

217B.140 Claim of damage -- When filed -- Effect -- Inspection of damaged property.

- (1) The person claiming damages from pesticide application shall file with the department a written statement claiming that he has been damaged, on a form prescribed by the department, within sixty (60) days after the date that damages occurred, or prior to the time that twenty-five percent (25%) of a crop damaged has been harvested. The statement shall contain, but shall not be limited to, the name of the person responsible for the application of the pesticide, the name of the owner or lessee of the land on which the crop is grown and for which damages are claimed, and the date on which it is alleged that the damage occurred. The department shall prepare a form to be furnished to persons to be used in those cases and the form shall contain other requirements as the department may deem proper. The department shall, upon receipt of the statement, notify the licensee and the owner or lessee of the land or other person who may be charged with the responsibility, for the damages claimed, and furnish copies of the statements as may be requested.
- (2) The filing of a report or the failure to file a report need not be alleged in any complaint which might be filed in a court of law, and the failure to file the report shall not be considered any bar to the maintenance of any criminal or civil action. The failure to file a report shall not be a violation of this chapter. If the person failing to file the report is the only one injured from the use or application of a pesticide by others, the department may, when in the public interest, refuse to hold a hearing for the denial, suspension, or revocation of a license or registration issued under this chapter until the report is filed.
- (3) When damage is alleged to have been done, the claimant shall permit the licensee, registration holder, and his representatives, such as bondsman or insurer, to observe within reasonable hours the lands or nontarget organism alleged to have been damaged in order that the damage may be examined. Failure of the claimant to permit the observation and examination of the damaged lands shall automatically bar the claim against the licensee or registration holder.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 172, sec. 16, effective July 14, 2000. -- Amended 1974 Ky. Acts ch. 148, sec. 13. -- Created 1972 Ky. Acts ch. 130, sec. 14.