



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB5639

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

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,

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

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

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

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

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

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



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.

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

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.

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

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

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.

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

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



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

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,~~

1 the ~~public or~~ commercial not-for-hire pesticide applicator  
2 license fee shall be \$20. For the years 2018 and thereafter,  
3 the fee for a multi-year commercial not-for-hire pesticide  
4 applicator license is \$60. The late application fee for a  
5 public or commercial not-for-hire applicator license shall be  
6 \$20 in addition to the normal license fees. A ~~public or~~  
7 commercial not-for-hire applicator shall be assessed a fee of  
8 \$10 ~~\$5~~ for a duplicate license.

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

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

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

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

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

6 4. (Blank). ~~Application for certification as a public~~  
7 ~~pesticide applicator shall be made in writing on designated~~  
8 ~~forms available from the Director. Each application shall~~  
9 ~~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.~~

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

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.)

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

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.)