

stock at the places named in the application shall be issued. Such licenses shall run until the succeeding July 1, at which time they may be renewed by the payment of the aforesaid fee. In lieu of the bond required under the provisions of this subdivision, the applicant may file with the commission the dealer's bond filed by him with the United States department of agriculture and in effect pursuant to the provisions of the Packers and Stockyards Act, as amended, (7 U.S.C. 181 et seq.) the minimum amount of which is \$5,000, unless the commission shall determine that the amount of the federal bond is insufficient in any instance, in which event the commission shall by order fix the reasonable amount of the bond required to protect the public interest. A similar license shall be required of and shall be issued to each agent of the licensee upon the payment of \$15, and no agent shall engage in the buying or dealing in livestock without first securing such license.

No surety bond shall be required of any agent or employee of a livestock commission merchant, person, firm, or corporation, licensed under this section. Unless otherwise canceled by the commission or the licensee, the license of all agents or employees shall terminate with the expiration of the principal's license. An agent's or employee's license may be canceled by the principal when such cancellation has been approved by the commission.

Approved June 6, 1969.

CHAPTER 1032—H. F. No. 1920

[Coded]

An act relating to the licensing or registration and regulation of persons engaged in the conduct of structural pest control activities for hire; providing penalties; and appropriating money.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[18A.01] Structural pest control; definitions.**
Subdivision 1. As used in this act, the following words and terms shall have the meanings given.

Subd. 2. "Structural pest control" means to control, eradicate, curb, mitigate, repel, destroy or prevent any pest through the use of any device, procedure, application of any chemical in any household or other structures including trucks, box cars, ships, airplanes, docks, warehouses, common carriers, or the contents thereof and in fumigation vaults; also the advertising and soliciting of structural pest

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control; also the identification of infestation and infection of pests in a structure and also the prescribing of treatments, making inspection reports, in contracting for or submitting bids for such contracts and making estimates of cost of control or prevention work involving infestations and infections of pests.

Subd. 3. "Structure" means any type of pest habitat including the land upon which located and within six feet thereof, together with the contents thereof along with complementary structures including, but not limited to buildings, patios, fences, common carriers, docks, dumps, landfills, junk yards and other areas of pest habitation.

Subd. 4. "Pest" means all arthropods, rodents, all pest animals, thallophytes, or any other plant or animal life that is declared by the commissioner to be a pest in, on, under, or within six feet of any structure.

Subd. 5. "Approved agency" means an agency of a county, municipality or political subdivision which has inspectional personnel capable of carrying out the provisions of this act and has signed an agreement pursuant to Minnesota Statutes, Section 471.59.

Subd. 6. "Commissioner" means the commissioner of agriculture or his agent.

Subd. 7. "Person" means an individual, partnership, or corporation.

Sec. 2. [18A.02] **Licenses or registration.** Subdivision 1. No person shall engage in structural pest control for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control, he shall apply in writing, on forms supplied by the commissioner, for a registration or license to engage in such activities. The commissioner shall determine from the application and the statements contained therein if such applicant is qualified to be registered or to receive a license. The commissioner shall require the applicant to pass a written or an oral examination or both and may also require a practical demonstration regarding structural pest control. The examination procedure, including all the phases and contents of the examination, shall be established by the commissioner.

Subd. 2. A registration or license is effective until January 1 following the date of its issuance, but may be renewed annually on that date and for subsequent years, in the manner and subject to the conditions governing its issuance originally. Registrations or licenses are not transferable as to person.

Subd. 3. An annual fee of \$10 must accompany application

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for a registration where the applicant is licensed by a political subdivision or municipality to engage in structural pest control and \$50 for a license if the applicant is not so licensed. Employees of a person who is registered or licensed under this act shall be subject to the payment of a fee of \$5 for an initial license or registration and a fee of \$3 for each renewal thereof.

In case a delinquency in the payment of the license or registration renewal fee or fees extends beyond three months such licensee or registrant will be required to obtain a new license or registration subject to all the requirements, procedures, and fees for an initial license or registration.

The commissioner shall establish and define classes and categories of persons who shall be deemed to be a "master", "journeyman" and "apprentice" in structural pest control. No person shall engage in structural pest control as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a "master" in structural pest control or unless he employs a person so licensed or registered.

Subd. 4. The commissioner shall notify each licensee or registrant by mail that his fee or fees are due and payable and if not received before the expiration date of the registration or license a penalty of 50 percent will be added to the required annual renewal fee or fees.

Subd. 5. The commissioner, after notice and hearing, may revoke, suspend or refuse to renew a registration or license when a person is in violation of the provisions of this act or a rule or regulation promulgated hereunder.

