

# HOUSE BILL No. 4392

March 25, 2015, Introduced by Rep. Lauwers and referred to the Committee on Appropriations.

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  
4 on a form provided by the director and shall be renewed annually

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

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

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

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

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

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

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

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

25 (6) The applicant shall submit a complete formula of the  
26 pesticide proposed for registration, including the active and inert  
27 ingredients, when requested by the director and necessary for the

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

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

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

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

25 Sec. 8310. (1) A person shall not engage in distributing,  
26 selling, or offering for sale restricted use pesticides to the  
27 ultimate user except as authorized under an annual license for each

1 place of business issued by the department pursuant to part 13.

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

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

9 (a) A registered office -

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

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

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

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

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

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

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

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

27 (9) A restricted use pesticide dealer ~~who~~ **THAT** distributes an

1 agricultural pesticide into this state shall report to the  
 2 agricultural pesticide registrant all of the following information  
 3 concerning that distribution:

- 4 (a) The product name.
- 5 (b) The EPA registration number.
- 6 (c) The amount of pesticide sold or distributed.
- 7 (d) The wholesale value of pesticide sold or distributed.
- 8 (e) The date of sale or distribution.
- 9 (f) The sales or distribution invoice number.
- 10 (g) The name and address of the consignee.

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

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

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

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

- 25 (a) A registered office -
- 26 ~~—— (b) A~~ **AND A** resident agent, which agent may be ~~either~~  
 27 individual resident in this state whose business office or

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

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

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

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

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

1 pesticide dealer's license of the reasons why the license was  
2 denied.

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

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

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

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

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

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

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

1 inadequate to properly apply pesticides.

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

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

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

13 (10) **A CERTIFIED APPLICATOR THAT OPERATES FROM A BUSINESS**  
14 **LOCATION OUTSIDE THIS STATE SHALL DO EITHER OF THE 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 CERTIFIED**  
22 **APPLICATOR SHALL FILE WITH THE DEPARTMENT THE NAME, ADDRESS, AND**  
23 **TELEPHONE NUMBER OF THE RESIDENT AGENT AND SHALL MAINTAIN AND MAKE**  
24 **AVAILABLE RECORDS REQUIRED BY THIS PART AND PART 87.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27           **(13) A COMMERCIAL APPLICATOR THAT OPERATES FROM A BUSINESS**

1 LOCATION OUTSIDE THIS STATE SHALL DO EITHER OF THE FOLLOWING:

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

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

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

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

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

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

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

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

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

3 (4) ~~The~~ **UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF THE 2015**  
4 **AMENDATORY ACT THAT AMENDED THIS SECTION, THE** registration  
5 application fee for the registration of pesticides sold, offered  
6 for sale, exposed for sale, or distributed is ~~\$40.00~~ **\$100.00** per  
7 product. **HOWEVER, IF THE PESTICIDE REGISTRATION FEE IS RECEIVED BY**  
8 **THE DEPARTMENT AFTER JUNE 30, THE REGISTRANT SHALL PAY AN**  
9 **ADDITIONAL LATE FEE OF \$100.00 FOR EACH PESTICIDE.**

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

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

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

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

24 (9) The department shall deposit license and administrative  
25 fees and administrative, civil, and noncriminal fines received, as  
26 well as any payment for costs or reimbursement to the department  
27 for investigation, under this part in the agriculture licensing and

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

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

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

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

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

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

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

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

27       (3) If the fertilizer is a beneficial use by-product intended

1 for beneficial use 3 under part 115, the application shall also  
2 include the information identified in section 11551(7).

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

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

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

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

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

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

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

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

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

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

20           (a) Registration fee of \$25.00.

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

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

26           (6) A manufacturer or distributor of custom blend specialty  
27 fertilizers for home lawns, golf courses, recreational areas, or

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

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

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

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

1 REQUIRED BY THIS PART AND PART 87.

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

5 Sec. 8506. (1) ~~An~~ UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF  
6 THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION, AN inspection  
7 fee of ~~10~~ 35 cents per ton shall be paid to the department for all  
8 fertilizers or soil conditioners sold or distributed in this state.  
9 For peat or peat moss, the inspection fee shall be 2 cents per  
10 cubic yard. This fee shall not apply to registered specialty  
11 fertilizers or soil conditioners sold or distributed only in  
12 packages of 10 pounds or less.

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

1 the basis of a judgment against the licensee. Records upon which  
2 the statement of tonnage is based are subject to department audit.

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