

§ 69-21-101. Title of article.

Mississippi Statutes

Title 69. AGRICULTURE, HORTICULTURE, AND ANIMALS

Chapter 21. CROP SPRAYING AND LICENSING OF AERIAL APPLICATORS

Article 3. AGRICULTURE AVIATION LICENSING LAW

Current through 3/27/2018

§ 69-21-101. Title of article

This article shall be known and cited as the "Agricultural Aviation Licensing Law of 2009."

Cite as Miss. Code § 69-21-101

Source: Codes, 1942, § 5011-01; Laws, 1966, ch. 239, § 1; reenacted, Laws, 1983, ch. 304, § 1; reenacted, Laws, 1991, ch. 391, § 1; reenacted without change, Laws, 1996, ch. 447, § 1; reenacted without change, Laws, 1997, ch. 468, § 1; Laws, 2002, ch. 301, §1; reenacted without change, Laws, 2004, ch. 514, §1; reenacted without change, Laws, 2006, ch. 494, §1; reenacted , Laws, 2009, ch. 515, §1, eff. 4/8/2009.

§ 69-21-103. Declaration of purpose.

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§ 69-21-103. Declaration of purpose

The purpose of this article is to supervise and regulate for the public good all commercial aerial application within the State of Mississippi, to establish and promote a close working relationship between the agricultural aviation industry and the Mississippi Department of Agriculture and

Commerce, and to regulate the licensing of all persons, including pilots, engaged in the aerial application of pesticides, poisons, seeds, fertilizer and chemicals and to require the registration of all commercial agricultural aircraft.

Cite as Miss. Code § 69-21-103

Source: Codes, 1942, § 5011-02; Laws, 1966, ch. 239, § 2; Laws, 1972, ch. 369, § 8; Laws, 1980, ch. 482, § 1; reenacted, Laws, 1983, ch. 304, § 2; reenacted, Laws, 1991, ch. 391, § 2; Laws, 1991, ch. 530, § 10; reenacted without change, Laws, 1996, ch. 447, § 2; reenacted without change, Laws, 1997, ch. 468, §2; Laws, 2002, ch. 301, §2; reenacted without change, Laws, 2004, ch. 514, §2; reenacted without change, Laws, 2006, ch. 494, §2; reenacted, Laws, 2009, ch. 515, §2, eff. 4/8/2009.

§ 69-21-105. Definitions.

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§ 69-21-105. Definitions

As used in this article, the following terms shall have the meanings hereinafter ascribed to them:

- (a) "Aerial application" means the practice of engaging in agricultural aircraft operations.
- (b) "Agricultural aircraft operation" means:
 - (i) Dispensing any pesticide, seed, poison, chemical or fertilizer by aircraft;
 - (ii) Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life or pest control by aircraft; or
 - (iii) Engaging in dispensing activities directly affecting agriculture, horticulture or forest preservation by aircraft.
- (c) "Agricultural substance" means any seed, fertilizer or pesticide that is used, applied, sprayed or administered in an agricultural, horticultural or forestry setting.
- (d) "Aircraft" means any contrivance now known or hereafter invented that is used or

designed for navigation of or flight in the air over land and water, and that is designed for or adaptable for use in agricultural aircraft operation.

- (e) "Applicator" means any person, as defined in this section, who is licensed under this article to engage in the business of agricultural aircraft operations; who may or may not be a pilot.
- (f) "Commissioner" means the Commissioner of the Mississippi Department of Agriculture and Commerce.
- (g) "Defoliant" means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
- (h) "Department" means the Mississippi Department of Agriculture and Commerce.
- (i) "Desiccant" means any substances or mixtures of substances intended for artificially accelerating the drying of plant tissues.
- (j) "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the Class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs and flies; and to other classes of arthropods whose members are wingless and usually have more than six (6) legs, as for example, spiders, mites, ticks, centipedes and wood lice.
- (k) "Person" shall mean any individual, corporation, firm, partnership, company, trust, association or other legal entity.
- (l) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, mitigating or attracting any pests; and shall also include adjuvants intended to enhance the effectiveness of pesticides; and any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.
- (m) "Pilot" means the operator of an aircraft used in agricultural aircraft operation; however, a pilot may also be a person who is licensed as an applicator under the provisions of this article.

