



Sen. Steve McClure

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10300SB3342sam001

LRB103 38864 BDA 70310 a

1 AMENDMENT TO SENATE BILL 3342

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3342 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the the  
5 Pesticide Application on Rights-of-Way Notification Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Pesticide" has the meaning given to that term in the  
9 Illinois Pesticide Act.

10 Section 10. Prior notification requirements for  
11 application of pesticides on rights of way.

12 (a) At least 24 hours before applying a pesticide to a  
13 public right-of-way that is located within the corporate  
14 boundaries of a municipality, the State or the unit of local  
15 government in which the application is to be made shall

1 provide notice of the application to all residents whose  
2 residences are located within 200 feet of the public  
3 right-of-way to be treated. At a minimum, the following  
4 information shall be provided in the notice:

5 (1) the intended date and approximate time of day of  
6 application;

7 (2) the brand name, common name, and scientific name  
8 of each product applied;

9 (3) the type of pesticide contained in the product  
10 applied;

11 (4) the reason for use of each product applied;

12 (5) the range of concentration of end-use product  
13 applied;

14 (6) any special instructions appearing on the label of  
15 the product applicable to an individual's use of the  
16 public right-of-way following application;

17 (7) the State agency or unit of local government name  
18 and telephone number of the certified applicator; and

19 (8) contact information for the Department for  
20 complaints of pesticide misuse, including a telephone  
21 number and website information for the Department.

22 (b) Written notification required under subsection (a) is  
23 sufficient if posted in newsletters, calendars, or other  
24 correspondence currently published by the State or the unit of  
25 local government in which the application is to be made, but  
26 posting on a bulletin board is not sufficient.

1           Section 15. Administrative rules. This Act shall be  
2 administered and enforced by the Department. The Department  
3 may adopt rules as necessary for the enforcement of this Act.

4           Section 20. Penalties.

5           (a) When an administrative hearing is held by the  
6 Department, the hearing officer, upon determination of any  
7 violation of this Act or rule or regulation, shall either  
8 refer the violation to the State's Attorney in the county  
9 where the alleged violation occurred for prosecution or levy  
10 the following administrative monetary penalties:

- 11                   (1) a penalty of \$250 for a first violation;  
12                   (2) a penalty of \$500 for a second violation; and  
13                   (3) a penalty of \$1,000 for a third or subsequent  
14 violation.

15           (b) The penalty levied under subsection (a) shall be  
16 collected by the Department, and all penalties collected by  
17 the Department under this Act shall be deposited into the  
18 Pesticide Control Fund. Any penalty not paid within 60 days of  
19 notice from the Department shall be submitted to the Attorney  
20 General for collection.

21           (c) Upon prosecution by a State's Attorney, a violation of  
22 this Act or rules adopted under this Act shall be a petty  
23 offense subject to a fine of \$250 for a first offense, a fine  
24 of \$500 for a second offense, and a fine of \$1,000 for a third

1 or subsequent offense.".