

# HOUSE BILL 1311

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CF SB 867

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By: **Delegates Beitzel, Buckel, and McKay**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~**Allegany County and Garrett County – Definition of “Tree Expert” – Alteration**~~  
3 ~~**Natural Resources – Tree Expert License – Eligibility Criteria**~~

4 FOR the purpose of altering ~~the definition of “tree expert” to exclude, in Allegany County~~  
5 ~~and Garrett County, a person who has participated in a certain program and has~~  
6 ~~been engaged continuously in the practice of timber harvesting for a certain number~~  
7 ~~of years, carries certain liability and property damage insurance, and is compensated~~  
8 ~~for cutting, trimming, or removing certain trees on private property~~ the eligibility  
9 criteria for an applicant for a tree expert license to be issued a license; making  
10 stylistic changes; providing for the termination of this Act; and generally relating to  
11 tree experts.

12 BY repealing and reenacting, with amendments,  
13 Article – Natural Resources  
14 Section ~~5-415~~ 5-418  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Natural Resources**

20 5-418.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) The Department may examine an applicant for license as a tree expert and  
 2 pass upon the competence of the applicant.

3 (B) [It] THE DEPARTMENT shall issue a “tree expert” license to any applicant,  
 4 who:

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

6 (2) Has attained 18 years of age;

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

11 (ii) **HAS, WITHIN THE IMMEDIATELY PRECEDING 3 YEARS:**

12 **1. ACHIEVED ACTIVE MASTER LOGGER STATUS FROM**  
 13 **THE UNIVERSITY OF MARYLAND EXTENSION’S MARYLAND-DELAWARE MASTER**  
 14 **LOGGER PROGRAM; AND**

15 **2. HELD A FOREST PRODUCT OPERATOR’S LICENSE**  
 16 **ISSUED UNDER § 5-608 OF THIS TITLE; OR**

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

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

21 ~~[(b)]~~ (C) (1) Every licensee shall carry and show proof of liability and  
 22 property damage insurance, in the form and amount required by the Department at the  
 23 time it issues the license.

24 (2) The licensee shall maintain the insurance protection for the period the  
 25 license is in effect.

26 ~~5-415.~~

27 ~~(a) In this part the following words have the meanings indicated.~~

28 ~~(b) “Licensed tree expert” means a person who has received from the Department~~  
 29 ~~a license displaying the person’s qualifications to practice as a tree expert.~~

30 ~~(c) (1) “Tree expert” means a person who represents to the public that the~~  
 31 ~~person is skilled in the science of tree care or removal and who, whether in the business of~~

~~the person or as the employee of another person and whether under the title of arborist, tree specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of the treatment, care, or removal of trees for compensation by:~~

~~(i) Making diagnoses, prescribing, and supervising the treatment for trees; or~~

~~(ii) Trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees.~~

~~(2) "Tree expert" does not include:~~

~~(i) A person engaged in commercial logging or timber harvesting operations as defined in § 5-1601 of this title;~~

~~(ii) A person engaged in the installation of underground facilities or any associated site construction; [or]~~

~~(iii) A person who treats, cares for, or removes a tree, as described in paragraph (1) of this subsection, that is 20 feet tall or less; OR~~

~~(IV) IN ALLEGANY COUNTY AND GARRETT COUNTY, A PERSON WHO:~~

~~1. FOR THE IMMEDIATELY PRECEDING 3 YEARS, HAS:~~

~~A. PARTICIPATED IN THE DEPARTMENT'S MARYLAND MASTER LOGGING PROGRAM; AND~~

~~B. BEEN ENGAGED CONTINUOUSLY IN THE PRACTICE OF TIMBER HARVESTING;~~

~~2. CARRIES LIABILITY AND PROPERTY DAMAGE INSURANCE IN THE SAME FORM AND AMOUNT AS IS REQUIRED FOR A LICENSED TREE EXPERT UNDER § 5-418(B) OF THIS SUBTITLE; AND~~

~~3. IS COMPENSATED FOR CUTTING, TRIMMING, OR REMOVING TREES ON PRIVATE PROPERTY THAT ARE:~~

~~A. DEAD;~~

~~B. DISEASED; OR~~

~~C. A SAFETY HAZARD TO PROPERTY, BUILDINGS, OR OTHER STRUCTURES ON THE PRIVATE PROPERTY.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2020. It shall remain effective for a period of 2 years and, at the end of September  
3 30, 2022, this Act, with no further action required by the General Assembly, shall be  
4 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.