

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1359

4
5 By: Representative Sample
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For An Act To Be Entitled

9 AN ACT TO INCREASE THE AMOUNT OF THE SURETY BOND
10 REQUIRED TO BE POSTED WITH THE STATE PLANT BOARD
11 BY AN APPLICANT FOR A TERMITE AND OTHER
12 STRUCTURAL PESTS LICENSE; TO INCREASE THE AMOUNT
13 OF INSURANCE REQUIRED TO BE HELD BY AN APPLICANT
14 FOR A TERMITE AND OTHER STRUCTURAL PESTS LICENSE;
15 AND FOR OTHER PURPOSES.
16

Subtitle

17 AN ACT TO INCREASE THE AMOUNTS FOR THE
18 SURETY BOND AND CERTIFICATE OF INSURANCE
19 TO BE POSTED WITH THE STATE PLANT BOARD
20 FOR APPLICANTS FOR A TERMITE AND OTHER
21 HOUSEHOLD PESTS LICENSE.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 17-37-210 is amended to read as follows:
28 17-37-210. Bond and insurance requirements.

29 (a) Bond.

30 (1) Before a license is issued or renewed, the State Plant Board
31 shall be furnished an acceptable surety bond by each applicant for a license
32 in either of the following classifications:

33 (A) Termite and other structural pests; or

34 (B) Household pests and rodent control.

35 (2)(A)(i) The bond shall be executed by the applicant for a
36 termite and other structural pests license or any combination of licenses



1 that includes termite and other structural pests as principal and by a surety
2 company licensed to do business in this state in the surety amount of ~~fifty~~
3 ~~thousand dollars (\$50,000)~~ one hundred thousand dollars (\$100,000).

4 (ii)(a) The bond shall be executed by an applicant
5 for a household pests and rodent control license or any combination of
6 licenses that includes household pests and rodent control as principal and by
7 a surety company licensed to do business in this state in the surety amount
8 of fifty thousand dollars (\$50,000).

9 (b) Subdivision (a)(2)(A)(ii)(a) of this
10 section does not apply to a combination of licenses that includes termite and
11 other structural pests.

12 (B) The bond shall be for ~~the a~~ term ~~of~~ not to exceed one
13 (1) year and shall coincide with the licensing period.

14 (3)(A) ~~Any~~ A bond required by this chapter shall be in favor of
15 the State of Arkansas for the benefit of any person damaged as the result of
16 a violation of this chapter by ~~any~~ an operator licensed under this chapter
17 and for the benefit of any person who, after entering into a contract with
18 the licensee, is damaged by the failure of the licensee to properly perform
19 the contract.

20 (B) ~~Any~~ A person claiming against the bond may maintain an
21 action at law against the licensee and the surety.

22 (C) The aggregate liability of the surety to all persons
23 shall ~~in no event~~ not exceed the sum of the bond.

24 (b) Insurance.

25 (1) In addition to the bond required in subdivision (a)(1)
26 of this section, before a license is issued or renewed, each applicant for a
27 license in the classification of ~~termite and other structural pests, the~~
28 ~~classification of~~ household pests and rodent control, or the classification
29 of general fumigation shall furnish the board a certificate of insurance
30 written by an insurance company authorized to do business in this state
31 covering the public liability of the applicant for personal injuries for not
32 less than twenty-five thousand dollars (\$25,000) for any one (1) person, and
33 fifty thousand dollars (\$50,000) for any one (1) accident, and not less than
34 five thousand dollars (\$5,000) for property damage.

35 (2) In addition to the bond required in subdivision (a)(1) of
36 this section, before a license is issued or renewed, each applicant for a

1 license or any combination of licenses that includes the classification of
2 termite and other structural pests shall furnish the board a certificate of
3 insurance for a general liability insurance policy written by an insurance
4 company authorized to do business in this state covering public liability of
5 the applicant for personal injuries and property damage in an amount not less
6 than five hundred thousand dollars (\$500,000) per occurrence or five hundred
7 thousand dollars (\$500,000) per aggregate.

8 (c) Cancellation.

9 (1) The bond and insurance shall not be cancelled or terminated
10 until at least thirty (30) days after a notice of cancellation is received by
11 the board.

12 (2) Upon failure of a licensee to maintain in full force and
13 effect the bond and insurance required by this section, the license shall
14 become void and shall not be reinstated until a satisfactory bond and
15 insurance have been filed.

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17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that the surety bond and insurance
19 requirements for pest control licensees dealing with hazardous chemicals are
20 necessary to insure the public health and safety; and that it is imperative
21 that these new requirements coincide with the start of the next fiscal year.
22 Therefore, an emergency is declared to exist and this act being immediately
23 necessary for the preservation of the public peace, health, and safety shall
24 become effective on July 1, 2009.

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