

SB1626



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1626

Introduced 2/20/2015, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

415 ILCS 65/3

from Ch. 5, par. 853

Amends the Lawn Care Products Application and Notice Act. Makes changes to the requirements of lawn markers. Makes changes to the requirements for notification of persons before the application of lawn products.

LRB099 10936 MGM 31276 b

A BILL FOR

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 5. The Lawn Care Products Application and Notice
5 Act is amended by changing Section 3 as follows:

6 (415 ILCS 65/3) (from Ch. 5, par. 853)

7 Sec. 3. Notification requirements for application of lawn
8 care products.

9 (a) Lawn Markers.

10 (1) Immediately following application of lawn care
11 products to a lawn, other than a golf course, an applicator
12 for hire shall place a lawn marker at the usual point or
13 points of entry.

14 (2) The lawn marker shall consist of a 4 inch by 5 inch
15 sign, vertical or horizontal, attached to the upper portion
16 of a dowel or other supporting device with the bottom of
17 the marker extending no less than 12 inches above the turf.

18 (3) The lawn marker shall be white and made of a solid,
19 inflexible plastic. Lettering ~~and lettering~~ on the lawn
20 marker shall be in a contrasting color. The marker shall
21 state on one side, in letters of not less than 3/8 inch,
22 the following: "LAWN CARE APPLICATION - STAY OFF GRASS
23 UNTIL SIGNS HAVE BEEN REMOVED ~~DRY~~ - FOR MORE INFORMATION

1 CONTACT: (here shall be inserted the name and business
2 telephone number of the applicator for hire)."

3 (4) The lawn marker shall be removed and discarded by
4 the applicator for hire ~~property owner or resident, or such~~
5 ~~other person authorized by the property owner or resident,~~
6 on the day following the application. The lawn marker shall
7 not be removed by any person other than the applicator for
8 hire ~~property owner or resident or person designated by~~
9 ~~such property owner or resident.~~

10 (5) For applications to residential properties of 2
11 families or less, the applicator for hire shall be required
12 to place lawn markers at the usual point or points of entry
13 and around the perimeter of the treated area, spaced every
14 5 feet.

15 (6) For applications to residential properties of 2
16 families or more, or for application to other commercial
17 properties, the applicator for hire shall place lawn
18 markers at the usual point or points of entry to the
19 property to provide notice that lawn care products have
20 been applied to the lawn and around the perimeter of the
21 treated area, spaced every 5 feet.

22 (b) Notification requirement for application of plant
23 protectants on golf courses.

24 (1) Blanket posting procedure. Each golf course shall
25 post in a conspicuous place or places an all-weather poster
26 or placard stating to users of or visitors to the golf

1 course that from time to time plant protectants are in use
2 and additionally stating that if any questions or concerns
3 arise in relation thereto, the golf course superintendent
4 or his designee should be contacted to supply the
5 information contained in subsection (c) of this Section.

6 (2) The poster or placard shall be prominently
7 displayed in the pro shop, locker rooms and first tee at
8 each golf course.

9 (3) The poster or placard shall be a minimum size of 8
10 1/2 by 11 inches and the lettering shall not be less than
11 1/2 inch.

12 (4) The poster or placard shall read: "PLANT
13 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
14 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
15 FOR FURTHER INFORMATION."

16 (c) Information to Customers of Applicators for Hire. At
17 the time of application of lawn care products to a lawn, an
18 applicator for hire shall provide the following information to
19 the customer:

20 (1) The brand name, common name, and scientific name of
21 each lawn care product applied;

22 (2) The type of fertilizer or pesticide contained in
23 the lawn care product applied;

24 (3) The reason for use of each lawn care product
25 applied;

26 (4) The range of concentration of end use product

1 applied to the lawn and amount of material applied;

2 (5) Any special instruction appearing on the label of
3 the lawn care product applicable to the customer's use of
4 the lawn following application;

5 (6) The business name and telephone number of the
6 applicator for hire as well as the name of the person
7 actually applying lawn care products to the lawn; and

8 (7) Upon the request of a customer or any person whose
9 property abuts or is adjacent to the property of a customer
10 of an applicator for hire, a copy of the material safety
11 data sheet and approved pesticide registration label for
12 each applied lawn care product.

