

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 100

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE GOSEN.

0268H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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Section A. Section 281.065, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 281.065, to read as follows: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

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

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

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

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