



ADMINISTRATIVE RULES OF MONTANA



4.10.104 JUDGMENT OF DAMAGES AND/OR INJURY

- (1) A judgment rendered in any court of competent jurisdiction, of this state or any other state, or of the United States, against a licensee or certificate holder, upon a cause of action arising out of any pesticide use, misuse, or attempted use or application, filed with the department; and a written agreement, mutually agreed upon between the licensee and the individual experiencing property damage or bodily injury, as to the fact of damages and the dollar value thereof, duly notarized and filed with the department, are for all purposes within these rules, denominated as judgments.
- (2) No licensee nor certificate holder shall permit any judgment against them for damages or injury arising out of their pesticide operation to remain unsatisfied for a period of more than 30 calendar days.
- (3) Individuals experiencing non-crop vegetative damage may upon mutual agreement with the licensee delay the final determination of the dollar amount of the damage, and judgment thereon, for a period of time, not to exceed one year from the date damage is first observed by the damaged party.
- (4) Individuals experiencing crop damage may upon mutual agreement with the licensee delay the final determination of the dollar amount of crop damage for a period of time, not to exceed 60 days following the completion of harvest on the crops and fields allegedly damaged, provided that the licensee and the individual experiencing crop damage provide an estimate to the department of the approximate dollar value of the damages, and if necessary, that the licensee provides evidence of damaged party for the estimated damages and still maintain their minimum required financial responsibility under ARM 4.10.101.

Authorizing statute(s): 80-8-105, MCA

Implementing statute(s): 80-8-214, MCA

History: NEW, 1979 MAR p. 437, Eff. 5/11/79; AMD, 2025 MAR, 4-24-284, Eff. 1/25/25.