13 (d) Prior notification of application to lawn. In the case
14 of all lawns other than golf courses:

15 (1) An applicator for hire shall provide prior notice
16 of an application to any ~~Any~~ neighbor whose property abuts
17 or is adjacent to the property of a customer of an
18 applicator for hire, pursuant to paragraph (2) of this
19 subsection (d) ~~may receive prior notification of an~~
20 ~~application by contacting the applicator for hire and~~
21 ~~providing his name, address and telephone number.~~

22 (2) At least the day before a scheduled application, an
23 applicator for hire shall provide notification ~~to a person~~
24 ~~who has requested notification~~ pursuant to paragraph (1) of
25 this subsection (d). Such ~~such~~ notification may ~~to~~ be
26 made in writing, in person or by telephone, disclosing the

1 date and approximate time of day of application. An
2 applicator for hire may, alternatively, provide the
3 notification required in paragraph (1) to the customer with
4 instructions regarding providing the notification to the
5 adjacent property owner.

6 (3) In the event that an applicator for hire is unable
7 to provide prior notification to a neighbor whose property
8 abuts or is adjacent to the property because of the absence
9 or inaccessibility of the individual, at the time of
10 application to a customer's lawn, the applicator for hire
11 shall leave a written notice at the residence of the
12 neighbor ~~person requesting notification~~, which shall
13 provide the information specified in paragraph (2) of this
14 subsection (d).

15 (4) Any neighbor whose property abuts or is adjacent to
16 the property of a customer of an applicator for hire who
17 has been provided with prior notification of an application
18 pursuant to paragraph (1) of this subsection (d), may opt
19 out of future notifications by contacting the applicator
20 for hire and providing his or her name, address, and
21 telephone number.

22 (e) Prior notification of application to golf courses.

23 (1) Any landlord or resident with property that abuts
24 or is adjacent to a golf course may receive prior
25 notification of an application of lawn care products or
26 plant protectants, or both, by contacting the golf course

1 superintendent and providing his name, address and
2 telephone number.

3 (2) At least the day before a scheduled application of
4 lawn care products or plant protectants, or both, the golf
5 course superintendent shall provide notification to any
6 person who has requested notification pursuant to
7 paragraph (1) of this subsection (e), such notification to
8 be made in writing, in person or by telephone, disclosing
9 the date and approximate time of day of application.

10 (3) In the event that the golf course superintendent is
11 unable to provide prior notification to a landlord or
12 resident because of the absence or inaccessibility, at the
13 time of application, of the landlord or resident, the golf
14 course superintendent shall leave a written notice with the
15 landlord or at the residence which shall provide the
16 information specified in paragraph (2) of this subsection
17 (e).

18 (f) Notification for applications of pesticides to day care
19 center grounds other than day care center structures and school
20 grounds other than school structures.

21 (1) The owner or operator of a day care center must
22 either (i) maintain a registry of parents and guardians of
23 children in his or her care who have registered to receive
24 written notification before the application of pesticide
25 to day care center grounds and notify persons on that
26 registry before applying pesticides or having pesticide

1 applied to day care center grounds or (ii) provide written
2 or telephonic notice to all parents and guardians of
3 children in his or her care before applying pesticide or
4 having pesticide applied to day care center grounds.

5 (2) School districts must either (i) maintain a
6 registry of parents and guardians of students who have
7 registered to receive written or telephonic notification
8 before the application of pesticide to school grounds and
9 notify persons on that list before applying pesticide or
10 having pesticide applied to school grounds or (ii) provide
11 written or telephonic notification to all parents and
12 guardians of students before applying pesticide or having
13 pesticide applied to school grounds.

14 (3) Written notification required under item (1) or (2)
15 of subsection (f) of this Section may be included in
16 newsletters, calendars, or other correspondence currently
17 published by the school district, but posting on a bulletin
18 board is not sufficient. The written or telephonic
19 notification must be given at least 4 business days before
20 application of the pesticide and should identify the
21 intended date of the application of the pesticide and the
22 name and telephone contact number for the school personnel
23 responsible for the pesticide application program or, in
24 the case of a day care center, the owner or operator of the
25 day care center. Prior notice shall not be required if
26 there is imminent threat to health or property. If such a

1 situation arises, the appropriate school personnel or, in
2 the case of a day care center, the owner or operator of the
3 day care center must sign a statement describing the
4 circumstances that gave rise to the health threat and
5 ensure that written or telephonic notice is provided as
6 soon as practicable.

7 (Source: P.A. 96-424, eff. 8-13-09.)