

# HOUSE BILL 832

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CF 5lr1958

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By: **Delegate Frush**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Licensed Tree Experts – Insurance and Fees**

3 FOR the purpose of requiring an insurer that provides proof of liability or property damage  
4 coverage to a licensed tree expert to notify the Department of Natural Resources in  
5 a certain manner of any termination of either type of insurance coverage; repealing  
6 certain restrictions on the amounts of the application or renewal fees for tree expert  
7 licenses; authorizing the Department to permanently revoke or suspend the license  
8 of any tree expert who fails to maintain certain liability or property damage  
9 insurance; and generally relating to insurance and fees for licensed tree experts.

10 BY repealing and reenacting, with amendments,  
11 Article – Natural Resources  
12 Section 5–418, 5–419, and 5–421(a)  
13 Annotated Code of Maryland  
14 (2012 Replacement Volume and 2014 Supplement)

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

17 **Article – Natural Resources**

18 5–418.

19 (a) The Department may examine an applicant for license as a tree expert and  
20 pass upon the competence of the applicant. It shall issue a “tree expert” license to any  
21 applicant, who:

22 (1) Pays the fee provided in § 5–419 of this subtitle;

23 (2) Has attained 18 years of age;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (3) (i) Has had 2 years of approved college education in forestry,  
2 arboriculture, horticulture, applied agricultural sciences, or the equivalent education and  
3 a minimum of 1 year of experience with a licensed tree expert in Maryland or with an  
4 acceptable tree expert company in another state; or

5 (ii) For at least 3 years immediately preceding the date of application  
6 has been engaged continuously in practice as a tree expert with a licensed tree expert in  
7 Maryland or with an acceptable tree expert company in another state; and

8 (4) Has passed the examination given by the Department.

9 (b) (1) Every licensee shall carry and show proof of liability and property  
10 damage insurance, in the form and amount required by the Department at the time it issues  
11 the license. The licensee shall maintain the insurance protection for the period the license  
12 is in effect.

13 (2) **AN INSURER WHO PROVIDES PROOF OF LIABILITY OR PROPERTY**  
14 **DAMAGE COVERAGE TO A LICENSED TREE EXPERT SHALL IMMEDIATELY NOTIFY THE**  
15 **DEPARTMENT ELECTRONICALLY OF ANY TERMINATION OF EITHER TYPE OF**  
16 **INSURANCE COVERAGE.**

17 5-419.

18 (a) An applicant shall pay to the Department at the time of making application,  
19 a fee set by the Department by regulation [in an amount not to exceed the costs of  
20 processing the application].

21 (b) (1) A tree expert license shall be renewed in accordance with a timetable  
22 and procedure established by the Department by regulation.

23 (2) A person who holds a license and wishes to renew it shall pay a fee set  
24 by the Department by regulation [in an amount not to exceed the costs of processing the  
25 license renewal].

26 (3) After September 1, 2017, to qualify for the renewal of a tree expert  
27 license, a licensed tree expert shall complete the professional development curriculum  
28 established by the Department by regulation.

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

32 5-421.

33 (a) (1) The Department may permanently revoke or temporarily suspend the  
34 license of any licensed tree expert who:

1 (i) Is found guilty of any fraud or deceit in obtaining the license, or  
2 guilty of negligence of wrongful conduct in the practice of tree culture or care; [or]

3 (II) FAILS TO MAINTAIN LIABILITY AND PROPERTY DAMAGE  
4 INSURANCE IN AN AMOUNT REQUIRED BY THE DEPARTMENT; OR

5 [(ii)] (III) In the Chesapeake and Atlantic Coastal Bays Critical  
6 Area, as defined under § 8-1802 of this article, fails to comply with:

- 7 1. The terms of a State or local permit, license, or approval;  
8 or  
9 2. Any State or local law, an approved plan, or other legal  
10 requirement.

11 (2) The Critical Area Commission shall notify the Department of any tree  
12 expert who fails to comply with any requirement under paragraph [(1)(ii)] (1)(III) of this  
13 subsection.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2015.