

SENATE BILL 903

M1, C2

5lr2679
CF HB 1145

By: **Senator Rosapepe**

Introduced and read first time: March 4, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Tree Experts – Establishment**

3 FOR the purpose of establishing the State Board of Tree Experts in the Department of
4 Labor, Licensing, and Regulation; providing for the composition of the Board and the
5 qualifications, appointments, removal, terms, and expenses of the Board members;
6 providing for the meetings and staff for the Board; authorizing the Board to issue
7 subpoenas for certain purposes under certain circumstances; authorizing the Board
8 to adopt certain bylaws and regulations; requiring the Board to keep certain records
9 and make certain records available to certain persons; requiring the Board to adopt
10 a code of ethics for practicing as a tree expert and to distribute the code of ethics to
11 certain persons at certain times; requiring the Board to adopt certain regulations
12 governing continuing education; requiring the Board to pay certain money to the
13 State Treasury for certain use; requiring the Board to prepare an annual report on
14 certain Board revenues and expenses; providing that the Board exercises its powers,
15 duties, and functions subject to the authority of the Secretary of Labor, Licensing,
16 and Regulation; prohibiting a person from practicing as a tree expert in the State
17 without a license issued by the Board, subject to certain exceptions; establishing
18 certain qualifications for a license; establishing certain examination and experience
19 requirements for a license; establishing certain insurance requirements that apply
20 to a licensee; requiring the Board to set certain license application and renewal fees;
21 providing for the renewal of a license; requiring a licensee to provide to the Board
22 certain notice of certain business activity; authorizing the Board to suspend or
23 revoke a license under certain circumstances, subject to a certain hearing
24 requirement; establishing certain prohibited acts; providing for certain criminal
25 penalties; requiring that an evaluation of the Board and the statutes and regulations
26 that relate to the Board be performed on or before a certain date; providing for the
27 staggering of certain terms; repealing certain provisions of law that establish a
28 licensing program for tree experts under the Department of Natural Resources;
29 requiring each appointee to the Board to take a certain oath; establishing certain
30 purposes for the Board; providing for a delayed effective date for certain provisions

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 of this Act; defining certain terms; and generally relating to the State Board of Tree
2 Experts.

3 BY renumbering

4 Article – Business Regulation
5 Section 2–108(a)(23) through (33), respectively
6 to be Section 2–108(a)(24) through (34), respectively
7 Annotated Code of Maryland
8 (2010 Replacement Volume and 2014 Supplement)

9 BY renumbering

10 Article – State Government
11 Section 8–403(b)(55) through (57), respectively
12 to be Section 8–403(b)(56) through (58), respectively
13 Annotated Code of Maryland
14 (2014 Replacement Volume)

15 BY adding to

16 Article – Business Occupations and Professions
17 Section 22–101 through 22–502 to be under the new title “Title 22. Tree Experts”
18 Annotated Code of Maryland
19 (2010 Replacement Volume and 2014 Supplement)

20 BY adding to

21 Article – Business Regulation
22 Section 2–108(a)(23)
23 Annotated Code of Maryland
24 (2010 Replacement Volume and 2014 Supplement)

25 BY repealing

26 Article – Natural Resources
27 Section 5–415 through 5–423 and the part “Part III. Tree Experts”
28 Annotated Code of Maryland
29 (2012 Replacement Volume and 2014 Supplement)

30 BY adding to

31 Article – State Government
32 Section 8–403(b)(55)
33 Annotated Code of Maryland
34 (2014 Replacement Volume)

35 BY repealing and reenacting, with amendments,

36 Article – Business Occupations and Professions
37 Section 22–304
38 Annotated Code of Maryland
39 (As enacted by Section 3 of this Act)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That Section(s) 2–108(a)(23) through (33), respectively, of Article – Business Regulation of
3 the Annotated Code of Maryland be renumbered to be Section(s) 2–108(a)(24) through (34),
4 respectively.

5 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 8–403(b)(55)
6 through (57), respectively, of Article – State Government of the Annotated Code of
7 Maryland be renumbered to be Section(s) 8–403(b)(56) through (58), respectively.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
9 as follows:

10 **Article – Business Occupations and Professions**

11 **TITLE 22. TREE EXPERTS.**

12 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

13 **22–101.**

14 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) “BOARD” MEANS THE STATE BOARD OF TREE EXPERTS.

