

**This act shall be known and
may be cited as the “Tree
Experts and Tree Care
Operators Licensing Act.”**



AN ACT concerning:

- The licensure of tree experts and tree care operators and the registration of certain employers, supplementing Title 45 of the Revised Statutes, and repealing P.L.1940, c.100 and sections 7 and 8 of P.L.1996, c.20.



Definition

“Licensed tree care operator”

- “Tree care operator services” means and includes tree pruning, repairing, brush cutting or removal, tree removal, and stump grinding or removal.

“Licensed tree expert”

- means and includes tree pruning, repairing, brush cutting or removal, tree removal, stump grinding or removal, tree establishment, fertilization, cabling and bracing, lightning protection, consulting, diagnosis, and treatment of tree problems or diseases, tree management during site planning and development, tree assessment and risk management, and application of pesticides or any other form of tree maintenance.



Board Member Structure

The board shall:

- consist of nine members, including the Commissioner of the Department of Environmental Protection or the commissioner's designee, who shall serve ex officio, and eight members, appointed by the Governor with the advise and consent of the Senate as follows:
 - five shall be licensed tree experts,
 - two shall be licensed tree care operators, and
 - one shall possess knowledge of
 - arboriculture or forestry, including urban forestry.
 - three of the five licensed tree expert memberships shall be appointed from the members of the board of tree experts established by P.L.1940, c.100



Terms of Service

- The three members of the board shall be appointed for a term of three years, and one of the initial tree care operators shall be appointed for a term of three years; the remaining two initial tree experts and the remaining initial tree care operator shall be appointed for a term of two years; and the initial member possessing knowledge of arboriculture or forestry shall be appointed for a term of one year.



The board shall:

- A. Review the qualifications of an applicant for licensure under the act;
- B. Establish standards for examinations for licensure;
- C. Issue and renew licenses and assess fees therefore;
- D. Establish standards by regulation, which shall include, but not be limited to, the appropriate standards of the American National Standards Institute (ANSI), and any related standards and best management practices;
- E. Suspend or revoke licenses or registrations for violations of the act;
- F. Maintain a registry of licensees;



The board shall:

- G. Adopt a canon of professional ethics;
- H. Adopt such regulations as may be necessary to effectuate the purposes of the act;
 - i. Establish fees by regulation for examinations, applications for licensure, and license renewals. The fees shall be sufficient to defray expenses incurred by the board in the performance of its duties under the act;
- J. Conduct such worksite inspections as may be necessary to enforce the provisions of this act; and
- K. Maintain a registry of businesses engaged in tree care services, and charge a fee therefore.
- L. administer the examinations at least semi annually



“No person shall present himself to the public as a licensed tree expert or use the designation ‘L.T.E.,’ without licensure by the board.”



Who qualifies to transfer to LTE & LTCO?

- any person of good moral character who has received certification as a tree expert pursuant to P.L.1940, c.100 (C.45:15C-1 et seq.) before the date of its repeal may, if in good standing with the board, acquire a license as a tree expert without sitting for an examination pursuant to subsection a. of this section pursuant to regulations established by the board;
- any person of good moral character who has documented to the satisfaction of the board that he has been engaged in the practice of arboriculture for seven years preceding the effective date of this act may acquire a license as a tree care operator without sitting for an examination pursuant to subsection b. of this section, pursuant to regulations established by the board.



CEU'S

- as a condition for biennial* license renewal, no less than 32 credits of continuing education in courses of study approved by the board. Each hour of instruction shall be equivalent to one credit.

* LASTING 2 YEARS



Requirements

- In rendering professional services, a licensed tree expert or licensed tree care operator shall comply in all respects with the applicable laws and regulations pertaining to tree expert or tree care operator services and shall have the duty to make every reasonable effort to protect the safety, health, property, and welfare of the public.

This shall include ;

- Ensuring the safe operation of all equipment used in the performance of tree expert or tree care operator services, under guidelines established by the Department of Environmental Protection or by the board.



Board Authority

- The board may refuse to issue or renew or may suspend or revoke a license or may refuse to admit a person to an examination for licensure, after notice and hearing, upon a finding that an applicant or licensee:
 - Has obtained a license examination through fraud, deception, or misrepresentation;
 - Has conducted work, or allowed work to be conducted under his supervision, in a manner not in compliance with standards
 - Has engaged in dishonesty, fraud, deception, misrepresentation, false promise, or false pretense in the course of his business;
 - Has engaged in gross negligence or gross incompetence;
 - Has engaged in repeated acts of negligence or incompetence;
 - Has engaged in occupational misconduct, as determined by the board;
 - Has been convicted of any crime involving moral turpitude, any crime relating adversely to the activities regulated by the board, or any crime of the first, second, third, or fourth degree;



Board Authority

- Has had his authority to engage in the activities regulated by the board revoked or suspended by any other state, agency, or authority;
- Has failed to comply with the provisions of this act or any regulation promulgated pursuant thereto, including canons of ethics established by the board;
- Is incapable, for medical or any other good cause, of discharging the functions of a licensee in a manner consistent with the health, safety, and welfare of the public;
- Has engaged in any form of false or misleading advertising or promotional activities, including, but not limited to, holding himself out to be a licensed tree expert, an arborist, licensed tree care operator, a tree surgeon, a tree care business, or any similar designation, or using the abbreviation “L.T.E.” or “L.T.C.O.” without being licensed as a tree expert or a tree care operator as provided for in this act; or
- Has failed to maintain records required by the board.



