

SECOND REGULAR SESSION

SENATE BILL NO. 888

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PARSON.

Read 1st time February 18, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6060S.011

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Section A. Section 281.065, RSMo, is repealed and one new section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.**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

Copy