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By: **Senators Jacobs, Blount, Colburn, Ferguson, Hafer, Hooper, Mooney,  
and Schrader**

Introduced and read first time: January 25, 2002

Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Roadside Trees - Exceptions to Permit Requirement**

3 FOR the purpose of establishing certain additional exceptions to the permitting  
4 requirement for cutting or trimming roadside trees; making stylistic changes;  
5 and generally relating to cutting or trimming roadside trees.

6 BY repealing and reenacting, with amendments,  
7 Article - Natural Resources  
8 Section 5-406  
9 Annotated Code of Maryland  
10 (2000 Replacement Volume and 2001 Supplement)

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

13 **Article - Natural Resources**

14 5-406.

15 (a) [Any person who desires to cut down or trim any roadside tree shall apply  
16 to the Department for a permit, except that:] EXCEPT AS PROVIDED IN SUBSECTION  
17 (B) OF THIS SECTION, A PERSON SHALL OBTAIN A PERMIT FROM THE DEPARTMENT  
18 TO CUT DOWN, TRIM, MUTILATE, OR IN ANY MANNER INJURE ANY ROADSIDE TREE.

19 (B) A PERSON MAY CUT DOWN OR TRIM A ROADSIDE TREE WITHOUT A PERMIT  
20 IF IT IS:

21 (1) [if a] A tree THAT is unrooted or its branches broken so as to contact  
22 telephone, telegraph, electric power, or other wires carrying electric current, or if the  
23 tree or its branches endanger persons or property[, the tree or its branches may be  
24 removed without first obtaining a permit from the Department; and];

25 (2) [a] A tree standing within the right-of-way of a public road [which]  
26 THAT has not been surfaced with either stone, shell, gravel, concrete, brick, asphalt,  
27 or other improved surface [may be] IF THE TREE IS cut down and removed by the

1 abutting landowner for [his] THE LANDOWNER'S own use [without first obtaining a  
2 permit];

3           (3)     A TREE PLANTED BY THE PERSON; OR

4           (4)     A TREE LOCATED ON THE PERSON'S PROPERTY.

5     [(b)     A person may not cut down, trim, mutilate, or in any manner injure any  
6 roadside tree, except as authorized by this section, without a permit from the  
7 Department.]

8     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
9 effect October 1, 2002.