

**HOUSE BILL NO. 1439**

Introduced by

Representatives Kempenich, Drovdal, Warner

Senators Solberg, Tomac

1 A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code,  
2 relating to proof of financial responsibility for commercial pesticide applicators.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1997 Supplement to the North  
5 Dakota Century Code is amended and reenacted as follows:

6 **4-35-09.1. (~~Effective January 1, 1998~~) Proof of financial responsibility -**

7 **Exceptions.**

8 1. A commercial pesticide applicator certificate may not be issued or renewed unless  
9 the applicant furnishes proof of financial responsibility as provided in this section.  
10 Minimum financial responsibility must be demonstrated annually in the amount of  
11 one hundred thousand dollars, and may be demonstrated by a notarized letter from  
12 an officer of a financial institution or from a certified public accountant attesting to  
13 the existence of net assets equal to at least one hundred thousand dollars, a  
14 performance bond, or a general liability insurance policy. The performance bond  
15 or insurance policy must contain a provision requiring the issuing company to notify  
16 the commissioner of agriculture at least ten days before the effective date of  
17 cancellation, termination, or other modification of the bond or insurance policy.  
18 The commissioner of agriculture must immediately request the suspension of the  
19 certification of a person who fails to maintain the minimum financial responsibility  
20 standards of this section. If there is any recovery against the certificate holder, the  
21 holder must demonstrate continued compliance with the minimum standards of this  
22 section. An employee of a commercial pesticide application business is not  
23 required to meet these standards separately if the business documents compliance  
24 with the minimum financial responsibility standards of this section. An application

- 1                   for reinstatement of a suspended certificate under this section must be  
2                   accompanied by proof of satisfaction of any judgment previously rendered. A  
3                   ~~rancher is exempt from this section if the~~  
4                   2. This section does not apply to:  
5                   a. A rancher who is required to obtain a commercial pesticide applicator  
6                   certificate for controlling noxious weeds on the leased federal acreage as a  
7                   condition of a federal grasslands lease.  
8                   b. A grazing association and its members if either the association or any  
9                   member is required to obtain a commercial pesticide applicator certificate for  
10                   controlling noxious weeds on the leased federal acreage as a condition of a  
11                   federal grasslands lease.