17 (C) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO PRACTICE AS A
18 TREE EXPERT.

19 (D) “LICENSED TREE EXPERT” MEANS A PERSON WHO HAS BEEN ISSUED A
20 LICENSE BY THE BOARD AUTHORIZING THE PERSON TO PRACTICE IN THE STATE AS
21 A TREE EXPERT.

22 (E) (1) “TREE EXPERT” MEANS A PERSON WHO REPRESENTS TO THE
23 PUBLIC THAT THE PERSON IS SKILLED IN THE SCIENCE OF TREE CARE OR REMOVAL
24 AND WHO, WHETHER IN THE BUSINESS OF THE PERSON OR AS THE EMPLOYEE OF
25 ANOTHER PERSON AND WHETHER UNDER THE TITLE OF ARBORIST, TREE
26 SPECIALIST, TREE SURGEON, TREE EXPERT, OR OTHERWISE, ENGAGES IN THE
27 BUSINESS OR WORK OF THE TREATMENT, CARE, OR REMOVAL OF TREES FOR
28 COMPENSATION BY:

29 (I) MAKING DIAGNOSES FOR, PRESCRIBING FOR, AND
30 SUPERVISING THE TREATMENT OF TREES; OR

1 (II) TRIMMING, PRUNING, THINNING, CABLING, SHAPING,
2 REMOVING, OR REDUCING THE CROWN OF TREES.

3 (2) "TREE EXPERT" DOES NOT INCLUDE:

4 (I) A PERSON ENGAGED IN COMMERCIAL LOGGING OR TIMBER
5 HARVESTING OPERATIONS AS DEFINED IN § 5-1601 OF THE NATURAL RESOURCES
6 ARTICLE;

7 (II) A PERSON ENGAGED IN THE INSTALLATION OF
8 UNDERGROUND FACILITIES OR ANY ASSOCIATED SITE CONSTRUCTION; OR

9 (III) A PERSON WHO TREATS, CARES FOR, OR REMOVES A TREE,
10 AS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THAT DOES NOT EXCEED A
11 HEIGHT OF 20 FEET.

12 22-102.

13 THE PURPOSES OF THIS TITLE ARE TO BENEFIT AND PROTECT THE PUBLIC
14 AND TO PROMOTE THE PUBLIC WELFARE BY REGULATING PERSONS WHO PRACTICE
15 AS TREE EXPERTS IN THE STATE.

16 SUBTITLE 2. STATE BOARD OF TREE EXPERTS.

17 22-201.

18 THERE IS A STATE BOARD OF TREE EXPERTS IN THE DEPARTMENT.

19 22-202.

20 (A) (1) THE BOARD CONSISTS OF SEVEN MEMBERS.

21 (2) OF THE SEVEN MEMBERS OF THE BOARD:

22 (I) FIVE SHALL BE LICENSED TREE EXPERTS; AND

23 (II) TWO SHALL BE CONSUMER MEMBERS.

24 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS WITH THE
25 ADVICE AND CONSENT OF THE SENATE.

26 (4) THE GOVERNOR SHALL APPOINT EACH OF THE MEMBERS WHO
27 ARE LICENSED TREE EXPERTS FROM A LIST OF AT LEAST THREE NAMES OF

1 LICENSED TREE EXPERTS SUBMITTED TO THE GOVERNOR BY THE MARYLAND
2 SOCIETY OF LICENSED TREE EXPERTS.

3 (B) EACH MEMBER OF THE BOARD SHALL BE:

4 (1) A CITIZEN OF THE UNITED STATES; AND

5 (2) A RESIDENT OF THE STATE FOR AT LEAST 3 YEARS.

6 (C) EACH MEMBER OF THE BOARD WHO IS A LICENSED TREE EXPERT SHALL
7 HAVE PRACTICED AS A TREE EXPERT FOR AT LEAST 10 YEARS.

8 (D) EACH CONSUMER MEMBER OF THE BOARD:

9 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

10 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO
11 REGULATION BY THE BOARD;

12 (3) MAY NOT BE REQUIRED TO MEET THE QUALIFICATIONS FOR THE
13 PROFESSIONAL MEMBERS OF THE BOARD; AND

14 (4) MAY NOT, WITHIN 1 YEAR BEFORE APPOINTMENT, HAVE HAD A
15 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
16 REGULATED BY THE BOARD.

