

LEGISLATIVE FISCAL ESTIMATE

[Third Reprint]

SENATE, No. 3906

STATE OF NEW JERSEY

221st LEGISLATURE

DATED: JANUARY 15, 2026

SUMMARY

Synopsis: Revises "Tree Experts and Tree Care Operators Licensing Act" to provide enforcement and penalty provisions.

Type of Impact: Annual State revenue and expenditure increases.

Agencies Affected: Department of Environmental Protection.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Revenue Increase	Indeterminate
State Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) estimates that this bill would result in an indeterminate annual State revenue increase. The New Jersey Board of Tree Experts within the Department of Environmental Protection has provided that, as of February 2025, 220 individual tree care experts or operators and 250 businesses are out of compliance with the Tree Experts and Tree Care Operators Licensing Act.
- The OLS finds that the State revenue increase could potentially be in the hundreds of thousands of dollars in the first year following enactment. The OLS anticipates the number of violations and the ensuing penalty collections may decrease substantially in subsequent years as more tree care operators and experts become compliant with the law.
- The department may experience indeterminate annual cost increases from additional responsibilities in reviewing and enforcing compliance with the act, providing notice to those in violation, and specifying the violations of the provisions of the act.

BILL DESCRIPTION

This bill revises the Tree Experts and Tree Care Operators Licensing Act to provide enforcement and penalty provisions. The bill establishes that the New Jersey Board of Tree Experts or the Department of Environmental Protection, upon a violation of the abovementioned law, may: (1) issue an order requiring any person in violation of the law to comply; (2) bring a

civil action in accordance with the provisions of the bill; (3) levy a civil administrative penalty in accordance with the provisions of the bill; or (4) bring an action for a civil penalty in accordance with the provisions of the bill. The bill exempts persons employed by or contracted with the New Jersey Department of Transportation while engaged in the performance of the person's duties as an employee or contractor.

A person who violates any provision of the act will be subject to a civil administrative penalty not to exceed \$1,000 for a first violation and not to exceed \$2,500 for a second or subsequent violation, with each day a violation continues considered an additional, separate, and distinct offense. No assessment will be levied pursuant to the bill until after the alleged violator has been notified by certified mail or personal service.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Executive has not submitted a fiscal note for this bill. However, the New Jersey Board of Tree Experts within the Department of Environmental Protection has provided that, as of February 2025, 220 individual tree care experts or operators and 250 businesses are out of compliance with the Tree Experts and Tree Care Operators Licensing Act.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that this bill would result in an indeterminate annual State revenue increase. The OLS finds that the State revenue increase could potentially be in the hundreds of thousands of dollars in the first year following enactment. The OLS anticipates the number of violations and the ensuing penalty collections may decrease substantially in subsequent years as more tree care operators and experts become compliant with the law. The OLS notes that the State's ability to collect fines and penalties has historically been limited.

Compliance with the Tree Experts and Tree Care Operators Licensing Act is already monitored by the New Jersey Board of Tree Experts. According to the board, as of February 2025, 250 individual licensed tree care experts or operators were on the board's suspended list. Most were due for renewal on December 31, 2024. The board currently monitors 220 businesses on the suspended list, most of which had licenses due for renewal on September 14, 2024. These experts, operators, and businesses have violation durations of at least one month; each day a violation continues is an additional, separate, and distinct offense.

The department may experience indeterminate annual cost increases from additional responsibilities in reviewing and enforcing compliance with the act, providing notice to those in violation, and specifying the violations of the provisions of the act.

Section: Environment, Agriculture, Energy, and Natural Resources

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).