

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend House Bill No. 476, Page 1, Section Title, Lines 2-3,

2 by striking "license reciprocity for military members" and  
 3 inserting in lieu thereof the following: "professional  
 4 registration, with a delayed effective date for certain  
 5 sections"; and

6 Further amend said bill, page 1, section A, line 2, by  
 7 inserting after said line the following:

8 "281.015. Sections 281.005 to 281.115 shall be  
 9 administered by the director of the department of  
 10 agriculture of the state of Missouri[, hereafter referred to  
 11 as the "director"].

12 281.020. As used in sections 281.010 to 281.115, the  
 13 following terms mean:

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

17 (2) "Applicator, operator or technician":

18 (a) "Certified applicator", includes certified  
 19 commercial applicator, certified noncommercial applicator,  
 20 certified private applicator, certified provisional private  
 21 applicator, or certified public operator;

22 (b) "Certified commercial applicator", any individual,  
 23 whether or not [he] the individual is a private applicator  
 24 with respect to some uses, who is certified by the director  
 25 as authorized to use, supervise the use of, [or] determine  
 26 the need for the use of, or supervise the determination of

27 need for any pesticide, whether classified for restricted  
28 use or for general use, while [he] the individual is engaged  
29 in the business of using pesticides on the lands of another  
30 as a direct service to the public in exchange for a fee or  
31 compensation;

32 [(b)] (c) "Certified noncommercial applicator", any  
33 individual, whether or not [he] the individual is a private  
34 applicator with respect to some uses, who is certified by  
35 the director as authorized to use, or to supervise the use  
36 of, any pesticide which is classified for restricted use  
37 only on lands owned or rented by [him or his] the individual  
38 or the individual's employer;

39 [(c)] (d) "Certified private applicator", any  
40 individual who is certified by the director as authorized to  
41 use[, or to supervise the use of,] any pesticide [which]  
42 that is classified for restricted use for purposes of  
43 producing any agricultural commodity on property owned or  
44 rented by [him or his] the individual or the individual's  
45 employer or on the property of another person, if used  
46 without compensation other than trading of personal services  
47 between producers of agricultural commodities[, on the  
48 property of another person];

49 (e) "Certified provisional private applicator", any  
50 individual who is sixteen or seventeen years of age, an  
51 immediate family member of a certified private applicator,  
52 and certified by the director to use any pesticide that is  
53 classified for restricted use for purposes of producing any  
54 agricultural commodity on property owned or rented by the  
55 individual's immediate family member, so long as the  
56 following requirements are met:

57 a. The restricted use pesticide (RUP) is not a  
58 fumigant;

59 b. The RUP does not contain sodium cyanide or sodium  
60 fluoroacetate;

61 c. The individual will not apply any RUP using aerial  
62 application equipment;

63 d. The individual will not supervise the use of any  
64 RUP; and

65 e. The individual will not purchase any RUP;

66 [(d)] (f) "Certified public operator", any individual  
67 who is certified by the director as authorized to use, or to  
68 supervise the use of, any pesticide classified for  
69 restricted use in the performance of [his] the individual's  
70 duties as an official or employee of any agency of the state  
71 of Missouri or any political subdivision thereof, or any  
72 other governmental agency;

73 (g) "Noncertified restricted use pesticide (RUP)  
74 applicator", any person who is not certified in accordance  
75 with sections 281.010 to 281.115 who uses or determines the  
76 need for the use of restricted use pesticides under the  
77 direct supervision of a certified commercial applicator or  
78 uses restricted use pesticides under the direct supervision  
79 of a certified noncommercial applicator or certified public  
80 operator;

81 [(e)] (h) "Private applicator", any person not holding  
82 a certified private applicator's license or certified  
83 provisional private applicator's license who [shall be  
84 required to obtain a permit for the use of any restricted  
85 use pesticide] uses general use pesticides or minimum risk  
86 pesticides for the purposes of producing any agricultural  
87 commodity on property owned or rented by [him or his] the  
88 person or the person's employer or on the property of  
89 another person, if used without compensation other than  
90 trading of personal services between producers of  
91 agricultural commodities[, such permit shall authorize the

92 one-time emergency purchase of a restricted use pesticide  
93 for the purpose of a one-time emergency use of that  
94 pesticide];

95 [(f)] (i) "Pesticide technician", any individual  
96 working under the direct supervision of a commercial  
97 applicator certified in categories as specified by  
98 regulation, and who having met the competency requirements  
99 of [this chapter] sections 281.010 to 281.115, is authorized  
100 by the director to determine the need for the use of any  
101 pesticide as well as to the use of any pesticide;

102 [(g)] (j) "Pesticide technician trainee", any  
103 individual working in the physical presence and under the  
104 direct supervision of a certified commercial applicator to  
105 gain the required on-the-job training in preparation for  
106 obtaining a pesticide technician's license;

107 (3) "Beneficial insects", those insects [which] that,  
108 during their life cycle, are effective pollinators of  
109 plants, are parasites or predators of pests, or are  
110 otherwise beneficial;

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

114 (5) "Department" or "department of agriculture", the  
115 state department of agriculture, and when by sections  
116 281.010 to 281.115 the department of agriculture is charged  
117 to perform a duty, the director of the department of  
118 agriculture is authorized to perform such duty;

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

122 [(6)] (7) "Determining the need for the use of any  
123 pesticide", the act of inspecting land for the presence of  
124 pests for the purpose of contracting for their control or

125 prevention through the use of pesticides in categories as  
126 specified by regulation;

127 ~~[(7)]~~ (8) "Device", any instrument or contrivance,  
128 other than a firearm, ~~[which]~~ that is intended for trapping,  
129 destroying, repelling, or mitigating any pest or any other  
130 form of plant or animal life, other than man and other than  
131 bacteria, viruses, or other microorganisms on or in living  
132 man or other living animals, but not including equipment  
133 used for the application of pesticides when sold separately  
134 therefrom;

135 (9) "Director", the director of the department of  
136 agriculture or the director's designee;

137 (10) "Distribute", to sell, offer for sale, hold for  
138 sale, deliver for transportation in intrastate commerce, or  
139 transport in intrastate commerce;

140 ~~[(8)]~~ (11) "Environment", includes water, air, land,  
141 and all plants and man and other animals living therein, and  
142 the interrelationships ~~[which]~~ that exist among these;

143 ~~[(9)]~~ (12) "Equipment" ~~[means]~~, any type of ground,  
144 water or aerial equipment or contrivance using motorized,  
145 mechanical or pressurized power and used to apply any  
146 pesticide on land and anything that may be growing,  
147 habitating or stored on or in such land, but shall not  
148 include any pressurized hand-sized household apparatus used  
149 to apply any pesticide, or any equipment or contrivance of  
150 which the person who is applying the pesticide is the source  
151 of power or energy in making such pesticide application;

152 ~~[(10)]~~ (13) "Fungus", any nonchlorophyll-bearing  
153 thallophyte, ~~[that]~~ which is~~[,]~~ any nonchlorophyll-bearing  
154 plant of a lower order than mosses and liverworts, such as~~[,~~  
155 for example,~~]~~ rust, smut, mildew, mold, yeast, and bacteria,  
156 except those on or in living man or other living animals,

157 and except those on or in processed food, beverages, or  
158 pharmaceuticals;

159 (14) "General use pesticide", any pesticide, when  
160 applied in accordance with its directions for use, warnings,  
161 and cautions, and for the uses for which it is registered,  
162 or for one or more of such uses, or in accordance with a  
163 widespread and commonly recognized practice, that will not  
164 generally cause unreasonable adverse effects on the  
165 environment;