17 (E) WHILE A MEMBER OF THE BOARD, A CONSUMER MEMBER MAY NOT:

18 (1) HAVE A FINANCIAL INTEREST IN OR RECEIVE COMPENSATION
19 FROM A PERSON REGULATED BY THE BOARD; OR

20 (2) GRADE ANY EXAMINATION GIVEN BY THE BOARD.

21 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
22 THE OATH REQUIRED BY ARTICLE 1, § 9 OF THE MARYLAND CONSTITUTION.

23 (G) (1) THE TERM OF A MEMBER IS 5 YEARS AND BEGINS ON OCTOBER 1.

24 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
25 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2015.

26 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL
27 A SUCCESSOR IS APPOINTED AND QUALIFIES.

1 **(2) AN INVESTIGATIVE STAFF TO INVESTIGATE COMPLAINTS THAT**
2 **ARE MADE AGAINST LICENSED TREE EXPERTS UNDER THIS TITLE.**

3 **22-205.**

4 **(A) THE BOARD MAY ADMINISTER OATHS.**

5 **(B) (1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A**
6 **WITNESS TO TESTIFY OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH AN**
7 **ADMINISTRATIVE PROCEEDING FOR AN ALLEGED VIOLATION OF THIS TITLE.**

8 **(2) A SUBPOENA SHALL BE SIGNED BY THE BOARD CHAIR.**

9 **(3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER**
10 **THIS SUBSECTION, ON PETITION OF THE BOARD, A CIRCUIT COURT MAY COMPEL**
11 **COMPLIANCE WITH THE SUBPOENA.**

12 **(C) THE BOARD MAY ADOPT:**

13 **(1) ANY BYLAW FOR THE CONDUCT OF BOARD PROCEEDINGS; AND**

14 **(2) ANY REGULATION TO CARRY OUT THIS TITLE.**

15 **(D) THE BOARD SHALL:**

16 **(1) KEEP A RECORD OF ITS PROCEEDINGS; AND**

17 **(2) FOR EACH APPLICATION FOR A LICENSE, MAINTAIN A RECORD**
18 **THAT INCLUDES:**

19 **(I) THE APPLICANT'S:**

20 **1. NAME;**

21 **2. AGE;**

22 **3. RESIDENCE;**

23 **4. PLACE OF BUSINESS; AND**

24 **5. EDUCATIONAL AND OTHER QUALIFICATIONS;**

25 **(II) THE DATE OF THE APPLICATION;**

- 1 (III) THE ACTION OF THE BOARD ON THE APPLICATION;
- 2 (IV) THE REASON FOR THE ACTION; AND
- 3 (V) ANY OTHER INFORMATION THE BOARD CONSIDERS
4 NECESSARY.

5 (E) THE BOARD SHALL:

6 (1) KEEP A LIST OF ALL LICENSED TREE EXPERTS THAT SHOWS THE
7 NAME AND PLACE OF BUSINESS OF EACH LICENSEE; AND

8 (2) PROVIDE A COPY OF THE LIST:

9 (I) ON REQUEST, TO ANY MEMBER OF THE PUBLIC; AND

10 (II) ANNUALLY, ON OR BEFORE MARCH 31, TO:

11 1. EACH LICENSEE; AND

12 2. THE SECRETARY OF STATE.

13 (F) (1) WITH THE ADVICE OF TREE EXPERT OR ARBORIST STAKEHOLDER
14 GROUPS, THE BOARD SHALL ADOPT BY REGULATION A CODE OF ETHICS FOR
15 PRACTICING AS A TREE EXPERT.

16 (2) THE BOARD SHALL DISTRIBUTE A COPY OF THE CODE OF ETHICS:

17 (I) TO EACH APPLICANT FOR A LICENSE; AND

18 (II) ON EACH RENEWAL OF A LICENSE, TO EACH LICENSEE.

19 (G) THE BOARD SHALL ADOPT REGULATIONS THAT IMPLEMENT THE
20 CONTINUING EDUCATION REQUIREMENT SET FORTH IN § 22-304(B)(3) OF THIS
21 TITLE.

22 (H) (1) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS
23 TITLE TO THE STATE TREASURY FOR THE BOARD'S USE.

