

HOUSE BILL No. 5957

November 13, 2014, Introduced by Reps. Lauwers and Daley and referred to the Committee on Agriculture.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 8307a, 8310, 8310a, 8312, 8313, 8317, 8504, 8505, and 8506 (MCL 324.8307a, 324.8310, 324.8310a, 324.8312, 324.8313, 324.8317, 324.8504, 324.8505, and 324.8506), section 8307a as added and sections 8312 and 8313 as amended by 2002 PA 418, section 8310 as amended and section 8310a as added by 2008 PA 18, section 8317 as amended by 2012 PA 316, sections 8504 and 8505 as amended by 2014 PA 178, and section 8506 as amended by 2006 PA 503.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8307a. (1) Every pesticide distributed, sold, exposed, or
2 offered for sale in this state shall be registered with the
3 director pursuant to this part. The registration shall be submitted

1 on a form provided by the director and shall be renewed annually
2 before July 1. The director shall not register a pesticide under
3 this part unless the registrant has paid all groundwater protection
4 fees and late fees required under part 87, registration fees under
5 this part, and any administrative fines imposed under this part.

6 (2) A pesticide is considered distributed, sold, exposed, or
7 offered for sale in this state when the offer to sell either
8 originates within this state or is directed by the offeror to
9 persons in this state and received by those persons.

10 (3) If a registrant distributes identical pesticides under
11 more than 1 brand name, or distributes more than 1 pesticide
12 formulation, each brand or formulation shall be registered as a
13 separate product.

14 (4) A registrant shall not register a pesticide that contains
15 a substance that is required to be registered with the department
16 unless that substance is also registered with the department.

17 (5) A pesticide registration applicant shall submit to the
18 director a complete copy of the pesticide labeling and the
19 following, in a format prescribed by the director:

20 (a) The name and address of the applicant and the name and
21 address of the person whose name will appear on the label, if other
22 than the applicant.

23 (b) The full product name of the pesticide and the EPA
24 registration number.

25 (c) Other information considered necessary by the director.

26 (6) The applicant shall submit a complete formula of the
27 pesticide proposed for registration, including the active and inert

1 ingredients, when requested by the director and necessary for the
2 director to execute his or her duties under this part. The director
3 shall not use any information relative to formulas of products,
4 trade secrets, or other information obtained under this part for
5 his or her own advantage or reveal such information, other than to
6 his or her authorized representative, the EPA, the department of
7 environmental quality, the department of community health, a court
8 of the state in response to a subpoena, a licensed physician, or in
9 an emergency to a pharmacist or other persons qualified to
10 administer antidotes.

11 (7) A REGISTRANT THAT OPERATES FROM A BUSINESS LOCATION
12 OUTSIDE THIS STATE SHALL DO EITHER OF THE FOLLOWING:

13 (A) CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE
14 AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN
15 THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE
16 REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY
17 COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY
18 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS
19 OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE REGISTRANT SHALL
20 FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND TELEPHONE NUMBER OF
21 THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE AVAILABLE RECORDS
22 REQUIRED BY THIS PART AND PART 87.

23 (B) MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART
24 AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED BY THE
25 DEPARTMENT IN AUDITING THE RECORDS AT THE OUT-OF-STATE LOCATION.

26 Sec. 8310. (1) A person shall not engage in distributing,
27 selling, or offering for sale restricted use pesticides to the

1 ultimate user except as authorized under an annual license for each
2 place of business issued by the department pursuant to part 13.

3 (2) The applicant for a license under subsection (1) shall be
4 the person in charge of each business location. The applicant shall
5 demonstrate by written examination his or her knowledge of laws and
6 rules governing the use and sale of restricted use pesticides.

7 (3) A person licensed under subsection (1) ~~who~~**THAT** operates
8 from a business location outside this state shall continuously
9 maintain in this state both of the following:

10 (a) A registered office -

11 ~~——(b) A~~**AND A** resident agent, which agent may be ~~either~~**an**
12 individual resident in this state whose business office or
13 residence is identical with the registered office, a domestic
14 corporation or limited liability company, or a foreign corporation
15 or limited liability company authorized to transact business in
16 this state and having a business office identical with the
17 registered office. The person licensed under subsection (1) shall
18 file with the department the name, address, and telephone number of
19 the resident agent.

