

99TH GENERAL ASSEMBLY
State of Illinois
2015 and 2016
HB5639

Introduced , by Rep. David Reis

SYNOPSIS AS INTRODUCED:

415 ILCS 60/4	from Ch. 5, par. 804
415 ILCS 60/9	from Ch. 5, par. 809
415 ILCS 60/10	from Ch. 5, par. 810
415 ILCS 60/11.1	from Ch. 5, par. 811.1
415 ILCS 60/12	from Ch. 5, par. 812
415 ILCS 60/13	from Ch. 5, par. 813

Amends the Illinois Pesticide Act. Provides that "Commercial Not For Hire Applicator" includes a certified applicator who uses or supervises the use of pesticides classified for general or restricted use as an employee of a State agency, municipality, or other duly constituted governmental agency or unit. Removes the definition of "Licensed Public Applicator" and makes conforming changes.

LRB099 15937 MGM 40254 b

FISCAL NOTE ACT MAY
APPLY

A BILL FOR

HB5639

LRB099 15937 MGM 40254 b

1 AN ACT concerning safety.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Pesticide Act is amended by
5 changing Sections 4, 9, 10, 11.1, 12, and 13 as follows:

6 (415 ILCS 60/4) (from Ch. 5, par. 804)

7 Sec. 4. Definitions. As used in this Act:

8 1. "Director" means Director of the Illinois Department of
9 Agriculture or his authorized representative.

10 2. "Active Ingredient" means any ingredient which will
11 prevent, destroy, repel, control or mitigate a pest or which
12 will act as a plant regulator, defoliant or desiccant.

13 3. "Adulterated" shall apply to any pesticide if the
14 strength or purity is not within the standard of quality
15 expressed on the labeling under which it is sold, distributed
16 or used, including any substance which has been substituted
17 wholly or in part for the pesticide as specified on the
18 labeling under which it is sold, distributed or used, or if any
19 valuable constituent of the pesticide has been wholly or in
20 part abstracted.

21 4. "Agricultural Commodity" means produce of the land
22 including but not limited to plants and plant parts, livestock
23 and poultry and livestock or poultry products, seeds, sod,

HB5639

- 2 -

LRB099 15937 MGM 40254 b

1 shrubs and other products of agricultural origin including the
2 premises necessary to and used directly in agricultural
3 production. Agricultural commodity also includes aquatic
4 products as defined in the Aquaculture Development Act.

5 5. "Animal" means all vertebrate and invertebrate species
6 including, but not limited to, man and other mammals, bird,
7 fish, and shellfish.

8 6. "Beneficial Insects" means those insects which during
9 their life cycle are effective pollinators of plants, predators
10 of pests or are otherwise beneficial.

11 7. "Certified applicator".

12 A. "Certified applicator" means any individual who is

13 certified under this Act to purchase, use, or supervise the
14 use of pesticides which are classified for restricted use.

15 B. "Private applicator" means a certified applicator
16 who purchases, uses, or supervises the use of any pesticide
17 classified for restricted use, for the purpose of producing
18 any agricultural commodity on property owned, rented, or
19 otherwise controlled by him or his employer, or applied to
20 other property if done without compensation other than
21 trading of personal services between no more than 2
22 producers of agricultural commodities.

23 C. "Licensed Commercial Applicator" means a certified
24 applicator, whether or not he is a private applicator with
25 respect to some uses, who owns or manages a business that
26 is engaged in applying pesticides, whether classified for

HB5639

- 3 -

LRB099 15937 MGM 40254 b

1 general or restricted use, for hire. The term also applies
2 to a certified applicator who uses or supervises the use of
3 pesticides, whether classified for general or restricted
4 use, for any purpose or on property of others excluding
5 those specified by subparagraphs 7 (B), (D), (E) of Section
6 4 of this Act.