24 (2) THE BOARD SHALL PREPARE AN ANNUAL REPORT ON THE
25 REVENUES RECEIVED AND EXPENSES INCURRED UNDER THIS TITLE FOR EACH
26 FISCAL YEAR.

1 **22-206.**

2 **THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SUBJECT TO**
3 **THE AUTHORITY OF THE SECRETARY.**

4 **SUBTITLE 3. LICENSING.**

5 **22-301.**

6 **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON SHALL BE**
7 **LICENSED BY THE BOARD BEFORE THE PERSON MAY PRACTICE AS A TREE EXPERT**
8 **IN THE STATE.**

9 **22-302.**

10 **(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL MEET THE**
11 **REQUIREMENTS OF THIS SECTION.**

12 **(B) (1) THE BOARD SHALL EXAMINE AN APPLICANT FOR A TREE EXPERT**
13 **LICENSE AND DETERMINE THE COMPETENCE OF THE APPLICANT.**

14 **(2) THE BOARD SHALL PREPARE AND CONDUCT EXAMINATIONS AS**
15 **OFTEN AS NECESSARY, BUT AT LEAST ONCE ANNUALLY.**

16 **(3) AN APPLICANT WHO FAILS A SUBJECT THAT IS PART OF THE**
17 **EXAMINATION MAY, IN THE DISCRETION OF THE BOARD, BE REEXAMINED IN ONLY**
18 **THAT SUBJECT AT ANY SUBSEQUENT EXAMINATION HELD WITHIN 1 YEAR AFTER THE**
19 **DATE THE APPLICANT TOOK THE INITIAL EXAMINATION, AND IF THE APPLICANT**
20 **PASSES THAT SUBJECT THE APPLICANT IS CONSIDERED TO HAVE PASSED THE**
21 **EXAMINATION.**

22 **(C) THE BOARD SHALL ISSUE A TREE EXPERT LICENSE TO AN APPLICANT**
23 **WHO:**

24 **(1) IS AT LEAST 18 YEARS OF AGE;**

25 **(2) (I) HAS HAD 2 YEARS OF APPROVED COLLEGE EDUCATION IN**
26 **FORESTRY, ARBORICULTURE, HORTICULTURE, APPLIED AGRICULTURAL SCIENCES,**
27 **OR THE EQUIVALENT EDUCATION AND A MINIMUM OF 1 YEAR OF EXPERIENCE WHILE**
28 **EMPLOYED BY AND UNDER THE RESPONSIBLE CHARGE OF A LICENSED TREE EXPERT**
29 **IN THE STATE OR AN ACCEPTABLE TREE EXPERT BUSINESS IN ANOTHER STATE; OR**

1 **(II) FOR AT LEAST 3 YEARS IMMEDIATELY PRECEDING THE**
2 **DATE OF APPLICATION HAS BEEN ENGAGED CONTINUOUSLY IN PRACTICE AS A TREE**
3 **EXPERT WHILE EMPLOYED BY AND UNDER THE RESPONSIBLE CHARGE OF A**
4 **LICENSED TREE EXPERT IN THE STATE OR AN ACCEPTABLE TREE EXPERT BUSINESS**
5 **IN ANOTHER STATE;**

6 **(3) HAS PASSED THE EXAMINATION GIVEN BY THE BOARD; AND**

7 **(4) PAYS THE FEE PROVIDED IN § 22-304(A) OF THIS SUBTITLE.**

8 **(D) (1) A LICENSEE SHALL CARRY AND SHOW PROOF OF LIABILITY AND**
9 **PROPERTY DAMAGE INSURANCE, IN THE FORM AND AMOUNT REQUIRED BY THE**
10 **BOARD, AT THE TIME THE BOARD ISSUES THE LICENSE.**

11 **(2) A LICENSEE SHALL MAINTAIN THE INSURANCE PROTECTION FOR**
12 **THE PERIOD THE LICENSE IS IN EFFECT.**

13 **22-303.**

14 **(A) AN INDIVIDUAL WHO DOES NOT MEET THE EXPERIENCE REQUIREMENTS**
15 **UNDER § 22-302 OF THIS SUBTITLE MAY PRACTICE AS A TREE EXPERT WITHOUT A**
16 **LICENSE IF THE INDIVIDUAL PRACTICES AS A TREE EXPERT WHILE EMPLOYED BY**
17 **AND UNDER THE RESPONSIBLE CHARGE OF A LICENSED TREE EXPERT.**

