

## SENATE BILL No. 464

By Committee on Agriculture

2-5

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AN ACT concerning pest control and fertilizer; relating to application equipment; amending K.S.A. 2-2456 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 2-2456 is hereby amended to read as follows: 2-2456. (a) The secretary ~~may, at his or her discretion,~~ shall require the registration of any *application* equipment used in the ~~commercial~~ application of pesticides, and any *application* equipment required to be so registered may be marked for identification in a manner prescribed by the secretary. Unannounced inspections may be made without charge to determine if the *application* equipment is properly *registered*, calibrated and maintained in conformance with laws and rules and regulations, and the secretary may require repairs or other changes before its further use for pesticide application. A list of requirements that *application* equipment shall meet may be adopted by rules and regulations.

(b) *The owner or lessee of the application equipment shall be responsible to register the application equipment with the department on or before July 1, 2005. The registration of the application equipment shall remain valid until the application equipment is sold or the ownership or lease is transferred to another person. After July 1, 2005, all application equipment that is purchased or leased or otherwise transferred shall be registered with the department by the owner or lessee of the application equipment within 30 days of the date of purchase or transfer of ownership of the application equipment.*

(c) *The secretary may charge a fee of \$10 per application equipment. The payment shall be remitted with the registration form.*

(d) The secretary may, in ~~his or her~~ the secretary's discretion, require that any car, truck or other vehicle used for the purpose of applying pesticides or transporting pesticide application equipment or personnel to an application site be marked for identification purposes in a location and manner as the secretary shall prescribe. ~~Provided, That~~ if such application is for the purpose of controlling pests in the categories of either (1) ornamental and turf pest control, or (2) industrial, institutional, structural and ~~health-related~~ *health-related* pest control.

(e) *"Application equipment" shall mean any self-propelled ground or*

1 *aerial apparatus containing more than 200 gallons used to apply any*  
2 *pesticide.*

3 (f) *The secretary may assess a \$100 fine for any violation of this act.*

4 New Sec. 2. (a) The secretary shall require the registration of any  
5 application equipment used in the application of fertilizers and any equip-  
6 ment required to be so registered shall be marked for identification in a  
7 manner prescribed by the secretary.

8 (b) The registration of the application equipment shall remain valid  
9 until the equipment is sold or the ownership or lease is transferred to  
10 another person. The owner or lessee of the application equipment shall  
11 be responsible to register the equipment with the department within 30  
12 days of the purchase or transfer of ownership of the application  
13 equipment.

14 (c) The secretary shall charge a fee of \$10 per application equipment.  
15 The payment shall be remitted with the registration form.

16 (d) "Application equipment" shall mean any self-propelled ground or  
17 aerial apparatus containing more than 200 gallons used to apply any liquid  
18 fertilizer.

19 (e) The secretary may assess a \$100 fine for any violation of this act.

20 Sec. 3. K.S.A. 2-2456 is hereby repealed.

21 Sec. 4. This act shall take effect and be in force from and after its  
22 publication in the statute book.

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