

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

930B0501

SENATE BILL NO. 147

Introduced by: Senators Rusch, Foster, Kennedy, Nelson, Novstrup, Otten (Ernie), Soholt, Solano, Stalzer, Steinhauer, and White and Representatives Rasmussen, Barthel, Bordeaux, Brunner, Duba, Frye-Mueller, Glanzer, Greenfield (Lana), Johnson (Chris), Latterell, Peterson (Sue), Randolph, Ring, Saba, Smith (Jamie), Steele, Sullivan, Weis, Wiese, and Zikmund

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding commercial
2 pesticide applicators.

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

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

5 38-21-17. No person may engage in the business of applying pesticides to the lands of
6 another, by air or ground method, advertise as being in the business of applying pesticides to the
7 ~~lands of another at any time;~~ land of another by air or ground method, apply pesticides while in
8 the performance of duties as a governmental employee or otherwise act as a commercial
9 applicator without an applicator's license issued by the secretary of agriculture, unless exempted
10 under the provisions of this chapter. The secretary shall require a fee of twenty-five dollars for
11 each applicator license issued. The secretary of agriculture shall issue an applicator license to
12 government employees without a license fee. The fee exempt license is valid only when the
13 applicator is applying pesticides in the course of employment for the governmental entity. Any



1 person who violates this section is subject to a civil penalty not to exceed five thousand dollars
2 per violation.

3 Section 2. That chapter 38-21 be amended by adding a NEW SECTION to read:

4 The secretary may not issue an commercial applicator's license unless the applicant has
5 furnished evidence of financial responsibility with the secretary consisting either of a surety
6 bond or a liability insurance policy. The surety bond shall be in a minimum amount of three
7 hundred thousand dollars, or the liability insurance shall be in a minimum amount of one
8 hundred thousand dollars.

9 Section 3. That chapter 38-21 be amended by adding a NEW SECTION to read:

10 If a licensed applicator fails to maintain evidence of financial responsibility pursuant to the
11 provisions of section 2 of this Act, the secretary shall cancel the applicator's license. The
12 applicant may not engage in the business of applying pesticides until the applicator complies
13 with section 2 of this Act and the applicator is reinstated by the secretary.