18 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD**
19 **MAY ISSUE A LICENSE TO OR OTHERWISE AUTHORIZE THE PRACTICE AS A TREE**
20 **EXPERT IN THE STATE BY ANY PERSON WHO IS A LAWFUL HOLDER OF A TREE**
21 **EXPERT LICENSE UNDER THE LAWS OF ANOTHER STATE THAT EXTENDS SIMILAR**
22 **PRIVILEGES TO LICENSED TREE EXPERTS OF THIS STATE.**

23 **(2) THE REQUIREMENTS FOR OBTAINING A LICENSE IN THE OTHER**
24 **STATE SHALL BE, IN THE OPINION OF THE BOARD, AT LEAST EQUIVALENT TO THOSE**
25 **PROVIDED FOR IN THIS STATE.**

26 **22-304.**

27 **(A) AN APPLICANT SHALL PAY TO THE BOARD AT THE TIME OF**
28 **APPLICATION A FEE SET BY THE BOARD BY REGULATION IN AN AMOUNT NOT TO**
29 **EXCEED THE COSTS OF PROCESSING THE APPLICATION.**

30 **(B) (1) A TREE EXPERT LICENSE SHALL BE RENEWED IN ACCORDANCE**
31 **WITH A TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD BY REGULATION.**

1 **(2) A PERSON WHO HOLDS A LICENSE AND WISHES TO RENEW IT**
2 **SHALL PAY A FEE SET BY THE BOARD BY REGULATION IN AN AMOUNT NOT TO**
3 **EXCEED THE COSTS OF PROCESSING THE LICENSE RENEWAL.**

4 **(3) AFTER SEPTEMBER 1, 2017, TO QUALIFY FOR THE RENEWAL OF A**
5 **TREE EXPERT LICENSE, A LICENSED TREE EXPERT SHALL COMPLETE THE**
6 **PROFESSIONAL DEVELOPMENT CURRICULUM ESTABLISHED BY THE BOARD BY**
7 **REGULATION.**

8 **22-305.**

9 **A LICENSED TREE EXPERT SHALL, WITHIN A TIME PERIOD ESTABLISHED BY**
10 **THE BOARD, NOTIFY THE BOARD ELECTRONICALLY OF:**

11 **(1) ANY COMPANY THAT ENGAGES IN THE BUSINESS OR WORK OF THE**
12 **TREATMENT, CARE, OR REMOVAL OF TREES FOR COMPENSATION UNDER THE TREE**
13 **EXPERT'S LICENSE, AND ANY CHANGES TO THAT STATUS; AND**

14 **(2) THE LIABILITY AND PROPERTY DAMAGE INSURANCE AND**
15 **WORKERS' COMPENSATION INSURANCE CARRIED BY ANY COMPANY THAT ENGAGES**
16 **OR WORKS UNDER THE TREE EXPERT'S LICENSE, AND ANY CHANGES TO THE**
17 **INSURANCE.**

18 **22-306.**

19 **(A) (1) THE BOARD MAY PERMANENTLY REVOKE OR TEMPORARILY**
20 **SUSPEND THE LICENSE OF ANY LICENSED TREE EXPERT WHO:**

21 **(I) IS FOUND GUILTY OF ANY FRAUD OR DECEIT IN OBTAINING**
22 **THE LICENSE OR OF NEGLIGENCE OR WRONGFUL CONDUCT IN THE PRACTICE OF**
23 **TREE CULTURE OR CARE; OR**

24 **(II) IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS**
25 **CRITICAL AREA, AS DEFINED UNDER § 8-1802 OF THIS ARTICLE, FAILS TO COMPLY**
26 **WITH:**

27 **1. THE TERMS OF A STATE OR LOCAL PERMIT, LICENSE,**
28 **OR APPROVAL; OR**

29 **2. ANY STATE OR LOCAL LAW, AN APPROVED PLAN, OR**
30 **OTHER LEGAL REQUIREMENT.**

1 **(2) THE CRITICAL AREA COMMISSION SHALL NOTIFY THE BOARD OF**
2 **ANY LICENSED TREE EXPERT WHO FAILS TO COMPLY WITH ANY REQUIREMENT**
3 **UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**

