

SB1987



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1987

Introduced 2/10/2017, 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. Provides that lawn markers shall be white and made of rigid material. Provides that, for applications to residential properties of 2 families or less, the applicator for hire shall be required to place on marker at a prominent location along the rear perimeter, unless access to the treated area is impassable because of a fence, wall, hedge, or natural topographic feature. Provides that failure to attempt to provide a specified notification shall be considered a violation subject to an administrative hearing. Effective on January 1, 2018.

LRB100 09952 MJP 20123 b

FISCAL NOTE ACT
MAY APPLY

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 rigid
19 material. Lettering ~~and lettering~~ on the lawn marker shall
20 be in a contrasting color. The marker shall state on one
21 side, in letters of not less than 3/8 inch, the following:
22 "LAWN CARE APPLICATION - STAY OFF GRASS UNTIL DRY - FOR
23 MORE INFORMATION CONTACT: (here shall be inserted the name

1 and business telephone number of the applicator for hire)."

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

9 (5) For applications to residential properties of 2
10 families or less, the applicator for hire shall be required
11 to place lawn markers at or within view of the usual point
12 or points of entry and one marker at a prominent location
13 along the rear perimeter, unless access to the treated area
14 is impassable because of a fence, wall, hedge, or natural
15 topographic feature.

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

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) Any neighbor whose property abuts or is adjacent to
16 the property of a customer of an applicator for hire may
17 receive prior notification of an application by contacting
18 the applicator for hire and providing his name, address and
19 telephone number.

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

26 (3) In the event that an applicator for hire is unable

1 to provide prior notification to a neighbor whose property
2 abuts or is adjacent to the property because of the absence
3 or inaccessibility of the individual, at the time of
4 application to a customer's lawn, the applicator for hire
5 shall leave a written notice at the residence of the person
6 requesting notification, which shall provide the
7 information specified in paragraph (2) of this subsection
8 (d).

9 Failure to attempt to provide notification as requested in
10 paragraph (1) of this subsection (d) shall be considered a
11 violation subject to an administrative hearing under Section 7
12 of this Act.

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

14 (1) Any landlord or resident with property that abuts
15 or is adjacent to a golf course may receive prior
16 notification of an application of lawn care products or
17 plant protectants, or both, by contacting the golf course
18 superintendent and providing his name, address and
19 telephone number.

20 (2) At least the day before a scheduled application of
21 lawn care products or plant protectants, or both, the golf
22 course superintendent shall provide notification to any
23 person who has requested notification pursuant to
24 paragraph (1) of this subsection (e), such notification to
25 be made in writing, in person or by telephone, disclosing
26 the date and approximate time of day of application.

1 (3) In the event that the golf course superintendent is
2 unable to provide prior notification to a landlord or
3 resident because of the absence or inaccessibility, at the
4 time of application, of the landlord or resident, the golf
5 course superintendent shall leave a written notice with the
6 landlord or at the residence which shall provide the
7 information specified in paragraph (2) of this subsection
8 (e).

9 (f) Notification for applications of pesticides to day care
10 center grounds other than day care center structures and school
11 grounds other than school structures.

12 (1) The owner or operator of a day care center must
13 either (i) maintain a registry of parents and guardians of
14 children in his or her care who have registered to receive
15 written notification before the application of pesticide
16 to day care center grounds and notify persons on that
17 registry before applying pesticides or having pesticide
18 applied to day care center grounds or (ii) provide written
19 or telephonic notice to all parents and guardians of
20 children in his or her care before applying pesticide or
21 having pesticide applied to day care center grounds.

22 (2) School districts must either (i) maintain a
23 registry of parents and guardians of students who have
24 registered to receive written or telephonic notification
25 before the application of pesticide to school grounds and
26 notify persons on that list before applying pesticide or

1 having pesticide applied to school grounds or (ii) provide
2 written or telephonic notification to all parents and
3 guardians of students before applying pesticide or having
4 pesticide applied to school grounds.

5 (3) Written notification required under item (1) or (2)
6 of subsection (f) of this Section may be included in
7 newsletters, calendars, or other correspondence currently
8 published by the school district, but posting on a bulletin
9 board is not sufficient. The written or telephonic
10 notification must be given at least 4 business days before
11 application of the pesticide and should identify the
12 intended date of the application of the pesticide and the
13 name and telephone contact number for the school personnel
14 responsible for the pesticide application program or, in
15 the case of a day care center, the owner or operator of the
16 day care center. Prior notice shall not be required if
17 there is imminent threat to health or property. If such a
18 situation arises, the appropriate school personnel or, in
19 the case of a day care center, the owner or operator of the
20 day care center must sign a statement describing the
21 circumstances that gave rise to the health threat and
22 ensure that written or telephonic notice is provided as
23 soon as practicable.

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

25 Section 99. Effective date. This Act takes effect January
26 1, 2018.