20 **(B) RECORDS REQUIRED BY THIS PART AND PART 87, WHICH SHALL BE**
21 **MADE AVAILABLE TO THE DEPARTMENT, OR PAY ALL COSTS INCURRED IN**
22 **AUDITING THE RECORDS AT THE OUT-OF-STATE LOCATION.**

23 (4) A restricted use pesticide dealer shall forward to the
24 director a record of all sales of restricted use pesticides on
25 forms provided by the director as required by rule. A restricted
26 use pesticide dealer shall keep copies of the records on file for 2
27 years. These records are subject to inspection by an authorized

1 agent of the director. The records shall, upon request, be supplied
2 in summary form to other state agencies. The summary shall include
3 the name and address of the restricted use pesticide dealer, the
4 name and address of the purchaser, the name of the pesticide sold,
5 and, in an emergency, the quantity sold. Information may not be
6 made available to the public if, in the discretion of the director,
7 release of that information could have a significant adverse effect
8 on the competitive position of the dealer, distributor, or
9 manufacturer.

10 (5) A restricted use pesticide dealer shall sell or distribute
11 restricted use pesticides for use only by applicators certified
12 under this part.

13 (6) The director may deny, suspend, or revoke a restricted use
14 pesticide dealer's license for any violation of this part or an
15 order issued under this part, or upon conviction under this part,
16 FIFRA, or a state pesticide law of a reciprocating state committed
17 by the dealer or the dealer's officer, agent, or employee. The
18 director shall inform an applicant who is denied a restricted use
19 pesticide dealer's license of the reasons why the license was
20 denied.

21 (7) A restricted use pesticide dealer shall maintain and
22 submit to the department records of all restricted use pesticide
23 sales to private applicators and the intended county of application
24 for those pesticides.

25 (8) Information collected in subsection (7) is confidential
26 business information and is not subject to the freedom of
27 information act, 1976 PA 442, MCL 15.231 to 15.246.

1 (9) A restricted use pesticide dealer ~~who~~**THAT** distributes an
2 agricultural pesticide into this state shall report to the
3 agricultural pesticide registrant all of the following information
4 concerning that distribution:

5 (a) The product name.

6 (b) The EPA registration number.

7 (c) The amount of pesticide sold or distributed.

8 (d) The wholesale value of pesticide sold or distributed.

9 (e) The date of sale or distribution.

10 (f) The sales or distribution invoice number.

11 (g) The name and address of the consignee.

12 Sec. 8310a. (1) A person ~~who~~**THAT** is not licensed under
13 section 8310 shall not engage in distributing, selling, or offering
14 for sale agricultural pesticides except as authorized under an
15 annual license for each place of business issued by the department
16 pursuant to part 13.

17 (2) The applicant for a license under subsection (1) shall be
18 the individual in charge of each business location.

19 (3) The application for a license under subsection (1) shall
20 be on a form provided by the director and shall contain information
21 regarding the applicant's proposed operations and other information
22 considered pertinent by the director.

23 (4) A person licensed under subsection (1) who operates from a
24 business location outside this state shall continuously maintain in
25 this state both of the following:

26 (a) A registered office -

27 ~~—(b) A~~**AND A** resident agent, which agent may be ~~either~~an

1 individual resident in this state whose business office or
2 residence is identical with the registered office, a domestic
3 corporation or limited liability company, or a foreign corporation
4 or limited liability company authorized to transact business in
5 this state and having a business office identical with the
6 registered office. The person licensed under subsection (1) shall
7 file with the department the name, address, and telephone number of
8 the resident agent.

9 **(B) RECORDS REQUIRED BY THIS PART AND PART 87, WHICH SHALL BE**
10 **MADE AVAILABLE TO THE DEPARTMENT, OR PAY ALL COSTS INCURRED IN**
11 **AUDITING THE RECORDS AT THE OUT-OF-STATE LOCATION.**

12 (5) An agricultural pesticide dealer who distributes an
13 agricultural pesticide into this state shall report to the
14 agricultural pesticide registrant all of the following information
15 concerning that distribution:

- 16 (a) The product name.
17 (b) The EPA registration number.
18 (c) The amount of pesticide sold or distributed.
19 (d) The wholesale value of pesticide sold or distributed.
20 (e) The date of sale or distribution.
21 (f) The sales or distribution invoice number.
22 (g) The name and address of the consignee.

