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

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

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

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

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

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

(4) The commissioner shall require each applicant for a certified applicator's license to demonstrate competency by a written or oral examination, or such other equivalent procedure as may be adopted by the commissioner by regulation, that he possesses adequate knowledge with respect to the proper use and
application of pesticides in the particular categories or classification for which application for license is made. The commissioner may cooperate with other state, federal and private agencies in preparing, administering and evaluating examinations or other equivalent procedures, including training, for determining competency of certified applicators, and shall consider and be guided by certification requirements set forth by EPA.

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

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

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