides under the direct supervision of a certified commercial applicator**
22 **and only for the categories in which the commercial applicator is certified. The director**
23 **may limit the license of the applicant to the use of certain pesticides, or to certain areas, or**
24 **to certain types of equipment if the applicant is only so qualified.**

25 **6. Every certified commercial applicator, certified noncommercial applicator, or**
26 **certified public operator providing direct supervision to a licensed noncertified RUP**
27 **applicator shall immediately notify the director when the licensed noncertified RUP**
28 **applicator has changed address from which the applicator or operator will operate as a**
29 **licensed noncertified RUP applicator or when the noncertified RUP applicator's**
30 **employment has been terminated. The director shall immediately issue a revised license**
31 **upon which shall be printed the change of address. The director shall not collect a fee for**
32 **the issuance of a revised license. The expiration date of the revised license shall be the**
33 **same as the expiration date for the original license.**

34 **7. A noncertified RUP applicator may complete retraining requirements and renew**
35 **the applicator's license without a certified commercial applicator, certified noncommercial**
36 **applicator, or certified public operator working from the same physical location.**

37 **8. Every licensed noncertified RUP applicator shall display the applicator's license**
38 **in a prominent place at the site, location, or office from which the applicator will operate**
39 **as a noncertified RUP applicator that place, location, or office being at the address printed**
40 **on the license.**

281.050. 1. No individual shall act in the capacity of a pesticide dealer or shall engage
2 in the business of, advertise as, or assume to act as a pesticide dealer unless ~~[he or she]~~ **the**
3 **individual** has obtained a license from the director ~~[which]~~ **that** shall expire one year from date
4 of issuance. ~~[An individual shall be required to obtain a license for]~~ Each **pesticide dealership**
5 location or outlet from which ~~[such]~~ **restricted use** pesticides are distributed, sold, held for sale,
6 or offered for sale at retail or wholesale direct to the end user~~[- Pesticide dealers may be~~
7 ~~designated by the director as agents of the state for the purpose of issuing permits for restricted~~
8 ~~use pesticides to private applicators]~~ **shall have at least one individual licensed as a pesticide**
9 **dealer. No individual shall be issued more than one pesticide dealer license. Each mobile**
10 **salesperson possessing restricted use pesticides for distribution or sale shall be licensed as**
11 **a pesticide dealer.**

12 2. Application for a pesticide dealer's license shall be made on a designated form
13 obtained from the ~~[director's office]~~ **department**. The director shall collect a fee of thirty-five
14 dollars for the issuance of each license. The provisions of this section shall not apply to a
15 pesticide applicator who sells pesticides only as an integral part of ~~[his or her]~~ **the applicator's**
16 pesticide application service when such pesticides are dispensed only through apparatuses used
17 for such pesticide applications. The provisions of this section shall not apply to any federal,
18 state, or county agency ~~[which]~~ **that** provides pesticides for its own programs.

19 3. Each applicant shall satisfy the director as to ~~[his or her]~~ **the applicant's** knowledge
20 of the laws and regulations governing the use and sale of pesticides and ~~[his or her]~~ **the**
21 **applicant's** responsibility in carrying on the business of a pesticide dealer **by passing a**
22 **pesticide dealer examination provided by the director**. Each licensed pesticide dealer shall
23 be responsible for insuring that all of ~~[his or her]~~ **the dealer's** employees and agents who sell or
24 recommend restricted use pesticides have adequate knowledge of the laws and regulations
25 governing the use and sale of such restricted use pesticides.

26 4. Each pesticide dealer shall be responsible for the acts of each person employed by
27 ~~[him or her]~~ **the dealer** in the solicitation and sale of pesticides and all claims and
28 recommendations for use of pesticides. The dealer's license shall be subject to denial,
29 suspension, or revocation after a hearing for any violation of sections 281.010 to 281.115
30 whether committed by the dealer, or by the dealer's officer, agent or employee.

31 5. No pesticide dealer shall sell, give away, or otherwise make available any restricted
32 use pesticides to anyone but certified applicators ~~[or operators, or to private applicators who have~~
33 ~~met the requirements of subsection 5 of section 281.040,]~~ **holding valid certifications in proper**
34 **certification categories** or to other **licensed** pesticide dealers, except that pesticide dealers may
35 allow the designated representative of such certified applicators~~[- operators or private~~
36 ~~applicators]~~ to take possession of restricted use pesticides when those restricted use pesticides
37 are purchased by and for use by or under the direct supervision of such certified applicator~~[-~~
38 ~~operator or private applicator]~~.