7 D. "Commercial Not For Hire Applicator" means a
8 certified applicator who uses or supervises the use of
9 pesticides classified for general or restricted use for any
10 purpose on property of an employer when such activity is a
11 requirement of the terms of employment and such application
12 of pesticides under this certification is limited to
13 property under the control of the employer only and
14 includes, but is not limited to, the use or supervision of
15 the use of pesticides in a greenhouse setting. "Commercial
16 Not For Hire Applicator" also includes a certified
17 applicator who uses or supervises the use of pesticides
18 classified for general or restricted use as an employee of
19 a state agency, municipality, or other duly constituted
20 governmental agency or unit.

21 ~~E. "Licensed Public Applicator" means a certified~~

22 ~~applicator who uses or supervises the use of pesticides~~
23 ~~classified for general or restricted use as an employee of~~
24 ~~a state agency, municipality, or other duly constituted~~
25 ~~governmental agency or unit.~~

26 8. "Defoliant" means any substance or combination of

HB5639

- 4 -

LRB099 15937 MGM 40254 b

1 substances which cause leaves or foliage to drop from a plant
2 with or without causing abscission.

3 9. "Desiccant" means any substance or combination of
4 substances intended for artificially accelerating the drying
5 of plant tissue.

6 10. "Device" means any instrument or contrivance, other
7 than a firearm or equipment for application of pesticides when
8 sold separately from pesticides, which is intended for
9 trapping, repelling, destroying, or mitigating any pest, other
10 than bacteria, virus, or other microorganisms on or living in
11 man or other living animals.

12 11. "Distribute" means offer or hold for sale, sell,
13 barter, ship, deliver for shipment, receive and then deliver,
14 or offer to deliver pesticides, within the State.

15 12. "Environment" includes water, air, land, and all plants
16 and animals including man, living therein and the
17 interrelationships which exist among these.

18 13. "Equipment" means any type of instruments and
19 contrivances using motorized, mechanical or pressure power
20 which is used to apply any pesticide, excluding pressurized
21 hand-size household apparatus containing dilute ready to apply
22 pesticide or used to apply household pesticides.

23 14. "FIFRA" means the "Federal Insecticide Fungicide
24 Rodenticide Act", as amended.

25 15. "Fungi" means any non-chlorophyll bearing
26 thallophytes, any non-chlorophyll bearing plant of a lower

HB5639

- 5 -

LRB099 15937 MGM 40254 b

1 order than mosses or liverworts, as for example rust, smut,
2 mildew, mold, yeast and bacteria, except those on or in living
3 animals including man and those on or in processed foods,
4 beverages or pharmaceuticals.

5 16. "Household Substance" means any pesticide customarily
6 produced and distributed for use by individuals in or about the
7 household.

8 17. "Imminent Hazard" means a situation which exists when
9 continued use of a pesticide would likely result in
10 unreasonable adverse effect on the environment or will involve
11 unreasonable hazard to the survival of a species declared
12 endangered by the U.S. Secretary of the Interior or to species
13 declared to be protected by the Illinois Department of Natural
14 Resources.

15 18. "Inert Ingredient" means an ingredient which is not an
16 active ingredient.

17 19. "Ingredient Statement" means a statement of the name
18 and percentage of each active ingredient together with the
19 total percentage of inert ingredients in a pesticide and for
20 pesticides containing arsenic in any form, the ingredient
21 statement shall include percentage of total and water soluble
22 arsenic, each calculated as elemental arsenic. In the case of
23 spray adjuvants the ingredient statement need contain only the
24 names of the functioning agents and the total percent of those
25 constituents ineffective as spray adjuvants.

26 20. "Insect" means any of the numerous small invertebrate

HB5639

- 6 -

LRB099 15937 MGM 40254 b

1 animals generally having the body more or less obviously
2 segmented for the most part belonging to the class Insects,
3 comprised of six-legged, usually winged forms, as for example
4 beetles, caterpillars, and flies. This definition encompasses
5 other allied classes of arthropods whose members are wingless
6 and usually have more than 6 legs as for example spiders,
7 mites, ticks, centipedes, and millipedes.

