



# Georgia Department of Agriculture

## Agricultural Inputs – Pesticide Section

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## CONTRACTOR LICENSE INFORMATION SHEET

The Georgia Pesticide Use and Application Act of 1976 requires that any person engaged in the business of applying pesticides to the lands of another within the State of Georgia must first be issued a pesticide contractor's license by the Commissioner of Agriculture.

### DEFINITION OF PESTICIDE CONTRACTOR

The term "pesticide" is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or pests. This definition includes herbicides, insecticides, fungicides, plant growth regulators, defoliant, etc. If you apply, as part of your business, or your company applies any type of pesticide to someone else's property and a fee is assessed for these applications, or if you perform applications as part of a maintenance contract, you are subject to this requirement.

### EXAMPLES

Lawn Care/Maintenance Company  
Landscape Contractor  
Tree Surgeon  
Swimming Pool Maintenance Company  
Janitorial Service Contractor

Aerial Applicator  
Right-of-Way Contractor  
Forester/Land Management Company  
Custom Applicator  
Mosquito Control Contractor

### REQUIREMENTS

- At least one (1) full-time certified commercial applicator in employment licensed in category(ies) of operation.
- Satisfying financial responsibility requirements.
- Completing an application and submitting a \$55.00 annual fee.

### PENALTY

If your company is engaged in the application of pesticides to the property of another person and collecting a fee for this service without the proper license, an injunction may be sought against your company. A maximum fine of \$1,000.00 per violation may also be levied against your company. Each pesticide application performed without the required pesticide contractor license may be viewed as a separate violation, and fines assessed accordingly.

For more information, visit our website and click on the Pesticide Contractor link at:  
<http://www.agr.georgia.gov/pesticides.aspx>



RULES  
OF  
GEORGIA DEPARTMENT OF AGRICULTURE  
**PESTICIDE USE AND APPLICATION**

CHAPTER 40-21-8  
**FINANCIAL RESPONSIBILITY**

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**40-21-8-.01 Persons Subject to Regulations. Amended.**

Any individual, company, corporation or other business entity desiring to engage in the business of applying pesticides to the lands of another within this State shall secure a Pesticide Contractor's License. Granting of such license shall be conditioned on satisfactory proof of financial responsibility by all applicants other than those who are applying crop protection products to agricultural crops and who are requesting a Pesticide Contractor's License in only the Agricultural Plant Pest Category, with or without licensing in Aerial Methods.

Authority Ga. L. 1976, p. 369; O.C.G.A. Sec. [2-7-99](#). **Administrative History.** Original Rule entitled "Persons Subject to Regulations" was filed on June 24, 1974 as 40-21-1-.01; effective July 14, 1974. **Amended:** Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.01. Filed July 10, 1978; effective July 30, 1978. **Repealed:** New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16, 1990.

**40-21-8-.02 Certification of Financial Responsibility. Amended.**

Proof of financial responsibility by the applicant for a Pesticide Contractor's license must be evidenced and furnished to the Commissioner of Agriculture by certification of liability insurance, by copy of an appropriate surety bond, or by certificate of deposit for a cash deposit. Forms for certification of liability insurance and for surety bonds shall be specified and furnished by the Commissioner of Agriculture.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Certification of Financial Responsibility" was filed on June 24, 1974 as 40-21-1-.02; effective July 14, 1974. **Amended:** Rule repealed and a new Rule of same title adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.02. Filed July 10, 1978; effective July 30, 1978.

#### **40-21-8-.03 Insurance. Amended.**

Liability Insurance policies may include pollution exclusions or other exclusions only to the extent that they are not inconsistent with O.C.G.A. [2-7-103](#), and shall be in the following minimum limits, including coverage for legal damages arising from the use of chemicals, dusting powders and the like, employed by the insured in his regular business operations:

(a) Aerial Contractors

Bodily Injury                    \$50,000 Any One Occurrence

Property Damage            \$25,000 Any One Occurrence  
   \$100,000 Aggregate

Maximum Deductible \$1,000 Per Occurrence

(b) Ground Contractors

Bodily Injury                    \$25,000 Any One Occurrence

Property Damage            \$10,000 Any One Occurrence  
   \$25,000 Aggregate

Maximum Deductible \$500 Per Occurrence

Authority Ga. L. 1976, p. 369. O.C.G.A. Secs. [2-7-90](#), et seq. 2-7-103. **Administrative History.** Original Rule entitled "Insurance" was filed on June 24, 1974 as 40-21-1-.03; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Insurance Policy" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.03. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984. **Repealed:** New Rule of same title adopted. F. Aug. 27, 1990; eff. Sept. 16 1990.

#### **40-21-8-.04 Surety Bond. Amended.**

Surety Bonds shall be in the following minimum amounts, to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the principal in his regular business operations:

(a) Aerial Contractors

Minimum Bond                \$50,000

Maximum Deductible \$1,000

(b) Ground Contractors

Minimum Bond                \$20,000

Maximum Deductible \$500

Authority Ga. L. 1976, p. 369. O.C.G.A. Sec. [2-7-90](#), et seq. **Administrative History.** Original Rule entitled "Surety Bonds" was filed on June 24, 1974 as 40-21-1-.04; effective June 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Surety Bond" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.04. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984.

#### **40-21-8-.05 Cash Deposit. Amended.**

(1) Cash deposits may be made in any bank of applicant's choice. Certificate of Deposit shall be made payable jointly to the depositor and the Georgia Commissioner of Agriculture; shall be endorsed by depositor and shall be maintained in the custody of the Commissioner of Agriculture during the period licensed and for 90 days thereafter. Deposits shall be in the following minimum amounts to cover legal damages arising from the use of chemicals, dusting powders and the like, employed by the depositor in his regular business operations:

(a) Aerial Contractors \$50,000

(b) Ground Contractors \$20,000

(2) Cash deposits shall be subject to the same deductible amounts as the liability insurance and surety bonds, namely:

(a) Aerial Contractors \$1,000

(b) Ground Contractors \$500

Authority Ga. L. 1976, p. 369, O.C.G.A. Sec. [2-7-90](#), et. seq. **Administrative History.** Original Rule entitled "Cash Deposits" was filed on June 24, 1974, as 40-21-1-.05; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Cash Deposit" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.05. Filed July 10, 1978; effective July 30, 1978. **Amended:** Filed May 17, 1984; effective June 6, 1984.

#### **40-21-8-.06 Exclusion of Coverage. Amended.**

Surety Bonds, liability insurance, and cash deposits shall not apply to damages or injury to agricultural crops, plants, or land being worked upon by the pesticide contractor.

Authority Ga. L. 1976, p. 369. **Administrative History.** Original Rule entitled "Expiration of Insurance and Bonds" was filed on June 24, 1974 as 40-21-1-.06; effective July 14, 1974. **Amended:** Rule repealed and a new Rule entitled "Exclusions of Coverage" adopted. Filed July 5, 1977; effective July 25, 1977. **Amended:** Rule renumbered as 40-21-8-.06. Filed July 10, 1978; effective July 30, 1978.