

HOUSE BILL 561

M1

4r1341
CF 4r2898

By: **Delegate Watson**

Introduced and read first time: January 24, 2024

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

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

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; authorizing the
8 Department of Natural Resources to permanently revoke or temporarily suspend a
9 tree expert license if the license holder fails to maintain workers’ compensation
10 insurance in a certain manner; and generally relating to tree expert licenses.

11 BY repealing

12 Article – Natural Resources
13 Section 5–416
14 Annotated Code of Maryland
15 (2023 Replacement Volume and 2023 Supplement)

16 BY adding to

17 Article – Natural Resources
18 Section 5–416
19 Annotated Code of Maryland
20 (2023 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Natural Resources
23 Section 5–417
24 Annotated Code of Maryland
25 (2023 Replacement Volume and 2023 Supplement)

26 BY repealing and reenacting, with amendments,

27 Article – Natural Resources

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–418, 5–419, and 5–421
2 Annotated Code of Maryland
3 (2023 Replacement Volume and 2023 Supplement)

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

6 **Article – Natural Resources**

7 [5–416.

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

10 **5–416.**

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

15 **(B) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE**
16 **PROVISIONS OF THIS PART.**

17 5–417.

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

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

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

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

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

30 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 **(C) EVERY LICENSEE, OR BUSINESS EMPLOYING A LICENSEE, SHALL CARRY**
19 **AND SHOW PROOF OF WORKERS’ COMPENSATION INSURANCE IN THE FORM AND**
20 **AMOUNT REQUIRED BY THE DEPARTMENT FOR EACH EMPLOYEE WORKING UNDER**
21 **THE SUPERVISION OF THE LICENSED TREE EXPERT UNDER § 5–417(A)(2) OF THIS**
22 **PART.**

23 5–419.

24 (a) An applicant shall pay to the Department at the time of making application,
25 a fee set by the Department by regulation [in an amount not to exceed the costs of
26 processing the application].

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

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

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

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

4 5-421.

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

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

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

11 1. The terms of a State or local permit, license, or approval;
12 or

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

15 **(III) FAILS TO MAINTAIN WORKERS' COMPENSATION INSURANCE**
16 **IN ACCORDANCE WITH § 5-418(C) OF THIS PART.**

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

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

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

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

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