

CLEMSON UNIVERSITY DEPARTMENT OF PESTICIDE REGULATION
511 Westinghouse Road, Pendleton, SC 29670
864-646-2155 • Fax: 864-646-2162

EVIDENCE OF FINANCIAL RESPONSIBILITY FOR COMMERCIAL PESTICIDE APPLICATORS
South Carolina Pest Control Act of 1975

This is to certify that _____
(Insurance Company)

Mailing Address _____
PO Box or Street City State Zip Code

Has reviewed Section 100 of the South Carolina Pesticide Control Act (printed on the reverse side of this form) and has, in force, to

Name of Pesticide Applicator

Business Name

Business Location _____
Street City State Zip Code

Mailing Address _____
PO Box or Street City State Zip Code

an insurance policy providing public liability and property damage coverage as required by Section 100 of the SC Pesticide Control Act:
(mark an "X" in the appropriate coverage category listed below)

- ____ 1) Category 7 applicators: not less than \$100,000.00 combined single limit liability coverage, which must include both bodily injury and property damage coverage.
- ____ 2) Category 3, 5, and 8 applicators: \$50,000 minimum with an annual aggregate claims limit of not less than \$100,000.00.
- ____ 3) Other commercial applicators \$25,000 minimum with a deductible not exceeding \$1,000.00.

The insurance or surety company shall give at least ten (10) days written notice to the Department of Pesticide Regulation, 511 Westinghouse Road, Pendleton, SC, 29670, as a condition precedent to cancellation, non-renewal, or cancellation by the insured. If the financial responsibility lapses, expires, or otherwise ceases to comply, the license of that applicator is suspended automatically.

This certificate for Policy No. _____ is effective from
____ / ____ / 20____, to ____ / ____ / 20____.

**Insurance binders will NOT be accepted. Surety bonds MUST provide identical coverage as above.
*Please contact DPR if you intend to provide Financial Responsibility by a surety bond.**

AUTHORIZATION

Signed at _____ this _____ day of _____, 20____

By _____ / _____
Local Agency Name Signature of Duly Authorized Agent

Address of Local Agency _____ / _____ / _____ / _____ / _____
PO Box or Street City State Zip Phone Fax

The above was signed and sworn to before me, this the _____ day of _____, 20____.

Notary Public Signature & Seal

Financial responsibility required for a commercial applicator's license.

SECTION 3. Section 46-13-100 of the 1976 Code is amended to read:

"The director may not issue a commercial applicator's license until the applicant has furnished evidence of financial responsibility with the director which may include, but is not limited to, a surety bond or a liability insurance policy or certification protecting persons who may suffer legal damages as a result of the application of pesticides by the commercial applicator or his agents or employees.

(1) The amount of the financial responsibility provided in this section must be not less than twenty-five thousand dollars for property damage and public liability insurance. **The director by regulation may increase the financial responsibility to not more than one hundred thousand dollars by category or classification.** See Regulation 27-1078 in the right column of this page. Financial responsibility must be maintained at not less than that sum at all times during the licensed period. The director must be notified ten days before a reduction or cancellation at the request of the applicant or cancellation or nonrenewal of surety financial responsibility by the surety or insurer. The director may accept a liability insurance policy or surety bond in the proper sum which has a deductible clause in an amount not exceeding one thousand dollars. If the applicant has not satisfied the requirement of the deductible clause it must not be accepted by the director unless the applicant furnishes the director with a surety bond or liability insurance which satisfies the amount of the deductible as to all claims that may arise in his application of pesticides. A surety bond or insurance policy must be issued by a company authorized to do business within this State. The bond must be filed with the department and exists for the benefit of a holder of a final judgment against the person who filed the bond for personal liability or property damages, or both, as contemplated in item (4). Aerial applicators insured or bonded under Section 55-8-50, may utilize the coverage provided by that policy or bond if the policy or bond specifically covers personal injury or property damage, or both, caused by the aerial application of pesticides in the required amount. The aerial applicator shall furnish appropriate documentation of the coverage to the director.

(2) The director may provide by regulation for self insurance.

(3) Nothing in this chapter relieves a person from liability for damage to the person or lands of another caused by the use of pesticides even though the use conforms to the regulations promulgated by the director.

(4) The insurance or bond coverage required of commercial applicators must provide specifically for personal injuries or property damages, or both, caused by the application of pesticides by the commercial applicator or his agents or employees. However, this requirement does not guarantee control of the pest for which the application is made."

From the Rules and Regulations for the Enforcement of the SC Pesticide Control Act

Section 27-1078. Certification and Licensing of Commercial Applicators.

C. Continuous financial responsibility is an ongoing responsibility of the commercial applicator, and no commercial applicator may receive, purchase, apply, use, supervise, or conduct other application-related activities without the required financial responsibility in place.

1) Category 3, 5, and 8 applicators must maintain financial responsibility in the amount of \$50,000 with an annual aggregate claims limit of not less than \$100,000.00 before performing any pest control activities, including advertising, as specified in Section 27-1085 L, below.

2) Category 7 applicators must maintain comprehensive general liability financial responsibility of not less than \$100,000.00 combined single limit liability coverage, which must include both bodily injury and property damage coverage.

3) Failure to maintain the requisite financial responsibility in any category shall cause the immediate and automatic suspension of the commercial applicator's license until such time as current financial responsibility is satisfactorily demonstrated to the Director. If the applicator fails to re-instate their financial responsibility within three months, or if their license expires sooner, the license is automatically revoked and must not be restored until the applicator has again completed the certification process, including the exams.

D. The insurance or surety company must be one licensed to do business in South Carolina, and must give at least ten days written notice by certified mail to the Department as a condition precedent to the cancellation by the surety or insurer, material change, or cancellation by the insured.

F. Financial Responsibility may be demonstrated by:

1) A current public liability and property damage insurance policy and or certificate of insurance (issued by an insurance company). Binders are not acceptable.

2) A certificate of self-insurance issued by the Workman's Compensation Commission. (Although this certificate is specifically designed to cover workman's compensation claims, the Department considers this certificate indicates sufficient assets to cover the liability requirements of the law).