Cite as Miss. Code § 69-21-105

Source: Codes, 1942, § 5011-03; Laws, 1966, ch. 239, § 3; Laws, 1980, ch. 482, § 2; reenacted, Laws, 1983, ch. 304, § 3; reenacted, Laws, 1991, ch. 391, § 3; reenacted without change, Laws, 1996, ch. 447, § 3; reenacted without change, Laws, 1997, ch. 468, §3; Laws, 2002, ch. 301, §3; reenacted without change, Laws, 2004, ch. 514, §3; reenacted without change, Laws, 2006, ch. 494, §3; reenacted, Laws, 2009, ch. 515, § 3, eff. 4/8/2009.

§ 69-21-107. Repealed.

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§ 69-21-107. Repealed

Cite as Miss. Code § 69-21-107

History. Repealed by operation of law, eff. 6/30/2008, by former Section 69-21-127.

Prior History: (Codes, 1942, § 5011-04; Laws, 1966, ch. 239, § 4; Laws, 1972, ch. 369, § 9; Laws, 1980, ch. 482, § 3; ch. 560, § 26; reenacted and amended, Laws, 1983, ch. 304, § 4; reenacted, Laws, 1991, ch. 391, § 4; Laws, 1991, ch. 530, § 11; reenacted without change, Laws, 1996, ch. 447, § 4; reenacted without change, Laws, 1997, ch. 468, §4; Laws, 2002, ch. 301, §4; reenacted without change, Laws, 2004, ch. 514, §4; reenacted without change, Laws, 2006, ch. 494, §4, eff. 3/27/2006.)

§ 69-21-109. Powers and duties of department.

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§ 69-21-109. Powers and duties of department

- (1) The department may adopt any rules and regulations as may be necessary or desirable to implement the provisions of this article, to control and regulate the aerial application of agricultural substances in this state, and to restrict the use of any agricultural substances that create hazards to the health, safety and welfare of the citizens of Mississippi. The department shall establish by regulation professional standards for applicators and pilots in the interest of the safety, welfare and general well-being of the citizens of Mississippi

and for the protection of the state's fish and wildlife, air, water and soil. No rule or regulation adopted under the terms of this article shall be effective unless it has first been submitted to and approved by the Advisory Board of the Bureau of Plant Industry, a division of the department, established in Section 69-25-3.

- (2) The department is authorized to procure samples of agricultural substances before and after they are mixed for testing purposes.
- (3) The department is authorized to maintain an office and employ necessary personnel within its budget to carry out the purposes of this article.
- (4) It shall be the duty of the department and the department shall have the authority, to enforce this article and all rules and regulations made and adopted in compliance with this article. The department shall not have jurisdiction to determine liability between private parties.
- (5) The department's representatives shall have the authority to enter into any premises where there is reason to believe that an agricultural substance is being or has been applied by a pilot or any applicator's office or place of operations or where he is preparing to apply any of the materials herein stated, for the purpose of enforcement of this article. The department shall have authority to inspect all aircraft and equipment found on the premises, to take samples of any agricultural substances and to inspect and copy any records found on the premises.
- (6) The department may cooperate with or enter into formal cooperative agreements with any public or private agency or educational institution of this state or any other state or federal agency for the purpose of carrying out the provisions of this article.

Cite as Miss. Code § 69-21-109

Source: Codes, 1942, § 5011-05; Laws, 1966, ch. 239, § 5; Laws, 1972, ch. 369, § 10; Laws, 1980, ch. 482, § 4; reenacted, Laws, 1983, ch. 304, § 5; reenacted, Laws, 1991, ch. 391, § 5; Laws, 1991, ch. 530, § 12; Laws, 1992, ch. 496, § 35; reenacted without change, Laws, 1996, ch. 447, § 5; reenacted without change, Laws, 1997, ch. 468, §5; Laws, 2002, ch. 301, §5; reenacted without change, Laws, 2004, ch. 514, §5; reenacted without change, Laws, 2006, ch. 494, §5; reenacted, Laws, 2009, ch. 515, §4, eff. 4/8/2009.

§ 69-21-111. Repealed.

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Current through 3/27/2018

§ 69-21-111. Repealed

Cite as Miss. Code § 69-21-111

History. Repealed by operation of law, eff. 6/30/2008, by former Section 69-21-127.

Prior History: (Codes, 1942, § 5011-08; Laws, 1966, ch. 239, § 8; Laws, 1972, ch. 369, § 11; reenacted, Laws, 1983, ch. 304, § 6; reenacted, Laws, 1991, ch. 391, § 6; Laws, 1991, ch. 530, § 13; reenacted without change, Laws, 1996, ch. 447, § 6; reenacted without change, Laws, 1997, ch. 468, §6; reenacted without change, Laws, 1999, ch. 387, §6; reenacted without change, Laws, 2006, ch. 494, §6, eff. 3/27/2006.)

