

IC 15-16-3

Chapter 3. Commercial Lawn Care Service Fertilizers

IC 15-16-3-1

Application of IC 15-16-2; exemptions

Sec. 1. (a) Except as provided in subsection (b), IC 15-16-2 applies to a licensee.

(b) A licensee is not required to:

(1) register tank mixed liquid fertilizer grades under IC 15-16-2-31; and

(2) pay an inspection fee and file for a permit to report tonnage under IC 15-16-2-33 and IC 15-16-2-34;

when the licensee is engaged in lawn care service.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-2

Application of definitions

Sec. 2. The definitions in IC 15-16-2 apply throughout this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-3

"Label"

Sec. 3. As used in this chapter, "label" means:

- (1) written material;
- (2) printed material;
- (3) graphic material; or
- (4) any other statement;

accompanying a fertilizer.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-4

"Lawn care service"

Sec. 4. As used in this chapter, "lawn care service" means service provided to private, institutional, or commercial entities for compensation to maintain and nourish:

- (1) turf;
- (2) shrubbery;
- (3) trees; and
- (4) other plants;

commonly associated with private, institutional, or commercial lawns. The term includes the application of commercial fertilizer individually or in combination with a pesticide (as defined in IC 15-16-4-30).

As added by P.L.2-2008, SEC.7.

IC 15-16-3-5

"Licensee"

Sec. 5. As used in this chapter, "licensee" means a person who has been issued a license under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-6

"Tank mixed liquid fertilizer"

Sec. 6. As used in this chapter, "tank mixed liquid fertilizer" means a fluid mixture of commercial fertilizer and water in which the total nutrient content of the mixture does not exceed the amount determined under rules adopted by the state chemist under IC 4-22-2 in accordance with current practices of the lawn care service industry.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-7

License to distribute tank mixed liquid fertilizer

Sec. 7. A person:

- (1) who is engaged in lawn care service; and
- (2) whose name must appear on the label of a fertilizer under this chapter;

must obtain a license from the state chemist before the person may distribute a tank mixed liquid fertilizer to another person.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-8

Application for license; fee

Sec. 8. (a) To obtain a license described under section 7 of this chapter, a person must:

- (1) submit an application; and
- (2) pay a fee of one hundred dollars (\$100) for each location from which the person distributes tank mixed liquid fertilizer:
 - (A) in Indiana; and
 - (B) outside Indiana that conducts operations in Indiana;

to the state chemist.

(b) An application for a license issued under this chapter must include:

- (1) the name and address of the person applying for the license; or
- (2) if the application submitted applies to at least one (1) location described under subsection (a)(2), the name and address of each location.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-9

Rules; licensee qualifications and training

Sec. 9. The state chemist may adopt rules under IC 4-22-2 to establish qualifications for licenses issued under this chapter, including a training requirement necessary to assure that a person responsible for a location described under section 8(a)(2) of this chapter is in compliance with this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-10

Name and location of licensee

Sec. 10. A license issued under this chapter shall be issued in the name of the person that distributes tank mixed liquid fertilizer at the location described under section 8(a)(2) of this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-11

License expiration and renewal

Sec. 11. A license issued under this chapter:

- (1) expires December 31 of each year; and
- (2) may be renewed by the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-12

Information on labels and invoices

Sec. 12. A licensee shall display the name and address shown on a license issued under this chapter on labels and invoices for fertilizers distributed in Indiana by the licensee.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-13

Change to information; inform state chemist

Sec. 13. A licensee shall inform the state chemist in writing of:

- (1) the addition of a location described under section 8(a)(2) of this chapter; and
- (2) a change in:
 - (A) the name of the licensee's facilities; and
 - (B) the principal personnel associated with the licensee;

made during the time the licensee holds a license issued under this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-14

Labeling requirements

Sec. 14. (a) A fertilizer distributed as part of lawn care service must:

- (1) be labeled under IC 15-16-2-32; and
- (2) include the name and address of the licensee distributing the fertilizer.

(b) The information described under subsection (a) shall be supplied in written or printed form to a purchaser of fertilizer at the time the fertilizer is delivered to the purchaser.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-15

Annual report to state chemist; information

Sec. 15. (a) A licensee that distributes or sells fertilizer to a person in Indiana shall furnish the state chemist with an annual report showing the:

- (1) quantity in tons; and
- (2) grade;

of each fertilizer material used in tank mixed liquid fertilizer in each county.

(b) A report described under subsection (a) must include the:

- (1) name; and
- (2) range of concentration;

of each pesticide incorporated with tank mixed liquid fertilizer.

(c) A report described under this section must be made:

- (1) on a form provided by the state chemist; or
- (2) by any other method approved by the state chemist.

(d) A report required under this section must be filed with the state chemist before January 31 of the year following the year for which the report must be made.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-16

Sales information; annual report

Sec. 16. (a) The state chemist shall annually record information concerning the sale of commercial fertilizers used for lawn care service based on the tonnage reports required under section 15 of this chapter.

(b) An annual report issued under this section:

- (1) may be made available upon written request; and
- (2) may not disclose the operations of any person.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-17

State chemist; agent; duties

Sec. 17. The state chemist, who may act through an agent authorized by the state chemist, shall do the following:

- (1) Administer this chapter.
- (2) Adopt rules under IC 4-22-2:
 - (A) concerning the distribution of commercial fertilizers used in lawn care service; and
 - (B) necessary to implement this chapter.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-18

Fraudulent and deceptive practices; license refusal or revocation; hearing

Sec. 18. (a) If:

- (1) a person applying for a license under this chapter uses fraudulent or deceptive practices to evade or attempt to evade compliance with this chapter or rules adopted under this chapter, the state chemist may refuse to issue a license to the person; or

(2) a licensee uses fraudulent or deceptive practices to evade or attempt to evade compliance with this chapter or rules adopted under this chapter, the state chemist may revoke the licensee's license.

(b) The state chemist may not:

- (1) refuse to issue a license to a person; or
- (2) revoke a licensee's license;

until the person or the licensee has had an opportunity to appear at a hearing conducted by the state chemist.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-19

Revocation or suspension of license

Sec. 19. If a licensee:

- (1) does not submit a report required to be submitted under section 15 of this chapter by February 15 of a year;
- (2) submits a false report under this chapter; or
- (3) does not comply with label requirements under this chapter;

the state chemist may revoke the licensee's license or refuse to renew the licensee's license.

As added by P.L.2-2008, SEC.7.

IC 15-16-3-20

Violations; minor violations; injunctions

Sec. 20. (a) A person that:

- (1) knowingly makes a false application for a license issued under this chapter; or
- (2) violates this chapter;

commits a Class C infraction.

(b) The state chemist is not required to report minor violations of this chapter for:

- (1) prosecution; or
- (2) the implementation of seizure proceedings;

if the state chemist believes that the public interest will be best served by a suitable written notice of warning.

(c) The state chemist may apply for a temporary or permanent injunction restraining a person from violating or continuing to violate this chapter or a rule adopted under this chapter. An injunction issued under this subsection shall be issued without bond.

As added by P.L.2-2008, SEC.7.