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HOUSE BILL NO. 913

Offered January 9, 2008

Prefiled January 8, 2008

A BILL to amend the Code of Virginia by adding in Title 10.1 a chapter numbered 21.3, consisting of sections numbered 10.1-2140 through 10.1-2142, relating to regulation of arborists.

Patron—Purkey

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 10.1 a chapter numbered 21.3, consisting of sections numbered 10.1-2140 through 10.1-2142, as follows:

CHAPTER 21.3.

ARBORISTS.

§ 10.1-2140. Definitions.

As used in this chapter, unless the context requires a different meaning:

"American Society of Consulting Arborists" means a nonprofit organization established to advance the arboricultural consulting profession through promoting public awareness and enhancing the knowledge, skills, and practice of arborists.

"Arboriculture" means a specialized field involving the cultivation of trees and shrubs especially for ornamental purposes.

"Arborist" means any person who (i) engages in, or offers to engage in, work for the general public for compensation involving the application of arboricultural sciences to the care of trees, including the removal of a tree or a portion of a tree, taking measures to prolong the life and enhance the aesthetic value of a tree, and (ii) possesses a valid certification from the International Society of Arboriculture and whose certification has not lapsed or been revoked.

"Consulting Arborist" means any person who (i) engages in, or offers to engage in, work for the general public for compensation involving the diagnosis, appraisal, or evaluation of arboricultural issues and (ii) possesses a valid certification from the American Society of Consulting Arborists.

§ 10.1-2141. Prohibited terms; enforcement.

A. No person shall use in conjunction with his name the letters or words "arborist" or a variation thereof, or represent to the public that he has earned the title of "arborist," unless he possesses a valid certification issued by the International Society of Arboriculture.

B. No person shall use in conjunction with his name the words "consulting arborist" or a variation thereof, or represent to the public that he has earned the title of "consulting arborist," unless he possesses a valid certification issued by the American Society of Consulting Arborists.

C. The Attorney General or any other person may apply to the circuit court in a jurisdiction where venue is proper for injunctive relief to restrain a person who has violated the provisions of this section.

§ 10.1-2142. Exemptions.

The provisions of this chapter shall not prohibit any person who is not certified in accordance with this chapter from performing arboricultural functions or providing diagnosis, appraisal, or evaluation of arboricultural issues so long as such person does not represent himself to the public as being an "arborist" or a "consulting arborist."

INTRODUCED

HB913