

**DISCLOSURE OF COMMERCIAL PEST
CONTROL BUSINESS FINANCIAL
RESPONSIBILITY**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

This act modifies the Agricultural Code by requiring business entities that provide commercial pesticide application services to disclose financial responsibility information.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

4-14-13, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **4-14-13** is enacted to read:

4-14-13. Commercial pest control business financial responsibility disclosure.

(1) For purposes of this section:

(a) "Commercial pest control business" means a business entity that uses or applies pesticides for hire.

(b) "Disclosure of financial responsibility" means disclosure of:

(i) the existence and amount of any surety bond or liability insurance policy, held by the commercial pest control business, that specifically covers liability or property damage for pesticide use or application; or

(ii) the fact that the commercial pest control business does not hold any surety bond or liability insurance policy that specifically covers liability or property damage for pesticide use or application.

(2) Prior to using or applying a pesticide for hire, a commercial pest control business shall provide written disclosure of financial responsibility to the person for whom the use or application is to be made.



28 (3) If a commercial pest control business violates Subsection (2), the person for whom
29 commercial pesticide use or application is to be made has a private right of action against the
30 commercial pest control business.

Legislative Review Note
as of 2-18-03 10:04 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note**Bill Number HB0259****Disclosure of Commercial Pest Control Business Financial
Responsibility***21-Feb-03**10:11 AM*

State Impact

No fiscal impact.

Individual and Business Impact

Pest control businesses may incur administrative expenses for printing written disclosures of financial responsibility. A business that fails to provide written disclosure of financial responsibility to a customer may be subject to legal action by the customer.

Office of the Legislative Fiscal Analyst