§ 69-21-113. Licensing of applicators and pilots; application; renewal.

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§ 69-21-113. Licensing of applicators and pilots; application; renewal

- (1) There shall be a license for an applicator and a separate and distinct license for a pilot. It is unlawful for any person to act, operate or do business as an applicator or pilot, or to engage in agricultural aircraft operations, unless that person has the appropriate applicator's or pilot's license issued by the department. Applicator's or pilot's licenses shall only be issued upon application to the department, payment of application fees and meeting any other requirements set by regulation or law. The application shall contain information regarding the applicant's qualifications and proposed operations, and any other information as may be specified by the department. All applicants for a pilot's license must have appropriate Federal Aviation Administration certification.
- (2) Applicator's and pilot's licenses are not transferable. Licenses shall be effective for the period prescribed by regulation of the department. Any licensee wishing to have a license

renewed must submit an application for renewal with the department at least thirty (30) days before the expiration of the license. If the applicant submits a timely and complete application for renewal, and the department, through no fault of the applicant, fails to reissue the license on or before the expiration date of the existing license, the existing license shall remain in effect until final action on the renewal application is taken by the department. Licenses are subject to modification, revocation or suspension for cause at any time during the effective dates of the license, subject to constitutional requirements.

- (3) Any person seeking to obtain a license as an applicator in this state shall submit with his application proof of payment of all ad valorem and other taxes that may be applicable on the applicant's aircraft and other equipment.
- (4) All persons licensed under this article shall be known as registered applicators or pilots, and shall be issued a certificate by the department as proof of registration.

Cite as Miss. Code § 69-21-113

Source: Codes, 1942, § 5011-06; Laws, 1966, ch. 239, § 6; Laws, 1980, ch. 482, § 5; reenacted, Laws, 1983, ch. 304, § 7; reenacted, Laws, 1991, ch. 391, § 7; reenacted without change, Laws, 1996, ch. 447, § 7; reenacted without change, Laws, 1997, ch. 468, §7; Laws, 2002, ch. 301, §6; reenacted without change, Laws, 2004, ch. 514, §6; reenacted without change, Laws, 2006, ch. 494, §7; reenacted, Laws, 2009, ch. 515, § 5, eff. 4/8/2009.

§ 69-21-115. Financial responsibility.

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§ 69-21-115. Financial responsibility

Any person seeking to obtain a license as an applicator in this state shall submit proof of financial responsibility to the department, and upon obtaining a license, the person shall maintain proof of financial responsibility at all times while the license shall be in effect. Proof of financial responsibility shall be established by:

- (a) Depositing with the department a surety bond in favor of any person or persons who may

suffer damage by reason of the operation of an aerial application service, issued by a corporate surety company authorized to do business in this state, which surety bond shall be in an amount not less than the amount of financial responsibility required by the rules and regulations of the department. However, the aggregate liability of the surety to all such persons shall not, in any event, exceed the amount of the bond; or

- (b) The filing of a general liability insurance policy issued by an insurance company authorized to do business in this state insuring the licensee and any of his agents against liability resulting from the operation of an agricultural aviation service, which insurance policy shall be in an amount deemed as acceptable to the department, as follows:
- (i) Not less than One Hundred Thousand Dollars (\$ 100,000.00) for personal injury;
 - (ii) Not less than Three Hundred Thousand Dollars (\$ 300,000.00) in the aggregate for multiple injuries; and
 - (iii) Not less than One Hundred Thousand Dollars (\$ 100,000.00) for property damage. The department shall establish by rules and regulations the amount of financial responsibility to be required of each licensed applicator, but in no event shall the amount of financial responsibility required be less than the amounts prescribed in paragraph (b) of this section.

Cite as Miss. Code § 69-21-115

Source: Codes, 1942, § 5011-07; Laws, 1966, ch. 239, § 7; reenacted, Laws, 1983, ch. 304, § 8; reenacted, Laws, 1991, ch. 391, § 8; reenacted without change, Laws, 1996, ch. 447, § 8; reenacted without change, Laws, 1997, ch. 468, § 8; reenacted without change, Laws, 1999, ch. 387, §8; reenacted without change, Laws, 2006, ch. 494, §8; reenacted, Laws, 2009, ch. 515, § 6, eff. 4/8/2009.

