

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1201

Short Title: Pesticide Spraying on Rights-of-Way. (Public)

Sponsors: Representatives Harrison, Insko, Martin, Glazier (Primary Sponsors); Fisher and Harrell.

Referred to: Public Utilities, if favorable, Environment and Natural Resources.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO REQUIRE, PRIOR TO APPLYING PESTICIDES TO RIGHTS-OF-WAY, THAT TELEGRAPH, TELEPHONE, ELECTRIC, AND LIGHTING COMPANIES NOTIFY PROPERTY OWNERS OF THE RIGHTS-OF-WAY OR ADJACENT TO SUCH LAND THAT PESTICIDES ARE TO BE APPLIED TO THE LAND AND TO PROVIDE THESE PROPERTY OWNERS WITH THE OPPORTUNITY TO STOP SUCH APPLICATION FROM TAKING PLACE ON THEIR LAND.

The General Assembly of North Carolina enacts:

SECTION 1. Article 9 of Chapter 62 of the General Statutes is amended by adding a new section to read:

"§ 62-193. Notification of pesticide spraying of rights-of-way.

(a) Every telegraph, telephone, or electric power or lighting company shall, at least 72 hours before the application is to occur, notify every property owner of land on which a right-of-way is located or that adjoins a right-of-way that any pesticide, as defined in G.S. 143-460 and subject to regulation under Article 52 of Chapter 143 of the General Statutes, is to be applied upon such land. The notice shall include the specific pesticide or combination of pesticides that are to be applied, the date and time of application, and a telephone number and Internet Web site that the property owner can contact to stop the application from taking place on the property owner's land. The telegraph, telephone, or electric power or lighting company shall not apply any pesticide on the land of a property owner who has requested that the application not take place.

(b) Every telegraph, telephone, or electric power or lighting company shall develop and implement systems and written procedures to prevent the application of any pesticide on any land in violation of this section."

SECTION 2. This act becomes effective October 1, 2009, and applies to any spraying that occurs on or after that date.