8 21. "Label" means the written, printed or graphic matter on
9 or attached to the pesticide or device or any of its containers

10 or wrappings.

11 22. "Labeling" means the label and all other written,
12 printed or graphic matter: (a) on the pesticide or device or
13 any of its containers or wrappings, (b) accompanying the
14 pesticide or device or referring to it in any other media used
15 to disseminate information to the public, (c) to which
16 reference is made to the pesticide or device except when
17 references are made to current official publications of the U.
18 S. Environmental Protection Agency, Departments of
19 Agriculture, Health, Education and Welfare or other Federal
20 Government institutions, the state experiment station or
21 colleges of agriculture or other similar state institution
22 authorized to conduct research in the field of pesticides.

23 23. "Land" means all land and water area including
24 airspace, and all plants, animals, structures, buildings,
25 contrivances, and machinery appurtenant thereto or situated
26 thereon, fixed or mobile, including any used for

HB5639

- 7 -

LRB099 15937 MGM 40254 b

1 transportation.

2 24. "Licensed Operator" means a person employed to apply
3 pesticides to the lands of others under the direction of a
4 "licensed commercial applicator" ~~or a "licensed public~~
5 ~~applicator"~~ or a "licensed commercial not-for-hire
6 applicator".

7 25. "Nematode" means invertebrate animals of the phylum
8 nemathelminthes and class nematoda, also referred to as nemas
9 or eelworms, which are unsegmented roundworms with elongated
10 fusiform or sac-like bodies covered with cuticle and inhabiting
11 soil, water, plants or plant parts.

12 26. "Permit" means a written statement issued by the
13 Director or his authorized agent, authorizing certain acts of
14 pesticide purchase or of pesticide use or application on an
15 interim basis prior to normal certification, registration, or
16 licensing.

17 27. "Person" means any individual, partnership,
18 association, fiduciary, corporation, or any organized group of

19 persons whether incorporated or not.

20 28. "Pest" means (a) any insect, rodent, nematode, fungus,
21 weed, or (b) any other form of terrestrial or aquatic plant or
22 animal life or virus, bacteria, or other microorganism,
23 excluding virus, bacteria, or other microorganism on or in
24 living animals including man, which the Director declares to be
25 a pest.

26 29. "Pesticide" means any substance or mixture of

HB5639

- 8 -

LRB099 15937 MGM 40254 b

1 substances intended for preventing, destroying, repelling, or
2 mitigating any pest or any substance or mixture of substances
3 intended for use as a plant regulator, defoliant or desiccant.

4 30. "Pesticide Dealer" means any person who distributes
5 registered pesticides to the user.

6 31. "Plant Regulator" means any substance or mixture of
7 substances intended through physiological action to affect the
8 rate of growth or maturation or otherwise alter the behavior of
9 ornamental or crop plants or the produce thereof. This does not
10 include substances which are not intended as plant nutrient
11 trace elements, nutritional chemicals, plant or seed
12 inoculants or soil conditioners or amendments.

13 32. "Protect Health and Environment" means to guard against
14 any unreasonable adverse effects on the environment.

15 33. "Registrant" means person who has registered any
16 pesticide pursuant to the provision of FIFRA and this Act.

17 34. "Restricted Use Pesticide" means any pesticide with one
18 or more of its uses classified as restricted by order of the
19 Administrator of USEPA.

20 35. "SLN Registration" means registration of a pesticide
21 for use under conditions of special local need as defined by
22 FIFRA.

23 36. "State Restricted Pesticide Use" means any pesticide
24 use which the Director determines, subsequent to public
25 hearing, that an additional restriction for that use is needed
26 to prevent unreasonable adverse effects.