39 6. The director shall require the pesticide dealer, or ~~[his or her]~~ **the dealer's** employer,
40 to maintain books and records with respect to sales of restricted use pesticides **at each**
41 **dealership location or outlet**. Such relevant information as the director may deem necessary
42 may be specified by regulation. Such records shall be kept for a period of three years from the
43 date of sale of the restricted use pesticide to which such records refer, and the director shall upon
44 request in writing be furnished with a copy of such records by any licensed pesticide dealer or
45 ~~[his or her]~~ **the dealer's** employer.

46 7. Every licensed pesticide dealer who changes ~~[his or her]~~ **the dealer's** address or place
47 of business shall immediately notify the director.

281.055. 1. If the ~~[application for]~~ renewal of any license~~[-]~~ **or** certification ~~[or permit]~~ provided for in ~~[this chapter]~~ **sections 281.010 to 281.115** is not filed prior to ~~the~~ expiration date in any year, a penalty of twenty-five percent shall be assessed and added to the original fee and shall be paid by the applicant before the license~~[-]~~ **or** certification ~~[or permit]~~ shall be renewed~~;~~ ~~provided, that such penalty shall not apply if the applicant furnishes an affidavit certifying that he has not engaged in the business subsequent to the expiration of his license, certification or permit].~~ Any person holding a current valid license~~[-]~~ **or** certification ~~[or permit]~~ may renew the license~~[-]~~ **or** certification ~~[or permit]~~ for the next year without taking another examination unless the director determines that additional knowledge related to classifications for which the applicant has applied makes a new examination necessary. However, if the license is not renewed within sixty days following the date of expiration ~~[then]~~ **, the license shall be cancelled and the licensee shall be required to satisfy all the requirements of licensure as if such person was never licensed.**

2. The director may promulgate reasonable regulations requiring additional training and instruction on the part of any applicant for a license issued under sections 281.010 to 281.115.

3. The director shall have prepared for prospective licensee's use~~[-]~~ a book of guidelines of factual necessary information related to the requirements of sections 281.010 to 281.115. A reasonable fee may be collected for ~~[said]~~ **the publication.**

281.060. 1. The director, after inquiry, and after opportunity for a hearing, may deny, suspend, revoke, or modify the provisions of any license~~[-, permit,]~~ or certification issued under sections 281.010 to 281.115, if ~~[he]~~ **the director** finds that the applicant or the holder of a license~~[-, permit,]~~ or certification has violated any provision of sections 281.010 to 281.115, or any regulation issued thereunder, or has been convicted or subject to a final order imposing a civil or criminal penalty pursuant to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, or has been convicted, or is the subject of prosecution, in ~~[another]~~ **this state or in any** state or protectorate of the United States, or has had a pesticide applicator license~~[-]~~ **or** certificate ~~[or permit]~~ denied, suspended, revoked or modified by ~~[another]~~ **any** state or protectorate of the United States, or the person has been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under ~~[this chapter]~~ **sections 281.010 to 281.115**, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed. **Licensed certified applicators, licensed noncertified RUP applicators, licensed pesticide technicians, and licensed pesticide dealers shall notify the department within ten days of any conviction of or plea to any offense listed in this section.**

19 2. If the director determines, after inquiry and opportunity for a hearing, that any
20 ~~[individual]~~ **person** is in violation of any provision of sections 281.010 to 281.115, or any
21 regulations issued thereunder, the director shall have the authority to assess a civil penalty of not
22 more than one thousand dollars for each violation, and in addition, may order that restitution be
23 made to any person.

24 3. In the event that a person penalized or ordered to pay restitution under this section
25 fails to pay the penalty or restitution, the director may apply to the circuit court of Cole County
26 for, and the court is authorized to enter, an order enforcing the assessed penalty or restitution.

 281.063. The director may subpoena witnesses and compel the production of books,
2 documents, and records anywhere in the state in any hearing affecting the authority or privilege
3 granted by a license~~;~~ **or** certificate ~~[or permit]~~ issued under the provisions of sections 281.010
4 to 281.115.

