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

ARTICLE 16A. WEST VIRGINIA PESTICIDE CONTROL ACT.


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

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

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

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

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

24 (4) The principal business address of the applicant in
the state and elsewhere;

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

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

(7) State tax number; and

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

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

(d) If the commissioner finds the applicant qualified to apply pesticides in the classifications the applicant has applied for, and if the applicant files the financial security required by this article, and if the applicant applying for a license to engage in aerial application of pesticides has met all the requirements of the federal aviation agency, the aeronautics commission of this state, and any other applicable federal or state laws or
regulations to operate the equipment described in the
application, the commissioner shall issue a pesticide
application business license. The license expires at the
end of the calendar year of issue, unless it has been
revoked or suspended prior to expiration by the
commissioner for cause. When the financial security
required under this article is dated to expire at an
earlier date, the license shall be dated to expire upon
expiration date of the financial security. The
commissioner may limit the license of the applicant to
certain classifications of pest control work, or to certain
areas or to certain types of equipment or to certain
specific pesticides if the applicant is only so qualified.
If a license is not issued as applied for, the
commissioner shall inform the applicant in writing of
the reasons for the denial.

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

(f) All funds collected pursuant to this section shall be
deposited in the Pesticide Control Fund of the state
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.

There is continued a special fund in the State
Treasury to be known as Pesticide Control Fund and
may be expended on order of the commissioner. All
product registration fees, dealer, commercial and private applicator license fees, pesticide application business license fees, nondedicated fees and civil penalties collected under this article shall be placed in the Pesticide Control Fund. The proceeds of the Pesticide Control Fund may be used in carrying out the purpose of this article.
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 approved this 28th Day of March, 2007.

Governor
PRESENTED TO THE
GOVERNOR

MAR 20 2007

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