HB5639

- 9 -

LRB099 15937 MGM 40254 b

1 37. "Structural Pest" means any pests which attack and
2 destroy buildings and other structures or which attack
3 clothing, stored food, commodities stored at food
4 manufacturing and processing facilities or manufactured and
5 processed goods.

6 38. "Unreasonable Adverse Effects on the Environment"
7 means the unreasonable risk to the environment, including man,
8 from the use of any pesticide, when taking into account accrued
9 benefits of as well as the economic, social, and environmental
10 costs of its use.

11 39. "USEPA" means United States Environmental Protection
12 Agency.

13 40. "Use inconsistent with the label" means to use a
14 pesticide in a manner not consistent with the label
15 instruction, the definition adopted in FIFRA as interpreted by
16 USEPA shall apply in Illinois.

17 41. "Weed" means any plant growing in a place where it is
18 not wanted.

19 42. "Wildlife" means all living things, not human,
20 domestic, or pests.

21 43. "Bulk pesticide" means any registered pesticide which
22 is transported or held in an individual container in undivided
23 quantities of greater than 55 U.S. gallons liquid measure or
24 100 pounds net dry weight.

25 44. "Bulk repackaging" means the transfer of a registered
26 pesticide from one bulk container (containing undivided

HB5639

- 10 -

LRB099 15937 MGM 40254 b

1 quantities of greater than 100 U.S. gallons liquid measure or
2 100 pounds net dry weight) to another bulk container
3 (containing undivided quantities of greater than 100 U.S.
4 gallons liquid measure or 100 pounds net dry weight) in an
5 unaltered state in preparation for sale or distribution to
6 another person.

7 45. "Business" means any individual, partnership,
8 corporation or association engaged in a business operation for
9 the purpose of selling or distributing pesticides or providing
10 the service of application of pesticides in this State.

11 46. "Facility" means any building or structure and all real
12 property contiguous thereto, including all equipment fixed
13 thereon used for the operation of the business.

14 47. "Chemigation" means the application of a pesticide
15 through the systems or equipment employed for the primary
16 purpose of irrigation of land and crops.

17 48. "Use" means any activity covered by the pesticide label
18 including but not limited to application of pesticide, mixing
19 and loading, storage of pesticides or pesticide containers,
20 disposal of pesticides and pesticide containers and reentry
21 into treated sites or areas.
22 (Source: P.A. 98-756, eff. 7-16-14.)

23 (415 ILCS 60/9) (from Ch. 5, par. 809)

24 Sec. 9. Licenses and pesticide dealer registrations
25 requirements; certification.

HB5639

- 11 -

LRB099 15937 MGM 40254 b

1 (a) Licenses and pesticide dealer registrations issued
2 pursuant to this Act as a result of certification attained
3 in calendar year 2017 or earlier shall be valid for the
4 calendar ~~one~~ year in which they were issued, except that
5 private applicator licenses shall be valid for the calendar
6 year in which they were issued plus 2 additional calendar 3
7 years. All licenses and pesticide dealer registrations
8 shall expire on December 31 of the year in which it is to
9 expire. A license or pesticide dealer registration in
10 effect on the 31st of December, for which renewal has been
11 made within 60 days following the date of expiration, shall
12 continue in full force and effect until the Director
13 notifies the applicant that renewal has been approved and
14 accepted or is to be denied in accordance with this Act.
15 The Director shall not issue a license or pesticide dealer

16 registration to a first time applicant or to a person who
17 has not made application for renewal on or before March 1
18 following the expiration date of the license or pesticide
19 dealer registration until such applicant or person has been
20 certified by the Director as having successfully
21 demonstrated competence and knowledge regarding pesticide
22 use. The Director shall issue a license or pesticide dealer
23 registration to a person that made application after March
24 1 and before April 15 if that application is accompanied by
25 a late application fee. A licensee or pesticide dealer
26 shall be required to be recertified for competence and

HB5639

- 12 -

LRB099 15937 MGM 40254 b

1 knowledge regarding pesticide use at least once every 3
2 years and at such other times as deemed necessary by the
3 Director to assure a continued level of competence and
4 ability. The Director shall by regulation specify the
5 standard of qualification for certification and the manner
6 of establishing an applicant's competence and knowledge. A
7 certification shall remain valid only if an applicant
8 attains licensure or pesticide dealer registration during
9 the calendar year in which certification was granted and
10 the licensure is maintained throughout the 3-year
11 certification period.

