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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

COMMITTEE SUBSTITUTE
FOR

Senate Bill No. 528

(SENATOR KESSLER, *original sponsor*)

[Passed March 10, 2007; in effect July 1, 2007.]

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[Passed March 10, 2007; to take effect July 1, 2007]

AN ACT to amend and reenact §19-16A-7 and §19-16A-23 of the Code of West Virginia, 1931, as amended, all relating to depositing the pesticide dealer, commercial and private applicator and business applicator license fees into the Pesticide Control Fund.

Be it enacted by the Legislature of West Virginia:

That §19-16A-7 and §19-16A-23 of the Code of West

Enr. Com. Sub. for S. B. No. 528] 2

Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16A. WEST VIRGINIA PESTICIDE CONTROL ACT.

§19-16A-7. Annual pesticide business license.

1 (a) No person may engage in the application of
2 pesticides for hire at any time without a pesticide
3 application business license issued by the commissioner.
4 The commissioner shall require an annual fee for each
5 pesticide application business license issued as
6 prescribed by rules promulgated under this article.

7 (b) Application for a pesticide application business
8 license shall be made in writing to the commissioner on
9 forms approved or supplied by the commissioner. Each
10 application for a license shall contain information
11 regarding the applicant's qualifications and proposed
12 operations, license classification or classifications the
13 applicant is applying for and shall include the
14 following:

15 (1) The full name of the person applying for the
16 license;

17 (2) If different from subdivision (1) of this subsection,
18 the full name of the individual qualifying under
19 subsection (c) of this section;

20 (3) If the applicant is a person other than an
21 individual, the full name of each member of the firm or
22 partnership or the names of the officers of the
23 association, corporation or group;

24 (4) The principal business address of the applicant in

25 the state and elsewhere;

26 (5) The address of each branch office or suboffice from
27 which the business of applying pesticides is carried on.
28 Each suboffice shall be licensed;

29 (6) The name and address of each certified commercial
30 applicator applying pesticides or supervising the
31 application of pesticides for the pesticide application
32 business;

33 (7) State tax number; and

34 (8) Any other necessary information prescribed by the
35 commissioner.

36 (c) The commissioner may not issue a pesticide
37 application business license until the owner, manager,
38 partner or corporate officer is qualified by passing an
39 examination to demonstrate to the commissioner his or
40 her knowledge of the state and federal pesticide laws,
41 safe use and storage of pesticides. The pesticide
42 application business shall be limited to the
43 classification or classifications for which the business
44 maintains certified commercial applicators in their
45 employ.

46 (d) If the commissioner finds the applicant qualified
47 to apply pesticides in the classifications the applicant
48 has applied for, and if the applicant files the financial
49 security required by this article, and if the applicant
50 applying for a license to engage in aerial application of
51 pesticides has met all the requirements of the federal
52 aviation agency, the aeronautics commission of this
53 state, and any other applicable federal or state laws or

54 regulations to operate the equipment described in the
55 application, the commissioner shall issue a pesticide
56 application business license. The license expires at the
57 end of the calendar year of issue, unless it has been
58 revoked or suspended prior to expiration by the
59 commissioner for cause. When the financial security
60 required under this article is dated to expire at an
61 earlier date, the license shall be dated to expire upon
62 expiration date of the financial security. The
63 commissioner may limit the license of the applicant to
64 certain classifications of pest control work, or to certain
65 areas or to certain types of equipment or to certain
66 specific pesticides if the applicant is only so qualified.
67 If a license is not issued as applied for, the
68 commissioner shall inform the applicant in writing of
69 the reasons for the denial.

70 (e) All persons applying pesticides as a pesticide
71 business, whether or not they are applying restricted-
72 use pesticides, shall be a certified applicator in the
73 appropriate category or subcategory or shall be a
74 registered technician under the direct supervision of a
75 certified commercial applicator.

76 (f) All funds collected pursuant to this section shall be
77 deposited in the Pesticide Control Fund of the state
78 pursuant to section twenty-three of this article.

**§19-16A-23. Continuation of Pesticide Control Fund in State
Treasury; disposition of certain fees to General
Revenue Fund.**

1 There is continued a special fund in the State
2 Treasury to be known as Pesticide Control Fund and
3 may be expended on order of the commissioner. All

4 product registration fees, dealer, commercial and
5 private applicator license fees, pesticide application
6 business license fees, nondedicated fees and civil
7 penalties collected under this article shall be placed in
8 the Pesticide Control Fund. The proceeds of the
9 Pesticide Control Fund may be used in carrying out the
10 purpose of this article.

Enr. Com. Sub. for S. B. No. 528] 6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee


.....
Chairman House Committee

Originated in the Senate.

In effect July 1, 2007.


.....
Clerk of the Senate


.....
Clerk of the House of Delegates


.....
President of the Senate


.....
Speaker House of Delegates

The within is appended this
the 28th Day of March, 2007.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 4:17