

# SENATE BILL 683

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CF HB 561

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By: **Senator Hester**

Introduced and read first time: January 29, 2024

Assigned to: Education, Energy, and the Environment

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2024

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

1 AN ACT concerning

2 **Tree Expert Licenses – ~~Workers’ Compensation Insurance Requirements and~~**  
3 **Application and Renewal Fee Alterations and Insurance Requirements**

4 FOR the purpose of ~~requiring a licensed tree expert, or a business that employs a licensed~~  
5 ~~tree expert, to carry and show proof of certain workers’ compensation insurance for~~  
6 ~~certain employees; repealing certain provisions of law establishing that certain~~  
7 ~~application and renewal fees may not exceed certain amounts~~ specifying the  
8 maximum amounts of certain fees established by the Department of Natural  
9 Resources by regulation; authorizing the Department of ~~Natural Resources~~ to  
10 permanently revoke or temporarily suspend a tree expert license if the license holder  
11 fails to maintain ~~workers’ compensation~~ certain insurance in a certain manner; and  
12 generally relating to tree expert licenses.

13 BY repealing

14 Article – Natural Resources  
15 Section 5–416  
16 Annotated Code of Maryland  
17 (2023 Replacement Volume and 2023 Supplement)

18 BY adding to

19 Article – Natural Resources  
20 Section 5–416  
21 Annotated Code of Maryland  
22 (2023 Replacement Volume and 2023 Supplement)

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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 BY repealing and reenacting, without amendments,  
2 Article – Natural Resources  
3 Section ~~5–417~~ and ~~5–418~~  
4 Annotated Code of Maryland  
5 (2023 Replacement Volume and 2023 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Natural Resources  
8 Section ~~5–418~~, ~~5–419~~, ~~5–419~~ and 5–421  
9 Annotated Code of Maryland  
10 (2023 Replacement Volume and 2023 Supplement)

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

13 **Article – Natural Resources**

14 **[5–416.**

15 The Department may examine applicants for licensing as tree experts and pass upon  
16 their competence.]

17 **5–416.**

18 **(A) IN ORDER TO FOSTER AND PROMOTE CONSUMER PROTECTIONS,**  
19 **ENSURE THE RESPONSIBLE AND ETHICAL MANAGEMENT OF NATURAL RESOURCES,**  
20 **AND PROMOTE INDUSTRY SAFETY, THE DEPARTMENT SHALL FACILITATE THE**  
21 **LICENSING OF TREE EXPERTS IN ACCORDANCE WITH THIS PART.**

22 **(B) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT ~~THE~~**  
23 **~~PROVISIONS OF~~ THIS PART.**

24 **5–417.**

25 (a) (1) A person may not engage in the work or business of a tree expert  
26 without a license issued under the provisions of this part.

27 (2) An employee under the supervision of a licensed tree expert may not be  
28 required to have a license in the name of the employee.

29 (b) A licensed tree expert shall within a time period established by the  
30 Department notify the Department electronically of:

31 (1) Any company that engages in the business or work of the treatment,  
32 care, or removal of trees for compensation under the tree expert's license, and any changes  
33 to that status; and

1 (2) The liability and property damage insurance and workers'  
2 compensation insurance carried by any company that engages or works under the tree  
3 expert's license, and any changes to the insurance.

4 5-418.

5 (a) The Department may examine an applicant for license as a tree expert and  
6 pass upon the competence of the applicant. It shall issue a "tree expert" license to any  
7 applicant, who:

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

9 (2) Has attained 18 years of age;

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

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

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

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

22 ~~(C) EVERY LICENSEE, OR BUSINESS EMPLOYING A LICENSEE, SHALL CARRY~~  
23 ~~AND SHOW PROOF OF WORKERS' COMPENSATION INSURANCE IN THE FORM AND~~  
24 ~~AMOUNT REQUIRED BY THE DEPARTMENT FOR EACH EMPLOYEE WORKING UNDER~~  
25 ~~THE SUPERVISION OF THE LICENSED TREE EXPERT UNDER § 5-417(A)(2) OF THIS~~  
26 ~~PART.~~

27 5-419.

28 (a) ~~As~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN applicant shall pay  
29 to the Department at the time of making application, a fee set by the Department by  
30 regulation [in an amount not to exceed the costs of processing the application].

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

1 (2) ~~A~~ **SUBJECT TO SUBSECTION (C) OF THIS SECTION**, A person who  
2 holds a license and wishes to renew it shall pay a fee set by the Department by regulation  
3 [in an amount not to exceed the costs of processing the license renewal].

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

7 (c) **FEEES ESTABLISHED IN ACCORDANCE WITH THIS SECTION MAY NOT**  
8 **EXCEED:**

9 (1) **FOR THE EXAMINATION FEE.....\$45;**

10 (2) **FOR THE INITIAL LICENSE FEE.....\$55;**

11 **AND**

12 (3) **FOR THE RENEWAL FEE.....\$100.**

13 (D) (1) Fees the Department receives shall be paid into the State Treasury for  
14 the Department's use.

15 (2) (I) The Secretary shall prepare an annual report on the number of  
16 licenses issued and the receipts and expenses under Part III of this subtitle during each  
17 fiscal year.

18 (II) **ON OR BEFORE NOVEMBER 1 EACH YEAR, THE SECRETARY**  
19 **SHALL SUBMIT THE ANNUAL REPORT REQUIRED UNDER THIS PARAGRAPH TO THE**  
20 **GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT**  
21 **ARTICLE.**

22 5-421.

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

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

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

29 1. The terms of a State or local permit, license, or approval;  
30 or

31 2. Any State or local law, an approved plan, or other legal  
32 requirement; **OR**

1 (III) FAILS TO MAINTAIN LIABILITY, PROPERTY, OR WORKERS'  
2 COMPENSATION INSURANCE ~~IN ACCORDANCE WITH § 5-418(C) OF THIS PART AS~~  
3 REQUIRED BY LAW.

4 (2) The Critical Area Commission shall notify the Department of any tree  
5 expert who fails to comply with any requirement under paragraph (1)(ii) of this subsection.

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

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

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.