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

15 2. The amount of the surety bond or liability insurance required by this section shall be
16 not less than fifty thousand dollars for each occurrence. Such surety bond or liability insurance
17 shall be maintained at not less than that sum at all times during the licensed period. The director
18 shall be notified by the surety or insurer within twenty days prior to any cancellation or reduction
19 of the surety bond or liability insurance. If the surety bond or liability insurance policy which
20 provides the financial responsibility for the certified commercial applicator is provided by the
21 employer of the certified commercial applicator, the employer of the certified commercial
22 applicator shall immediately notify the director upon the termination of the employment of the
23 certified commercial applicator or when a condition exists under which the certified commercial
24 applicator is no longer provided bond or insurance coverage by the employer. The certified

25 commercial applicator shall then immediately execute **and submit to the director** a surety bond
26 or an insurance policy to cover the financial responsibility requirements of this section and the
27 certified commercial applicator or the applicator's employer shall maintain the surety bond or
28 liability insurance certificate at the business location from which the certified commercial
29 applicator is licensed. The director may accept a liability insurance policy or surety bond in the
30 proper sum which has a deductible clause in an amount not exceeding one thousand dollars;
31 except that, if the bond- or policyholder has not satisfied the requirement of the deductible
32 amount in any prior legal claim, such deductible clause shall not be accepted by the director
33 unless the bond- or policyholder executes and maintains a surety bond or liability insurance
34 which shall satisfy the amount of the deductible as to all claims that may arise in ~~[his or her]~~ **the**
35 **bond- or policyholder's** application of pesticides.

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

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

281.070. 1. The director may investigate the use of any pesticide or claims of damages
2 ~~[which]~~ **that** result from the use of any pesticide.

3 2. Any person who claims to have been damaged as a result of a pesticide use and who
4 requests an investigation of that damage by the director shall file with the director, on a form
5 provided by the director, a written statement claiming that ~~[he]~~ **the person** has been damaged.
6 Damage statements shall be filed within thirty days after the date the damage is alleged to have
7 occurred, unless a growing crop is alleged to have been damaged. If a growing crop is alleged
8 to have been damaged, the damage statement shall be filed at least two weeks prior to the time
9 that twenty-five percent of that crop has been harvested. The director shall, upon receipt of the
10 statement, notify the person alleged to have caused the damage and the owner or lessee of the

11 land, or other person who may be charged with the responsibility of the damages claimed, and
 12 furnish copies of any statements which may be requested. The director shall inspect damages
 13 whenever possible and ~~[he]~~ **the director** shall make ~~[his]~~ **the director's** inspection reports
 14 available to the person claiming damage and to the person who is alleged to have caused the
 15 damage. Where damage is alleged to have occurred, the claimant shall permit the director, the
 16 licensee, and ~~[his]~~ **the licensee's** representatives, such as the bondsman or insurer, to observe,
 17 within reasonable hours, the lands or nontarget organism alleged to have been damaged.

18 3. The filing of or the failure to file need not be alleged in any complaint which might
 19 be filed in a court of law, and the failure to file a damage claim shall not be considered any bar
 20 to the maintenance of any criminal or civil action. The failure to file such a report shall not be
 21 a violation of sections 281.010 to 281.115. However, if the person failing to file such report is
 22 the only one injured from such use or application of a pesticide by others, the director may, when
 23 in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a
 24 license or permit issued under sections 281.010 to 281.115 until such report is filed.

25 4. The director may in the conduct of any investigation or hearing authorized or held by
 26 ~~[him]~~ **the director**:

27 (1) Examine, or cause to be examined, under oath, any person;

28 (2) Examine, or cause to be examined, books and records of the sale or use of any
 29 pesticide directly related to the investigation;

30 (3) Hear such testimony and take such evidence as will assist ~~[him]~~ **the director** in the
 31 discharge of ~~[his]~~ **the director's** duties under ~~[this chapter]~~ **sections 281.010 to 281.115**;

32 (4) Administer or cause to be administered ~~[oath]~~ **oaths**; and

33 (5) Issue subpoenas to require the attendance of witnesses and the production of books
 34 and records directly related to the investigation.

281.075. ~~[1.]~~ The director may issue a ~~[license or]~~ **pesticide applicator** certification on
 2 a reciprocal basis with other states without examination to a nonresident who is licensed ~~[or]~~ **as**
 3 **a certified [in another state substantially] applicator in accordance with the reciprocating**
 4 **state's requirements and is a resident of the reciprocating state. A pesticide applicator**
 5 **certification shall be issued** in accordance with the provisions of sections 281.010 to 281.115;
 6 except that, financial responsibility ~~[must]~~ **shall** be filed pursuant to section 281.065. Fees
 7 collected shall be the same as for resident licenses or certification.