§ 69-21-117. Licensing of nonresident applicators and pilots; reciprocity with other states.

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§ 69-21-117. Licensing of nonresident applicators and pilots; reciprocity with other states

- (1) Any person who is a nonresident of this state and who intends to perform agricultural aircraft operations in this state as an applicator or pilot shall obtain the appropriate applicator's or pilot's license under this article and comply with all the other licensing requirements for a resident licensee. Nonresident applicators shall also designate and maintain a resident agent in this state for service of process.
- (2) Any person who is duly licensed as an agricultural aviation pilot in another state, whose requirements for licensure as an agricultural aviation pilot are at least equal to those of this state, may be granted an agricultural aviation pilot's license by this state upon the submission of the required application, provided the laws of the state from which the applicant comes grant similar privileges to applicants from this state. The department is authorized to enter into a reciprocity agreement with any state meeting the qualifications of this subsection.

Cite as Miss. Code § 69-21-117

Source: Codes, 1942, § 5011-09; Laws, 1966, ch. 239, § 9; reenacted, Laws, 1983, ch. 304, § 9; reenacted, Laws, 1991, ch. 391, § 9; reenacted without change, Laws, 1996, ch. 447, § 9; reenacted without change, Laws, 1997, ch. 468, § 9; Laws, 2002, ch. 301, §7; reenacted without change, Laws, 2004, ch. 514, §7; reenacted without change, Laws, 2006, ch. 494, §9; reenacted, Laws, 2009, ch. 515, §7, eff. 4/8/2009.

§ 69-21-119. Fees for licenses.

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§ 69-21-119. Fees for licenses

- (1) A fee of not more than Five Hundred Dollars (\$ 500.00) for each aircraft owned, operated, used and employed in aerial application by an applicator shall be paid to the department for the issuance or required renewal of a license for an applicator. Each aircraft shall be identified at all times by a device supplied to the registered applicator by the department.
- (2) A fee of not more than Two Hundred Fifty Dollars (\$ 250.00) for each pilot engaged in

aerial application shall be paid to the department for the issuance or required renewal of a license for a pilot. Each pilot shall have in his possession at all times an identification card supplied by the department.

- (3) All of the fees collected under this section shall be deposited in a special fund in the Treasury of the State of Mississippi and subject to appropriation by the Mississippi Legislature. The fees shall be used by the department for the administration and enforcement of this article.

Cite as Miss. Code § 69-21-119

Source: Codes, 1942, § 5011-10; Laws, 1966, ch. 239, § 10; Laws, 1980, ch. 482, § 6; reenacted, Laws, 1983, ch. 304, § 10; reenacted, Laws, 1991, ch. 391, § 10; Laws, 1992, ch. 437, § 1; reenacted without change, Laws, 1996, ch. 447, § 10; reenacted without change, Laws, 1997, ch. 468, §10; reenacted without change, Laws, 1999, ch. 387, §10; Laws, 2000, ch. 329, §1; Laws, 2002, ch. 301, §8; reenacted without change, Laws, 2004, ch. 514, §8; reenacted without change, Laws, 2006, ch. 494, §10; reenacted, Laws, 2009, ch. 515, §8, eff. 4/8/2009.

§ 69-21-121. Disciplinary action against licensee.

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§ 69-21-121. Disciplinary action against licensee

Any person found by the department to have violated any of the provisions of this article, any rule, regulation or written order of the department or any condition or limitation of a license issued by the department shall be subject to disciplinary action. Disciplinary matters shall be conducted as administrative proceedings under Sections 69-25-51 through 69-25-63. Any person found guilty of a violation shall be subject to the administrative or civil penalties as provided by Section 69-25-51.

Cite as Miss. Code § 69-21-121

Source: Codes, 1942, § 5011-11; Laws, 1966, ch. 239, § 11; Laws, 1980, ch. 482, § 7; reenacted, Laws, 1983, ch.

304, § 11; reenacted, Laws, 1991, ch. 391, § 11; reenacted without change, Laws, 1996, ch. 447, § 11; reenacted without change, Laws, 1997, ch. 468, §11; Laws, 2002, ch. 301, §9; reenacted without change, Laws, 2004, ch. 514, §9; reenacted without change, Laws, 2006, ch. 494, §11; reenacted, Laws, 2009, ch. 515, § 9, eff. 4/8/2009.

§ 69-21-123. Repealed.

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§ 69-21-123. Repealed

Cite as Miss. Code § 69-21-123

History. Repealed by operation of law, eff. 6/30/2008, by former Section 69-21-127.

