

SENATE BILL 3351

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 21, Part 1, relative to license for commercial lawn maintenance herbicide applicators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 21, Part 1, is amended by adding a new section thereto, as follows:

Section 62-21-\_\_\_\_.

(a) The department shall establish a licensing category for commercial lawn maintenance herbicide applicators to authorize them to apply herbicides for controlling weeds in conjunction with commercial lawn maintenance practices as spot treatments adjacent to fencing, driveways, parking lots, cemetery markers and landscape borders and areas in lieu of or in conjunction with mechanical weed trimming or edging. Herbicides authorized for use shall be limited to those having the sole active ingredient known as "Glyphosate". The application equipment that may be used by a person maintaining this license is limited to portable, handheld three-gallon compressed air sprayers or backpack sprayers having no more than a five-gallon capacity. All powered application equipment shall be limited to no more than a twenty-five (25) gallon tank with a 12 volt pump limited to a maximum of one (1) gallon per minute and limited to a three-eighths inch (3/8") discharge hose up to fifteen feet (15') in length with a handheld spray.

(b) A person seeking or maintaining a license as a commercial lawn maintenance herbicide applicator under this section must meet the requirements for certification as a commercial applicator.

(c) A person operating under this section is not authorized to:

(1) Solicit or advertise for the application of herbicides or any other pesticide application;

(2) Apply herbicides or any other pesticide as an overall turf treatment; or

(3) Supervise the application of any pesticide by unlicensed or uncertified persons.

(d) Each application for a license issued under this section must be accompanied by a fee of one hundred dollars (\$100). Licenses issued under this section shall be valid for twenty-four (24) months. All applicants must be eighteen (18) years of age or older to apply.

(e) Each applicant shall be issued a decal with an alphabetical/numerical license designation. The decal shall be displayed in the upper right hand corner of the company vehicle windshields. The name of the business shall be displayed on the right and left sides of all company vehicles. Lettering shall not be less than two inches (2") tall. Applicators shall be charged five dollars (\$5.00) per decal for any additional decals requested for company vehicles.

(f) A business charter as described in Section 62-21-103 shall not be required.

(g) Each person making application for a license under this section must furnish proof of having a certificate of insurance that meets the requirements for a minimum financial responsibility for bodily injury and property damage consisting of:

(1) Bodily injury: \$10,000 each person and \$50,000 each occurrence, and property damage \$10,000 each occurrence and \$50,000 in the aggregate; or

(2) Combined single limit coverage: \$100,000 in the aggregate.

(h) Notwithstanding any of any other provision of this section or other provision of law to the contrary, no person shall be required to obtain a license for the purpose of

applying a herbicide having the sole active ingredient of “Glyphosate” and the only application equipment used is one (1) of the following:

- (1) Five (5) gallon or less hand-held compressed air sprayer; or
- (2) Five (5) gallon or less backpack sprayer.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.