166 (15) "Immediate family", familial relationships  
167 limited to the spouse, parents, stepparents, foster parents,  
168 father-in-law, mother-in-law, children, stepchildren, foster  
169 children, sons-in-law, daughters-in-law, grandparents,  
170 brothers, sisters, brothers-in-law, sisters-in-law, aunts,  
171 uncles, nieces, nephews, and first cousins. "First cousin"  
172 means the child of a parent's sibling, i.e., the child of an  
173 aunt or uncle;

174 [(11)] (16) "Individual", any responsible, natural  
175 human being;

176 [(12)] (17) "Insect", any of the numerous small  
177 invertebrate animals generally having the body more or less  
178 obviously segmented, for the most part belonging to the  
179 class Insecta, comprising six-legged, usually winged forms,  
180 such as[, for example,] beetles, bugs, bees, flies, and to  
181 other allied classes of arthropods whose members are  
182 wingless and usually have more than six legs, such as[, for  
183 example,] spiders, mites, ticks, centipedes, and wood lice;

184 [(13)] (18) "Land", all land and water areas,  
185 including airspace, and all plants, animals, structures,  
186 buildings, contrivances and machinery, appurtenant thereto  
187 or situated thereon, fixed or mobile, including any used for  
188 transportation;

189           (19) "Minimum risk pesticide", any pesticide product  
190 exempted under 40 CFR Section 152.25(f) from registration  
191 requirements under the Federal Insecticide, Fungicide, and  
192 Rodenticide Act (FIFRA), as amended;

193           [(14)] (20) "Misuse of a pesticide", a use of any  
194 [registered] pesticide in a manner inconsistent with its  
195 labeling; provided, that the use of a lesser concentration  
196 than provided on the label shall not be considered the  
197 misuse of a pesticide when used strictly for agricultural  
198 purposes, and when requested in writing by the person on  
199 whose behalf a pesticide is used;

200           [(15)] (21) "Nematode", invertebrate animals of the  
201 phylum Nemathelminthes and class Nematoda, that is,  
202 unsegmented round worms with elongated, fusiform, or sac-  
203 like bodies covered with cuticle, and inhabiting soil,  
204 water, plants, or plant parts; may also be called nemas or  
205 eelworms;

206           (22) "Nontarget organism", any plant, animal, or  
207 organism other than the target pests that a pesticide is  
208 intended to affect;

209           [(16)] (23) "Person", any individual, partnership,  
210 association, fiduciary, corporation, or any organized group  
211 of persons whether incorporated or not;

212           [(17)] (24) "Pest":

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

215           (b) Any other form of terrestrial or aquatic plant or  
216 animal life or virus, bacterium, or other microorganism,  
217 except viruses, bacteria, or other microorganisms on or in  
218 living man or other living animals, [which] that is normally  
219 considered to be a pest;

220           [(18)] (25) "Pesticide":

221 (a) Any substance or mixture of substances intended  
222 for preventing, destroying, repelling, or mitigating any  
223 pest; or

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

226 [(19)] (26) "Pesticide dealer", any individual who is  
227 engaged in the business of distributing, selling, offering  
228 for sale, or holding for sale at retail, or direct wholesale  
229 to the end user, any pesticide classified for restricted use;

230 (27) "Pesticide dealership", any location or outlet  
231 where restricted use pesticides are held for sale,  
232 distributed, or sold;

233 [(20)] (28) "Plant regulator", any substance or  
234 mixture of substances, intended, through physiological  
235 action, for accelerating or retarding the rate of growth or  
236 rate of maturation, or for otherwise altering the behavior  
237 of plants or the produce thereof, but shall not include  
238 substances to the extent that they are intended as plant  
239 nutrients, trace elements, nutritional chemicals, plant  
240 inoculants, or soil amendments. The term "plant regulator"  
241 does not include any of those nutrient mixtures or soil  
242 amendments ~~[which]~~ that are commonly known as vitamin-  
243 hormone horticultural products, intended for improvement,  
244 maintenance, survival, health and propagation of plants, and  
245 ~~[which]~~ that are not for pest destruction and are nontoxic,  
246 nonpoisonous in the undiluted package concentration;

247 [(21) "Private applicator permit", a written  
248 certificate, issued by the director or his authorized agent,  
249 authorizing the purchase, possession or use of certain  
250 restricted use pesticides by a private applicator. Such  
251 permit shall authorize the one-time emergency purchase of a  
252 restricted use pesticide for the purpose of a one-time  
253 emergency use of such pesticide;



254           (22)] (29) "Restricted use pesticide", any pesticide  
255 when applied in accordance with its directions for use,  
256 warnings and cautions and for the uses for which it is  
257 registered, or for one or more of such uses, or in  
258 accordance with a widespread and commonly recognized  
259 practice, the director determines may cause, without  
260 additional regulatory restrictions, unreasonable adverse  
261 effects on the environment, including injury to the  
262 applicator;

263           [(23)] (30) "Sale", selling or offering for sale any  
264 pesticide;

265           [(24)] (31) "Snails" or "slugs" includes all harmful  
266 mollusks;

267           [(25)] (32) "Unreasonable adverse effects on the  
268 environment", any unreasonable risk to man or the  
269 environment, taking into account the economic, social, and  
270 environmental costs and benefits of the use of any pesticide;

271           [(26)] (33) "Under the direct supervision of a  
272 certified applicator", when a pesticide is used by a  
273 competent person acting under the instructions and control  
274 of a certified applicator who is available if and when  
275 needed, even though such certified applicator is not  
276 physically present at the time and place the pesticide is  
277 used;

278           [(27)] (34) "Use", mixing, loading, or applying[,  
279 storing or disposing of a] any pesticide; cleaning pesticide  
280 equipment; or storing or disposing of pesticide containers,  
281 pesticides, spray mix, equipment wash waters, and other  
282 pesticide-containing materials;

283           [(28)] (35) "Weed", any plant [which] that grows where  
284 not wanted; [and

285           (29)] (36) "Wildlife", all living things that are  
286 neither human, domesticated, or pests, including, but not  
287 limited to, mammals, protected birds, and aquatic life.

288           281.025. 1. The director shall administer and enforce  
289 the provisions of sections 281.010 to 281.115 and shall have  
290 authority to issue regulations after a public hearing  
291 following due notice of not less than thirty days to all  
292 interested persons, in conformance with the provisions of  
293 chapter 536, to carry out the provisions of sections 281.010  
294 to 281.115. Where the director finds that such regulations  
295 are needed to carry out the purpose and intent of sections  
296 281.010 to 281.115, such regulations may relate to, but need  
297 not be limited to, prescribing the time, place, manner,  
298 methods, materials, and amounts and concentrations, in  
299 connection with the use of the pesticide, and may restrict  
300 or prohibit use of pesticides in designated areas during  
301 specified periods of time and shall encompass all reasonable  
302 factors [which] that the director deems necessary to prevent  
303 damage or injury. In issuing such regulations, the director  
304 may give consideration to pertinent research findings and  
305 recommendations of other agencies of this state, the federal  
306 government, or other reliable sources. The director may by  
307 regulation require that notice of a proposed application of  
308 a pesticide be given to landowners adjoining the property to  
309 be treated or in the immediate vicinity thereof, if [he] the  
310 director finds that such notice is necessary to carry out  
311 the purpose of sections 281.010 to 281.115. [The director  
312 may, by regulation, provide for the one-time emergency  
313 purchase and one-time emergency use of a restricted use  
314 pesticide by a private applicator.]

315           2. The pesticides on the list of restricted use  
316 pesticides, as determined by the federal agency having  
317 jurisdiction over the classification of pesticides, shall be

318 so restricted in the state of Missouri. The director shall  
319 publish, at least annually, a list of pesticides [which]  
320 that have restricted uses. Such publication shall be made  
321 available to the public upon request. If the director  
322 determines that a pesticide, when used in accordance with  
323 its directions for use, warnings and cautions, and for uses  
324 for which it is registered, may cause, without additional  
325 regulatory restrictions, unreasonable adverse effects on the  
326 environment, including injury to the applicator or other  
327 persons, the pesticide shall be used only by or under the  
328 direct supervision of a certified applicator[, or a private  
329 applicator with a permit]. Such pesticides may be subject  
330 to other restrictions as determined by the director, to  
331 include the time and conditions of possession and use.

