

SENATE BILL 63

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1999 Regular Session
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(PRE-FILED)

By: **Chairman, Economic and Environmental Affairs Committee**
(Departmental - Natural Resources)

Requested: July 27, 1998

Introduced and read first time: January 13, 1999

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Tree Experts - Licensing**

3 FOR the purpose of altering certain application, testing, retesting, and renewal fees
4 for tree expert licenses; altering the requirements for reexamination of certain
5 applications; making certain stylistic changes; and generally relating to tree
6 experts.

7 BY repealing and reenacting, with amendments,
8 Article - Natural Resources
9 Section 5-415, 5-417 through 5-421, and 5-423
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 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 1998 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 skilled in the
25 science of tree care and who, whether in [his own] THE business OF THE PERSON or

1 as the employee of another person and whether under the title of arborist, tree
2 specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of
3 the treatment and care of trees for compensation by making diagnoses, prescribing,
4 and supervising the treatment for trees.

5 5-416.

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

8 5-417.

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

13 5-418.

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

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

30 5-419.

31 (a) An applicant shall pay to the Department at the time of making [his] AN
32 application[,] a fee of [\$30] \$50. An applicant who fails any examination[,] shall pay
33 an additional fee of [\$20] \$30 for each subsequent examination [he] THE APPLICANT
34 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] \$30 annual renewal fee.

37 (c) Fees the Department receives shall be paid into the State treasury for the
38 Department's use. The Secretary shall prepare an annual report on the number of

1 licenses issued and the receipts and expenses under Part III of this subtitle during
2 each fiscal year.

3 5-420.

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

11 5-421.

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

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

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

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

28 5-422.

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

35 5-423.

36 (a) A person may not: (1) solicit, advertise, or represent [himself] to the public
37 THAT THE PERSON [as] IS a tree expert, or assume to practice as a tree expert
38 without having received a license; or (2) after having received the license and
39 subsequently losing it by revocation or suspension continue to practice as a tree

1 expert, or; (3) use the title or abbreviation "L.T.E." or any other words, letters, or
2 abbreviations tending to indicate that [he] THE PERSON is a licensed tree expert or a
3 tree expert without having received a license, or when the license has been revoked or
4 suspended.

5 (b) If the owner of a tree employs any person to trim the tree, the owner is not
6 subject to this penalty.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 1999.