
By: **Senator Giannetti**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 10, 2005

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 28, 2005

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 9, 2005

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Tree Experts - Licensing**

3 FOR the purpose of altering the definition of "tree expert" to require a person who
4 performs certain work relating to trees to be licensed and subject to certain
5 regulations by the Department of Natural Resources; establishing that certain
6 persons are not tree experts for certain purposes; making technical changes; and
7 generally relating to tree experts.

8 BY repealing and reenacting, with amendments,
9 Article - Natural Resources
10 Section 5-415, 5-417, 5-418, 5-419, 5-420, 5-421, and 5-423
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Natural Resources
15 Section 5-416 and 5-422
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2004 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Natural Resources

2 5-415.

3 (a) In this part, the following words have the meanings indicated.

4 (b) "Licensed tree expert" means a person who has received from the
5 Department a license displaying [his] THE PERSON'S qualifications to practice as a
6 tree expert.7 (c) (1) "Tree expert" means a person who [holds himself out as being]
8 REPRESENTS TO THE PUBLIC THAT THE PERSON IS skilled in the science of tree care
9 OR REMOVAL and who, whether in [his own] THE business OF THE PERSON or as the
10 employee of another person and whether under the title of arborist, tree specialist,
11 tree surgeon, tree expert, or otherwise, engages in the business or work of the
12 treatment, [and] care, [of] OR REMOVAL OF trees for compensation by:13 (1) (I) [making] MAKING diagnoses, prescribing, and supervising the
14 treatment for trees; OR15 (2) (II) TRIMMING, PRUNING, THINNING, CABLING, SHAPING,
16 REMOVING, OR REDUCING THE CROWN OF TREES.17 (2) "TREE EXPERT" DOES NOT INCLUDE:18 (I) A PERSON ENGAGED IN COMMERCIAL LOGGING OR TIMBER
19 HARVESTING OPERATIONS AS DEFINED IN § 5-1601 OF THIS TITLE;20 (II) A PERSON ENGAGED IN THE INSTALLATION OF UNDERGROUND
21 FACILITIES OR ANY ASSOCIATED SITE CONSTRUCTION; AND22 (III) A PERSON WHO TREATS, CARES FOR, OR REMOVES A TREE, AS
23 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THAT IS 20 FEET TALL OR LESS.
24 5-416.25 The Department may examine applicants for licensing as tree experts and pass
26 upon their competence.

27 5-417.

28 A person may not engage in the work or business of a tree expert without a
29 license issued under the provisions of this part. An employee, under the supervision of
30 a licensed tree expert may not be required to have a license in [his own] THE name
31 OF THE EMPLOYEE.

32 5-418.

33 (a) The Department may examine an applicant for license as a tree expert and
34 pass upon [his] THE competence OF THE APPLICANT. It shall issue a "tree expert"
35 license to any applicant, who:

- 1 (1) Pays the fee provided in § 5-419;
- 2 (2) Has attained [his eighteenth birthday] 18 YEARS OF AGE;
- 3 (3) (i) Has had 2 years of approved college education in forestry,
4 arboriculture, horticulture, applied agricultural sciences, or the equivalent education
5 and a minimum of 1 year of experience with a licensed tree expert in Maryland or
6 with an acceptable tree expert company in another state; or
- 7 (ii) For at least 5 years immediately preceding the date of [his]
8 application has been engaged continuously in practice as a tree expert with a licensed
9 tree expert in Maryland or with an acceptable tree expert company in another state;
10 and
- 11 (4) Has passed the examination given by the Department.

12 (b) Every licensee shall carry and show proof of liability and property damage
13 insurance, in the form and amount required by the Department at the time it issues
14 the license. The licensee shall maintain the insurance protection for the period the
15 license is in effect.

16 5-419.

17 (a) An applicant shall pay to the Department at the time of making [his]
18 application, a fee of \$30. An applicant who fails any examination, shall pay an
19 additional fee of \$20 for each subsequent examination [he] THE APPLICANT takes.

20 (b) A tree expert license shall be renewed annually. A person who holds a
21 license and wishes to renew it shall pay a \$10 annual renewal fee.

22 (c) Fees the Department receives shall be paid into the State Treasury for the
23 Department's use. The Secretary shall prepare an annual report on the number of
24 licenses issued and the receipts and expenses under Part III of this subtitle during
25 each fiscal year.

26 5-420.

27 The Department shall prepare and conduct examinations as often as necessary,
28 but at least once a year if there are any applicants. A candidate who has passed the
29 examination in all but one of the subjects given may be reexamined in that subject
30 only at any subsequent examination held, and if [he] THE CANDIDATE passes that
31 subject [he] THE CANDIDATE is considered to have passed the examination. The
32 Department, however, may decide to reexamine an unsuccessful candidate in every
33 subject.

34 5-421.

35 (a) The Department may permanently revoke or temporarily suspend the
36 license of any licensed tree expert who is found guilty of any fraud or deceit in

1 obtaining the license, or guilty of negligence or wrongful conduct in the practice of
2 tree culture or care.

3 (b) The Department may promulgate rules of ethics and temporarily suspend
4 for a period not to exceed two years the license of any licensed tree expert who violates
5 the rules of ethics. This power of suspension is in addition to, and not in limitation of,
6 the power to revoke or suspend provided in subsection (a).

7 (c) A license issued under this subtitle may not be revoked or suspended until
8 after the licensee has a hearing before the Department. Notice of the cause for
9 suspension or revocation and the hearing date shall be sent to the licensee at [his]
10 THE last known address OF THE LICENSEE by registered or certified mail at least 20
11 days before the hearing. The nonappearance of the licensee after the required notice
12 has been given, does not prevent holding the hearing.

13 (d) The Department may reissue any tree expert's license previously revoked
14 under rules and regulations it prescribes.

15 5-422.

16 The Department may issue and grant a license to or otherwise authorize the
17 practice as a tree expert in Maryland by any person who is a lawful holder of a tree
18 expert license under the laws of another state which extends similar privileges to
19 licensed tree experts of this State. The requirements for the license in the state which
20 has granted it must be, in the opinion of the Department, at least equivalent to those
21 provided for in Maryland.

22 5-423.

23 (a) A person may not: (1) solicit, advertise, or represent [himself] THE
24 PERSON to the public as a tree expert, or assume to practice as a tree expert without
25 having received a license; or (2) after having received the license and subsequently
26 losing it by revocation or suspension continue to practice as a tree expert, or; (3) use
27 the title or abbreviation "L.T.E." or any other words, letters, or abbreviations tending
28 to indicate that [he] THE PERSON is a licensed tree expert or a tree expert without
29 having received a license, or when the license has been revoked or suspended.

30 (b) If the owner of a tree employs any person to [trim the tree, the owner is
31 not subject to this penalty] ENGAGE IN THE PRACTICE OF A "LICENSED TREE
32 EXPERT" AS PROVIDED IN § 5-415, THE OWNER IS NOT SUBJECT TO THIS PENALTY.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2005.