332 3. No regulation, or any amendment or repeal thereof,  
333 provided for in sections 281.010 to 281.115 shall be  
334 adopted, except after public hearing giving an opportunity  
335 to the public to be heard, to be held after no less than  
336 thirty days' prior notice of the date, time, and place of  
337 hearing, to be given by regular mail to any person who has  
338 registered with the director for purposes of notice of such  
339 public hearings, in accordance with procedures prescribed by  
340 the director.

341 4. At any hearing, opportunity to be heard shall be  
342 afforded to any interested person upon written request  
343 received not later than twenty-four hours prior to the  
344 hearing, and may also be afforded to other persons. In  
345 addition, any interested person, whether or not heard, may  
346 submit within seven days subsequent to the hearing a written  
347 statement of views. The director may solicit the views in  
348 writing of persons who may be affected by, or interested in  
349 any proposed regulation. Any person heard or represented at  
350 the hearing, or making written request for notice, shall be

351 given written notice of the action of the director with  
352 respect to the subject thereof.

353         5. No rule or portion of a rule promulgated under the  
354 authority of this chapter shall become effective unless it  
355 has been promulgated pursuant to the provisions of section  
356 536.024.

357         281.030. 1. The director may, by regulation, classify  
358 [certified applicator, operator or technician] licenses to  
359 be issued under sections 281.010 to 281.115. Such  
360 classifications may include but not be limited to commercial  
361 applicators, noncommercial applicators, private applicators,  
362 provisional private applicators, public operators [or],  
363 pesticide technicians, or noncertified RUP applicators.  
364 Separate classifications may be specified as to ground,  
365 aerial, or manual methods used by any licensee to apply  
366 pesticides or to the use of pesticides for the control of  
367 pests.

368         2. The director may, by regulation, establish  
369 certification categories to be provided under each license  
370 classification. Each certification category shall be  
371 subject to separate testing procedures and requirements;  
372 provided, that no individual shall be required to pay an  
373 additional fee if [he] the individual is certified in one or  
374 all of the certification categories provided under the  
375 license for which [he] the individual has applied. The  
376 director may, by regulation, establish certification  
377 categories limited to the use of certain pesticides and  
378 issue a license therefor. Each certification category shall  
379 be subject to separate testing procedures covering only  
380 those pesticides for which the applicant seeks to be  
381 licensed.

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

384           281.035. 1. No individual shall engage in the  
385 business of determining the need for the use of, supervising  
386 the use of, supervising the determination of the need for  
387 the use of, or using any pesticide, in categories as  
388 specified by regulation, on the lands of another at any time  
389 without a certified commercial applicator's license issued  
390 by the director. A certified commercial applicator shall  
391 not determine the need for the use of, supervise the use of,  
392 supervise the determination of the need for the use of, or  
393 use any pesticide for any particular purpose unless [he or  
394 she] the certified commercial applicator has demonstrated  
395 [his or her] such certified commercial applicator's  
396 competence to use pesticides for that purpose by being  
397 certified by the director in the proper certification  
398 category. The director shall require an annual fee of sixty-  
399 five dollars for each certified commercial applicator's  
400 license issued. No certified commercial applicator shall  
401 knowingly authorize, direct, or instruct any individual to  
402 engage in determining the need for the use of or using any  
403 general use pesticide or minimum risk pesticide on the land  
404 of another at any time unless such individual is a pesticide  
405 technician or pesticide technician trainee in such  
406 categories as specified by regulation or is working under  
407 the direct supervision of a certified commercial applicator  
408 so authorizing, directing or instructing, in which case the  
409 certified commercial applicator shall be liable for any use  
410 of a general use pesticide or minimum risk pesticide by an  
411 individual operating under [his or her] the certified  
412 commercial applicator's direct supervision. The certified  
413 commercial applicator or the employer shall assure that the  
414 director is informed in writing within ten [working] days of  
415 the employment of any person as a pesticide technician or  
416 pesticide technician trainee.

417           2. No certified commercial applicator shall knowingly  
418 authorize, direct, or instruct any individual to engage in  
419 determining the need for the use of or using any restricted  
420 use pesticide on the land of another at any time unless such  
421 individual is licensed as a noncertified RUP applicator  
422 while working under the direct supervision of a certified  
423 commercial applicator so authorizing, directing, or  
424 instructing, in which case the certified commercial  
425 applicator shall be liable for any use of a restricted use  
426 pesticide by an individual operating under the certified  
427 commercial applicator's direct supervision.

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

433           [3.] 4. The director shall not issue a certified  
434 commercial applicator's license until the applicant is  
435 certified by passing an examination provided by the director  
436 to demonstrate to the director [his or her] the applicant's  
437 competence and knowledge of the proper use of pesticides  
438 under the classifications [he or she] the applicant had  
439 applied for, and [his or her] the applicant's knowledge of  
440 the standards prescribed by regulations for the  
441 certification of commercial applicators.

442           [4.] 5. The director may renew any certified  
443 commercial applicator's license under the classification for  
444 which such applicant is licensed, [subject to] upon  
445 successful completion of approved recertification training  
446 or reexamination for additional knowledge that may be  
447 required to use pesticides safely and properly either  
448 manually or with equipment the applicant has been licensed  
449 to operate.

450           [5.] 6. If the director finds the applicant qualified  
451 to use pesticides in the classification for which  
452 application has been made, and if the applicant files  
453 evidence that the requirement for bonds or insurance has  
454 been met as required under section 281.065, the director  
455 shall issue a certified commercial applicator's license  
456 limited to the classifications for which [he or she] the  
457 applicant is qualified, which shall expire one year from  
458 date of issuance unless [it] the license has been revoked or  
459 suspended prior thereto by the director for cause; provided,  
460 such financial responsibility required under section 281.065  
461 does not expire at an earlier date, in which case [said] the  
462 license shall expire upon the expiration date of the  
463 financial responsibility. The director may limit the  
464 license of the applicant to the use of certain [restricted  
465 use] pesticides, or to certain areas, or to certain types of  
466 equipment if the applicant is only so qualified. If a  
467 license is not issued as applied for, the director shall  
468 inform the applicant in writing of the reasons therefor.

469           [6.] 7. The director shall require each certified  
470 commercial applicator or [his or her] the certified  
471 commercial applicator's employer to maintain records with  
472 respect to applications of any pesticide, including  
473 pesticides used under direct supervision by licensed  
474 pesticide technicians, pesticide technician trainees, and  
475 licensed noncertified RUP applicators. Such relevant  
476 information as the director may deem necessary may be  
477 specified by regulation. Such records shall be kept for a  
478 period of three years from the date of the application of  
479 the pesticide to which such records refer, and the director  
480 shall, upon request in writing, be furnished with a copy of  
481 such records by any certified commercial applicator or [his  
482 or her] the certified commercial applicator's employer.

483           [7.] 8. A person or individual engaged in the business  
484 of using pesticides on the lands of another, who is deprived  
485 of [his or her] such person's or individual's sole certified  
486 commercial applicator by reason of death, illness,  
487 incapacity or any absence which the director determines is  
488 unavoidable, is authorized to continue business operations  
489 without the services of a certified commercial applicator  
490 for a period of time deemed appropriate by the director, but  
491 not to exceed sixty days; except that, no restricted-use  
492 pesticide shall be used, or caused to be used, by such  
493 person or individual. Any such person or individual shall  
494 immediately notify the director as to the absence of [his or  
495 her] such person's or individual's sole certified commercial  
496 applicator.