REGISTRATION

- Every business engaged in providing tree expert or tree care operator services shall register biennially with the board as a condition of doing business in this State and shall provide the following information:
- a. The name and residence of the owner or owners
- b. The principal address and any branch office or subsidiary
- c. The names and addresses of every LTE or LTCO employed by the business and the location of each such licensee,
- d. Proof of general liability insurance or a letter of credit of a type and amount required by the board by regulation;
- e. Proof of workers' compensation insurance coverage
- Proof that at least one employee at the principal office of the tree care business shall be LTE or LTCO and at least one employee located at each branch office and
- g. Any other information required by the board.



COMPANY RESPONSIBILITY

- Every tree care business shall provide instruction and
- training for its employees in the proper use, inspection and
- maintenance of tools and equipment and shall require that safe
- working practices are observed in accordance with the appropriate
- standards of the American National Standards Institute (ANSI), as
- well as any additional standards designated by the board by
- regulation. Every tree care business shall submit documentation of
- its training program for employees to the board annually, which
- shall include a model tree safety program checklist, proof of general
- liability insurance coverage or a letter of credit in an amount
- established by the board, and proof of workers' compensation
- insurance.



EXEMPTIONS

The provisions of this act shall not apply to:

- a. Any public utility or any employee of a public utility while engaged in the actual performance of his duties as an employee;
- b. Any employer under contract with a public utility who is engaged in tree trimming or any other utility vegetation management practice for purpose of line clearance, or any employee of the employer while engaged in the actual performance of duties in regard to tree trimming or other utility vegetation management practice or for the installation of underground facilities or associated site construction;
- c. Any forestry activities that are conducted under the forest management and stewardship programs approved by the State Forester, provided that tree climbing is not performed, nor are aerial lifts, cranes, or rope and rigging operations used;



EXEMPTIONS con't.

- d. Landscape construction activities, including those performed by, or under the direction of, a landscape architect, or ground based landscape maintenance activities such as pruning, fertilization, insect and disease control, planting, transplanting and all other forms of ground based landscape maintenance, For the purposes of this subsection, ground based landscape maintenance means operations that do not involve climbing, the use of aerial lifts, cranes, rope and rigging operations, or the removal of trees over 6 inch D.B.H;
- e. Any person or employer that does not offer tree care services for hire;
- f. Any trees being removed pursuant to an approved site plan or subdivision approval,
- g. Any employee of a municipality or county while engaged in
- the actual performance of his duties as an employee.



VIOLATIONS

The board may revoke or suspend a registration of any tree care business, after notice and hearing, that the business:

- Has failed to demonstrate that the employer, or at least one employee in each principal office and branch location who is responsible for the supervision of workers in the performance of tree expert or tree care operator services, is in possession of a tree expert license or a tree care operator license;
- Has failed to ensure the safe operation of all equipment used in the performance of tree expert or tree care operator services;
- Has allowed work to be conducted in a manner not in compliance with standards approved by the board;
- Has failed to provide instruction and training for its employees, as required by this act;
- Has engaged in the use of dishonesty, fraud, deception, misrepresentation, false promise, or false pretense in the course of his business;
- Has been found guilty of gross negligence or incompetence;
- Has had the authority to engage in tree expert or tree care operator services revoked or suspended by any other state, agency, or authority;
- Has failed to comply with the provisions of this act or any regulation promulgated pursuant thereto;
- Has engaged in any form of false or misleading advertising or promotional activities; or
- Has failed to maintain records required by the board.

PENALTIES

- In addition to suspension or revocation of a license, the board may levy a fine, not to exceed \$1,000 for a first violation and not to exceed \$2,500 for a second or subsequent violation of this act. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense. The civil penalty shall be issued for and recovered by and in the name of the board, and shall be collected by summary proceeding pursuant to the “Penalty Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58:10 et seq.), including reimbursement



PENALTIES

- The Attorney General, in addition to any other proceeding authorized by law, may seek and obtain in a summary proceeding in the Superior Court an injunction prohibiting the act or practice. The court may assess a civil penalty in accordance with the provisions of this act, but the court shall not suspend or revoke any license issued by the board.



What's Next?

- Answers from D.A.G. office
- Advertising the Law
- Community Notification
- Fee Establishment
- Rules & Regs
- Collection of Tree Service Names
- Continued Assistance From YOU!



HOW TO HELP?

- The program has just begun so what is required from you?



HOW TO HELP?

- PATIENCE
- SUPPORT
 - VOLUNTEERING FOR COMMITTEES
 - COLLECTING NAMES
 - Phone book, Coupons, flyers, seen, etc
 - FINANCIAL ASSISTANCE
 - PAY DEBT FOR LTE PASSING
 - LOBBY SUPPORT FOR S-2370 OR A-3499



**N.J. GREEN INDUSTRY COUNCIL
CAA TASK FORCE**

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Q & A PANEL

