

# ASSEMBLY, No. 853

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## STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen COTTRELL and MALONE

1   **AN ACT** concerning the certification of tree experts, amending and  
2   supplementing P.L.1940, c.100, and repealing parts of the statutory  
3   law.

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5   **BE IT ENACTED** by the Senate and General Assembly of the State  
6   of New Jersey:

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8       1. Section 3 of P.L.1940, c.100 (C.45:15C-3) is amended to read  
9   as follows:

10      3. The Department of Environmental Protection shall establish a  
11   board of tree experts consisting of three members who shall be skilled  
12   in the knowledge, science and practice of tree care and shall have been  
13   [actively engaged as tree experts within the State of New Jersey]  
14   certified tree experts for a period of at least [5] five years prior to  
15   their selection. Members of the board shall hold office[, one for the  
16   term of 1 year, one for the term of 2 years, and one] for [the] a term  
17   of [3] three years, and thereafter until their successors are appointed  
18   by the department. Vacancies shall be filled for the unexpired terms  
19   only. The department shall make all rules and regulations necessary  
20   to carry into effect the provisions of this act.

21   (cf: P.L.1983, c.324, s.28)

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23       2. Section 4 of P.L.1940, c.100 (C.45:15C-4) is amended to read  
24   as follows:

25      4. The certificate of "certified tree expert" shall be granted by the  
26   board [to] upon application by any natural person who is (a) a citizen  
27   of the United States or has duly declared his or her intention of  
28   becoming [such] a citizen, and [who is a legal resident of the State of  
29   New Jersey,] (b) who is over the age of 21 years, and (c) who is of  
30   good moral character, and (d) who has graduated from a 4 year  
31   college with a degree in forestry, arboriculture, ornamental  
32   horticulture, landscape architecture, or the equivalent, or (e) who  
33   [shall have continuously] , for at least [5] five years immediately  
34   preceding the date of his application has been [engaged in practice as

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

Matter underlined thus is new matter.

1 a tree expert, (f) who shall have successfully passed examinations in  
2 the theory and practice of tree care, including such subjects as botany,  
3 plant physiology, dendrology, entomology, plant pathology, and soils] continuously employed in the practice of arboriculture, or (f) who has completed two years of college and passed courses in the theory and practice of tree care, including botany, plant physiology, dendrology, entomology, plant pathology, and soils, or their equivalent, and has been continuously employed in the practice of arboriculture for a period of at least three years preceding the date of his application or entry into college, and (g) who has passed the examination provided for in section 5 of P.L.1940, c.100 (C.45:15C-5). Upon satisfaction of the qualifications specified in this section, the board shall issue the successful applicant a wall certificate evidencing the applicant's certification. The determination of the board as to an applicant's qualifications shall constitute final agency action.

16 (cf: P.L.1983, c.324, s.29)

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18 3. Section 5 of P.L.1940, c.100 (C.45:15C-5) is amended to read  
19 as follows:

20 5. New applicants who have never been certified or who have not  
21 held a certificate for [3] three years previously [must] shall take an  
22 examination , unless the board in its discretion waives this requirement. All examinations provided for herein shall be conducted  
23 by the board. The examinations shall take place as often as may be  
24 necessary in the opinion of the board but not less frequently than once  
25 each year. A candidate who [shall have passed a satisfactory  
26 examination in all but one of the subjects given by the board of  
27 examination] has taken the examination and failed any subject or  
28 subjects thereof, may , at the discretion of the board, be reexamined  
29 in that subject or those subjects only, at subsequent examinations held  
30 by the board, and if he passes in that subject or those subjects he shall  
31 be considered to have passed the examination. Nothing in this [law]  
32 act shall be construed as prohibiting the reexamination in all subjects  
33 of a candidate who has failed any subject or subjects in a prior  
34 examination.

