

By: Representative Moore (60th)

To: Insurance

HOUSE BILL NO. 757

1 AN ACT TO AMEND SECTION 69-23-111, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE A LIMIT ON THE AMOUNT OF INSURANCE REQUIRED FOR  
3 LICENSURE OF A PEST CONTROL OPERATOR BY THE COMMISSIONER OF  
4 AGRICULTURE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 69-23-111, Mississippi Code of 1972, is  
7 amended as follows:

8 69-23-111. (1) After October 21, 1976, it shall be unlawful  
9 for any person to engage in the application or use of any  
10 pesticide which is restricted by EPA or the commissioner, except  
11 as provided for and defined in Sections 69-19-1 through 69-19-11,  
12 69-21-1 through 69-21-27, 69-21-101 through 69-21-125, and 69-23-1  
13 through 69-23-23, without having been certified or licensed by the  
14 commissioner.

15 (2) The commissioner may classify licenses or permits to be  
16 issued under Sections 69-23-101 through 69-23-133. Separate  
17 classifications and subclassifications may be specified by the  
18 commissioner in conformity with FIFRA. Each classification may be  
19 subject to separate requirements of testing procedures.

20 (3) Application for license shall be made on a form provided  
21 by the commissioner and shall contain information regarding the  
22 applicant's qualifications, proposed operations, and license  
23 classification or classifications as prescribed by regulations.

24 (4) The commissioner shall require each applicant for a  
25 certified applicator's license to demonstrate competency by a  
26 written or oral examination, or such other equivalent procedure as  
27 may be adopted by the commissioner by regulation, that he  
28 possesses adequate knowledge with respect to the proper use and



29 application of pesticides in the particular categories or  
30 classification for which application for license is made. The  
31 commissioner may cooperate with other state, federal and private  
32 agencies in preparing, administering and evaluating examinations  
33 or other equivalent procedures, including training, for  
34 determining competency of certified applicators, and shall  
35 consider and be guided by certification requirements set forth by  
36 EPA.

37 (5) Before a license shall be issued or reissued under this  
38 section, proof of insurance must be furnished on a form provided  
39 by the commissioner. This insurance requirement shall be in an  
40 amount not to exceed Fifty Thousand Dollars (\$50,000.00) per  
41 occurrence or an annual aggregate of One Hundred Thousand Dollars  
42 (\$100,000.00) for all occurrences. This coverage shall include  
43 coverage for pollution and contamination, property damages, bodily  
44 injury, errors and omissions.

45 (6) If the commissioner finds the applicant qualified in the  
46 classification for which he has applied, he shall issue a  
47 certified applicator's license limited to that classification.  
48 Expiration dates of licenses may be established by regulation,  
49 unless revoked or suspended prior thereto by the commissioner for  
50 cause as hereinafter provided.

51 SECTION 2. This act shall take effect and be in force from  
52 and after July 1, 2003.

