

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.