4 **(B) (1) THE BOARD MAY TEMPORARILY SUSPEND FOR A PERIOD NOT**
5 **EXCEEDING 2 YEARS THE LICENSE OF ANY LICENSED TREE EXPERT WHO VIOLATES**
6 **THE CODE OF ETHICS ADOPTED BY THE BOARD.**

7 **(2) THE AUTHORITY OF THE BOARD TO SUSPEND A LICENSE UNDER**
8 **THIS SUBSECTION IS IN ADDITION TO, AND NOT IN LIMITATION OF, THE POWER TO**
9 **REVOKE OR SUSPEND UNDER SUBSECTION (A) OF THIS SECTION.**

10 **(C) (1) A LICENSE MAY NOT BE REVOKED OR SUSPENDED UNTIL AFTER A**
11 **HEARING BEFORE THE BOARD.**

12 **(2) THE BOARD SHALL SEND NOTICE OF THE ALLEGED VIOLATION**
13 **AND THE HEARING DATE TO THE LICENSEE AT THE LAST KNOWN ADDRESS OF THE**
14 **LICENSEE BY REGISTERED OR CERTIFIED MAIL AT LEAST 20 DAYS BEFORE THE**
15 **HEARING.**

16 **(3) THE FAILURE OF THE LICENSEE TO APPEAR AT A HEARING AFTER**
17 **PROVISION OF THE REQUIRED NOTICE MAY NOT PREVENT THE BOARD FROM**
18 **HOLDING THE HEARING.**

19 **(D) THE BOARD MAY REINSTATE A TREE EXPERT'S LICENSE PREVIOUSLY**
20 **SUSPENDED OR REVOKED IN ACCORDANCE WITH ITS REGULATIONS.**

21 **SUBTITLE 4. PROHIBITED ACTS; PENALTIES.**

22 **22-401.**

23 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT**
24 **PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS A TREE EXPERT IN**
25 **THE STATE UNLESS LICENSED BY THE BOARD.**

26 **(B) (1) A PERSON MAY NOT:**

27 **(I) SOLICIT, ADVERTISE, OR REPRESENT THE PERSON TO THE**
28 **PUBLIC AS A TREE EXPERT WITHOUT HAVING RECEIVED A LICENSE;**

29 **(II) CONTINUE TO PRACTICE AS A TREE EXPERT AFTER THE**
30 **PERSON'S LICENSE IS SUSPENDED OR REVOKED; OR**

1 (III) USE THE TITLE “LICENSED TREE EXPERT” OR THE
2 ABBREVIATION “L.T.E.” OR ANY OTHER WORDS, LETTERS, OR ABBREVIATIONS,
3 INCLUDING “ARBORIST”, “TREE SPECIALIST”, “TREE SURGEON”, OR “TREE
4 EXPERT”:

5 1. THAT TEND TO INDICATE THAT AN UNLICENSED
6 PERSON IS A LICENSED TREE EXPERT; OR

7 2. WHEN THE LICENSE OF THE PERSON HAS BEEN
8 SUSPENDED OR REVOKED.

9 (2) THE OWNER OF A TREE WHO EMPLOYS A PERSON TO ENGAGE IN
10 THE PRACTICE OF A LICENSED TREE EXPERT IS NOT SUBJECT TO A PENALTY UNDER
11 THIS SUBSECTION.

12 (C) A PERSON MAY NOT ADVERTISE THAT THE PERSON CAN PROVIDE TREE
13 SERVICES, INCLUDING TREATMENT, CARE, OR REMOVAL OF TREES, UNLESS THE
14 ADVERTISEMENT INCLUDES:

15 (1) THE LICENSE NUMBER OF THE LICENSED TREE EXPERT
16 ADVERTISING TREE SERVICES IN ONE OF THE FOLLOWING FORMS: “LICENSED TREE
17 EXPERT No. ___” OR “L.T.E. No. ___”; OR

18 (2) A STATEMENT THAT ALL TREE SERVICES ARE LIMITED TO TREES
19 THAT DO NOT EXCEED A HEIGHT OF 20 FEET.

20 (D) A PERSON MAY NOT USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER
21 PERSON.

22 (E) A PERSON MAY NOT GIVE FALSE INFORMATION TO THE BOARD IN AN
23 ATTEMPT TO OBTAIN A LICENSE.

