

HOUSE BILL 561

M1

(4lr1341)

ENROLLED BILL

— *Environment and Transportation/Education, Energy, and the Environment* —

Introduced by **Delegate Watson**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Tree Expert Licenses – ~~Workers’ Compensation Insurance Requirements and~~**
3 **Application and Renewal Fee Alterations and Insurance Requirements**

4 FOR the purpose of ~~requiring a licensed tree expert, or a business that employs a licensed~~
5 ~~tree expert, to carry and show proof of certain workers’ compensation insurance for~~
6 ~~certain employees; repealing certain provisions of law establishing that certain~~
7 ~~application and renewal fees may not exceed certain amounts~~ specifying the
8 maximum amounts of certain fees established by the Department of Natural
9 Resources by regulation; authorizing the Department of ~~Natural Resources~~ to
10 permanently revoke or temporarily suspend a tree expert license if the license holder
11 fails to maintain ~~workers’ compensation~~ certain insurance in a certain manner; and
12 generally relating to tree expert licenses.

13 BY repealing

14 Article – Natural Resources

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.

Italics indicate opposite chamber/conference committee amendments.



1 Section 5–416
 2 Annotated Code of Maryland
 3 (2023 Replacement Volume and 2023 Supplement)

4 BY adding to
 5 Article – Natural Resources
 6 Section 5–416
 7 Annotated Code of Maryland
 8 (2023 Replacement Volume and 2023 Supplement)

9 BY repealing and reenacting, without amendments,
 10 Article – Natural Resources
 11 Section 5–417 and 5–418
 12 Annotated Code of Maryland
 13 (2023 Replacement Volume and 2023 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – Natural Resources
 16 Section ~~5–418, 5–419, 5–419~~ and 5–421
 17 Annotated Code of Maryland
 18 (2023 Replacement Volume and 2023 Supplement)

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

21 **Article – Natural Resources**

22 [5–416.

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

25 **5–416.**

26 **(A) IN ORDER TO FOSTER AND PROMOTE CONSUMER PROTECTIONS,**
 27 **ENSURE THE RESPONSIBLE AND ETHICAL MANAGEMENT OF NATURAL RESOURCES,**
 28 **AND PROMOTE INDUSTRY SAFETY, THE DEPARTMENT SHALL FACILITATE THE**
 29 **LICENSING OF TREE EXPERTS IN ACCORDANCE WITH THIS PART.**

30 **(B) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT ~~THE~~**
 31 **~~PROVISIONS OF~~ THIS PART.**

32 5–417.

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

1 (2) An employee under the supervision of a licensed tree expert may not be
2 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 5-418.

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

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

16 (2) Has attained 18 years of age;

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

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

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

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

29 ~~(c) EVERY LICENSEE, OR BUSINESS EMPLOYING A LICENSEE, SHALL CARRY~~
30 ~~AND SHOW PROOF OF WORKERS' COMPENSATION INSURANCE IN THE FORM AND~~
31 ~~AMOUNT REQUIRED BY THE DEPARTMENT FOR EACH EMPLOYEE WORKING UNDER~~
32 ~~THE SUPERVISION OF THE LICENSED TREE EXPERT UNDER § 5-417(A)(2) OF THIS~~
33 ~~PART.~~

1 5-419.

2 (a) ~~As~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN applicant shall pay
3 to the Department at the time of making application, a fee set by the Department by
4 regulation [in an amount not to exceed the costs of processing the application].

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

7 (2) ~~A~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, A person who
8 holds a license and wishes to renew it shall pay a fee set by the Department by regulation
9 [in an amount not to exceed the costs of processing the license renewal].

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

13 (c) FEES ESTABLISHED IN ACCORDANCE WITH THIS SECTION MAY NOT
14 EXCEED:

15 (1) FOR THE EXAMINATION FEE..... \$45;

16 (2) FOR THE INITIAL LICENSE FEE \$55; AND

17 (3) FOR THE RENEWAL FEE..... \$100.

18 (D) (1) Fees the Department receives shall be paid into the State Treasury for
19 the Department's use.

20 (2) (I) The Secretary shall prepare an annual report on the number of
21 licenses issued and the receipts and expenses under Part III of this subtitle during each
22 fiscal year.

23 (II) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE SECRETARY
24 SHALL SUBMIT THE ANNUAL REPORT REQUIRED UNDER THIS PARAGRAPH TO THE
25 GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
26 ARTICLE.

27 5-421.

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

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

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

5 1. The terms of a State or local permit, license, or approval;
6 or

7 2. Any State or local law, an approved plan, or other legal
8 requirement; **OR**

9 **(III) FAILS TO MAINTAIN LIABILITY, PROPERTY, OR WORKERS'**
10 **COMPENSATION INSURANCE IN ACCORDANCE WITH § 5-418(C) OF THIS PART AS**
11 **REQUIRED BY LAW.**

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2024.