

HOUSE BILL 503

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1998 Regular Session  
8r2088  
CF SB 95

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By: **Delegate Frush**

Introduced and read first time: February 5, 1998  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 17, 1998

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CHAPTER \_\_\_\_\_

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.

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

3 (c) "Tree expert" means a person who [holds himself out as being]  
4 REPRESENTS TO THE PUBLIC THAT THE PERSON IS skilled in the science of tree care  
5 OR ~~REMOVAL FELLING~~ and who, whether in [his own] THE business OF THE PERSON  
6 or as the employee of another person and whether under the title of arborist, tree  
7 specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of  
8 the treatment, [and] care, [of] OR ~~REMOVAL FELLING~~ OF trees for MONETARY  
9 compensation by:

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

12 (2) TRIMMING, PRUNING, THINNING, CABLING, SHAPING, ~~REMOVING~~  
13 FELLING, OR REDUCING THE CROWN OF TREES.

14 5-416.

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

17 5-417.

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

22 5-418.

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

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

1 5-419.

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

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

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

11 5-420.

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

19 5-421.

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

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

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

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

36 5-422.

37 The Department may issue and grant a license to or otherwise authorize the  
38 practice as a tree expert in Maryland by any person who is a lawful holder of a tree

1 expert license under the laws of another state which extends similar privileges to  
2 licensed tree experts of this State. The requirements for the license in the state which  
3 has granted it must be, in the opinion of the Department, at least equivalent to those  
4 provided for in Maryland.

5 5-423.

6 (a) A person may not: (1) solicit, advertise, or represent [himself] THE  
7 PERSON to the public as a tree expert, or assume to practice as a tree expert ANY OF  
8 THE ACTIVITIES LISTED IN § 5-415(C)(1) OF THIS SUBTITLE without having received a  
9 license; or (2) after having received the license and subsequently losing it by  
10 revocation or suspension continue to practice as a tree expert, or; (3) use the title or  
11 abbreviation "L.T.E." or any other words, letters, or abbreviations tending to indicate  
12 that [he] THE PERSON is a licensed tree expert or a tree expert without having  
13 received a license, or when the license has been revoked or suspended.

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

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