

# HOUSE BILL 362

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CF SB 290

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By: **Delegates Wolek, Korman, and Woorman**

Introduced and read first time: January 16, 2025

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Roadside Tree Removal Permit Notification Act**

3 FOR the purpose of requiring an applicant for a roadside tree removal permit to provide  
4 certain notice to certain persons in a certain manner; and generally relating to  
5 roadside tree removal permits.

6 BY repealing and reenacting, without amendments,  
7 Article – Natural Resources  
8 Section 5–401  
9 Annotated Code of Maryland  
10 (2023 Replacement Volume and 2024 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Natural Resources  
13 Section 5–406  
14 Annotated Code of Maryland  
15 (2023 Replacement Volume and 2024 Supplement)

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

18 **Article – Natural Resources**

19 5–401.

20 In this subtitle, “roadside tree” means any tree or shrub growing within the  
21 right-of-way of any public road.

22 5–406.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Except as provided in subsection (b) of this section, any person who desires to  
2 cut down or trim any roadside tree shall apply to the Department for a permit.

3 (b) (1) A person may remove a tree or its branches without first obtaining a  
4 permit from the Department if the tree is unrooted or its branches broken so as to contact  
5 telephone, telegraph, electric power, or other wires carrying electric current, or if the tree  
6 or its branches endanger persons or property.

7 (2) A tree may be cut down and removed by an abutting landowner for the  
8 landowner's own use without first obtaining a permit if the tree is standing within the  
9 right-of-way of a public road which has not been surfaced with either stone, shell, gravel,  
10 concrete, brick, asphalt, or other improved surface.

11 (c) **(1) AN APPLICANT FOR A PERMIT FOR ROADSIDE TREE REMOVAL  
12 SHALL PROVIDE NOTICE OF THE APPLICATION TO:**

13 **(i) ALL OWNERS OF PROPERTY ABUTTING AND ADJACENT TO  
14 THE PROPERTY SUBJECT TO THE APPLICATION; AND**

15 **(ii) THE GOVERNING BODY OF ANY COMMON OWNERSHIP  
16 COMMUNITY THAT HAS CONTROL OVER THE LAND ON WHICH THE TREE SUBJECT TO  
17 THE APPLICATION IS LOCATED.**

18 **(2) THE APPLICANT SHALL PROVIDE NOTICE BY CERTIFIED MAIL,  
19 RETURN RECEIPT REQUESTED, IN THE FORM OF:**

20 **(i) A COPY OF THE APPLICATION; OR**

21 **(ii) INFORMATION DESCRIBING HOW THE APPLICATION MAY BE  
22 ACCESSED ELECTRONICALLY.**

23 **(3) PROPERTY SEPARATED FROM THE PROPERTY SUBJECT TO THE  
24 APPLICATION BY A HIGHWAY OR OTHER PUBLIC RIGHT-OF-WAY SHALL BE  
25 CONSIDERED ABUTTING AND ADJACENT.**

26 **(D)** A person may not cut down, trim, mutilate, or in any manner injure any  
27 roadside tree, except as authorized by this section, without a permit from the Department.

28 **[(d)] (E)** A county or municipality may not issue a building permit to an  
29 applicant for any clearing, construction, or development that will result in the trimming,  
30 cutting, removal, or injury of a roadside tree until the applicant first obtains a permit from  
31 the Department in accordance with this section.

32 **[(e)] (F)** A person who trims, cuts, removes, or injures a roadside tree in  
33 violation of a regulation adopted under § 5-402 of this subtitle or a permit issued under

1 this section or who fails to obtain a permit as required by this section is liable for the  
2 imposition of a penalty:

3 (1) Not exceeding \$2,000 for a first offense; and

4 (2) Not exceeding \$5,000 for a second or subsequent offense.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2025.