

Questions and Answers About North Dakota's Financial Responsibility Law

Do I need to file proof of financial responsibility before I can obtain a pesticide certificate?

To help you answer this question, please consider the scenarios listed below.

1. Will you be applying a pesticide?
 - a. If the answer is no, you do not need to file any financial responsibility documents to obtain a certificate.
 - b. If the answer is yes, go to No. 2 below.

2. Will you apply pesticides as an employee of a city, county, state or federal agency, municipal corporation, public utility, hospital, privately owned golf course, nursery, greenhouse or other governmental agency?
 - a. If the answer is yes, you do not need to file any financial responsibility documents to obtain a certificate.
 - b. If the answer is no, go to No. 3 below.

3. Will you apply pesticides in one or more of the situations listed below?
 - A rancher who is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease
 - A grazing association and its members if either the association or any member is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease
 - A person required to be certified in the right-of-way category
 - An applicator who holds a commercial pesticide certificate and is controlling noxious weeds on grassland, land producing tame hay or other lands not devoted to the production of an annual crop
 - a. If the answer is yes, you do not need to file any financial responsibility documents to obtain a certificate.
 - b. If the answer is no, go to No. 4 below.

4. Will you apply pesticides by contract or for hire and/or engage in the business of applying pesticides for compensation to the land of another by aerial, ground, hand or any other equipment?
 - a. **If you answer yes to this question, you must provide proof of financial responsibility to obtain a certificate.** You can do this by providing the information on the reverse side of this page. The law states:

“Minimum financial responsibility must be maintained in the amount of one hundred thousand dollars, and may be demonstrated by a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of net assets equal to at least one hundred thousand dollars, a performance bond, or a general liability insurance policy.”
 - b. If you answered no to this question, you do not need to file any financial responsibility documents to obtain a certificate.

I have read and reviewed the statements above and determined that I am not required to provide proof of financial responsibility to obtain a certificate.

Print Name

Signature

Certification Number

____/____/____
Date



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Financial Responsibility Form

Instructions: This form is **only** valid when completed by the Commercial Applicant.
This form must be submitted **BEFORE** the Commercial Pesticide certification can be issued.

North Dakota pesticide law (Chapter 4-35-09.1) requires that all commercial applicators submit proof of financial responsibility unless exempt from this law. Minimum financial responsibility must be maintained in the amount of \$100,000 and may be demonstrated by a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of net assets equal to at least one hundred thousand dollars, a performance bond, or a general liability insurance policy. The performance bond or insurance policy must contain a provision requiring the issuing company to notify the agriculture commissioner at least 10 days before the effective date of cancellation, termination, or other modification of the bond or insurance policy. If, at any time, a certified commercial applicator fails to maintain financial responsibility, his certification shall be automatically suspended.

PLEASE PRINT

Applicant Name _____

Commercial Pesticide Certification ID Number (if applicable) _____

Applicant Address _____
street city state zip

Applicant Home Phone () _____ E-Mail _____

Employer Business Name _____

Employer Business Address _____
street city state zip

Employer Phone () _____ E-Mail _____

I am submitting my proof of Financial Responsibility in the form of (please select only one):

- A. _____ A notarized letter attached to this form. (Please be advised, this letter must be renewed annually.)
- B. _____ A performance bond attached to this form. (Please be advised, the bond must be renewed upon expiration.)
- C. _____ A general liability insurance policy attached to this form or the coverage information completed below.
(Please be advised, the policy must be renewed upon expiration.)

* Insurance company name _____

* Insurance company address _____

* Insurance policy number _____ Coverage limits _____

* Policy period: from ____/____/____ to ____/____/____

Applicant's signature _____ Date ____/____/____