

HOUSE BILL 612

M1

3lr2385
CF SB 586

By: **Delegate Watson**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation and Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2023

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Licensed Tree Experts – Alterations**

3 FOR the purpose of prohibiting a person from physically engaging in the work of the
4 treatment, care, or removal of certain trees for compensation under a tree expert's
5 license unless the person is employed by the licensed tree expert, employs a licensed
6 tree expert who can provide oversight, is employed by a company that employs a
7 licensed tree expert who can provide oversight, or is a licensed tree expert; increasing
8 a certain penalty for operating a tree expert business without a license; repealing
9 certain electronic reporting requirements for licensed tree experts; requiring a
10 licensed tree expert to carry, show proof of, and maintain for a certain period of time
11 valid workers' compensation insurance; altering the requirements and procedures
12 for a licensed tree expert to possess and show proof of certain insurance; and
13 generally relating to licensed tree experts.

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 5–415
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Natural Resources
21 Section 5–417 and 5–418
22 Annotated Code of Maryland
23 (2018 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Natural Resources**

4 5–415.

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

6 (b) “Licensed tree expert” means a person who has received from the Department
7 a license displaying the person’s qualifications to practice as a tree expert.

8 (c) (1) “Tree expert” means a person who represents to the public that the
9 person is skilled in the science of tree care or removal and who, whether in the business of
10 the person or as the employee of another person and whether under the title of arborist,
11 tree specialist, tree surgeon, tree expert, or otherwise, engages in the business or work of
12 the treatment, care, or removal of trees for compensation by:

13 (i) Making diagnoses, prescribing, and supervising the treatment
14 for trees; or

15 (ii) Trimming, pruning, thinning, cabling, shaping, removing, or
16 reducing the crown of trees.

17 (2) “Tree expert” does not include:

18 (i) A person engaged in commercial logging or timber harvesting
19 operations as defined in § 5–1601 of this title;

20 (ii) A person engaged in the installation of underground facilities or
21 any associated site construction; or

22 (iii) A person who treats, cares for, or removes a tree, as described in
23 paragraph (1) of this subsection, that is 20 feet tall or less.

24 5–417.

25 (a) (1) A person may not engage in the work or business of a tree expert
26 without a license issued under the provisions of this part.

27 **(2) (I) A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A**
28 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

29 **1. FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500;**
30 **AND**

1 **2. FOR A SECOND OR SUBSEQUENT OFFENSE,**
2 **IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$2,000 OR**
3 **BOTH.**

4 **(II) FOR THE PURPOSES OF THIS SUBSECTION, A SECOND OR**
5 **SUBSEQUENT VIOLATION IS ONE THAT HAS OCCURRED WITHIN 2 YEARS OF ANY**
6 **PRIOR VIOLATION OF THIS SUBSECTION.**

7 **[(2)] (B)** An employee under the supervision of a licensed tree expert may
8 not be required to have a license in the name of the employee.

9 **[(b)** A licensed tree expert shall within a time period established by the
10 Department notify the Department electronically of:

11 (1) Any company that engages in the business or work of the treatment,
12 care, or removal of trees for compensation under the tree expert's license, and any changes
13 to that status; and

14 (2) The liability and property damage insurance and workers'
15 compensation insurance carried by any company that engages or works under the tree
16 expert's license, and any changes to the insurance.]

17 **(C) A PERSON MAY NOT PHYSICALLY ENGAGE IN THE WORK OF THE**
18 **TREATMENT, CARE, OR REMOVAL OF TREES FOR COMPENSATION UNDER A TREE**
19 **EXPERT'S LICENSE UNLESS THE PERSON ~~IS~~:**

20 **(1) IS EMPLOYED BY THE LICENSED TREE EXPERT;**

21 **(2) EMPLOYS A LICENSED TREE EXPERT WHO CAN PROVIDE**
22 **OVERSIGHT;**

23 **(3) IS EMPLOYED BY A COMPANY THAT EMPLOYS A LICENSED TREE**
24 **EXPERT WHO CAN PROVIDE OVERSIGHT; OR**

25 **(4) IS A LICENSED TREE EXPERT.**

26 5-418.

27 (a) The Department may examine an applicant for license as a tree expert and
28 pass upon the competence of the applicant. It shall issue a "tree expert" license to any
29 applicant, who:

30 (1) Pays the fee provided in § 5-419 of this subtitle;

31 (2) Has attained 18 years of age;

1 (3) (i) Has had 2 years of approved college education in forestry,
 2 arboriculture, horticulture, applied agricultural sciences, or the equivalent education and
 3 a minimum of 1 year of experience with a licensed tree expert in Maryland or with an
 4 acceptable tree expert company in another state; or

5 (ii) For at least 3 years immediately preceding the date of application
 6 has been engaged continuously in practice as a tree expert with a licensed tree expert in
 7 Maryland or with an acceptable tree expert company in another state; and

8 (4) Has passed the examination given by the Department.

9 (b) (1) Every licensee shall [carry and show]:

10 (I) POSSESS proof of VALID liability and property damage
 11 insurance, AND WORKERS' COMPENSATION INSURANCE IF REQUIRED BY LAW, in the
 12 form and amount required by the Department, ~~AT ANY TIME THE LICENSEE IS ENGAGED~~
 13 ~~IN THE WORK OR BUSINESS OF A TREE EXPERT; AND~~

14 (II) SHOW PROOF OF THE REQUIRED INSURANCE at the time [it
 15 issues] the license IS ISSUED AND WITH EACH LICENSE RENEWAL.

16 (2) The licensee shall maintain the insurance protection for the period the
 17 license is in effect.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 19 October 1, 2023.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.