12 (b) Multi-year licenses and pesticide dealer
13 registrations issued pursuant to this Act as a result of
14 certification attained in calendar year 2018 or thereafter
15 shall be valid for the calendar year in which they were
16 issued plus 2 additional calendar years. All licenses and
17 pesticide dealer registrations shall expire on December 31
18 of the year in which they are to expire. A license or
19 pesticide dealer registration in effect on the 31st of
20 December, for which recertification and licensure has been
21 made within 60 days following the date of expiration, shall
22 continue in full force and effect until the Director
23 notifies the applicant that recertification and licensure
24 has been approved and accepted or is to be denied in

25 accordance with this Act. A licensee or pesticide dealer
26 shall be required to be recertified for competence and

HB5639

- 13 -

LRB099 15937 MGM 40254 b

1 knowledge regarding pesticide use at least once every 3
2 years and at such other times as deemed necessary by the
3 Director to assure a continued level of competence and
4 ability. The Director shall by rule specify the standard of
5 qualification for certification and the manner of
6 establishing the applicant's competence and knowledge. A
7 certification shall remain valid only if an applicant
8 attains licensure or pesticide dealer registration during
9 the calendar year in which certification was granted and
10 the licensure is maintained throughout the 3-year
11 certification period. Notwithstanding the other provisions
12 of this subsection (b), the employer of a pesticide
13 applicator or operator licensee may notify the Director
14 that the licensee's employment has been terminated. If the
15 employer submits that notification, the employer shall
16 return to the Director the licensee's pesticide applicator
17 or operator license card and may request that the unused
18 portion of the terminated licensee's pesticide applicator
19 or operator license term be transferred to a newly
20 certified individual, and the Director may issue a
21 pesticide applicator license to the newly certified
22 individual with an expiration date equal to the original
23 license after payment of a \$10 transfer fee.

24 (c) The Director may refuse to issue a license or
25 pesticide dealer registration based upon the violation
26 history of the applicant.

HB5639

- 14 -

LRB099 15937 MGM 40254 b

1 (Source: P.A. 98-923, eff. 1-1-15.)

2 (415 ILCS 60/10) (from Ch. 5, par. 810)

3 Sec. 10. Commercial Applicator License. No commercial
4 applicator shall use or supervise the use of any pesticide
5 without a commercial license issued by the Director. For the
6 years preceding the year 2001, the Director shall require an
7 annual fee for commercial applicator license of \$35. For the
8 years 2001, 2002, 2003, 2004, 2005, and 2006, the annual fee
9 for a commercial applicator license is \$45. For the years 2007
10 through 2017 and thereafter, the annual fee for a commercial
11 applicator license is \$60. For the years 2018 and thereafter,
12 the fee for a multi-year commercial applicator license is \$180.
13 The late application fee for a commercial applicator license
14 shall be \$20 in addition to the normal license fee. A
15 commercial applicator shall be assessed a fee of \$10 ~~\$5~~ for a
16 duplicate license.

17 1. Application for the commercial applicator license shall
18 be made in writing on designated forms available from the
19 Director. Each application shall contain information regarding
20 the applicants qualifications, nature of the proposed
21 operation, classification of license being sought, and shall
22 include the following:

- 23 A. The full name of the applicant.
- 24 B. The address of the applicant.
- 25 C. Any necessary information prescribed by the

HB5639

- 15 -

LRB099 15937 MGM 40254 b

1 Director on the designated application form.

2 2. An applicant for a license shall demonstrate competence
3 and knowledge regarding pesticide use in accordance with
4 Section 9 of this Act.