36 (cf: P.L.1983, c.324, s.30)

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38 4. Section 6 of P.L.1940, c.100 (C.45:15C-6) is amended to read  
39 as follows:

40 6. The board of tree experts by majority vote thereof [shall] may  
41 permanently revoke or temporarily suspend the effect of a certificate  
42 of any certified tree expert who has been convicted of a crime in the  
43 courts of this State, or has been guilty of any fraud or deceit in  
44 obtaining [such] a certificate, or who has been guilty of negligence or  
45 wrongful conduct in the practice of professional tree care. The board  
46 may promulgate and may amend from time to time canons of

1 professional ethics and may temporarily suspend for a period not  
2 exceeding [2] two years [the effect of] the certificate of any certified  
3 tree expert who violates [such] the canons of professional ethics, this  
4 power of suspension being in addition to and not in limitation of the  
5 power to revoke or suspend heretofore provided in this section.  
6 Notice of [the cause for such contemplated action] and the date of  
7 hearing [thereon] of any action pursuant to this section by the board  
8 shall be mailed to the holder of [such] the certificate at [his or her]  
9 that person's registered address at least 20 days before [said] the  
10 hearing. No certificate issued under this act shall be revoked or [the  
11 effect thereof] suspended until the board [shall have] has had [such]  
12 a hearing, but the nonappearance of the holder of any certificate after  
13 notice [as herein] has been provided shall not prevent [such] the  
14 hearing. By majority vote the board may reissue the certificate of any  
15 certified tree expert whose certificate[ shall have] has been revoked  
16 and may modify [the effect of] the suspension of any certificate which  
17 has been suspended.

18 (cf: P.L.1983, c.324, s.31)

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20 5. Section 8 of P.L.1940 c.100 (C.45:15C-8) is amended to read  
21 as follows:

22 8. a. No person shall represent himself or herself to the public as  
23 having received a certificate as provided for in this act, or shall  
24 [assume to] practice as a certified tree expert without having received  
25 [such] a certificate, and no person who, having received [such] a  
26 certificate and thereafter lost the same by revocation or had [the effect  
27 of] the [same] certificate suspended as provided for in this act, shall  
28 continue to practice as a certified tree expert, and no person shall use  
29 [such] the title of certified tree expert, or the abbreviation "C.T.E." or  
30 any other words, letters or abbreviations tending to indicate that  
31 [such] the person is a certified tree expert without having received  
32 [such] a certificate or if [such] their certificate has been revoked or  
33 suspended.

34 b. Any person who violates this section shall be subject to a fine  
35 not exceeding \$1,000.

36 (cf: P.L.1983, c.324, s.32)

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38 6. Section 9 of P.L.1940, c.100 (C.45:15C-9) is amended to read  
39 as follows:

40 9. The board may in its discretion [register the certificate of] grant  
41 certification to any person who is not a resident of this State and who  
42 is the lawful holder of a [C.T.E. certificate] substantially equivalent  
43 certification issued under the laws of another state which extends  
44 similar privileges to certified tree experts of this State; provided, the  
45 requirements [of the certificate] for certification in [the other] that  
46 state [which has granted it to the applicant] are, in the opinion of the

1 board, substantially equivalent to those herein provided.

2 (cf: P.L.1983, c.324, s.33)

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4 7. (New section) "Certified tree expert" means a natural person  
5 who has satisfied the requirements of P.L.1940, c.100 (C.45:15C-1 et  
6 seq.) and who has been authorized by the board to present himself to  
7 the public as a certified tree expert. Nothing in this act shall be  
8 construed to restrict or otherwise affect the right of any person to  
9 engage in the practice of arboriculture, but a person shall not hold  
10 himself out as, or use the title of, a certified tree expert unless he has  
11 been, and continues to be, so authorized by the board.

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13 8. (New section) All applicants for certification or renewals for  
14 certification under this act shall pay a fee for the issuance or renewal.  
15 Fees shall be determined by the board. The revenue generated from  
16 these fees shall not exceed the operating costs incurred by the board  
17 under this act.

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19 9. Sections 2, 7 and 10 of P.L.1940, c.100 (C.45:15C-2, 45:15C-7  
20 and 45:15C-10) are repealed.

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22 10. This act shall take effect immediately.

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27 Revises requirements for the certification of tree experts.