497           [8.] 9. Every certified commercial applicator shall  
498 display [his or her] the certified commercial applicator's  
499 license in a prominent place at the site, location or office  
500 from which [he or she] the certified commercial applicator  
501 will operate as a certified commercial applicator; that  
502 place, location or office being at the address printed on  
503 the license.

504           [9.] 10. Every certified commercial applicator who  
505 changes the address from which [he or she] the certified  
506 commercial applicator will operate as a certified commercial  
507 applicator shall immediately notify the director. The  
508 director shall immediately issue a revised license upon  
509 which shall be printed the changed address. The director  
510 shall not collect a fee for the issuance of a revised  
511 license. The expiration date of the revised license shall  
512 be the same as the expiration date for the original license.

513           281.037. 1. Any individual who is not certified  
514 pursuant to section 281.035, 281.040 or 281.045, [or has not  
515 been issued a private applicator permit pursuant to



516 subsection 5 of section 281.040] shall not use, or supervise  
517 the use of, any [restricted-use] restricted use pesticide  
518 without a certified noncommercial applicator license. A  
519 certified noncommercial applicator shall not use, or  
520 supervise the use of, any restricted use pesticide for any  
521 purpose unless [he or she] the certified noncommercial  
522 applicator has demonstrated [his or her] the certified  
523 noncommercial applicator's competence to use pesticides for  
524 that purpose by being certified by the director in the  
525 proper certification category.

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

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

545 [3.] 4. The director shall not issue a certified  
546 noncommercial applicator license until the applicant is  
547 certified by passing an examination provided by the director  
548 to demonstrate to the director [his or her] the applicant's

549 competence and knowledge of the proper use of pesticides  
550 under the classifications for which [he or she] the  
551 applicant has applied, and [his or her] the applicant's  
552 knowledge of the standards prescribed by regulations for the  
553 certification of noncommercial applicators.

554 [4.] 5. If the director finds the applicant qualified  
555 to use restricted use pesticides in the classification for  
556 which [he or she] the applicant has applied, the director  
557 shall issue a certified noncommercial applicator license  
558 limited to the applicator categories in which [he or she]  
559 the applicant is certified. The license shall expire one  
560 year from the date of issuance unless [it] the license has  
561 been revoked or suspended prior thereto by the director for  
562 cause. The director may limit the license of the applicant  
563 to the use of certain restricted use pesticides, or to  
564 certain areas, or to certain types of equipment if the  
565 applicant is only so qualified. If a license is not issued  
566 as applied for, the director shall inform the applicant in  
567 writing of the reasons therefor.

568 [5.] 6. The director may renew any certified  
569 noncommercial applicator license under the classification  
570 for which the license is issued [subject to] upon successful  
571 completion of approved recertification training or  
572 reexamination for additional knowledge [which] that may be  
573 required to apply pesticides safely and properly.

574 [6.] 7. The director shall collect a fee of thirty-  
575 five dollars for each certified noncommercial applicator  
576 license issued.

577 [7.] 8. Any certified noncommercial applicator may  
578 use, or supervise the use of, restricted use pesticides only  
579 to or on lands or structures owned, leased or rented by  
580 [himself or herself or his or her] the certified

581 noncommercial applicator or the certified noncommercial  
582 applicator's employer.

583       [8.] 9. The director shall require the certified  
584 noncommercial applicator or [his or her] the certified  
585 noncommercial applicator's employer to maintain records with  
586 respect to applications of restricted use pesticides. Any  
587 relevant information [which] that the director may deem  
588 necessary may be required by regulation. Such records shall  
589 be kept for a period of three years from the date of the  
590 application of the pesticide to which such records refer,  
591 and the director shall, upon request in writing, be  
592 furnished with a copy of such records by any certified  
593 noncommercial applicator or [his or her] the certified  
594 noncommercial applicator's employer.

595       [9.] 10. Every certified noncommercial applicator  
596 shall display [his or her] the certified noncommercial  
597 applicator's license in a prominent place at the site,  
598 location or office from which [he or she] the certified  
599 noncommercial applicator will operate as a certified  
600 noncommercial applicator; that place, location or office  
601 being at the address printed on the license.

602       [10.] 11. Every certified noncommercial applicator who  
603 changes the address from which [he or she] the certified  
604 noncommercial applicator will operate as a certified  
605 noncommercial applicator shall immediately notify the  
606 director. The director shall immediately issue a revised  
607 license upon which shall be printed the changed address.  
608 The director shall not collect a fee for the issuance of a  
609 revised license. The expiration date of the revised license  
610 shall be the same as the expiration date for the original  
611 license.

612       281.038. 1. [After July 1, 1990,] No individual  
613 working under the direct supervision of a certified

614 commercial applicator shall determine the need for the use  
615 of or use any general use pesticide [nor use any] or minimum  
616 risk pesticide in categories as specified by regulation,  
617 unless and until the individual has met the requirements of  
618 [this chapter] sections 281.010 to 281.115.

619 2. Application for a pesticide technician's license  
620 shall be [made in writing] submitted to the director on a  
621 designated form obtained from the [director's office]  
622 department. Each application shall include such information  
623 as prescribed by the director by regulation and shall be  
624 received by the director within forty-five days of  
625 employment of the pesticide technician or pesticide  
626 technician trainee.

627 3. The director shall not issue a pesticide  
628 technician's license until the individual has demonstrated  
629 [his or her] the applicant's competence by completion of an  
630 approved training program to the satisfaction of the  
631 director.

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

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

639 6. If the director finds the applicant qualified to  
640 use pesticides in the classification for which application  
641 has been made, the director shall issue a pesticide  
642 technician's license limited to the classifications for  
643 which [he or she] the applicant is qualified, which shall  
644 expire one year from date of issuance unless [it] the  
645 license has been revoked or suspended prior thereto by the  
646 director for cause. The director may limit the license of

647 the applicant to the use of certain pesticides, or to  
648 certain areas, or to certain types of equipment if the  
649 applicant is only so qualified. If a license is not issued  
650 as applied for, the director shall inform the applicant in  
651 writing of the reasons for such denial of license.

652 7. In order for pesticide technicians to use or  
653 determine the need for the use of any general use pesticide:

654 (1) A certified commercial applicator must be licensed  
655 to work from the same physical location as the pesticide  
656 technician; and

657 (2) The licensed certified commercial applicator must  
658 be certified in the same use categories as the pesticide  
659 technician as specified by regulation.

660 8. A pesticide technician may complete retraining  
661 requirements and renew the technician's license without a  
662 certified commercial applicator working from the same  
663 physical location.

664 281.040. 1. No private applicator shall use any  
665 restricted-use pesticide unless [he] the private applicator  
666 first complies with the requirements determined pursuant to  
667 subsection [2 or 5] 3 of this section, as necessary to  
668 prevent unreasonable adverse effects on the environment,  
669 including injury to the applicator or other persons, for  
670 that specific pesticide use.

671 2. No certified private applicator shall knowingly  
672 authorize, direct, or instruct any individual to engage in  
673 using any restricted use pesticide on lands or structures  
674 owned, leased, or rented by the certified private applicator  
675 or the certified applicator's employer unless such  
676 individual is licensed as a certified private applicator or  
677 a certified provisional private applicator.