5 3. A licensed commercial applicator must provide to the
6 Director at the time of original licensing and must maintain
7 throughout the licensure period ~~license renewal~~ evidence of
8 financial responsibility protecting persons who may suffer
9 personal injury or property damage or both as a result of the
10 pesticide operation of the applicant in either of the following
11 manners:

- 12 A. Evidence of responsibility may be provided in the

13 form of a surety bond for each licensed commercial
 14 applicator naming the licensed commercial applicator as
 15 principal of the bond. The amount of the bond shall be not
 16 less than \$50,000 per year. It is permissible to provide
 17 two bonds; one for \$25,000 for bodily injury liability and
 18 the second for \$25,000 for property damage liability. The
 19 bond or bonds shall be made payable to the Director of
 20 Agriculture, State of Illinois, for the benefit of the
 21 injured party and shall be conditioned upon compliance with
 22 the provisions of this Act by the principal, his or her
 23 officers, representatives and employees; or
 24 B. Evidence of responsibility may be provided in the
 25 form of a certificate of liability insurance providing
 26 coverage for each licensed commercial applicator or

HB5639

- 16 -

LRB099 15937 MGM 40254 b

1 licensed entity in the amount of not less than \$50,000 per
 2 person, \$100,000 per occurrence bodily injury liability
 3 coverage, with an annual aggregate of not less than
 4 \$500,000, and \$50,000 per occurrence property damage
 5 liability, with an annual aggregate of not less than
 6 \$50,000; or, in lieu thereof, a combined single limit of
 7 not less than \$100,000 bodily injury and property damage
 8 liability combined, with an annual aggregate of not less
 9 than \$500,000.
 10 4. Every insurance policy or bond shall contain a provision
 11 that it will not be cancelled or reduced by the principal or
 12 insurance company, except upon 30 days prior notice in writing
 13 to the Director of the Department at the Springfield, Illinois
 14 office and the principal insured. A reduction or cancellation
 15 of policy shall not affect the liability accrued or which may
 16 accrue under such policy before the expiration of the 30 days.
 17 The notice shall contain the termination date. Upon said
 18 reduction or cancellation, the Director shall immediately
 19 notify the licensee that his or her license will be suspended
 20 and the effective date until the minimum bond or liability
 21 insurance requirements are met by the licensee for the current

22 license period.

23 5. Nothing in this Act shall be construed to relieve any
24 person from liability for any damage to persons or property
25 caused by use of pesticides even though such use conforms to
26 label instructions and pertinent rules and regulations of this

HB5639

- 17 -

LRB099 15937 MGM 40254 b

1 State.

2 6. The Director may renew any applicant's license in the
3 classifications for which such applicant is licensed, subject
4 to requalification requirements imposed by the Director.
5 Requalification standards shall be prescribed by regulations
6 adopted pursuant to this Act and are required to ensure that
7 the licensed commercial applicator meets the requirements of
8 changing technology and to assure a continued level of
9 competence and ability.

10 7. The Director may limit the license of an applicant to
11 allow only the use of certain pesticides in a delimited
12 geographic area, or to the use of certain application
13 techniques or equipment. If a license is not issued as applied
14 for, the Director shall inform the applicant in writing of the
15 reasons and extend an opportunity for the applicant to complete
16 the requirements for the license desired.

17 8. For the purpose of uniformity, the Director may enter
18 into agreements for accepting standards of qualification of
19 other states as a basis for licensing commercial applicators.
20 (Source: P.A. 89-94, eff. 7-6-95; 90-205, eff. 1-1-98.)

