

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 217

(Senator Simonaire)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Tree Services - Advertising

This bill prohibits a person from advertising tree services, including treatment, care, or removal of trees, unless the advertisement includes the license number of the licensed tree expert advertising services (in specified form) or a statement that all tree services are limited to trees 20 feet tall or less. A violator is subject to existing criminal penalties.

Fiscal Summary

State Effect: The bill does not substantively change State operations, and the bill's criminal penalties are not expected to materially affect State finances.

Local Effect: None.

Small Business Effect: Potential Minimal.

Analysis

Current Law: A person may not solicit, advertise, or represent himself or herself to the public as a tree expert, or assume to practice as a tree expert, without a license issued by the Department of Natural Resources (DNR). Applicable misdemeanor penalties include a fine of up to \$500 for a first offense and a fine of up to \$1,000 and/or imprisonment for up to one year for a second or subsequent offense.

A "tree expert" is a person who represents to the public that he or she is skilled in the science of tree care or removal and engages in the business or work of the treatment, care, or removal of trees for compensation by (1) making diagnoses, prescribing, and supervising the treatment for trees; or (2) trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees. "Tree expert" does not include a person who treats, cares for, or removes a tree that is 20 feet tall or less.

Background: Maryland's tree expert law is administered by DNR and provides a layer of consumer protection by licensing qualified and insured tree care companies and individuals. Currently, 1,300 tree experts are licensed by DNR.

The number of licensed tree experts has increased considerably in recent years. Chapter 197 of 2005 and Chapter 115 of 2006, respectively, made additional entities subject to regulation as tree experts (by including under the definition of "tree expert" persons who engage in trimming, pruning, thinning, cabling, shaping, removing, or reducing the crown of trees) and relaxed licensing requirements for approximately one year to allow newly regulated firms to qualify for licensure.

DNR enforces the tree expert licensing requirement on a complaint basis, and since the beginning of 2007, has received 174 complaints about tree experts, resulting in 41 citations. The department does not have specific information on how many of those complaints were complaints of unlicensed activity.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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ncs/ljm

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