23 (6) The director may deny, suspend, or revoke an agricultural
24 pesticide dealer's license for any violation of this part or an
25 order issued under this part, or upon conviction under this part,
26 FIFRA, or a state pesticide law of a reciprocating state committed
27 by the dealer or the dealer's officer, agent, or employee. The

1 director shall inform an applicant who is denied an agricultural
2 pesticide dealer's license of the reasons why the license was
3 denied.

4 (7) A pesticide registrant who distributes agricultural
5 pesticides into ~~the~~**THIS** state is exempt from the requirements of
6 subsection (1).

7 Sec. 8312. (1) To become a certified applicator, an applicant
8 must satisfactorily complete the certification requirements
9 prescribed by the director and categorized according to the various
10 types of pesticide applications prescribed by rule and consistent
11 with the regulations of the EPA.

12 (2) The application for a certified applicator certificate
13 shall contain information considered to be pertinent by the
14 director.

15 (3) A certified applicator applicant shall pay the appropriate
16 fee as provided in section 8317.

17 (4) The director shall issue a certificate to applicants that
18 successfully comply with all certification requirements under this
19 part.

20 (5) The director may restrict an applicant to use only a
21 certain type of equipment or pesticide upon finding that the
22 applicant is only qualified to use that type of equipment or
23 pesticide.

24 (6) The director may refuse to issue or renew a certificate if
25 an applicant demonstrates an insufficient knowledge of any item
26 called for in the application or has unsatisfied judgments under
27 this part or rules promulgated under this part against him or her

1 or if the equipment to be used by the applicant is unsafe or
2 inadequate to properly apply pesticides.

3 (7) The director may at any time deny, revoke, or suspend a
4 private agricultural applicator certificate or a commercial
5 applicator certificate for a violation of this part or upon
6 conviction under section 14 of FIFRA, 7 U.S.C.—~~USC~~ 136l, or upon
7 conviction under a state pesticide law of a reciprocating state in
8 accordance with section 8320.

9 (8) The director shall inform an applicant who is denied an
10 applicator certificate **OF** the reasons why the certificate was
11 denied.

12 (9) A person shall display his or her certificate upon the
13 request of the director.

14 (10) **A CERTIFIED APPLICATOR THAT OPERATES FROM A BUSINESS**
15 **LOCATION OUTSIDE THIS STATE SHALL DO EITHER OF THE FOLLOWING:**

16 (A) **CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE**
17 **AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN**
18 **THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE**
19 **REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY**
20 **COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY**
21 **AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS**
22 **OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE CERTIFIED**
23 **APPLICATOR SHALL FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND**
24 **TELEPHONE NUMBER OF THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE**
25 **AVAILABLE RECORDS REQUIRED BY THIS PART AND PART 87.**

26 (B) **MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART**
27 **AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED IN AUDITING THE**

1 **RECORDS AT THE OUT-OF-STATE LOCATION.**

2 Sec. 8313. (1) Commercial applicators ~~who~~ **THAT** hold themselves
3 out to the public as being in the business of applying pesticides
4 shall obtain a commercial applicator license for each place of
5 business.

6 (2) A commercial applicator shall be certified under section
7 8312 and shall have at least 1 of the following ~~in order~~ to qualify
8 for a license:

9 (a) Service for not less than 2 application seasons as an
10 employee of a commercial applicator or comparable education and
11 experience as determined by the director.

12 (b) A baccalaureate degree from a recognized college or
13 university in a discipline that provides education regarding pests
14 and the control of pests and 1 application season of service as an
15 employee of a commercial applicator.

16 (3) The commercial applicator license application shall be on
17 a form provided by the director and shall contain information
18 regarding the applicant's qualifications and proposed operations,
19 the type of equipment to be used by the applicant, and other
20 information considered pertinent by the director.