678 3. The private applicator shall qualify for a  
679 certified private applicator's license or certified

680 provisional private applicator's license by [either]  
681 attending [a course or completing an online course of  
682 instruction] an approved certification training program  
683 provided by University of Missouri extension, completing an  
684 online certification training program provided by University  
685 of Missouri extension, or by passing the required private  
686 applicator certification examination provided by the  
687 director on the use, handling, storage and application of  
688 [restricted-use] restricted use pesticides in the proper  
689 certification categories as specified by regulation. The  
690 content of the instruction shall be determined and revised  
691 as necessary by the director. Upon completion of the  
692 [course] certification training program, completion of the  
693 online certification training program, or passage of the  
694 required private applicator certification examination, the  
695 director shall issue a certified private applicator's  
696 license or certified provisional private applicator's  
697 license to the applicant. The director shall not collect a  
698 fee for the issuance of such license[, but the]. University  
699 of Missouri extension [service may] shall collect [a fee for  
700 the actual cost of the materials necessary to complete the  
701 course of instruction] reasonable fees for study materials  
702 and for enrollment in certification or recertification  
703 programs administered in-person or online. [However, no  
704 fee] Such fees shall be assessed [or collected from an  
705 individual completing an online course of instruction] based  
706 on the majority decision of a review committee convened  
707 every five years or as needed by the director. Such fees  
708 shall not exceed seventy-five dollars per program per  
709 applicant unless the members of the review committee  
710 representing statewide agricultural organizations vote  
711 unanimously in favor of setting the fee in an amount in  
712 excess of seventy-five dollars. [Both the director of the

713 department and of the University of Missouri extension  
714 service shall review such costs annually.] Such committee  
715 shall be provided revenue and expense information for the  
716 training program from University of Missouri extension and  
717 information on the content of the instruction and method of  
718 delivery from the director. The review committee shall also  
719 determine a maximum in-seat training time for the training  
720 programs. The committee shall report its minutes, fee  
721 decisions, time limitation decisions, and its evaluation of  
722 the training provided to the chairs of the house of  
723 representatives and senate agriculture or equivalent  
724 committees. The committee shall be composed of five members  
725 including:

- 726       (1) The director;  
727       (2) The director of University of Missouri extension  
728 or his or her designee;  
729       (3) The president of a statewide corn producers  
730 organization who actively grows corn or his or her designee;  
731       (4) The president of a statewide soybean producers  
732 organization who actively grows soybeans or his or her  
733 designee; and  
734       (5) The president of the state's largest general farm  
735 membership organization or his or her designee.

736       [3.] 4. A certified private applicator's license shall  
737 expire five years from date of issuance and may then be  
738 renewed without charge or additional fee. Any certified  
739 private applicator holding a valid license may renew that  
740 license for the next five years [without additional training  
741 unless the director determines that additional knowledge  
742 related to the use of agricultural pesticides makes  
743 additional training necessary] upon successful completion of  
744 approved recertification training or by passing the required  
745 private applicator certification examination.

746           5. On the date of the certified provisional private  
747 applicator's eighteenth birthday, his or her license will  
748 automatically be converted to a certified private applicator  
749 license reflecting the original expiration date from  
750 issuance. A certified provisional private applicator's  
751 license shall expire five years from date of issuance and  
752 may then be renewed as a certified private applicator's  
753 license without charge or additional fee.

754           [4.] 6. If the director does not qualify the private  
755 applicator under this section [he] the director shall inform  
756 the applicant in writing of the reasons therefor.

757           [5. The private applicator may apply to the director,  
758 or his designated agent, for a private applicator permit for  
759 the one-time emergency purchase and use of restricted use  
760 pesticides. When the private applicator has demonstrated  
761 his competence in the use of the pesticides to be purchased  
762 and used on a one-time emergency basis, he shall be issued a  
763 permit for the one-time emergency purchase and use of  
764 restricted use pesticides. The director or his designated  
765 agent shall not collect a fee for the issuance of such  
766 permit.]

767           281.045. 1. All agencies of the state of Missouri and  
768 the political subdivisions thereof, and any other  
769 governmental agency shall be subject to the provisions of  
770 sections 281.010 to 281.115 and rules adopted thereunder  
771 concerning the use of restricted use pesticides.

772           2. Public operators for agencies listed in subsection  
773 1 of this section shall not use, or supervise the use of,  
774 any restricted use pesticides on any land or structure  
775 without a certified public operator license issued by the  
776 director. The certified public operator shall not use or  
777 supervise the use of any restricted use pesticide for any  
778 purpose unless [he] the certified public operator has



779 demonstrated [his] the certified public operator's  
780 competence to use pesticides for that purpose by being  
781 certified by the director in the proper certification  
782 category. [Any employee of any agency listed in subsection  
783 1 of this section who is not licensed as a certified public  
784 operator may use restricted use pesticides only under the  
785 direct supervision of a certified public operator.]

786 3. No certified public operator shall knowingly  
787 authorize, direct, or instruct any individual to engage in  
788 using any restricted use pesticide on lands or structures  
789 unless such individual is licensed as a noncertified RUP  
790 applicator while working under the direct supervision of a  
791 certified public operator so authorizing, directing, or  
792 instructing, in which case the certified public operator  
793 shall be liable for any use of a restricted use pesticide by  
794 an individual operating under the certified public  
795 operator's direct supervision.

796 4. Application for a certified public operator license  
797 shall be [made in writing] submitted to the director on a  
798 designated form obtained from the [director's office]  
799 department. Each application shall include all information  
800 prescribed by the director by regulation.

801 [4.] 5. The director shall not issue a certified  
802 public operator license until the applicant is certified by  
803 passing an examination provided by the director to  
804 demonstrate to the director [his] the applicant's competence  
805 and knowledge of the proper use of pesticides under the  
806 classifications for which [he] the applicant has applied,  
807 and [his] the applicant's knowledge of the standards  
808 prescribed by regulations for the certification of public  
809 operators.

810 [5.] 6. If the director finds the applicant qualified  
811 to use pesticides in the classification for which [he] the

812 applicant has applied, the director shall issue a license,  
813 without a fee, to the certified public operator who has so  
814 qualified. The certified public operator license shall be  
815 valid only when the operator is acting as an operator using,  
816 or supervising the use of, restricted use pesticides in the  
817 course of **[his]** the operator's employment. A certified  
818 public operator license shall expire three years from the  
819 date of issuance unless **[it]** the license has been revoked or  
820 suspended prior thereto by the director for cause. The  
821 director may limit the license of the applicant to the use  
822 of certain restricted use pesticides, or to certain areas,  
823 or to certain types of equipment if the applicant is only so  
824 qualified. If a license is not issued as applied for, the  
825 director shall inform the applicant in writing of the  
826 reasons therefor.

827 **[6.]** 7. The director may renew any certified public  
828 operator license under the classification for which that  
829 applicant is licensed, **[subject to]** upon successful  
830 completion of approved recertification training or  
831 reexamination for additional knowledge which may be required  
832 to use pesticides safely and properly either manually or  
833 with equipment the applicant has been licensed to operate.

834 **[7.]** 8. The director shall require the certified  
835 public operator, or **[his]** the certified public operator's  
836 employer, to maintain records with respect to applications  
837 of restricted use pesticides. Any relevant information  
838 which the director may deem necessary may be required by  
839 regulation. Such records shall be kept for a period of  
840 three years from the date of the application of the  
841 pesticide to which such records refer, and the director  
842 shall, upon request in writing, be furnished with a copy of  
843 such records by any certified public operator or **[his]** the  
844 certified public operator's employer.

845           [8.] 9. Agencies listed in subsection 1 of this  
846 section shall be subject to a legal action by any person  
847 damaged by any use of any pesticide, which may be brought in  
848 the county where the damage or any part thereof occurred.

849           [9.] 10. Every certified public operator shall display  
850 [his] the certified public operator's license in a prominent  
851 place at the site, location or office from which [he] the  
852 certified public operator will operate as a certified public  
853 operator, that place, location or office being at the  
854 address printed on the license.

855           [10.] 11. Every certified public operator who changes  
856 the address from which [he] the certified public operator  
857 will operate as a certified public operator shall  
858 immediately notify the director. The director shall  
859 immediately issue a revised license upon which shall be  
860 printed the changed address. The director shall not collect  
861 a fee for the issuance of a revised license. The expiration  
862 date of the revised license shall be the same as the  
863 expiration date for the original license.

