

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 888

97TH GENERAL ASSEMBLY

Reported from the Committee on Agriculture, Food Production and Outdoor Resources, April 10, 2014, with recommendation that the Senate Committee Substitute do pass.

6060S.02C

TERRY L. SPIELER, Secretary.

AN ACT

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Section A. Section 281.065, RSMo, is repealed and one new section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

19 2. The amount of the surety bond or liability insurance required by this

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

51 3. If the surety [furnished] becomes unsatisfactory, the bond- or
52 policyholder shall[, upon notice,] immediately execute a new bond or insurance
53 **policy and maintain the surety bond or liability insurance certificate at**
54 **the business location from which the certified commercial applicator**
55 **is licensed** if he **or she** fails to do so, the director shall cancel his **or her**

56 license, or deny the license of an applicant, and give him **or her** notice of
57 cancellation or denial, and it shall be unlawful thereafter for the applicant to
58 engage in the business of using pesticides until the bond or insurance is brought
59 into compliance with the requirements of subsection 1 of this section. If the bond-
60 or policyholder does not execute a new bond or insurance policy within sixty days
61 of expiration of such bond or policy, the licensee shall be required to satisfy all
62 the requirements for licensure as if never before licensed.

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

✓

Bill

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