

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 applies a pesticide to a public right-of-way that
18 is located within the corporate boundaries of a municipality,
19 the State or the unit of local government in which the
20 application is to be made shall provide notice of the
21 application to all residents whose residences are located
22 within 200 feet of the public right-of-way to be treated. At a

1 minimum, the following information shall be provided in the
2 notice:

3 (1) the intended date and approximate time of day of
4 application;

5 (2) the brand name, common name, and scientific name
6 of each product applied;

7 (3) the type of pesticide contained in the product
8 applied;

9 (4) the reason for use of each product applied;

10 (5) the range of concentration of end-use product
11 applied;

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

15 (7) the State agency or unit of local government name
16 and telephone number of the certified applicator; and

17 (8) contact information for the Department for
18 complaints of pesticide misuse, including a telephone
19 number and website information for the Department.

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

23 (c) Written notification required under subsection (a) is
24 sufficient if posted in newsletters, calendars, or other
25 correspondence currently published by the State or the unit of
26 local government in which the application is to be made, but

1 posting on a bulletin board is not sufficient.

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

5 Section 20. Penalties.

6 (a) When an administrative hearing is held by the
7 Department, the hearing officer, upon determination of any
8 violation of this Act or rule or regulation, shall either
9 refer the violation to the State's Attorney in the county
10 where the alleged violation occurred for prosecution or levy
11 the following administrative monetary penalties:

12 (1) a penalty of \$250 for a first violation;

13 (2) a penalty of \$500 for a second violation; and

14 (3) a penalty of \$1,000 for a third or subsequent
15 violation.

16 (b) The penalty levied under subsection (a) shall be
17 collected by the Department, and all penalties collected by
18 the Department under this Act shall be deposited into the
19 Pesticide Control Fund. Any penalty not paid within 60 days of
20 notice from the Department shall be submitted to the Attorney
21 General for collection.

22 (c) Upon prosecution by a State's Attorney, a violation of
23 this Act or rules adopted under this Act shall be a petty
24 offense subject to a fine of \$250 for a first offense, a fine

1 of \$500 for a second offense, and a fine of \$1,000 for a third
2 or subsequent offense.