864           12. Any person who volunteers to work for a public  
865 agency may use general use pesticides without a license  
866 under the supervision of the public agency on lands owned or  
867 managed by the state agency, political subdivision, or  
868 governmental agency.

869           281.048. 1. No individual shall use or determine the  
870 need for the use of any restricted use pesticide while  
871 working under the direct supervision of a certified  
872 commercial applicator until the individual has met the  
873 requirements of this section.

874           2. No individual shall use restricted use pesticides  
875 while working under the direct supervision of a certified  
876 noncommercial applicator or certified public operator until  
877 the individual has met the requirements of this section.

878           3. Application for a noncertified RUP applicator's  
879 license shall be submitted to the director on a designated  
880 form obtained from the department. Each application shall  
881 include such information as prescribed by the director by  
882 regulation.

883           4. The director shall issue or renew a noncertified  
884 RUP applicator license once an individual has met the  
885 requirements set forth in 40 CFR section 171.201(c) (1) or  
886 (3). The director shall collect an annual fee of thirty-  
887 five dollars for each noncertified RUP applicator license  
888 issued. The license shall be valid for one year unless  
889 revoked or suspended by the department prior to its  
890 expiration. Any individual whose application is denied  
891 shall receive a written explanation as to the determination  
892 of the denial.

893           5. Individuals holding a valid noncertified RUP  
894 applicator license may use and determine the need for the  
895 use of restricted use pesticides, general use pesticides,  
896 and minimum risk pesticides under the direct supervision of  
897 a certified commercial applicator and only for the  
898 categories in which the commercial applicator is certified.  
899 The director may limit the license of the applicant to the  
900 use of certain pesticides, or to certain areas, or to  
901 certain types of equipment if the applicant is only so  
902 qualified.

903           6. Every certified commercial applicator, certified  
904 noncommercial applicator, or certified public operator  
905 providing direct supervision to a licensed noncertified RUP  
906 applicator shall immediately notify the director when the  
907 licensed noncertified RUP applicator has changed address  
908 from which the applicator or operator will operate as a  
909 licensed noncertified RUP applicator or when the  
910 noncertified RUP applicator's employment has been

911 terminated. The director shall immediately issue a revised  
912 license upon which shall be printed the change of address.  
913 The director shall not collect a fee for the issuance of a  
914 revised license. The expiration date of the revised license  
915 shall be the same as the expiration date for the original  
916 license.

917 7. A noncertified RUP applicator may complete  
918 retraining requirements and renew the applicator's license  
919 without a certified commercial applicator, certified  
920 noncommercial applicator, or certified public operator  
921 working from the same physical location.

922 8. Every licensed noncertified RUP applicator shall  
923 display the applicator's license in a prominent place at the  
924 site, location, or office from which the applicator will  
925 operate as a noncertified RUP applicator that place,  
926 location, or office being at the address printed on the  
927 license.

928 281.050. 1. No individual shall act in the capacity  
929 of a pesticide dealer or shall engage in the business of,  
930 advertise as, or assume to act as a pesticide dealer unless  
931 [he or she] the individual has obtained a license from the  
932 director [which] that shall expire one year from date of  
933 issuance. [An individual shall be required to obtain a  
934 license for] Each pesticide dealership location or outlet  
935 from which [such] restricted use pesticides are distributed,  
936 sold, held for sale, or offered for sale at retail or  
937 wholesale direct to the end user[. Pesticide dealers may be  
938 designated by the director as agents of the state for the  
939 purpose of issuing permits for restricted use pesticides to  
940 private applicators] shall have at least one individual  
941 licensed as a pesticide dealer. Any individual possessing  
942 restricted use pesticides and selling or holding and  
943 offering for sale restricted use pesticides at retail or

944 wholesale from a motor vehicle shall be licensed as a  
945 pesticide dealer. For the purposes of this subsection,  
946 "selling or holding and offering for sale" shall not include  
947 solely transporting product in commerce. No individual shall  
948 be issued more than one pesticide dealer license..

949         2. Application for a pesticide dealer's license shall  
950 be made on a designated form obtained from the [director's  
951 office] department. The director shall collect a fee of  
952 thirty-five dollars for the issuance of each license. The  
953 provisions of this section shall not apply to a pesticide  
954 applicator who sells pesticides only as an integral part of  
955 [his or her] the applicator's pesticide application service  
956 when such pesticides are dispensed only through apparatuses  
957 used for such pesticide applications. The provisions of  
958 this section shall not apply to any federal, state, or  
959 county agency [which] that provides pesticides for its own  
960 programs.

961         3. Each applicant shall satisfy the director as to  
962 [his or her] the applicant's knowledge of the laws and  
963 regulations governing the use and sale of pesticides and  
964 [his or her] the applicant's responsibility in carrying on  
965 the business of a pesticide dealer by passing a pesticide  
966 dealer examination provided by the director. Each licensed  
967 pesticide dealer shall be responsible for [insuring]  
968 ensuring that all of [his or her] the dealer's employees and  
969 agents who sell or recommend restricted use pesticides have  
970 adequate knowledge of the laws and regulations governing the  
971 use and sale of such restricted use pesticides.

972         4. Each pesticide dealer shall be responsible for the  
973 acts of each person employed by [him or her] the dealer in  
974 the solicitation and sale of pesticides and all claims and  
975 recommendations for use of pesticides. The dealer's license  
976 shall be subject to denial, suspension, or revocation after

977 a hearing for any violation of sections 281.010 to 281.115  
978 whether committed by the dealer, or by the dealer's officer,  
979 agent or employee.

980 5. No pesticide dealer shall sell, give away or  
981 otherwise make available any restricted use pesticides to  
982 anyone but certified commercial applicators, certified  
983 noncommercial applicators [or], certified public operators,  
984 or to certified private applicators [who have met the  
985 requirements of subsection 5 of section 281.040,] holding  
986 valid certifications in proper certification categories or  
987 to other licensed pesticide dealers, except that pesticide  
988 dealers may allow the designated representative of such  
989 certified applicators[, operators or private applicators] to  
990 take possession of restricted use pesticides when those  
991 restricted use pesticides are purchased by and for use by or  
992 under the direct supervision of such certified applicator[,  
993 operator or private applicator].

994 6. The director shall require the pesticide dealer, or  
995 [his or her] the dealer's employer, to maintain books and  
996 records with respect to sales of restricted use pesticides  
997 at each dealership location or outlet. Such relevant  
998 information as the director may deem necessary may be  
999 specified by regulation. Such records shall be kept for a  
1000 period of three years from the date of sale of the  
1001 restricted use pesticide to which such records refer, and  
1002 the director shall upon request in writing be furnished with  
1003 a copy of such records by any licensed pesticide dealer or  
1004 [his or her] the dealer's employer.

1005 7. Every licensed pesticide dealer who changes [his or  
1006 her] the dealer's address or place of business shall  
1007 immediately notify the director.

1008 281.055. 1. If the [application for] renewal of any  
1009 license[, ] or certification [or permit] provided for in

1010 [this chapter] sections 281.010 to 281.115 is not filed  
1011 prior to the expiration date in any year, a penalty of  
1012 twenty-five percent shall be assessed and added to the  
1013 original fee and shall be paid by the applicant before the  
1014 license[, ] or certification [or permit] shall be renewed[;  
1015 provided, that such penalty shall not apply if the applicant  
1016 furnishes an affidavit certifying that he has not engaged in  
1017 the business subsequent to the expiration of his license,  
1018 certification or permit]. Any person holding a current  
1019 valid license[, ] or certification [or permit] may renew the  
1020 license[, ] or certification [or permit] for the next year  
1021 without taking another examination unless the director  
1022 determines that additional knowledge related to  
1023 classifications for which the applicant has applied makes a  
1024 new examination necessary. However, if the license is not  
1025 renewed within sixty days following the date of expiration  
1026 [then], the license shall be cancelled and the licensee  
1027 shall be required to satisfy all the requirements of  
1028 licensure as if such person was never licensed.

