

8800.3800 AERIAL SPRAYING OR DUSTING.

Subpart 1. **Spraying or dusting.** Any person applying or offering to apply chemicals or other substances from an aircraft shall be deemed to be engaged in aerial spraying or dusting.

Subp. 2. **Emergency provision.** If the governor of the state of Minnesota declares an emergency as a result of a natural disaster affecting agriculture, such as insect infestation, these licensing provisions shall be lifted during the period of the emergency declarations.

Subp. 3. **Department of Agriculture certification.** No commercial operations license to engage in agricultural spraying or dusting will be issued until the applicant furnishes evidence that the requirements of the Minnesota Department of Agriculture are met.

Subp. 4. **Aircraft and pilot safety equipment.** Every aircraft used for aerial spraying or dusting in this state shall be provided with a positive method of shutting off distribution of chemicals or other substances which shall prevent material from leaking or dropping except over the areas of intended application. Each pilot shall wear a seat belt, shoulder harness, and protective headgear during flight operations.

Subp. 5. **Nonresident applicant.** Every nonresident commercial operation applicant shall provide on the application a permanent address for the business.

Subp. 6. **Aircraft.** In the application, the aerial applicator must inform the commissioner of all aircraft (by factory make, model, year, "N" number, and the current Minnesota registration decal number) that the aerial applicator intends to use within the state.

Subp. 7. **Certificate.** The applicant shall certify that the applicant is the holder of an FAA commercial agricultural aircraft operator certificate.

Subp. 8. **Insurance.** The minimum insurance coverage for each aircraft shall be the following types and amounts: \$100,000 per person and \$300,000 per occurrence for bodily injury and \$100,000 for property damage.

Subp. 9. **Commercial operations license.** The applicant must meet the requirements of parts 8800.3100 and 8800.3200 unless specifically exempted therefrom.

Statutory Authority: *MS s 14.388; 360.015; 360.018; 360.03; 360.90*

History: *17 SR 1279; 30 SR 215; 31 SR 350*

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