

CHAPTER 18A

PESTICIDE CONTROL

18A.22 Registration, sales, fee.

18A.26 License, registration, dealer, applicator, fee.

18A.22 REGISTRATION, SALES, FEE.*[For text of subds 1 to 4, see M.S.1982]*

Subd. 5. **Fee.** Each application for registration and renewal shall be accompanied by a registration fee of \$25 for each pesticide registered. These registrations expire on December 31 each year, unless canceled sooner.

[For text of subd 6, see M.S.1982]

Subd. 7. **Late registration.** If the renewal of a pesticide registration is filed after December 31, or an original application is filed after the first month the pesticide is first manufactured or sold within this state, an additional fee of \$10 shall be paid by the applicant before the registration for that pesticide may be issued or renewed.

*[For text of subd 8, see M.S.1982]***History:** 1983 c 293 s 35,36**18A.26 LICENSE, REGISTRATION, DEALER, APPLICATOR, FEE.**

Subdivision 1. **Restricted use pesticide dealer license.** (a) Any person offering for sale or having in his possession with intent to distribute to the ultimate user a restricted use pesticide and any private applicator purchasing from an unlicensed source for his own use any restricted use pesticide shall obtain a license from the commissioner. Application for a restricted use pesticide dealer license shall be made upon the forms and in the manner, which may include an examination, as the commissioner requires to determine if the applicant is qualified to sell restricted use pesticides.

(b) Application for a license requires payment of a fee of \$50. Licenses shall be renewed annually prior to January 1, upon receipt of a \$50 fee and the completed application form.

(c) If an application for renewal of a restricted use pesticide dealer license is not filed prior to January 1 of any one year, an additional fee of \$13 shall be paid by the applicant before the renewal license may be issued.

(d) The dealer license shall not be transferable to another person or to another location.

(e) Each licensed restricted use pesticide dealer shall be responsible for the acts of each person employed by him in the solicitation and sale of restricted use pesticides.

(f) Provisions of this subdivision shall not apply to:

(1) A licensed commercial applicator, noncommercial applicator or structural pest control applicator who sells or uses pesticides only as an integral part of his pesticide application service;

(2) A federal, state, county, or municipal agency which provides pesticides only for its own programs; and

(3) A duly licensed pharmacist, physician, dentist, or veterinarian when administering or dispensing a restricted use pesticide for use in man or other animal in his practice.

Subd. 2. Commercial applicator license. (a) No commercial applicator shall use or supervise the use of any pesticide without a commercial applicator's license issued by the commissioner. Application for the license shall be made upon forms and in such manner, which may include an examination, as the commissioner may require. An aerial applicator shall secure an endorsement to his license showing that he has been licensed for commercial spraying or dusting operations, or both, in accordance with chapter 360, and that he has passed an examination prepared by the department of transportation and administered by the department of agriculture, testing whether he is knowledgeable in the aerial application of pesticides. A person intending to apply pesticides in any public waters shall secure an endorsement to his license showing that he has passed an examination prepared by the department of natural resources and administered by the department of agriculture, testing whether he is knowledgeable in the application of pesticides in water.

(b) The commissioner may renew any applicator's license, subject to reexamination or other requirements imposed by the commissioner, to ensure that the applicator understands changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(c) Each application for a license shall require payment of an annual fee of \$40 and an identification card fee of \$10 for the applicant and \$10 for each additional identification card desired.

(d) If the renewal application is not filed prior to March 1 in any year, an additional fee of \$10 shall be paid by the applicant before the renewal license may be issued.

(e) The license issued shall not be transferable to another person.

(f) Every licensee or his designated operator shall have an identification card when applying pesticides for hire and shall display it upon demand of an authorized representative of the commissioner or a law enforcement officer. The identification card shall contain such information as the commissioner may by rule require.

(g) A person required to be licensed under this subdivision who carries on spraying or dusting operations for hire or who employs or engages an applicator to carry on spraying or dusting operations for hire, shall be responsible for proper application of the material or device. He shall use materials, dosages, formulas, devices and methods of application acceptable to the commissioner based upon registered approved uses of the material or device within limits prescribed by state and federal laws and regulations. He shall not be held liable for the actions of a chemical when applied in accordance with the recommendation of the manufacturer or the commissioner.

Subd. 3. Structural pest control applicator license, registration. (a) No person shall engage in structural pest control applications for hire unless registered or licensed by the commissioner. Before any person shall engage in structural pest control application he shall apply 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.

(b) A registration or license is effective until January 1 next following the date of its issuance, and may be renewed annually on or before that date. Registrations or licenses are not transferable to any other person.

(c) No annual fee need accompany an application for registration or renewal where the applicant is licensed by a political subdivision or municipality to engage in structural pest control. An annual fee of \$100 must accompany an application for registration or renewal if the applicant is not so licensed. Employees of a person who is registered or licensed under this subdivision shall pay a fee of \$20 for an initial license or registration and a fee of \$20 for each renewal thereof. The commissioner may establish other requirements for renewal as are necessary to assure competence of registrants or licensees.

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

(e) The commissioner shall establish categories of master, journeyman, and apprentice in structural pest control applications. No person shall engage in structural pest control applications as a sole proprietorship, company, partnership, or corporation unless he is licensed or registered as a master in structural pest control applications or unless he employs a person so licensed or registered.

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

Subd. 4. Noncommercial applicator. (a) No noncommercial applicator may use a restricted use pesticide or supervise the use of a restricted use pesticide without having a valid noncommercial applicator license issued by the commissioner for use categories or subcategories for which the pesticide application is made.

(b) License applications shall be made upon forms and in the manner, which may include an examination, as the commissioner may prescribe to determine if the applicant is qualified.

(c) The commissioner may renew a license subject to re-examination or other requirements designed to ensure that the applicator continues to understand changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(d) Each application for a license shall require payment of an annual fee of \$40 and an identification card fee of \$10 for the applicant and \$10 for each additional identification card desired. Governmental agencies shall be exempt from the fee. The license shall be renewed annually prior to January upon payment of applicable fees and compliance with any other requirement.

(e) If an application for renewal of license is not filed prior to March 1, in any year, an additional fee of \$10 shall be paid by the applicant before the renewal license may be issued.

History: 1983 c 293 s 37