1029 2. The director may promulgate reasonable regulations  
1030 requiring additional training and instruction on the part of  
1031 any applicant for a license issued under sections 281.010 to  
1032 281.115.

1033 3. The director shall have prepared for prospective  
1034 licensee's use[, ] a book of guidelines of factual necessary  
1035 information related to the requirements of sections 281.010  
1036 to 281.115. A reasonable fee may be collected for [said]  
1037 the publication.

1038 281.060. 1. The director, after inquiry, and after  
1039 opportunity for a hearing, may deny, suspend, revoke, or  
1040 modify the provisions of any license[, permit,] or  
1041 certification issued under sections 281.010 to 281.115, if  
1042 [he] the director finds that the applicant or the holder of



1043 a license[, permit,] or certification has violated any  
1044 provision of sections 281.010 to 281.115, or any regulation  
1045 issued thereunder, or has been convicted or subject to a  
1046 final order imposing a civil or criminal penalty pursuant to  
1047 the Federal Insecticide, Fungicide and Rodenticide Act  
1048 (FIFRA), as amended, or has been convicted, or is the  
1049 subject of prosecution, in [another] this state or in any  
1050 state or protectorate of the United States, or has had a  
1051 pesticide applicator license[, ] or certificate [or permit]  
1052 denied, suspended, revoked or modified by [another] any  
1053 state or protectorate of the United States, or the person  
1054 has been finally adjudicated and found guilty, or entered a  
1055 plea of guilty or nolo contendere, in a criminal prosecution  
1056 under the laws of any state or of the United States, for any  
1057 offense reasonably related to the qualifications, functions  
1058 or duties of any profession licensed or regulated under  
1059 [this chapter] sections 281.010 to 281.115, for any offense  
1060 an essential element of which is fraud, dishonesty or an act  
1061 of violence, or for any offense involving moral turpitude,  
1062 whether or not sentence is imposed. Licensed certified  
1063 applicators, licensed noncertified RUP applicators, licensed  
1064 pesticide technicians, and licensed pesticide dealers shall  
1065 notify the department within ten days of any conviction of  
1066 or plea to any offense listed in this section.

1067         2. If the director determines, after inquiry and  
1068 opportunity for a hearing, that any [individual] person is  
1069 in violation of any provision of sections 281.010 to  
1070 281.115, or any regulations issued thereunder, the director  
1071 shall have the authority to assess a civil penalty of not  
1072 more than one thousand dollars for each violation, and in  
1073 addition, may order that restitution be made to any person.

1074         3. In the event that a person penalized or ordered to  
1075 pay restitution under this section fails to pay the penalty

1076 or restitution, the director may apply to the circuit court  
1077 of Cole County for, and the court is authorized to enter, an  
1078 order enforcing the assessed penalty or restitution.

1079 281.063. The director may subpoena witnesses and  
1080 compel the production of books, documents and records  
1081 anywhere in the state in any hearing affecting the authority  
1082 or privilege granted by a license[, ] or certificate [or  
1083 permit] issued under the provisions of sections 281.010 to  
1084 281.115.

1085 281.065. 1. The director shall not issue a certified  
1086 commercial applicator's license until the applicant or the  
1087 employer of the applicant has furnished evidence of  
1088 financial responsibility with the director consisting either  
1089 of a surety bond or a liability insurance policy or  
1090 certification thereof, protecting persons who may suffer  
1091 legal damages as a result of [the operations of] pesticide  
1092 use by the applicant; except that, such surety bond or  
1093 liability insurance policy need not apply to damages or  
1094 injury to crops, plants or land being worked upon by the  
1095 applicant. Following the receipt of the initial license,  
1096 the certified commercial applicator shall not be required to  
1097 furnish evidence of financial responsibility to the  
1098 department for the purpose of license renewal unless upon  
1099 request. Annual renewals for surety bonds or liability  
1100 insurance shall be maintained at the business location from  
1101 which the certified commercial applicator is licensed.  
1102 Valid surety bonds or liability insurance certificates shall  
1103 be available for inspection by the director [or his or her  
1104 designee] at a reasonable time during regular business hours  
1105 or, upon a request in writing, the director shall be  
1106 furnished a copy of the surety bond or liability insurance  
1107 certificate within ten [working] days of receipt of the  
1108 request.

1109           2. The amount of the surety bond or liability  
1110 insurance required by this section shall be not less than  
1111 fifty thousand dollars for each occurrence. Such surety  
1112 bond or liability insurance shall be maintained at not less  
1113 than that sum at all times during the licensed period. The  
1114 director shall be notified by the surety or insurer within  
1115 twenty days prior to any cancellation or reduction of the  
1116 surety bond or liability insurance. If the surety bond or  
1117 liability insurance policy which provides the financial  
1118 responsibility for the certified commercial applicator is  
1119 provided by the employer of the certified commercial  
1120 applicator, the employer of the certified commercial  
1121 applicator shall immediately notify the director upon the  
1122 termination of the employment of the certified commercial  
1123 applicator or when a condition exists under which the  
1124 certified commercial applicator is no longer provided bond  
1125 or insurance coverage by the employer. The certified  
1126 commercial applicator shall then immediately execute and  
1127 submit to the director a surety bond or an insurance policy  
1128 to cover the financial responsibility requirements of this  
1129 section and the certified commercial applicator or the  
1130 applicator's employer shall maintain the surety bond or  
1131 liability insurance certificate at the business location  
1132 from which the certified commercial applicator is licensed.  
1133 The director may accept a liability insurance policy or  
1134 surety bond in the proper sum which has a deductible clause  
1135 in an amount not exceeding one thousand dollars; except  
1136 that, if the bond- or policyholder has not satisfied the  
1137 requirement of the deductible amount in any prior legal  
1138 claim, such deductible clause shall not be accepted by the  
1139 director unless the bond- or policyholder executes and  
1140 maintains a surety bond or liability insurance which shall  
1141 satisfy the amount of the deductible as to all claims that

1142 may arise in [his or her] the bond- or policyholder's  
1143 application of pesticides.

1144 3. If the surety becomes unsatisfactory, the  
1145 commercial applicator license shall expire and become  
1146 invalid and the bond- or policyholder shall immediately  
1147 execute and submit to the director a new bond or insurance  
1148 policy and maintain the surety bond or liability insurance  
1149 certificate at the business location from which the  
1150 certified commercial applicator is licensed, and if [he or  
1151 she] the bond- or policyholder fails to do so, the director  
1152 shall cancel [his or her] the bond- or policyholder's  
1153 license, or deny the license of an applicant, and give [him  
1154 or her] the bond- or policyholder notice of cancellation or  
1155 denial, and it shall be unlawful thereafter for the  
1156 applicant to engage in the business of using pesticides  
1157 until the bond or insurance is brought into compliance with  
1158 the requirements of subsection 1 of this section. If the  
1159 bond- or policyholder does not execute a new bond or  
1160 insurance policy within sixty days of expiration of such  
1161 bond or policy, the licensee shall be required to satisfy  
1162 all the requirements for licensure as if never before  
1163 licensed.

1164 4. Nothing in sections 281.010 to 281.115 shall be  
1165 construed to relieve any person from liability for any  
1166 damage to the person or lands of another caused by the use  
1167 of pesticides even though such use conforms to the rules and  
1168 regulations of the director.

1169 281.070. 1. The director may investigate the use of  
1170 any pesticide or claims of damages [which] that result from  
1171 the use of any pesticide.