21 (415 ILCS 60/11.1) (from Ch. 5, par. 811.1)

22 Sec. 11.1. ~~Public and~~ Commercial Not-for-Hire License. No
23 ~~public or~~ commercial not-for-hire applicator shall use or
24 supervise the use of any pesticide without a license issued by
25 the Director. For the years 2011 through 2017 ~~and thereafter,~~

HB5639

- 18 -

LRB099 15937 MGM 40254 b

the ~~public or~~ commercial not-for-hire pesticide applicator license fee shall be \$20. For the years 2018 and thereafter, the fee for a multi-year commercial not-for-hire pesticide applicator license is \$60. The late application fee for a public or commercial not-for-hire applicator license shall be \$20 in addition to the normal license fees. A ~~public or~~ commercial not-for-hire applicator shall be assessed a fee of \$10 ~~\$5~~ for a duplicate license.

1. Application for certification as a commercial not-for-hire pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding the qualifications of the applicant, classification of certification being sought, and shall include the following:

- A. The full name of the applicant.
- B. The name of the applicant's employer.
- C. The address at the applicant's place of employment.
- D. Any other information prescribed by the Director on the designated form.

2. The Director shall not issue a certification to a commercial not-for-hire pesticide applicator until the individual identified has demonstrated his competence and knowledge regarding pesticide use in accordance with Section 9 of this Act.

3. The Director shall not renew a certification as a commercial not-for-hire pesticide applicator until the

HB5639

- 19 -

LRB099 15937 MGM 40254 b

applicant reestablishes his qualifications in accordance with Section 9 of this Act or has met other requirements imposed by regulation in order to ensure that the applicant meets the requirements of changing technology and to assure a continued level of competence and ability.

~~4. (Blank). Application for certification as a public pesticide applicator shall be made in writing on designated forms available from the Director. Each application shall contain information regarding qualifications of applicant,~~

10 ~~classification of certification being sought, and shall~~
11 ~~include the following:~~
12 ~~A. The full name of the applicant.~~
13 ~~B. The name of the applicant's employer.~~
14 ~~C. Any other information prescribed by the Director on~~
15 ~~the designated form.~~
16 ~~5. (Blank). The Director shall not issue a certificate to a~~
17 ~~public pesticide applicator until the individual identified~~
18 ~~has demonstrated his competence and knowledge regarding~~
19 ~~pesticide use in accordance with Section 9 of this Act.~~
20 ~~6. (Blank). The Director shall not renew a certification as~~
21 ~~a public pesticide applicator until the applicant~~
22 ~~reestablishes his qualifications in accordance with Section 9~~
23 ~~of this Act or has met other requirements imposed by regulation~~
24 ~~in order to ensure that the applicant meets the requirements of~~
25 ~~changing technology and to assure a continued level of~~
26 ~~competence and ability.~~

HB5639

- 20 -

LRB099 15937 MGM 40254 b

1 7. Persons applying general use pesticides, approved by the
2 Inter-Agency Committee on the Use of Pesticides, to scrap tires
3 for the control of mosquitoes shall be exempt from the license
4 requirements of this Section.
5 (Source: P.A. 96-1310, eff. 7-27-10.)

6 (415 ILCS 60/12) (from Ch. 5, par. 812)
7 Sec. 12. Licensed Operator. No pesticide operator shall use
8 any pesticides without a pesticide operator license issued by
9 the Director.

10 1. Application for an operator license shall be made in
11 writing on designated forms available from the Director. Each
12 application shall contain information regarding the nature of
13 applicants pesticide use, his qualifications, and such other
14 facts as prescribed on the form. The application shall also
15 include the following:

16 A. The full name of applicant.
17 B. The address of the applicant.

18 C. The name of and license/certification number of the
19 pesticide applicator under whom the applicant will work.
20 2. The Director shall not issue a pesticide operator
21 license until the individual identified has demonstrated his
22 competence and knowledge regarding pesticide use in accordance
23 with Section 9 of this Act.
24 3. The Director shall not issue an operator license to any
25 person who is unable to provide the name and

