

**217B.120 Assessment of civil penalties, suspension, revocation, delay, or modification of license or registration -- Causes.**

The department may assess civil penalties as provided by KRS 217B.193, or may suspend, revoke, delay issuing, or modify the provision of any license or registration issued under this chapter, if it finds that the applicant or holder has committed any of the following acts, each of which is declared to be a violation of this chapter:

- (1) Made false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized;
- (2) Made a pesticide recommendation or application not in accordance with the label registered by the department under KRS 217.541 to 217.640;
- (3) Applied known ineffective or improper materials;
- (4) Operated faulty or unsafe equipment;
- (5) Operated application equipment in a careless or negligent manner;
- (6) Refused or, after notice, neglected to comply with the provisions of this chapter, the administrative regulations promulgated under this chapter, or of any lawful order of the department;
- (7) Refused or neglected to keep and maintain the records required by this chapter, or to make reports when and as required;
- (8) Made false or fraudulent records, invoices, or reports;
- (9) Engaged in the business of the application of a pesticide without having a licensed applicator or operator in direct "on-the-job" supervision;
- (10) Operated unregistered equipment;
- (11) Used fraud or misrepresentation in making an application for a license or registration or renewal of a license or registration;
- (12) Refused or neglected to comply with any limitations or restrictions on or in a duly issued license or registration;
- (13) Aided or abetted a licensed or an unlicensed person to evade the provisions of this chapter, combined or conspired with a licensed or an unlicensed person to evade the provisions of this chapter, or allowed one's license to be used by an unlicensed person;
- (14) Made false or misleading statements during or after an inspection concerning any infestation or infection of pests found on land;
- (15) Impersonated any state, county, or city inspector or official;
- (16) Made a sale to, or distributed a restricted use pesticide to, an uncertified applicator;
- (17) Failed to obtain any license or registration required by this chapter;
- (18) Failed to obtain or maintain financial responsibility required by this chapter;
- (19) Failed to comply with the provisions of KRS 217B.190;
- (20) Failed to provide direct on-the-job supervision of a trainee by a licensed operator or applicator in the application of a pesticide;

- (21) Failed to follow notification and information requirements in accordance with KRS 217B.300, including:
- (a) Failure to provide customer written information prior to application;
  - (b) Failure to place lawn marker;
  - (c) Failure to meet minimum requirements for lawn marker;
  - (d) Failure to furnish customer proper information at application; or
  - (e) Failure to furnish prior notification of application when requested; or
- (22) Failed to follow notification and information requirements in accordance with KRS 217B.320, including:
- (a) Failure to place golf course marker immediately after application;
  - (b) Failure to meet minimum requirements for golf course marker; or
  - (c) Failure to furnish prior notification of application when requested.

**Effective:** July 14, 2000

**History:** Amended 2000 Ky. Acts ch. 172, sec. 14, effective July 14, 2000. -- Amended 1992 Ky. Acts ch. 250, sec. 4, effective July 14, 1992. -- Amended 1978 Ky. Acts ch. 384, sec. 73, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 148, sec. 11. -- Created 1972 Ky. Acts ch. 130, sec. 12.