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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4164

02/22/2024

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The bill was read for the first time and referred to the Committee on Agriculture Finance and Policy

1.1 A bill for an act
1.2 relating to agriculture; modifying provisions related to pest control; amending
1.3 Minnesota Statutes 2022, sections 18B.32, subdivisions 4, 5; 18B.33, subdivisions
1.4 5, 6; 18B.34, subdivision 4.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 18B.32, subdivision 4, is amended to read:

1.7 Subd. 4. **Renewal.** (a) An applicator may apply to renew a structural pest control
1.8 applicator license ~~may be renewed~~ on or before the expiration of an existing license subject
1.9 to reexamination, attendance at workshops approved by the commissioner, or other
1.10 requirements imposed by the commissioner to provide the applicator with information
1.11 regarding changing technology and to help assure a continuing level of competency and an
1.12 ability to use pesticides safely and properly. If the commissioner requires an applicator to
1.13 attend a recertification workshop and the applicator fails to attend the workshop, the
1.14 commissioner may require the applicator to pass a reexamination. The commissioner may
1.15 require an additional demonstration of applicator qualification if the applicator has had a
1.16 license suspended or revoked or has otherwise had a history of violations of this chapter.

1.17 (b) ~~If a person~~ an applicator fails to renew a structural pest control license within three
1.18 months of its expiration, the ~~person~~ applicator must obtain a structural pest control license
1.19 subject to the requirements, procedures, and fees required for an initial license.

1.20 Sec. 2. Minnesota Statutes 2022, section 18B.32, subdivision 5, is amended to read:

1.21 Subd. 5. **Financial responsibility.** (a) ~~A structural pest control license may not be issued~~
1.22 ~~unless the applicant furnishes proof of financial responsibility.~~ The commissioner may

2.1 suspend or revoke a structural pest control license if an applicator fails to provide proof of
2.2 financial responsibility upon the commissioner's request. Financial responsibility may be
2.3 demonstrated by:

2.4 (1) proof of net assets equal to or greater than \$50,000; or

2.5 (2) a performance bond or insurance of a kind and in an amount determined by the
2.6 commissioner.

2.7 (b) The bond or insurance must cover a period of time at least equal to the term of the
2.8 ~~applicant's~~ applicator's license. The commissioner must immediately suspend the license
2.9 of ~~a person~~ an applicator who fails to maintain the required bond or insurance. The
2.10 performance bond or insurance policy must contain a provision requiring the insurance or
2.11 bonding company to notify the commissioner by ten days before the effective date of
2.12 cancellation, termination, or any other change of the bond or insurance. If there is recovery
2.13 against the bond or insurance, additional coverage must be secured by the applicator to
2.14 maintain financial responsibility equal to the original amount required.

2.15 (c) An employee of a licensed person is not required to maintain an insurance policy or
2.16 bond during the time the employer is maintaining the required insurance or bond.

2.17 (d) Applications for reinstatement of a license suspended under the provisions of this
2.18 section must be accompanied by proof of satisfaction of judgments previously rendered.

2.19 Sec. 3. Minnesota Statutes 2022, section 18B.33, subdivision 5, is amended to read:

2.20 Subd. 5. **Renewal application.** (a) ~~A person~~ An applicator must apply to the
2.21 commissioner to renew a commercial applicator license. The commissioner may renew a
2.22 commercial applicator license accompanied by the application fee, subject to reexamination,
2.23 attendance at workshops approved by the commissioner, or other requirements imposed by
2.24 the commissioner to provide the applicator with information regarding changing technology
2.25 and to help assure a continuing level of competence and ability to use pesticides safely and
2.26 properly. ~~The applicant~~ Upon the receipt of an applicator's renewal application, the
2.27 commissioner may require the applicator to attend a recertification workshop. Depending
2.28 on the application category, the commissioner may require an applicator to complete a
2.29 recertification workshop once per year, once every two years, or once every three years. If
2.30 the commissioner requires an applicator to attend a recertification workshop and the
2.31 applicator fails to attend the workshop, the commissioner may require the applicator to pass
2.32 a reexamination. An applicator may renew a commercial applicator license within 12 months
2.33 after expiration of the license without having to meet initial testing requirements. The

3.1 commissioner may require an additional demonstration of applicator qualification if ~~a person~~
3.2 the applicator has had a license suspended or revoked or has had a history of violations of
3.3 this chapter.

3.4 (b) An ~~applicant~~ applicator that meets renewal requirements by reexamination instead
3.5 of attending workshops must pay the equivalent workshop fee for the reexamination as
3.6 determined by the commissioner.

3.7 Sec. 4. Minnesota Statutes 2022, section 18B.33, subdivision 6, is amended to read:

3.8 Subd. 6. **Financial responsibility.** (a) ~~A commercial applicator license may not be issued~~
3.9 ~~unless the applicant furnishes proof of financial responsibility.~~ The commissioner may
3.10 suspend or revoke an applicator's commercial applicator license if the applicator fails to
3.11 provide proof of financial responsibility upon the commissioner's request. Financial
3.12 responsibility may be demonstrated by: (1) proof of net assets equal to or greater than
3.13 \$50,000; or (2) by a performance bond or insurance of the kind and in an amount determined
3.14 by the commissioner.

3.15 (b) The bond or insurance must cover a period of time at least equal to the term of the
3.16 ~~applicant's~~ applicator's license. The commissioner must immediately suspend the license
3.17 of ~~a person~~ an applicator who fails to maintain the required bond or insurance. The
3.18 performance bond or insurance policy must contain a provision requiring the insurance or
3.19 bonding company to notify the commissioner by ten days before the effective date of
3.20 cancellation, termination, or any other change of the bond or insurance. If there is recovery
3.21 against the bond or insurance, additional coverage must be secured by the applicator to
3.22 maintain financial responsibility equal to the original amount required.

3.23 (c) An employee of a licensed ~~person~~ applicator is not required to maintain an insurance
3.24 policy or bond during the time the employer is maintaining the required insurance or bond.

3.25 (d) Applications for reinstatement of a license suspended under the provisions of this
3.26 section must be accompanied by proof of satisfaction of judgments previously rendered.

3.27 Sec. 5. Minnesota Statutes 2022, section 18B.34, subdivision 4, is amended to read:

3.28 Subd. 4. **Renewal.** (a) ~~A person~~ An applicator must apply to the commissioner to renew
3.29 a noncommercial applicator license. The commissioner may renew a license subject to
3.30 reexamination, attendance at workshops approved by the commissioner, or other requirements
3.31 imposed by the commissioner to provide the applicator with information regarding changing
3.32 technology and to help assure a continuing level of competence and ability to use pesticides

4.1 safely and properly. Upon the receipt of an applicator's renewal application, the commissioner
4.2 may require the applicator to attend a recertification workshop. Depending on the application
4.3 category, the commissioner may require an applicator to complete a recertification workshop
4.4 once per year, once every two years, or once every three years. If the commissioner requires
4.5 an applicator to attend a recertification workshop and the applicator fails to attend the
4.6 workshop, the commissioner may require the applicator to pass a reexamination. The
4.7 commissioner may require an additional demonstration of applicator qualification if the
4.8 applicator has had a license suspended or revoked or has otherwise had a history of violations
4.9 of this chapter.

4.10 (b) An ~~applicant~~ applicator that meets renewal requirements by reexamination instead
4.11 of attending workshops must pay the equivalent workshop fee for the reexamination as
4.12 determined by the commissioner.

4.13 (c) An ~~applicant~~ applicator has 12 months to renew the license after expiration without
4.14 having to meet initial testing requirements.