21 (4) An application for a commercial applicator license shall
22 be accompanied by the appropriate fee as provided in section 8317.

23 (5) An application for a commercial applicator license shall
24 be accompanied by proof of sufficient financial responsibility as
25 prescribed by rule.

26 (6) The director may restrict an applicant to use only a
27 certain type of equipment or pesticide upon finding that the

1 applicant is qualified to use only that type.

2 (7) The director may refuse to issue or renew a commercial
3 applicator license if the applicant demonstrates insufficient
4 knowledge of an item in the application, or has unsatisfied
5 judgments under this part or a rule promulgated under this part
6 against him or her, or if the equipment used by the applicant is
7 unsafe or inadequate for pesticide applications.

8 (8) The director may at any time deny, revoke, or suspend a
9 commercial applicator license for a violation of this part or a
10 violation of an order issued under this part, or upon conviction
11 under this part, FIFRA, or a state pesticide law of a reciprocating
12 state in accordance with section 8320.

13 (9) The director shall inform an applicant who is denied a
14 commercial applicator license **OF** the reasons why the license was
15 denied.

16 (10) A person subject to the licensing requirements in this
17 section shall only apply pesticides that are registered with, or
18 subject to, either United States EPA or this state's laws and
19 rules.

20 (11) A person subject to the licensing requirements in this
21 section shall not represent that a pesticide application has
22 characteristics, ingredients, uses, benefits, or qualities that it
23 does not have.

24 (12) A person subject to the licensing requirements in this
25 section shall not represent that a pesticide application is
26 necessary to control a pest when the pest is not present or likely
27 to occur.

1 (13) A COMMERCIAL APPLICATOR THAT OPERATES FROM A BUSINESS
2 LOCATION OUTSIDE THIS STATE SHALL DO EITHER OF THE FOLLOWING:

3 (A) CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE
4 AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN
5 THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE
6 REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY
7 COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY
8 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS
9 OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE COMMERCIAL
10 APPLICATOR SHALL FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND
11 TELEPHONE NUMBER OF THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE
12 AVAILABLE RECORDS REQUIRED BY THIS PART AND PART 87.

13 (B) MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART
14 AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED IN AUDITING THE
15 RECORDS AT THE OUT-OF-STATE LOCATION.

16 Sec. 8317. (1) An application submitted under this part shall
17 be accompanied by the following application fee:

18 (a) For a commercial applicator certification, \$75.00.

19 (b) For a private agricultural applicator certification,
20 \$50.00 until September 30, 2015 and \$10.00 after September 30,
21 2015.

22 (c) For a commercial registered applicator, \$45.00.

23 (d) For a private registered applicator, \$50.00 until
24 September 30, 2015 and \$10.00 after September 30, 2015.

25 (2) Certificates for commercial applicators, private
26 agricultural applicators, and registered applicators ~~shall be~~ **ARE**
27 valid for a period of ~~time of~~ not less than 3 years to be

1 established by rule by the director.

2 (3) The license application fee for a commercial applicator
3 license is \$100.00. The license expires annually on December 31.

4 (4) ~~The~~ **UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF THE 2014**
5 **AMENDATORY ACT THAT AMENDED THIS SECTION, THE** registration
6 application fee for the registration of pesticides sold, offered
7 for sale, exposed for sale, or distributed is ~~\$40.00~~ **\$100.00** per
8 product. **HOWEVER, IF THE PESTICIDE REGISTRATION FEE IS RECEIVED BY**
9 **THE DEPARTMENT AFTER JUNE 30, THE REGISTRANT SHALL PAY AN**
10 **ADDITIONAL LATE FEE OF \$100.00 FOR EACH PESTICIDE.**

11 (5) The license application fee for a restricted use pesticide
12 dealer's license is \$100.00. The license expires annually on
13 December 31.

14 (6) The license application fee for an agricultural pesticide
15 dealer's license is \$100.00. The license expires annually on
16 December 31.

17 (7) Application fees submitted under this section are not
18 refundable.