1172 2. Any person who claims to have been damaged as a  
1173 result of a pesticide use and who requests an investigation  
1174 of that damage by the director shall file with the director,

1175 on a form provided by the director, a written statement  
1176 claiming that [he] the person has been damaged. Damage  
1177 statements shall be filed within thirty days after the date  
1178 the damage is alleged to have occurred, unless a growing  
1179 crop is alleged to have been damaged. If a growing crop is  
1180 alleged to have been damaged, the damage statement shall be  
1181 filed at least two weeks prior to the time that twenty-five  
1182 percent of that crop has been harvested. The director  
1183 shall, upon receipt of the statement, notify the person  
1184 alleged to have caused the damage and the owner or lessee of  
1185 the land, or other person who may be charged with the  
1186 responsibility of the damages claimed, and furnish copies of  
1187 any statements which may be requested. The director shall  
1188 inspect damages whenever possible and [he] the director  
1189 shall make [his] the director's inspection reports available  
1190 to the person claiming damage and to the person who is  
1191 alleged to have caused the damage. Where damage is alleged  
1192 to have occurred, the claimant shall permit the director,  
1193 the licensee and [his] the licensee's representatives, such  
1194 as the bondsman or insurer, to observe, within reasonable  
1195 hours, the lands or nontarget organism alleged to have been  
1196 damaged.

1197 3. The filing of or the failure to file need not be  
1198 alleged in any complaint which might be filed in a court of  
1199 law, and the failure to file a damage claim shall not be  
1200 considered any bar to the maintenance of any criminal or  
1201 civil action. The failure to file such a report shall not  
1202 be a violation of sections 281.010 to 281.115. However, if  
1203 the person failing to file such report is the only one  
1204 injured from such use or application of a pesticide by  
1205 others, the director may, when in the public interest,  
1206 refuse to hold a hearing for the denial, suspension or

1207 revocation of a license [or permit] issued under sections  
1208 281.010 to 281.115 until such report is filed.

1209 4. The director may in the conduct of any  
1210 investigation or hearing authorized or held by [him] the  
1211 director:

1212 (1) Examine, or cause to be examined, under oath, any  
1213 person;

1214 (2) Examine, or cause to be examined, books and  
1215 records of the sale or use of any pesticide directly related  
1216 to the investigation;

1217 (3) Hear such testimony and take such evidence as will  
1218 assist [him] the director in the discharge of [his] the  
1219 director's duties under [this chapter] sections 281.010 to  
1220 281.115;

1221 (4) Administer or cause to be administered [oath]  
1222 oaths; and

1223 (5) Issue subpoenas to require the attendance of  
1224 witnesses and the production of books and records directly  
1225 related to the investigation.

1226 281.075. [1.] The director may issue a [license or]  
1227 pesticide applicator certification on a reciprocal basis  
1228 with other states without examination to a nonresident who  
1229 is licensed [or] as a certified [in another state  
1230 substantially] applicator in accordance with the  
1231 reciprocating state's requirements and is a resident of the  
1232 reciprocating state. A pesticide applicator certification  
1233 shall be issued in accordance with the provisions of  
1234 sections 281.010 to 281.115; except that, financial  
1235 responsibility [must] shall be filed pursuant to section  
1236 281.065. Fees collected shall be the same as for resident  
1237 licenses or certification.

1238 [2. Any nonresident applying for any license under  
1239 section 281.035, 281.037, 281.038 or 281.050 to operate in

1240 the state of Missouri shall designate in writing the  
1241 secretary of state as the agent of such nonresident upon  
1242 whom process may be served as provided by law; except that,  
1243 any such nonresident who has designated a resident agent  
1244 upon whom process may be served as provided by law shall not  
1245 be required to designate the secretary of state as such  
1246 agent. The secretary of state shall be allowed such fees  
1247 therefor as provided by law for designating resident  
1248 agents. The director shall be furnished with a copy of such  
1249 designation of the secretary of state or of a resident  
1250 agent, such copy to be certified by the secretary of state.]

1251 281.085. No person shall discard, transport, or store  
1252 any pesticide or pesticide containers in such a manner that  
1253 is inconsistent with label directions or as to cause injury  
1254 to humans, vegetation, crops, livestock, wildlife,  
1255 beneficial insects or to pollute any waterway. The director  
1256 may promulgate rules and regulations governing the  
1257 discarding and storing of such pesticide or pesticide  
1258 containers. In determining these rules and regulations the  
1259 director shall take into consideration any regulations  
1260 issued by the Federal Environmental Protection Agency.

1261 281.101. 1. It shall be unlawful for any [individual]  
1262 person to violate any provision of sections 281.010 to  
1263 281.115, or any regulation issued thereunder.

1264 2. The following are determined to be unlawful acts:

1265 (1) It shall be unlawful to recommend for use, [to]  
1266 cause to use, use, or [to] supervise the use of any  
1267 pesticide in a manner inconsistent with its labeling  
1268 required by labeling requirements of FIFRA, the Missouri  
1269 pesticide use act, or the Missouri pesticide registration  
1270 act;

1271 (2) It shall be unlawful for any [individual] person  
1272 to misuse any pesticide;

1273           (3) It shall be unlawful for any person to use or  
1274 supervise the use of pesticides that are cancelled or  
1275 suspended;

1276           (4) It shall be unlawful for any person not holding a  
1277 valid certified applicator license in proper certification  
1278 categories or a valid pesticide dealer license to purchase  
1279 or acquire restricted use pesticides;

1280           (5) It shall be unlawful to make any false or  
1281 misleading statements during the course of an investigation  
1282 into the sale, distribution, use or misuse of any pesticide;

1283           [(4)] (6) It shall be unlawful to make any false or  
1284 misleading statement on any application, form or document  
1285 submitted to the director concerning licensing pursuant to  
1286 sections 281.010 to 281.115 or any regulations issued  
1287 thereunder;

1288           [(5)] (7) It shall be unlawful to make any false,  
1289 misleading or fraudulent statement or claim, through any  
1290 media, [which] that misrepresents the effects of any  
1291 pesticide, the methods to be utilized in the application of  
1292 any pesticide, or the qualifications of the person  
1293 determining the need for the use of any pesticide or using  
1294 any pesticide;

1295           [(6)] (8) It shall be unlawful to make any false or  
1296 misleading statement specifying[, ] or inferring that a  
1297 person or [his] the person's methods are recommended by any  
1298 branch of government or that any pesticide work done will be  
1299 inspected by any branch of government;

1300           [(7)] (9) It shall be unlawful to aid or abet any  
1301 licensed or unlicensed individual in evading the provisions  
1302 of sections 281.010 to 281.115 or any regulation issued  
1303 thereunder, or to conspire with any licensed or unlicensed  
1304 individual in evading the provisions of sections 281.010 to  
1305 281.115 or any regulation issued thereunder;



1306           (10) It shall be unlawful for any person to steal or  
1307 attempt to steal pesticide certification examinations or  
1308 examination materials, cheat on pesticide certification  
1309 examinations, evade completion of recertification or  
1310 retraining requirements, or aid and abet any person to steal  
1311 or attempt to steal examinations or examination materials,  
1312 cheat on examinations, or evade recertification or  
1313 retraining requirements.

1314           3. Other acts [which] that are not specified, but  
1315 [which] that violate sections 281.010 to 281.115 or  
1316 regulations issued thereunder, shall nevertheless be  
1317 unlawful."; and

1318           Further amend said bill, page 3, section 324.009, line  
1319 80, by inserting after all of said line the following:

1320           "Section B. The enactment of section 281.048 and the  
1321 repeal and reenactment of sections 281.015, 281.020,  
1322 281.025, 281.030, 281.035, 281.937, 281.038, 281.040,  
1323 281.045, 281.050, 281.055, 281.060, 281.063, 281.065,  
1324 281.070, 281.075, 281.085, and 281.101 of this act shall  
1325 become effective on January 1, 2024."; and

1326           Further amend the title and enacting clause accordingly.