

Introduced by

Senators Mathern, Anderson

Representatives Hoverson, Laning

1 A BILL for an Act to amend and reenact section 4.1-33-18 of the North Dakota Century Code,
2 relating to pesticide application.

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

4 **SECTION 1. AMENDMENT.** Section 4.1-33-18 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **4.1-33-18. Pesticide application - Alleged property damage - Notification of applicator.**

- 7 1. a. Before a person may file a civil action seeking reimbursement for property
8 damage allegedly stemming from the application of a pesticide, if the pesticide
9 applicator is known to the person or can be reasonably ascertained, the person
10 shall notify by certified mail the pesticide applicator of the alleged damage within
11 the earlier of:
- 12 (1) Twenty-eight days from the date the person first knew or should have known
13 of the alleged damage; or
- 14 (2) Before twenty percent of the crop or field allegedly damaged is harvested or
15 destroyed.
- 16 b. Subdivision a does not apply if the person seeking reimbursement for property
17 damage was the applicator of the pesticide.
- 18 2. Upon notifying the applicator as required under subsection 1, the person seeking
19 reimbursement for the alleged property damage shall permit the applicator and up to
20 four representatives of the applicator to enter the person's property for the purpose of
21 observing and examining the alleged damage. If the person fails to allow entry, the
22 person is barred from asserting a claim against the applicator.