

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the the
5 Pesticide Application on Rights-of-Way Notification Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Agriculture.

8 "Pesticide" has the meaning given in the Illinois
9 Pesticide Act.

10 "Unit of local government" means a unit of local
11 government, as defined in Article VII, Section 1 of the
12 Illinois Constitution, except a park district, forest preserve
13 district, or conservation district.

14 Section 10. Prior notification requirements for
15 application of pesticides on rights-of-way.

16 (a) At least 24 hours before the State or a unit of local
17 government, including a mosquito abatement district or a
18 commercial entity hired by the State or a unit of local
19 government, applies a pesticide, including a pesticide
20 intended to control mosquitoes, to a public right-of-way that
21 is located within the corporate boundaries of a municipality,
22 the State, mosquito abatement district, or other unit of local

1 government in which the application is to be made shall
2 provide written notice to the public of the application of the
3 pesticide. At a minimum, the following information shall be
4 provided in the written notice required under this subsection

5 (a):

6 (1) the intended location, date range, and range of
7 times during the day that the material may be applied;

8 (2) the brand name, common name, and scientific name
9 of each product that may be applied;

10 (3) the type of pesticide contained in any product
11 that may be applied;

12 (4) the reason for use of each product that may be
13 applied;

14 (5) the range of concentrations of end-use product
15 that will be applied;

16 (6) any special instructions appearing on the label of
17 the product applicable to an individual's use of the
18 public right-of-way following an application;

19 (7) the State agency, mosquito abatement district, or
20 other unit of local government name and telephone number
21 of the certified applicator; and

22 (8) contact information for the Department for
23 complaints of pesticide misuse, including a telephone
24 number and website information for the Department.

25 Written notification required under this subsection (a) is
26 sufficient if posted in newsletters, websites, calendars, or

1 other correspondence currently published by the State,
2 mosquito abatement district, or other unit of local government
3 in which the application is to be made, but posting on a
4 bulletin board is not sufficient.

5 (b) The application of a solid mosquito larvicide in
6 accordance with 8 Ill. Adm. Code 250.210 is exempt from the
7 notification requirements of this Section.

8 (c) The State or a unit of local government, including a
9 mosquito abatement district, need not provide the notice
10 required by this Section if the application of the pesticide
11 is in response to (i) disease causing agents in vector
12 mosquitoes, (ii) the occurrence of mosquito-borne disease in
13 animal or human populations, or (iii) a natural disaster
14 recovery effort.

15 Section 15. Administrative rules. This Act shall be
16 administered and enforced by the Department. The Department
17 may adopt rules as necessary for the enforcement of this Act.

18 Section 20. Penalties.

19 (a) When an administrative hearing is held by the
20 Department, the hearing officer, upon determination of any
21 violation of this Act or rule or regulation, shall either
22 refer the violation to the State's Attorney in the county
23 where the alleged violation occurred for prosecution or levy
24 the following administrative monetary penalties:

- 1 (1) a penalty of \$250 for a first violation;
2 (2) a penalty of \$500 for a second violation; and
3 (3) a penalty of \$1,000 for a third or subsequent
4 violation.

5 (b) The penalty levied under subsection (a) shall be
6 collected by the Department, and all penalties collected by
7 the Department under this Act shall be deposited into the
8 Pesticide Control Fund. Any penalty not paid within 60 days of
9 notice from the Department shall be submitted to the Attorney
10 General for collection.

11 (c) Upon prosecution by a State's Attorney, a violation of
12 this Act or rules adopted under this Act shall be a petty
13 offense subject to a fine of \$250 for a first offense, a fine
14 of \$500 for a second offense, and a fine of \$1,000 for a third
15 or subsequent offense.