8 ~~[2. Any nonresident applying for any license under section 281.035, 281.037, 281.038~~
 9 ~~or 281.050 to operate in the state of Missouri shall designate in writing the secretary of state as~~
 10 ~~the agent of such nonresident upon whom process may be served as provided by law; except that,~~
 11 ~~any such nonresident who has designated a resident agent upon whom process may be served as~~
 12 ~~provided by law shall not be required to designate the secretary of state as such agent. The~~

13 ~~secretary of state shall be allowed such fees therefor as provided by law for designating resident~~
14 ~~agents. The director shall be furnished with a copy of such designation of the secretary of state~~
15 ~~or of a resident agent, such copy to be certified by the secretary of state.]~~

281.085. No person shall discard, transport, or store any pesticide or pesticide containers
2 in such a manner **that is inconsistent with label directions or** as to cause injury to humans,
3 vegetation, crops, livestock, wildlife, beneficial insects, or to pollute any waterway. The director
4 may promulgate rules and regulations governing the discarding and storing of such pesticide or
5 pesticide containers. In determining these rules and regulations the director shall take into
6 consideration any regulations issued by the federal Environmental Protection Agency.

281.101. 1. It shall be unlawful for any ~~[individual]~~ **person** to violate any provision of
2 sections 281.010 to 281.115, or any regulation issued thereunder.

3 2. The following are determined to be unlawful acts:

4 (1) It shall be unlawful to recommend for use, ~~[to]~~ **cause to use**, use, or ~~[to]~~ supervise
5 the use of any pesticide in a manner inconsistent with its labeling required by labeling
6 requirements of FIFRA, ~~the~~ Missouri pesticide use act or ~~the~~ Missouri pesticide registration act;

7 (2) It shall be unlawful for any ~~[individual]~~ **person** to misuse any pesticide;

8 (3) **It shall be unlawful for any person to use or supervise the use of pesticides that**
9 **are cancelled or suspended;**

10 (4) **It shall be unlawful for any person not holding a valid certified applicator**
11 **license in proper certification categories or a valid pesticide dealer license to purchase or**
12 **acquire restricted use pesticides;**

13 (5) It shall be unlawful to make any false or misleading statements during the course of
14 an investigation into the sale, distribution, use, or misuse of any pesticide;

15 ~~[(4)]~~ (6) It shall be unlawful to make any false or misleading statement on any
16 application, form, or document submitted to the director concerning licensing pursuant to
17 sections 281.010 to 281.115 or any regulations issued thereunder;

18 ~~[(5)]~~ (7) It shall be unlawful to make any false, misleading, or fraudulent statement or
19 claim, through any media, ~~[which]~~ **that** misrepresents the effects of any pesticide, the methods
20 to be utilized in the application of any pesticide, or the qualifications of the person determining
21 the need for the use of any pesticide or using any pesticide;

22 ~~[(6)]~~ (8) It shall be unlawful to make any false or misleading statement specifying~~[-]~~ or
23 inferring that a person or ~~[his]~~ **the person's** methods are recommended by any branch of
24 government or that any pesticide work done will be inspected by any branch of government;

25 ~~[(7)]~~ (9) It shall be unlawful to aid or abet any licensed or unlicensed individual in
26 evading the provisions of sections 281.010 to 281.115 or any regulation issued thereunder, or to

27 conspire with any licensed or unlicensed individual in evading the provisions of sections 281.010
28 to 281.115 or any regulation issued thereunder;

29 **(10) It shall be unlawful for any person to steal pesticide certification examinations**
30 **or examination materials, cheat on pesticide certification examinations, evade completion**
31 **of recertification or retraining requirements, or aid and abet any person in an attempt to**
32 **steal examinations or examination materials, cheat on examinations, or evade**
33 **recertification or retraining requirements.**

34 **3. Other acts ~~[which]~~ that** are not specified, but **~~[which]~~ that** violate sections 281.010
35 to 281.115 or regulations issued thereunder, shall nevertheless be unlawful.

Section B. Section A of this act shall become effective on July 1, 2021.

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