Sec. 3. **[18A.03] Mandatory cautions; techniques and records.** Subdivision 1. Registered or licensed persons engaged in structural pest control shall use materials, dosages, formulas, devices, and methods, places and timing of application acceptable to the commissioner and based on registered approved uses of the material or device and within limits prescribed by state and federal laws and regulations promulgated by the commissioner.

Subd. 2. Each registered or licensed person engaged in structural pest control shall maintain records of all structural pest control activities conducted by him or by his employees, which records shall include the date of treatment, name of chemical used, temperature and exposure time if fumigating, method of application and any other information as may be required by the commissioner. Records shall be retained for such time as the commissioner may require and shall

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be available upon request by the commissioner, his agents or officials of an approved agency.

Sec. 4. [18A.04] Inspection. The commissioner, his agents or officials of an approved agency may inspect any structure, other than a residence, at any reasonable time for the purpose of enforcement of this act or regulations promulgated pursuant hereto.

Sec. 5. [18A.05] Financial responsibility. Subdivision 1. Prior to issuance or renewal of a registration or license, the applicant, in addition to satisfying all other requirements, shall furnish proof of financial responsibility by means of a performance bond or insurance covering such applicant's structural pest control activities in such amount as the commissioner shall require. Such bond or insurance shall remain effective for a period of time at least equal to the term of the applicant's license. The performance bond or insurance policy shall contain a provision requiring the insurance or bonding company to notify the commissioner ten days prior to the effective dates of cancellation, termination or any other change of such bond or insurance. In the event of any recovery against such bond or insurance additional coverage shall be secured so as to maintain financial responsibility equal to the original fixed amount.

Subd. 2. An employee of a registered or licensed person need not maintain an additional insurance policy or bond during the time when his employer is maintaining the required insurance or bond.

Subd. 3. The commissioner shall suspend the registration or license of any person for failure to satisfy a final judgment resulting from structural pest control activities, within 30 days.

Subd. 4. Applications for reinstatement of a registration or license suspended under the provisions of this section shall be accompanied by proof of satisfaction of judgments previously rendered and otherwise complying with the requirements of this act.

Sec. 6. [18A.06] Exemptions. This act shall not be construed to prevent any person without a registration or license from conducting structural pest control activities in any structure owned, leased or rented by him, provided such person's structural pest control activities are otherwise in compliance with provisions of this act. Employees of political subdivisions of this state, state or federal governmental agencies or the metropolitan mosquito control district are exempt from the licensing and registration requirements of this act while acting within the scope of their official duties.

Sec. 7. [18A.07] Rules and regulations. The commissioner shall promulgate according to law, uniform rules and regula-

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tions needed to administer the provisions of this act governing structural pest control.

Sec. 8. [18A.08] **Savings provision.** A person actively engaged in structural pest control work at the time of passage of this act and who applies for a license or registration prior to April 1, 1970 shall be exempt from initial examination requirements providing he produces written affidavits stating he has been steadily employed at structural pest control within the state for a period of not less than one year prior to the effective date of this act, but shall be subject to all the remaining provisions of this act.

Sec. 9. [18A.09] **Penalty.** Any person violating any provision of this act or rule or regulation promulgated pursuant hereto is guilty of a misdemeanor.

Sec. 10. [18A.10] **Enforcement.** The commissioner, his agents, and officials of an approved agency shall have the power to enforce the provisions of this act and the rules and regulations promulgated by the commissioner.

Sec. 11. [18A.11] **Advisory committee.** There is hereby created a Minnesota structural pest control advisory committee for the purpose of advising the commissioner on matters pertaining to the purposes of this act. The committee shall consist of not more than 13 members appointed by the commissioner, who shall be representatives of the following: three representatives of the state and municipal health departments; three persons registered or licensed pursuant to this act, of whom at least one shall be designated by the Minnesota pest control association; at least one representative of the food industry; and at least one representative of the Minnesota department of agriculture. The commissioner or his designated representative shall serve as *ex officio* member and chairman of the committee. The first meeting of the committee shall be called by the chairman not later than September 1, 1969. All members shall serve without compensation.

Sec. 12. **Appropriation.** There is appropriated to the commissioner of agriculture from the general revenue fund the sums of \$25,000 for each of the fiscal years commencing July 1, 1969, and July 1, 1970, to enable him to carry out the provisions of this act.

Sec. 13. **Effective date.** Except as to the appropriation provided in section 12, this act shall be effective January 1, 1970.

Approved June 6, 1969.

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