

HOUSE BILL 612

M1

3lr2385
CF 3lr2591

By: **Delegate Watson**

Introduced and read first time: February 3, 2023

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

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

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

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

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

24 **Article – Natural Resources**

25 5–415.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

(c) (1) “Tree expert” means a person who represents to the public that the person is skilled in the science of tree care or removal and who, whether in the business of the person 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, care, or removal of trees for compensation by:

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

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

(2) “Tree expert” does not include:

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

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

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

5–417.

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

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

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

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

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

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

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

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

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

11 **(C) A PERSON MAY NOT ENGAGE IN THE WORK OF THE TREATMENT,**
12 **CARE, OR REMOVAL OF TREES FOR COMPENSATION UNDER A TREE EXPERT'S**
13 **LICENSE UNLESS THE PERSON IS EMPLOYED BY THE LICENSED TREE EXPERT.**

14 5-418.

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

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

19 (2) Has attained 18 years of age;

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

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

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

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

29 **(I) POSSESS** proof of **VALID** liability and property damage
30 insurance **AND WORKERS' COMPENSATION INSURANCE**, in the form and amount
31 required by the Department, **AT ANY TIME THE LICENSEE IS ENGAGED IN THE WORK**
32 **OR BUSINESS OF A TREE EXPERT; AND**

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

3 **(2)** The licensee shall maintain the insurance protection for the period the
4 license is in effect.

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