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## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 70 – DIVISION OF FOREST ENVIRONMENT**

#### **SUBCHAPTER 00 - N/A**

#### **PART 1 – Rules and Regulations for Licensing and Registration of Arborists**

### **1.1 Authority**

Rules and Regulations under Title 2, Chapter 19, General Laws of Rhode Island, as amended, entitled “Licensing and Registration of Arborists.” These Rules and Regulations are promulgated pursuant to Chapters 42-17.1, 42-35 and 2-19 of the R.I. Gen. Laws.

### **1.2 Definitions**

For the purposes of these regulations, except as provided below, the following terms shall have the following meanings:

- A. "Arboriculture" means the care and maintenance of trees and shall include work such as tree bracing, tree pruning, cavity treatment of trees, hazardous tree removal and such other activities as licensed arborists may undertake in the management of trees.
- B. "Corporation" means any business or non-profit organization which in any part of its activities undertakes the practice of arboriculture as defined in § 1.2(A) of this Part above whether or not such corporation is duly incorporated in Rhode Island or any other state or country, if such corporation does or seeks to practice arboriculture within the State of Rhode Island.
- C. "Department" means the Department of Environmental Management, Division of Forest Environment.
- D. "Firm" means any business composed of one or more persons which in any part of its activities undertakes the practice of arboriculture as defined in § 1.2(A) of this Part above, whether or not such firm is duly incorporated in Rhode Island or any other state or country, if such firm does or seeks to practice arboriculture within the State of Rhode Island.
- E. "Job site" means any discrete location or area where arboricultural work is taking place.
- F. "Person" means any individual who at any time practices arboriculture as defined in § 1.2(A) of this Part above within the State of Rhode Island.

## **1.3 License Requirement**

- A. Persons who must hold an Arborist License:
  - 1. Any individual, whether self-employed or working as part of a corporation, firm, or any municipality, who will spend any portion of his/her time working alone at any job site where any arboriculture is being done on property of another for compensation must have a valid arborist license.
  - 2. Where there is more than one person working at any job site where any arboriculture is being done on property of another for compensation, at least one person at every such job site must have a valid arborist license, and all persons working at such job site must be within such close proximity to each other that their work is continually monitored by a licensed arborist.
- B. Exemptions - Pruning of Christmas trees or trees that provide an agricultural crop and are grown for agricultural purposes on private lands or any activity pursuant to R.I. Gen. Laws § 2-23-4 known as "The Right to Farm Act" is exempt from these regulations.

## **1.4 Application for Examination**

- A. Prior to the time of examination, applicants for an arborist license shall apply in writing on a form supplied by the Department.
- B. Examinations will be offered for two categories of licenses as follows:
  - 1. Standard Arborist License issued to persons who pass an examination which includes all phases of arboriculture and,
  - 2. Limited Utility Arborist License issued to persons who pass an examination limited to trimming, pruning, limbing, removal, identification of trees, and safety practices relating directly to providing clearance for the safe and reliable operation of utility lines and equipment.

## **1.5 Time and Fee for Examination**

- A. Examinations will be held in January, March, June and September of every year at a time and place specified by the Department. Examinations may be given at other times, if, in the judgment of the Department, enough applicants have applied for examination to warrant such action.
- B. An applicant must pay a non-refundable fee of twenty-five dollars (\$25.00) for every application for examination. If a person does not pass the examination, (s)he will be charged a non-refundable fee of ten dollars (\$10.00) if (s)he chooses to retake the test within the calendar year. If any applicant waits beyond

the calendar year to retake the examination, a twenty-five dollar (\$25.00) fee will be charged for the subsequent examination(s).

## **1.6 Basis for Examination and Passing Grade**

- A. The Standard Arborist examination shall be based on the latest standards for arboriculture as promulgated by the International Society of Arboriculture.
- B. The Limited Utility Arborist examination shall be based on the latest standards for utility arboriculture as recognized by the International Society of Arboriculture.
- C. To pass the examination, each applicant must answer at least seventy percent (70%) of the questions correctly.
- D. The Department may, in its discretion, grant an applicant's request to receive an oral examination if an applicant feels (s)he is not able to pass a written examination.
- E. At the Department's discretion, an exemption from the examination process may be granted upon proof of proficiency based on evidence of examination by an agency from another state or examination by the International Society of Arboriculture (ISA).

## **1.7 Validity of Licenses**

- A. All arborist licenses shall expire on December 31 of each year.
- B. A fee of twenty-five (\$25.00) will be charged for each arborist license and each renewal license.
- C. Any person, firm, or corporation who allows his/her arborist license to expire, and who fails to renew his/her existing license within one year of the date of expiration, must take and pass the arborist examination, and pay the examination and renewal fees before his/her arborist license will be renewed.

## **1.8 Severability**

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

## **1.9 Superseded Rules and Regulations**

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of the R.I. Gen. Laws § 2-19-1 *et seq.*, Arborist Act, shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the

effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.