

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 16, 1999

CHAPTER _____

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:

1

Article - Natural Resources

2 5-415.

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

4 (b) "Licensed tree expert" means a person who has received from the
5 Department a license displaying his qualifications to practice as a tree expert.6 (c) "Tree expert" means a person who holds himself out as being skilled in the
7 science of tree care and who, whether in [his own] THE business OF THE PERSON or
8 as the employee of another person and whether under the title of arborist, tree
9 specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of
10 the treatment and care of trees for compensation by making diagnoses, prescribing,
11 and supervising the treatment for trees.

12 5-416.

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

15 5-417.

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

20 5-418.

21 (a) The Department may examine an applicant for license as a tree expert and
22 pass upon [his] THE competence OF THE APPLICANT. [It] THE DEPARTMENT shall
23 issue a "tree expert" license to any applicant, who: (1) pays the fee provided in §
24 5-419; (2) [has attained his eighteenth birthday] IS AT LEAST 18 YEARS OF AGE; (3)
25 (i) has had 2 years of approved college education in forestry, arboriculture,
26 horticulture, applied agricultural sciences, or the equivalent education and a
27 minimum of 1 year of experience with a licensed tree expert in Maryland or with an
28 acceptable tree expert company in another state; or (ii) for at least 5 years
29 immediately preceding the date of [his] application has been engaged continuously in
30 practice as a tree expert with a licensed tree expert in Maryland or with an acceptable
31 tree expert company in another state; and (4) has passed the examination given by
32 the Department.33 (b) Every licensee shall carry and show proof of liability and property damage
34 insurance, in the form and amount required by the Department at the time it issues
35 the license. The licensee shall maintain the insurance protection for the period the
36 license is in effect.

1 5-419.

2 (a) An applicant shall pay to the Department at the time of making [his] AN
3 application[,] a fee of [~~\$30~~] \$50. An applicant who fails any examination[,] shall pay
4 an additional fee of [~~\$20~~] \$30 for each subsequent examination [he] THE APPLICANT
5 takes.

6 (b) A tree expert license shall be renewed annually. A person who holds a
7 license and wishes to renew it shall pay a [~~\$10~~] \$30 annual renewal fee.

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

12 5-420.

13 The Department shall prepare and conduct examinations as often as necessary,
14 but at least once a year if there are any applicants. A candidate who has [passed]
15 ~~FAILED ANY SUBJECT, WHICH IS PART OF~~ the examination [in all but one of the
16 subjects] given may be reexamined in that subject only at any subsequent
17 examination held WITHIN 1 YEAR OF THE DATE THE CANDIDATE TOOK THE INITIAL
18 EXAMINATION, and if [he] THE CANDIDATE passes that subject [he] THE
19 CANDIDATE is considered to have passed the examination. The Department, however,
20 may decide to reexamine an unsuccessful candidate in every subject.

21 5-421.

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

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

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

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

1 5-422.

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

8 5-423.

9 (a) A person may not: (1) solicit, advertise, or represent [himself] to the public
10 THAT THE PERSON [as] IS a tree expert, or assume to practice as a tree expert
11 without having received a license; or (2) after having received the license and
12 subsequently losing it by revocation or suspension continue to practice as a tree
13 expert, or; (3) use the title or abbreviation "L.T.E." or any other words, letters, or
14 abbreviations tending to indicate that [he] THE PERSON is a licensed tree expert or a
15 tree expert without having received a license, or when the license has been revoked or
16 suspended.

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

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