

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

417Z0650

SENATE BILL NO. 179

Introduced by: Senators Rusch, Klumb, and Stalzer and Representatives Ring, Bartling,
Heinemann, Reed, and Rozum

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding aerial applicators.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 38-21-17 be amended to read:

4 38-21-17. No person may engage in the business of applying pesticides to the lands of
5 another, advertise as being in the business of applying pesticides by air or ground methods on
6 to the lands of another at any time, apply pesticides while in the performance of duties as a
7 governmental employee or otherwise act as a commercial applicator or aerial applicator without
8 an applicator's license issued by the secretary of agriculture, unless exempted under the
9 provisions of this chapter. The secretary shall require a fee of twenty-five dollars for each
10 applicator license issued. The secretary of agriculture shall issue an applicator license to
11 government employees without a license fee. The fee exempt license is valid only when the
12 applicator is applying pesticides in the course of employment for the governmental entity. Any
13 person who violates this section is subject to a civil penalty not to exceed five thousand dollars
14 per violation.

15 Section 2. That chapter 38-21 be amended by adding a NEW SECTION to read:



1 The secretary may not issue an aerial applicator's license unless the applicant has furnished
2 evidence of financial responsibility with the secretary consisting either of a surety bond or a
3 liability insurance policy in order to protect any person, other than any person suffering damages
4 or injury to agricultural crops, plants, or land who has contracted with the applicant, who may
5 suffer damages as a result of the operations of the applicant. The surety bond shall be in a
6 minimum amount of three hundred thousand dollars, or the liability insurance shall be in a
7 minimum amount of one hundred thousand dollars.

8 Section 3. That chapter 38-21 be amended by adding a NEW SECTION to read:

9 If a licensed applicator fails to maintain a surety bond or liability insurance pursuant to the
10 provisions of section 1 of this Act, the secretary shall cancel the applicator's license. The
11 applicant may not engage in the business of applying pesticides until the applicator complies
12 with section 1 of this Act and the applicator is reinstated by the secretary.

13 Section 4. That chapter 38-21 be amended by adding a NEW SECTION to read:

14 No aerial pesticide applicator may spray pesticide within five hundred feet of an occupied
15 home, food processing site, registered apiary, or an organic sensitive site as certified by the
16 United States Department of Agriculture.