19 (8) Notwithstanding any other provision of subsection (1)(b)
20 and (d), the department shall waive any fee otherwise required
21 under subsection (1)(b) and (d) if the individual responsible for
22 paying the fee is, and provides proof satisfactory to the
23 department that he or she is, an honorably discharged veteran of
24 the armed forces of the United States.

25 (9) The department shall deposit license and administrative
26 fees and administrative, civil, and noncriminal fines received, as
27 well as any payment for costs or reimbursement to the department

1 for investigation, under this part in the agriculture licensing and
2 inspection fees fund created in section 9 of the insect pest and
3 plant disease act, 1931 PA 189, MCL 286.209, to be used, pursuant
4 to appropriation, by the director in administering and carrying out
5 those duties required by law under this part.

6 Sec. 8504. (1) A person shall not manufacture or distribute
7 fertilizer in this state, except specialty fertilizer and soil
8 conditioners, until the appropriate groundwater protection fee
9 provided in section 8715 has been submitted, and except as
10 authorized by a license to manufacture or distribute issued by the
11 department pursuant to part 13. An application for a license shall
12 be accompanied by a fee of \$100.00 for each of the following:

13 (a) Each fixed location at which fertilizer is manufactured in
14 this state.

15 (b) Each mobile unit used to manufacture fertilizer in this
16 state.

17 (c) Each location out of this state that applies labeling
18 showing an out-of-state origin of fertilizer distributed in this
19 state to nonlicensees.

20 (2) An application for a license to manufacture or distribute
21 fertilizer shall include all of the following:

22 (a) The name and address of the applicant.

23 (b) The name and address of each bulk distribution point in
24 ~~the~~**THIS** state not licensed for fertilizer manufacture or
25 distribution. The name and address shown on the license shall be
26 shown on all labels, pertinent invoices, and bulk storage for
27 fertilizers distributed by the licensee in this state.

1 (3) If the fertilizer is a beneficial use by-product intended
2 for beneficial use 3 under part 115, the application shall also
3 include the information identified in section 11551(7).

4 (4) The licensee shall inform the director in writing of
5 additional distribution points established during the period of the
6 license.

7 (5) A distributor is not required to obtain a license if the
8 distributor is selling fertilizer of a distributor or a
9 manufacturer licensed under this part.

10 (6) All licenses to manufacture or distribute fertilizer
11 expire on December 31 of each year.

12 (7) A PERSON LICENSED UNDER THIS SECTION THAT OPERATES FROM A
13 BUSINESS LOCATION OUTSIDE THIS STATE SHALL DO EITHER OF THE
14 FOLLOWING:

15 (A) CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE
16 AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN
17 THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE
18 REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY
19 COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY
20 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS
21 OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE PERSON LICENSED
22 UNDER THIS SECTION SHALL FILE WITH THE DEPARTMENT THE NAME,
23 ADDRESS, AND TELEPHONE NUMBER OF THE RESIDENT AGENT AND SHALL
24 MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART AND PART
25 87.

26 (B) MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART
27 AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED IN AUDITING THE

1 **RECORDS AT THE OUT-OF-STATE LOCATION.**

2 Sec. 8505. (1) A person shall not distribute a specialty
3 fertilizer or soil conditioner unless it is registered with the
4 department. An application for registration listing each brand and
5 product name of each grade of specialty fertilizer or soil
6 conditioner shall be made on a form furnished by the director. An
7 application shall be accompanied with the fees described in
8 subsection (4) for each brand and product name of each grade.
9 Labels for each brand and product name of each grade shall
10 accompany the application.

11 (2) If the specialty fertilizer or soil conditioner is a
12 beneficial use by-product intended for beneficial use 3 under part
13 115, the application shall also include the information identified
14 in section 11551(7).

15 (3) Upon approval of an application by the director, a copy of
16 the registration approval shall be furnished to the applicant. All
17 registrations expire on December 31 of each year.

18 (4) A person applying for a registration under subsection (1)
19 shall pay the following annual fees for each brand and product name
20 of each grade:

21 (a) Registration fee of \$25.00.

22 (b) Appropriate groundwater protection fee provided for in
23 section 8715.

24 (5) A distributor is not required to register a brand of
25 fertilizer that is registered under this part by another person, if
26 the label does not differ in any respect.

