

# SENATE BILL 120

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By: **Senator Munson**

Introduced and read first time: January 24, 2007

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Tree Experts – Sole Proprietors**

3 FOR the purpose of altering the qualifications for licensure as a tree expert for certain  
4 applicants; extending the termination date of a provision of law that relates to  
5 qualifications for licensure as a tree expert; providing for the termination of  
6 certain provisions of this Act; and generally relating to the licensure of tree  
7 experts.

8 BY repealing and reenacting, with amendments,  
9 Article – Natural Resources  
10 Section 5–418  
11 Annotated Code of Maryland  
12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Chapter 115 of the Acts of the General Assembly of 2006  
15 Section 3

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Natural Resources**

2 5–418.

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

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

7 (2) Has attained 18 years of age; and

8 (3) (i) Has had 2 years of approved college education in forestry,  
9 arboriculture, horticulture, applied agricultural sciences, or the equivalent education  
10 and a minimum of 1 year of experience with a licensed tree expert in Maryland or with  
11 an acceptable tree expert company in another state and has passed the examination  
12 given by the Department; or

13 (ii) For at least 3 years immediately preceding the date of  
14 application has been engaged continuously in practice with or as a tree expert in  
15 Maryland or in another state and is able to provide proof of the required experience by  
16 submission of income tax returns for the tree expert business and any one of the  
17 following items for the tree expert business:

18 1. A liability insurance certificate;

19 2. A business registration filing;

20 3. A binder or certificate of insurance for workers’  
21 compensation; or

22 4. A Workers’ Compensation Commission certificate of  
23 compliance.

24 **(4) (I) IF AN APPLICANT IS A SOLE PROPRIETOR OF A TREE**  
25 **EXPERT BUSINESS, THE APPLICANT MAY SUBMIT FOUR NOTARIZED AFFIDAVITS**  
26 **INSTEAD OF THE ITEMS UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION.**

27 **(II) AN AFFIDAVIT SUBMITTED UNDER SUBPARAGRAPH (I)**  
28 **OF THIS PARAGRAPH SHALL:**

1                   **1. BE FROM THE APPLICANT'S CUSTOMERS THAT**  
2 **RECEIVED SERVICES WITHIN THE 3 YEARS IMMEDIATELY PRECEDING THE**  
3 **APPLICATION; AND**

4                   **2. INDICATE THE APPLICANT PERFORMED**  
5 **PROFESSIONAL AND SATISFACTORY WORK AS A TREE EXPERT.**

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

10           SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
11 read as follows:

12                                   **Chapter 115 of the Acts of 2006**

13           SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
14 measure, is necessary for the immediate preservation of the public health or safety,  
15 has been passed by a ye and nay vote supported by three-fifths of all the members  
16 elected to each of the two Houses of the General Assembly, and shall take effect from  
17 the date it is enacted. Section 1 of this Act shall remain effective through [May 31,  
18 2007] **DECEMBER 31, 2007**, and, at the end of [May 31, 2007] **DECEMBER 31, 2007**,  
19 with no further action required by the General Assembly, Section 1 of this Act shall be  
20 abrogated and of no further force and effect.

21           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 June 1, 2007. Section 1 of this Act shall remain effective for a period of 7 months and,  
23 at the end of December 31, 2007, with no further action required by the General  
24 Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.