

217B.130 Financial responsibility.

- (1) The department shall not issue or renew a dealer registration to a dealer applying pesticides to the lands of others until the applicant has furnished evidence of financial responsibility with the department consisting either of a surety bond or a liability insurance policy, or certification of the bond or policy, protecting persons who may suffer legal damages as a result of the applicant.
- (2) The amount of the surety bond or liability insurance as provided for in this section shall be not less than one million dollars (\$1,000,000). The surety bond or liability insurance shall be maintained at not less than that amount at all times during the licensed period. The department shall be notified ten (10) days prior to any reduction at the request of the applicant or cancellation of the surety bond or liability insurance by the surety or insurer. The total and aggregate of the surety and insurer for all claims shall be limited to the face of the bond or liability insurance policy. The department may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars (\$1,000) for all applicators for the total amount of liability insurance or surety bond required. If the applicant has not satisfied the requirements of the deductible amount in any prior legal claim, the deductible clause shall not be accepted by the department unless the applicant furnishes the department with a security bond or liability insurance which shall satisfy the amount of the deductible as to all claims that may arise in his application of pesticides.
- (3) Should the surety furnished become unsatisfactory, the applicant shall upon notice execute a new bond or insurance and shall he fail to do so, the department shall cancel the registration and it shall be unlawful for the person to engage in the business of applying pesticides until the bond or insurance is brought into compliance with the requirements of subsection (2) of this section and the registration is reinstated by the department.
- (4) Nothing in this chapter shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though the use conforms to the administrative regulations of the department.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 172, sec. 15, effective July 14, 2000. -- Amended 1980 Ky. Acts ch. 391, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 145, sec. 1, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 148, sec. 12. -- Created 1972 Ky. Acts ch. 130, sec. 13.