24 **22-402.**

25 (A) A PERSON WHO VIOLATES THIS TITLE OR A REGULATION ADOPTED
26 UNDER THIS TITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT
27 TO:

28 (1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$500, WITH COSTS
29 IMPOSED IN THE DISCRETION OF THE COURT; OR

1 **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT NOT**
2 **EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING \$1,000 OR BOTH, WITH COSTS**
3 **IMPOSED IN THE DISCRETION OF THE COURT.**

4 **(B) FOR THE PURPOSES OF THIS SECTION, A SECOND OR SUBSEQUENT**
5 **OFFENSE IS ONE THAT OCCURS WITHIN 2 YEARS AFTER ANY PRIOR VIOLATION OF**
6 **THIS TITLE.**

7 **SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.**

8 **22-501.**

9 **THIS TITLE MAY BE CITED AS THE MARYLAND TREE EXPERTS ACT.**

10 **22-502.**

11 **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE**
12 **MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS**
13 **ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY**
14 **1, 2025.**

15 **Article – Business Regulation**

16 **2-108.**

17 (a) The following units are in the Department:

18 **(23) THE STATE BOARD OF TREE EXPERTS.**

19 **Article – Natural Resources**

20 **[Part III. Tree Experts.]**

21 **[5-415.**

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

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

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

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

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

5 (2) "Tree expert" does not include:

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

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

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

12 [5-416.

13 The Department may examine applicants for licensing as tree experts and pass upon
14 their competence.]

15 [5-417.

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

18 (2) An employee under the supervision of a licensed tree expert may not be
19 required to have a license in the name of the employee.

20 (b) A licensed tree expert shall within a time period established by the
21 Department notify the Department electronically of:

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

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

28 [5-418.

1 (a) The Department may examine an applicant for license as a tree expert and
2 pass upon the competence of the applicant. It shall issue a “tree expert” license to any
3 applicant, who:

4 (1) Pays the fee provided in § 5–419 of this subtitle;

5 (2) Has attained 18 years of age;

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

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

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

14 (b) Every licensee shall carry and show proof of liability and property damage
15 insurance, in the form and amount required by the Department at the time it issues the
16 license. The licensee shall maintain the insurance protection for the period the license is in
17 effect.]

18 [5–419.

19 (a) An applicant shall pay to the Department at the time of making application,
20 a fee set by the Department by regulation in an amount not to exceed the costs of processing
21 the application.

22 (b) (1) A tree expert license shall be renewed in accordance with a timetable
23 and procedure established by the Department by regulation.

24 (2) A person who holds a license and wishes to renew it shall pay a fee set
25 by the Department by regulation in an amount not to exceed the costs of processing the
26 license renewal.

27 (3) After September 1, 2017, to qualify for the renewal of a tree expert
28 license, a licensed tree expert shall complete the professional development curriculum
29 established by the Department by regulation.

30 (c) Fees the Department receives shall be paid into the State Treasury for the
31 Department’s use. The Secretary shall prepare an annual report on the number of licenses
32 issued and the receipts and expenses under Part III of this subtitle during each fiscal year.]

33 [5–420.

1 The Department shall prepare and conduct examinations as often as necessary, but
2 at least once a year if there are any applicants. A candidate who failed a subject that is part
3 of the examination given may be reexamined in that subject only at any subsequent
4 examination held within 1 year of the date the candidate took the initial examination, and
5 if the candidate passes that subject the candidate is considered to have passed the
6 examination. The Department, however, may decide to reexamine an unsuccessful
7 candidate in every subject.]

8 [5-421.

9 (a) (1) The Department may permanently revoke or temporarily suspend the
10 license of any licensed tree expert who:

11 (i) Is found guilty of any fraud or deceit in obtaining the license, or
12 guilty of negligence of wrongful conduct in the practice of tree culture or care; or

13 (ii) In the Chesapeake and Atlantic Coastal Bays Critical Area, as
14 defined under § 8-1802 of this article, fails to comply with:

15 1. The terms of a State or local permit, license, or approval;
16 or

17 2. Any State or local law, an approved plan, or other legal
18 requirement.

19 (2) The Critical Area Commission shall notify the Department of any tree
20 expert who fails to comply with any requirement under paragraph (1)(ii) of this subsection.

