

NATURAL RESOURCES
TITLE 5. FORESTS AND PARKS
SUBTITLE 4. TREES AND FOREST NURSERIES
PART III. TREE EXPERTS (2016)

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§5-415. Definitions

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

(b) Licensed tree expert. -- "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) Tree expert. --

(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.

§ 5-416. Licenses -- Applicants to be examined by Department

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

§ 5-417. Licensing requirements.

(a) License required; exemption. --

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

(b) Required electronic notifications. -- A licensed tree expert shall within a time period established by the Department notify the Department electronically of:

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

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

§ 5-418. Issuance; qualifications; insurance

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

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

(2) Has attained 18 years of age;

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

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

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

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

§5-419. License application and examination fee; renewal and fee; accounting

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

(b) Renewal and fee. --

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

regulation.

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

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

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

§ 5-420. Time of examinations; reexamination

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

§ 5-421. Revocation and suspension

(a) Grounds. --

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

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

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

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

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

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

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

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

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

§ 5-422. Reciprocity

The Department may issue and grant a license to or otherwise authorize the practice as a tree expert in Maryland by any person who is a lawful holder of a tree expert license under the laws of another state which extends similar privileges to licensed tree experts of this State. The requirements for the license in the state which has granted it must be, in the opinion of the Department, at least equivalent to those provided for in Maryland.

§ 5-423. Prohibited conduct

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

(b) Exemption. -- If the owner of a tree employs any person to engage in the practice of a "licensed tree expert" as provided in § 5-415 of this subtitle, the owner is not subject to this penalty.

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

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

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