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HOUSE BILL 2877

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Anderson, McLean, Sheldon, Bowman and Pruitt

Read first time 01/31/92. Referred to Committee on State Government.

1            AN ACT Relating to the registration of geologists; adding a new  
2 chapter to Title 18 RCW; and making an appropriation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            NEW SECTION.    **Sec. 1.**            In order to safeguard life, health, and  
5 property, and to promote the public welfare, the legislature finds that  
6 it is in the public interest to regulate the profession of geology as  
7 described in this chapter. No person may practice or offer to practice  
8 the profession of geology unless registered or exempted from  
9 registration as provided by this chapter.

10           NEW SECTION.    **Sec. 2.**            As used in this chapter, the following  
11 terms shall have the meanings ascribed to them in this section:

12           "Board" means the board of registration for geologists.

1 "Geologist" means a person who, by reason of his or her knowledge  
2 of geology, mathematics, and the supporting physical and life sciences,  
3 acquired by education and practical experience, is qualified to engage  
4 in the practice of geology.

5 "Geology" means the science that includes treatment of the earth  
6 and its origin and history, in general; the investigation of the  
7 earth's constituent rocks, minerals, solids, fluids including surface  
8 and underground waters, gases, and other materials; and the study of  
9 natural agents, forces, and processes that cause changes in the earth.

10 "Practice of geology" means performance of geological service or  
11 work including, but not limited to, consultation, investigation,  
12 evaluation, planning, surveying, mapping, and inspection of geological  
13 work, and the responsible supervision thereof, the performance of which  
14 is related to public welfare or the safeguarding of life, health,  
15 property, and the environment, except as otherwise specifically  
16 provided by this chapter. A person shall be construed to practice or  
17 offer to practice geology, within the meaning and intent of this  
18 chapter, who practices any branch of the profession of geology; or who  
19 by verbal claim, sign, advertisement, letterhead, card, or in any other  
20 way represents himself or herself to be a geologist; or through the use  
21 of some other title that implies that he or she is a geologist or that  
22 he or she is registered under this chapter; or who holds himself or  
23 herself out as able to perform or who does perform any geologic  
24 services or work recognized by the board as the practice of geology.

25 "Registered geologist" means a geologist who has met the academic  
26 and experience qualifications established pursuant to this chapter and  
27 who has been issued a certificate of registration as a geologist by the  
28 board.

1 "Responsible charge" means the independent control and direction,  
2 by use of initiative, skill, and independent judgment, of geological  
3 work or the supervision of such work.

4 "Subordinate" means any person who assists in the practice of  
5 geology by a registered geologist or an exempt person, without assuming  
6 the responsible charge of the work.

7 NEW SECTION. **Sec. 3.** There is hereby created within the  
8 department of licensing, the board of registration for geologists. The  
9 board shall be composed of seven members, to be appointed by the  
10 governor. Six of the members shall be geologists registered pursuant  
11 to this chapter; the seventh member shall be a lay member of the  
12 general public with no family or business connection to the practice of  
13 geology. Each member of the board shall be a citizen of the United  
14 States, shall have been a resident of this state for at least three  
15 years immediately preceding his or her appointment, and shall be at  
16 least twenty-five years of age. In making appointments to the board,  
17 the governor shall make every effort to see that women and minorities  
18 are appropriately represented. The members initially appointed to the  
19 board shall be exempt from the registration requirement.

20 Members of the board shall be appointed for terms of four years,  
21 except for the initial board appointments which shall be made as  
22 follows: The first appointee shall serve a term of one year; the  
23 second and third appointees shall serve terms of two years; the fourth  
24 and fifth appointees shall serve terms of three years; and the sixth  
25 and seventh appointees shall serve terms of four years. Members shall  
26 serve on the board until the expiration of the term for which they were  
27 appointed and until their successors have been appointed and qualified.  
28 No member of the board may serve more than two consecutive full terms.

1 Vacancies in the membership of the board shall be filled for the  
2 unexpired term by gubernatorial appointment.

3 The governor may remove or suspend any member of the board for any  
4 of the following causes: (1) If the member is no longer qualified for  
5 appointment to the board; (2) misconduct, incompetence, neglect of  
6 official duties, or malfeasance; (3) commission of a felony or  
7 violation of the provisions of this chapter resulting in disciplinary  
8 action; or (4) an unexcused failure to attend at least one-half of the  
9 regularly scheduled meetings held in a calendar year during the  
10 member's term in office.

11 Each member of the board shall be compensated in accordance with  
12 RCW 43.03.240 and shall be reimbursed for travel expenses incurred in  
13 carrying out provisions of this chapter in accordance with RCW  
14 43.03.050 and 43.03.060.

