

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

951S0418

## HOUSE BILL NO. 1132

Introduced by: Representatives Russell and Verchio and Senator Rampelberg

1 FOR AN ACT ENTITLED, An Act to exempt certain seasonal employees from obtaining a  
2 applicator license to apply pesticides.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 38-21-17 be amended to read as follows:

5 38-21-17. No person may engage in the business of applying pesticides to the lands of  
6 another, advertise as being in the business of applying pesticides to the lands of another at any  
7 time, apply pesticides while in the performance of duties as a governmental employee or  
8 otherwise act as a commercial applicator without an applicator's license issued by the secretary  
9 of agriculture, unless exempted under the provisions of this chapter. A seasonal employee who  
10 does not have an applicator license may apply pesticides to the lands of another if the employee  
11 is under the direct supervision of a person who has an applicator license. For the purposes of this  
12 section, the term, seasonal employee, is any person who applies pesticides for less than three  
13 months per year. The secretary shall require a fee of twenty-five dollars for each applicator  
14 license issued. The secretary of agriculture shall issue an applicator license to government  
15 employees without a license fee. The fee exempt license is valid only when the applicator is



- 1 applying pesticides in the course of employment for the governmental entity. Any person who
- 2 violates this section is subject to a civil penalty not to exceed five thousand dollars per violation.