



Sen. Steve McClure

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10300SB3342sam002

LRB103 38864 BDA 70956 a

1 AMENDMENT TO SENATE BILL 3342

2 AMENDMENT NO. _____. Amend Senate Bill 3342, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

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

7 Section 5. Definitions. In this Act:

8 "Department" means the Department of Agriculture.

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

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

15 Section 10. Prior notification requirements for

1 application of pesticides on rights of way.

2 (a) At least 24 hours before the State or a unit of local
3 government applies a pesticide to a public right-of-way that
4 is located within the corporate boundaries of a municipality,
5 the State or the unit of local government in which the
6 application is to be made shall provide notice of the
7 application to all residents whose residences are located
8 within 200 feet of the public right-of-way to be treated. At a
9 minimum, the following information shall be provided in the
10 notice:

11 (1) the intended date and approximate time of day of
12 application;

13 (2) the brand name, common name, and scientific name
14 of each product applied;

15 (3) the type of pesticide contained in the product
16 applied;

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

18 (5) the range of concentration of end-use product
19 applied;

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

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

25 (8) contact information for the Department for
26 complaints of pesticide misuse, including a telephone

1 number and website information for the Department.

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

5 (c) Written notification required under subsection (a) is
6 sufficient if posted in newsletters, calendars, or other
7 correspondence currently published by the State or the unit of
8 local government in which the application is to be made, but
9 posting on a bulletin board is not sufficient.

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

13 Section 20. Penalties.

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

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

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

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

24 (b) The penalty levied under subsection (a) shall be

1 collected by the Department, and all penalties collected by
2 the Department under this Act shall be deposited into the
3 Pesticide Control Fund. Any penalty not paid within 60 days of
4 notice from the Department shall be submitted to the Attorney
5 General for collection.

6 (c) Upon prosecution by a State's Attorney, a violation of
7 this Act or rules adopted under this Act shall be a petty
8 offense subject to a fine of \$250 for a first offense, a fine
9 of \$500 for a second offense, and a fine of \$1,000 for a third
10 or subsequent offense.".