HB5639

- 21 -

LRB099 15937 MGM 40254 b

1 license/certification number of an applicator under whom the
2 operator will work.
3 4. For the years preceding the year 2001, a licensed
4 commercial operator working for or under the supervision of a
5 certified licensed commercial pesticide applicator shall pay
6 an annual fee of \$25. For the years 2001, 2002, and 2003, the
7 annual fee for a commercial operator license is \$30. For the
8 years 2004, 2005, and 2006, the annual fee for a commercial
9 operator license is \$35. For the years 2007 through 2017 ~~and~~
10 ~~thereafter~~, the annual fee for a commercial operator license is
11 \$40. For the years 2018 and thereafter, the fee for a
12 multi-year commercial applicator license is \$120. The late
13 application fee for an operator license shall be \$20 in
14 addition to the normal license fee. A licensed operator shall
15 be assessed a fee of \$10 ~~\$5~~ for a duplicate license.
16 5. For the years 2011 through 2017 ~~and thereafter~~, the
17 ~~public or~~ commercial not-for-hire pesticide operator license
18 fee shall be \$15. For the years 2018 and thereafter, the fee
19 for a multi-year commercial not-for-hire pesticide applicator
20 license is \$45. The late application fee for a public or
21 commercial not-for-hire applicator license shall be \$20 in
22 addition to the normal license fees. A ~~public or~~ commercial
23 not-for-hire operator shall be assessed a fee of \$10 ~~\$5~~ for a
24 duplicate license.
25 (Source: P.A. 96-1310, eff. 7-27-10.)

HB5639

- 22 -

LRB099 15937 MGM 40254 b

1 (415 ILCS 60/13) (from Ch. 5, par. 813)
2 Sec. 13. Pesticide dealers. Any pesticide dealer who sells
3 Restricted Use pesticides shall be registered with the
4 Department on forms provided by the Director. Beginning July 1,
5 2005, any pesticide dealer that sells non-restricted use
6 pesticides for use in the production of an agricultural
7 commodity in containers with a capacity of 2.5 gallons or
8 greater or 10 pounds or greater must also register with the
9 Department on forms provided by the Director. Through 2017,
10 registration ~~Registration~~ shall consist of passing a required
11 examination and payment of a \$100 registration fee. For the
12 years 2018 and thereafter, the pesticide dealer registration
13 fee for a multi-year registration period is \$300. The late
14 application fee for a pesticide dealer registration shall be
15 \$20 in addition to the normal pesticide dealer registration
16 fee. A pesticide dealer shall be assessed a fee of \$10 ~~\$5~~ for a
17 duplicate registration.

18 Dealers who hold a Structural Pest Control license with the
19 Illinois Department of Public Health or a Commercial
20 Applicator's license with the Illinois Department of
21 Agriculture are exempt from the registration fee but must
22 register with the Department.

23 Each place of business which sells restricted use
24 pesticides or non-restricted pesticides for use in the
25 production of an agricultural commodity in containers with a
26 capacity of 2.5 gallons or greater or 10 pounds or greater

HB5639

- 23 -

LRB099 15937 MGM 40254 b

1 shall be considered a separate entity for the purpose of
2 registration.

3 Registration as a pesticide dealer shall expire on December
4 31 of the each year in which it is to expire. Pesticide dealers
5 shall be certified in accordance with Section 9 of this Act.

6 The Director may prescribe, by rule, requirements for the

7 registration and testing of any pesticide dealer selling other
8 than restricted use pesticides and such rules shall include the
9 establishment of a registration fee in an amount not to exceed
10 the pesticide dealer registration fee.

11 The Department may refuse to issue or may suspend the
12 registration of any person who fails to file a return, or to
13 pay the tax, penalty, or interest shown in a filed return, or
14 to pay any final assessment of tax, penalty, or interest, as
15 required by any tax Act administered by the Illinois Department
16 of Revenue, until such time as the requirements of any such tax
17 Act are satisfied.

18 (Source: P.A. 94-60, eff. 6-20-05.)

