

HOUSE BILL 503

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1998 Regular Session
8r2088
CF SB 95

By: **Delegate Frush**

Introduced and read first time: February 5, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Tree Experts - Definition**

3 FOR the purpose of altering the definition of "tree expert" to require a person who
4 performs certain acts relating to trees to be licensed and subject to certain
5 regulations by the Department of Natural Resources; and generally relating to
6 tree experts.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-415, 5-417, 5-418, 5-419, 5-420, 5-421, and 5-423
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article - Natural Resources
14 Section 5-416 and 5-422
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 1997 Supplement)

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

19 **Article - Natural Resources**

20 5-415.

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

22 (b) "Licensed tree expert" means a person who has received from the
23 Department a license displaying his qualifications to practice as a tree expert.

24 (c) "Tree expert" means a person who [holds himself out as being]
25 REPRESENTS TO THE PUBLIC THAT THE PERSON IS skilled in the science of tree care
26 OR REMOVAL and who, whether in [his own] THE business OF THE PERSON or as the
27 employee of another person and whether under the title of arborist, tree specialist,

1 tree surgeon, tree expert, or otherwise, engages in the business or work of the
2 treatment, [and] care, [of] OR REMOVAL OF trees for compensation by:

3 (1) [making] MAKING diagnoses, prescribing, and supervising the
4 treatment for trees; OR

5 (2) TRIMMING, PRUNING, THINNING, CABLING, SHAPING, REMOVING, OR
6 REDUCING THE CROWN OF TREES.

7 5-416.

8 The Department may examine applicants for licensing as tree experts and pass
9 upon their competence.

10 5-417.

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

15 5-418.

16 (a) The Department may examine an applicant for license as a tree expert and
17 pass upon [his] THE competence OF THE APPLICANT. It shall issue a "tree expert"
18 license to any applicant, who: (1) pays the fee provided in § 5-419; (2) has attained
19 [his eighteenth birthday] 18 YEARS OF AGE; (3) (i) has had 2 years of approved college
20 education in forestry, arboriculture, horticulture, applied agricultural sciences, or the
21 equivalent education and a minimum of 1 year of experience with a licensed tree
22 expert in Maryland or with an acceptable tree expert company in another state; or (ii)
23 for at least 5 years immediately preceding the date of [his] application has been
24 engaged continuously in practice as a tree expert with a licensed tree expert in
25 Maryland or with an acceptable tree expert company in another state; and (4) has
26 passed the examination given by the Department.

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

31 5-419.

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

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

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

5 5-420.

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

13 5-421.

14 (a) The Department may permanently revoke or temporarily suspend the
15 license of any licensed tree expert who is found guilty of any fraud or deceit in
16 obtaining the license, or guilty of negligence or wrongful conduct in the practice of
17 tree culture or care.

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

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

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

30 5-422.

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

37 5-423.

38 (a) A person may not: (1) solicit, advertise, or represent [himself] THE
39 PERSON to the public as a tree expert, or assume to practice as a tree expert without

1 having received a license; or (2) after having received the license and subsequently
2 losing it by revocation or suspension continue to practice as a tree expert, or; (3) use
3 the title or abbreviation "L.T.E." or any other words, letters, or abbreviations tending
4 to indicate that [he] THE PERSON is a licensed tree expert or a tree expert without
5 having received a license, or when the license has been revoked or suspended.

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 1998.