Prior History: (Codes, 1942, § 5011-13; Laws, 1966, ch. 239, § 13; Laws, 1972, ch. 369, § 12; Laws, 1980, ch. 482, § 8; reenacted, Laws, 1983, ch. 304, § 12; reenacted, Laws, 1991, ch. 391, § 12; Laws, 1991, ch. 530, § 14; reenacted without change, Laws, 1996, ch. 447, § 12; reenacted without change, Laws, 1997, ch. 468, §12; reenacted without change, Laws, 1999, ch. 387, §12; reenacted without change, Laws, 2006, ch. 494, §12, eff. 3/27/2006.)

§ 69-21-125. Penalties for violations; injunctive relief to prevent violations.

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§ 69-21-125. Penalties for violations; injunctive relief to prevent violations

- (1) Violation of this article, the rules and regulations adopted by the department, a condition included in a license issued by the department or an order issued by the department shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$ 500.00), or by imprisonment in the county jail for not more than six (6) months, or by both fine and imprisonment.
- (2) The department shall have the authority to file in any court of competent jurisdiction injunctive proceedings against any person violating the provisions of this article or the rules and regulations promulgated by the department for the administration and enforcement of this article.

Cite as Miss. Code § 69-21-125

Source: Codes, 1942, § 5011-12; Laws, 1966, ch. 239, § 12; Laws, 1974, ch. 419; reenacted, Laws, 1983, ch. 304, § 13; reenacted, Laws, 1991, ch. 391, § 13; reenacted without change, Laws, 1996, ch. 447, § 13; reenacted without change, Laws, 1997, ch. 468, §13; Laws, 2002, ch. 301, §10; reenacted without change, Laws, 2004, ch. 514, §10; reenacted without change, Laws, 2006, ch. 494, §13; reenacted, Laws, 2009, ch. 515, §10, eff. 4/8/2009.

§ 69-21-126. Licensees required to maintain and furnish records and reports regarding certain activities.

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§ 69-21-126. Licensees required to maintain and furnish records and reports regarding certain activities

The department may require any holder of an applicator's or pilot's license to maintain records and furnish reports giving any information with respect to the licensee's purchase and application of any agricultural substances and any other aspect of the licensee's activities under this article.

Cite as Miss. Code § 69-21-126

Source: Laws, 2009, ch. 515, §11, eff. 4/8/2009.

§ 69-21-127. Repealed.

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§ 69-21-127. Repealed

Cite as Miss. Code § 69-21-127

History. Repealed by Laws of 2009, ch. 515, §20, eff. 4/8/2009.

Prior History: (Laws, 1979, ch. 301, § 17; ch. 357, § 3; Laws, 1983, ch. 304, § 14; Laws, 1991, ch. 391, § 14; Laws, 1996, ch. 447, § 14; Laws, 1997, ch. 468, §14; Laws, 2002, ch. 301, §11; Laws, 2004, ch. 514, §11; Laws, 2006, ch. 375, §1; Laws, 2006, ch. 494, §14, eff. 3/27/2006.)

§ 69-21-128. Registration of aircraft used for aerial application of agricultural substances.

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§ 69-21-128. Registration of aircraft used for aerial application of agricultural substances

All aircraft being used for the aerial application of agricultural substances in this state must be registered with the department. Registration shall be valid for a period of time established by rules and regulation.

Cite as Miss. Code § 69-21-128

Source: Laws, 2009, ch. 515, §12, eff. 4/8/2009.

§§ 69-21-129 through 69-21-141. Repealed.

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§§ 69-21-129 through 69-21-141. Repealed

Cite as Miss. Code § 69-21-129 through 69-21-141

History. Repealed by Laws of 2009, ch. 515, §19, eff. 4/8/2009.

Prior History: (§ 69-21-129. [Laws, 2002, ch. 301, §12, eff. 1/31/2002.]

§ 69-21-131. [Laws, 2002, ch. 301, §13, eff. 1/31/2002.]

§ 69-21-133. [Laws, 2002, ch. 301, §14, eff. 1/31/2002.]

§ 69-21-135. [Laws, 2002, ch. 301, § 15, eff. 1/31/2002.]

§ 69-21-137. [Laws, 2002, ch. 301, §16, eff. 1/31/2002.]

§ 69-21-139. [Laws, 2002, ch. 301, §17, eff. 1/31/2002.]

§ 69-21-141. [Laws, 2002, ch. 301, §18, eff. 1/31/2002.]])