

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

Senate Bill 211 (Senator Shank)

Education, Health, and Environmental Affairs

Environmental Matters

Natural Resources - Tree Experts - Prohibition

This bill prohibits a licensed tree expert from supervising more than one company that provides tree expert services.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances.

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Current Law: A person may not engage in the work or business of a tree expert or represent themselves to the public as a tree expert without having received a license from the Department of Natural Resources (DNR). A “tree expert” is generally a person who represents that the person 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 over 20 feet tall for compensation. An employee under the supervision of a licensed tree expert is not required to have a license in the name of the employee.

Pursuant to DNR regulations, a licensed tree expert is responsible for the quality and content of all work performed by those working under the licensee. A licensed tree expert must disclose associations with multiple tree care companies to each tree care company for which the licensee provides tree care services or supervision of tree care services.

Background: The Maryland Tree Expert Law, adopted in 1945, addresses tree care work done for compensation on private or public property in the State and protects consumers by licensing qualified and insured tree care companies and individuals. To obtain a license, an individual must (1) be 18 or older; (2) have two years of relevant college education plus a minimum of one year of experience with a licensed tree expert or have five years of continuous experience with a licensed tree expert immediately preceding the date of application; (3) pass a DNR examination; and (4) pay an application fee. Each licensee must carry and show proof of liability and property damage insurance. Pursuant to Chapter 20 of 2011 (SB 80), licenses are currently renewed every two years, but after September 2016, when Chapter 20 terminates, renewals will be required annually. A license application fee is \$30 and the renewal fee is \$25 through September 2016, after which the renewal fee will be \$10.

DNR licensed 1,227 tree experts for calendar 2012. DNR indicates that approximately 15 companies may be left without a supervising licensed tree expert as a result of the bill.

Small Business Effect: The bill may have a significant adverse impact on a small number of tree care companies that will no longer be able to work under the supervision of a licensed tree expert that is also associated with another company. DNR indicates that those companies will need to hire another licensed tree expert who will work only for that company in order to continue their business of offering tree expert services. According to DNR's licensing information, however, the affected small businesses are generally one-person operations or small, family run businesses that may not be able to hire additional staff.

The Maryland Arborist Association indicates that requiring each company to have a licensed tree expert that works only with that company will help to ensure the safety of those engaged in the industry.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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