21 (b) The Department may promulgate rules of ethics and temporarily suspend for
22 a period not to exceed two years the license of any licensed tree expert who violates the
23 rules of ethics. This power of suspension is in addition to, and not in limitation of, the power
24 to revoke or suspend provided in subsection (a) of this section.

25 (c) A license issued under this subtitle may not be revoked or suspended until
26 after the licensee has a hearing before the Department. Notice of the cause for suspension
27 or revocation and the hearing date shall be sent to the licensee at the last known address
28 of the licensee by registered or certified mail at least 20 days before the hearing. The
29 nonappearance of the licensee after the required notice has been given, does not prevent
30 holding the hearing.

31 (d) The Department may reissue any tree expert's license previously revoked
32 under rules and regulations it prescribes.]

33 [5-422.

34 The Department may issue and grant a license to or otherwise authorize the practice
35 as a tree expert in Maryland by any person who is a lawful holder of a tree expert license

1 under the laws of another state which extends similar privileges to licensed tree experts of
2 this State. The requirements for the license in the state which has granted it must be, in
3 the opinion of the Department, at least equivalent to those provided for in Maryland.]

4 [5–423.

5 (a) A person may not: (1) solicit, advertise, or represent the person to the public
6 as a tree expert, or assume to practice as a tree expert without having received a license;
7 or (2) after having received the license and subsequently losing it by revocation or
8 suspension continue to practice as a tree expert; or (3) use the title or abbreviation “L.T.E.”
9 or any other words, letters, or abbreviations tending to indicate that the person is a licensed
10 tree expert or a tree expert without having received a license, or when the license has been
11 revoked or suspended.

12 (b) If the owner of a tree employs any person to engage in the practice of a
13 “licensed tree expert” as provided in § 5–415 of this subtitle, the owner is not subject to this
14 penalty.

15 (c) A person may not advertise that the person can provide tree services,
16 including treatment, care, or removal of trees, unless the advertisement includes:

17 (1) The license number of the licensed tree expert advertising tree services
18 in one of the following forms: “Licensed Tree Expert No.____” or “L.T.E. No.____”; or

19 (2) A statement that all tree services are limited to trees 20 feet tall or
20 less.]

21 Article – State Government

22 8–403.

23 (b) Each of the following governmental activities or units and the statutes and
24 regulations that relate to the governmental activities or units are subject to preliminary
25 evaluation in the evaluation year specified:

26 **(55) TREE EXPERTS, STATE BOARD OF (§ 22–201 OF THE BUSINESS**
27 **OCCUPATIONS AND PROFESSIONS ARTICLE: 2022);**

28 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
29 as follows:

30 Article – Business Occupations and Professions

31 22–304.

1 (a) (1) An applicant shall pay to the Board at the time of application a fee [set
2 by the Board by regulation in an amount not to exceed the costs of processing the
3 application] **OF \$30.**

4 (2) **AN APPLICANT WHO FAILS ANY EXAMINATION SHALL PAY AN**
5 **ADDITIONAL FEE OF \$20 FOR EACH SUBSEQUENT EXAMINATION THE APPLICANT**
6 **TAKES.**

7 (b) (1) A tree expert license shall be renewed [in accordance with a timetable
8 and procedure established by the Board by regulation] **ANNUALLY.**

9 (2) A person who holds a license and wishes to renew it shall pay [a fee set
10 by the Board by regulation in an amount not to exceed the costs of processing the license
11 renewal] **A \$10 ANNUAL RENEWAL FEE.**

12 (3) After September 1, 2017, to qualify for the renewal of a tree expert
13 license, a licensed tree expert shall complete the professional development curriculum
14 established by the Board by regulation.

15 SECTION 5. AND BE IT FURTHER ENACTED, That notwithstanding §
16 22–202(g)(1) of the Business Occupations and Professions Article, as enacted by Section 3
17 of this Act, the terms of the initial members of the State Board of Tree Experts shall expire
18 as follows:

19 (1) three members who are licensed tree experts in 2019;

20 (2) one member who is a licensed tree expert and one consumer member in
21 2020; and

22 (3) one member who is a licensed tree expert and one consumer member in
23 2021.

24 SECTION 6. AND BE IT FURTHER ENACTED, That Section 4 of this Act shall take
25 effect October 1, 2016.

26 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in Section
27 6 of this Act, this Act shall take effect October 1, 2015.