

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 168

(Delegates Moe and Frush)

Environmental Matters

Education, Health, and Environmental Affairs

Natural Resources - Tree Experts - Licensing

This bill alters the definition of “tree expert” to include persons who represent themselves to the public as skilled in the trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees. These persons are thus subject to regulation by the Department of Natural Resources (DNR). The bill also specifically exempts loggers, underground utility contractors, and persons who treat, care for, or remove a tree that is 20 feet tall or less.

Fiscal Summary

State Effect: The impact on the total number of regulated entities is unknown; accordingly, special fund revenues from license fees and exam re-take fees could increase or decrease, although the overall impact is not anticipated to be significant. Expenditures would not be significantly affected.

Local Effect: None.

Small Business Effect: Potential meaningful. Small businesses such as landscapers could benefit from the bill’s exemption provision.

Analysis

Current Law: “Tree expert” means a person who holds himself out as being skilled in the science of tree care and who, whether in his/her own business or as the employee of another person and whether under the title of arborist, tree specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of the treatment and care of trees

for compensation by making diagnoses, prescribing, and supervising the treatment for trees.

A person may not engage in the work or business of a tree expert without a tree expert license. DNR must issue a license to any applicant who pays the application fee, is at least 18 years old, meets specified education and experience requirements, and passes an examination given by DNR. An employee under the supervision of a licensed tree expert may not be required to have a license in his own name. Every licensee shall carry and show proof of liability and property damage insurance, in the form and amount required by DNR at the time it issues the license. The application fee for the license is \$30. An applicant who fails any examination shall pay an additional fee of \$20 for each subsequent examination. A tree expert license shall be renewed annually. The annual renewal fee is \$10. Fees are paid into the State Treasury for DNR's use.

Background: In 1996, DNR, in coordination with the Maryland Community Forest Council, the Maryland Arborist Association, and the Mid-Atlantic Chapter of the International Society of Arboriculture, conducted a comprehensive study of the State's tree care industry. The final report included recommendations relating to the Tree Expert Licensing Law. The changes in the bill as introduced were among those included in the report. According to DNR, those entities currently regulated would like those involved with tree removal to also be regulated in order to level the playing field. Currently, there are over 600 licensed tree experts in Maryland.

State Revenues: Although the bill expands the definition of tree expert to include additional persons, it also specifically exempts a person who treats, cares for, or removes a tree that is 20 feet tall or less. DNR does not know how many current licensees could become exempt as a result of the bill. Accordingly, the net effect on the number of licensees is unknown. Depending on whether the total number of licensees increases or decreases, special fund revenues from license fees and exam re-take fees could increase or decrease. However, any such increase or decrease is not anticipated to be significant.

Additional Information

Prior Introductions: Similar legislation was introduced as SB 95/HB 503 of 1998. HB 503 passed the House with amendments; both bills received an unfavorable report by the Senate Economic and Environmental Affairs Committee. HB 1013 of 2002 would have, among other things, modified the definition of "tree expert" to include those who provide consultation regarding the treatment for trees, install tree support systems in trees, and remove, trim, prune, or fertilize trees. HB 1013 received an unfavorable report by the House Environmental Matters Committee.

Cross File: None.

Information Source(s): Department of Natural Resources, Department of Legislative Services

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