27 (6) A manufacturer or distributor of custom blend specialty

1 fertilizers for home lawns, golf courses, recreational areas, or
2 other nonfarm areas is not required to register each grade
3 distributed but shall license their firm on an application
4 furnished by the director for an annual fee of \$100.00 and shall
5 label the fertilizer as provided in section 8502. The label of each
6 fertilizer distributed under this subsection shall be maintained by
7 the manufacturer or distributor for 1 year for inspection by the
8 director.

9 (7) A manufacturer or distributor of soil conditioners blended
10 according to specifications provided to a blender or blended as
11 specifically requested by the consumer prior to blending shall
12 either register each brand or blend distributed or license its firm
13 on an application furnished by the director for an annual fee of
14 \$100.00 and shall label the soil conditioner as provided in section
15 8502. The label of each soil conditioner distributed under this
16 subsection shall be maintained by the manufacturer or distributor
17 for 1 year for inspection by the director.

18 (8) A REGISTRANT THAT OPERATES FROM A BUSINESS LOCATION
19 OUTSIDE THIS STATE SHALL DO EITHER OF THE FOLLOWING:

20 (A) CONTINUOUSLY MAINTAIN IN THIS STATE A REGISTERED OFFICE
21 AND A RESIDENT AGENT, WHICH AGENT MAY BE AN INDIVIDUAL RESIDENT IN
22 THIS STATE WHOSE BUSINESS OFFICE OR RESIDENCE IS IDENTICAL WITH THE
23 REGISTERED OFFICE, A DOMESTIC CORPORATION OR LIMITED LIABILITY
24 COMPANY, OR A FOREIGN CORPORATION OR LIMITED LIABILITY COMPANY
25 AUTHORIZED TO TRANSACT BUSINESS IN THIS STATE AND HAVING A BUSINESS
26 OFFICE IDENTICAL WITH THE REGISTERED OFFICE. THE REGISTRANT SHALL
27 FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND TELEPHONE NUMBER OF

1 THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE AVAILABLE RECORDS
2 REQUIRED BY THIS PART AND PART 87.

3 (B) MAINTAIN AND MAKE AVAILABLE RECORDS REQUIRED BY THIS PART
4 AND PART 87 IN THIS STATE OR PAY ALL COSTS INCURRED IN AUDITING THE
5 RECORDS AT THE OUT-OF-STATE LOCATION.

6 Sec. 8506. (1) ~~An~~ UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF
7 THE 2014 AMENDATORY ACT THAT AMENDED THIS SECTION, AN inspection
8 fee of ~~10~~ 35 cents per ton shall be paid to the department for all
9 fertilizers or soil conditioners sold or distributed in this state.
10 For peat or peat moss, the inspection fee shall be 2 cents per
11 cubic yard. This fee shall not apply to registered specialty
12 fertilizers or soil conditioners sold or distributed only in
13 packages of 10 pounds or less.

14 (2) Payment of the inspection fee shall be made on the basis
15 of tonnage reports setting forth the number of tons of each grade
16 of fertilizer and soil conditioner and the number of cubic yards of
17 peat or peat moss sold or distributed in this state. The reports
18 shall cover the periods of the year and be made in a manner
19 specified by the director in rules, and shall be filed with the
20 department not later than 30 days after the close of each period.
21 The time may be extended for cause for an additional 15 days only
22 on written request to, and approval by, the department. Remittance
23 to cover the inspection fee shall accompany each tonnage report.
24 Payments due of less than \$5.00 are waived, and refunds of less
25 than \$5.00 will not be processed, unless requested in writing. For
26 any report not filed with the department by the due date, a penalty
27 of \$50.00 or 10% of the amount due, whichever is greater, shall be

1 assessed. Unpaid fees and penalties constitute a debt and become
2 the basis of a judgment against the licensee. Records upon which
3 the statement of tonnage is based are subject to department audit.

4 (3) When more than 1 person is involved in the distribution of
5 fertilizer or soil conditioners, the last person who is licensed or
6 has the fertilizer or soil conditioner registered and who
7 distributes to a nonlicensee or nonregistrant is responsible for
8 reporting the tonnage and paying the inspection fee.