15 Each present and former member of the board, its agents, employees,  
16 and members of committees duly appointed by the board under this  
17 chapter to assist the board in carrying out its duties and  
18 responsibilities, shall be exempt from civil liability for any act or  
19 omission occurring while acting in an official capacity, and the  
20 attorney general shall defend any such person in any action against the  
21 board or such person arising from any such act or omission.

22 NEW SECTION. **Sec. 4.** (1) The board shall meet within sixty  
23 days after appointment of its members. The board shall hold at least  
24 two regular meetings each year. Special meetings shall be held at such  
25 time as the rules of the board may provide and in accordance with the  
26 notice requirements thereof. The board shall elect annually from its  
27 membership, a chair, a vice-chair, and a secretary-treasurer, none of  
28 whom shall hold that office for more than two consecutive one-year  
29 terms. The board may employ personnel and arrange for assistance as it

1 requires to carry out its duties and responsibilities under this  
2 chapter. A majority of the board shall constitute a quorum.

3 (2) The board shall adopt rules pursuant to chapter 34.05 RCW for  
4 the administration of this chapter, the performance of its duties, the  
5 governing of its proceedings, and the regulation of the practice of  
6 geology in this state.

7 (3) The board shall have the following powers and duties:

8 (a) The board shall establish fees to be charged applicants and  
9 registrants in connection with and to support the administration and  
10 enforcement of this chapter. The board shall set its fees at a level  
11 adequate to pay the costs of administering this chapter. In addition,  
12 the board shall charge additional fees for the purpose of repaying the  
13 board's initial general fund appropriation within a reasonable amount  
14 of time;

15 (b) The board shall consider all applications for registration as  
16 a geologist;

17 (c) The board shall prepare, administer, and grade, or cause to be  
18 prepared, administered, and graded, oral and written examinations  
19 required or established by this chapter. The board may adopt or  
20 recognize, in whole or in part, examinations prepared, administered, or  
21 graded by other organizations that the board determines are appropriate  
22 measures of the qualifications of an applicant for registration in this  
23 state as a geologist;

24 (d) The board shall issue certificates of registration as provided  
25 in this chapter;

26 (e) The board shall renew and reissue certificates of registration  
27 as provided in this chapter. As a condition of reissuance or renewal,  
28 the board shall have the authority to require evidence of continued  
29 competence in the practice of geology through means such as but not  
30 limited to the review of qualifications and experience, requirements

1 for continuing professional education, or by reexamination on a  
2 periodic or other basis;

3 (f) The board shall adopt and issue a code of professional conduct  
4 that shall be binding upon all registrants and others permitted to  
5 practice geology under the limitations of this chapter;

6 (g) The board shall have the authority to investigate all  
7 complaints of violations of this chapter and of unprofessional conduct,  
8 by registrants and nonregistrants, as provided in this chapter;

9 (h) The board shall have the authority to refuse issuance or  
10 renewal of or to suspend or revoke any certificate, and to impose  
11 sanctions or disciplinary actions for violations of this chapter;

12 (i) The board shall have the authority to administer oaths and  
13 affirmations, and to issue subpoenas to compel the attendance of  
14 witnesses and the production of evidence. The board shall also have  
15 the authority to issue cease and desist orders and to seek injunctions  
16 against violations of this chapter;

17 (j) The board may work with the boards of registration of other  
18 states, and with other appropriate organizations and agencies, for the  
19 purposes of developing uniform standards for the registration of  
20 geologists; establishing reciprocity of registration; developing  
21 regional or national examinations; evaluating applicants; or other  
22 purposes consistent with this chapter; and

23 (k) The board shall have other powers and authority as are  
24 necessary for the administration and enforcement of this chapter.

25 (4) The board shall publish and maintain a roster showing the names  
26 and places of business of all registered geologists and firms or  
27 corporations practicing under certificates of registration issued by  
28 the board.

1        NEW SECTION.    **Sec. 5.**        The board shall determine by rule what  
2 information applicants must submit in support of an application for  
3 registration as a geologist. The board shall also determine by rule  
4 the requirements that an applicant must meet in order to receive a  
5 certificate of registration as a geologist. In determining these  
6 requirements, the board shall consider an applicant's education and  
7 experience, and an applicant's score on an examination established by  
8 the board for the purpose of testing the applicant's knowledge of the  
9 fundamentals and practice of geology. The board shall adopt rules for  
10 reexamination and partial reexamination for applicants who have failed  
11 all or part of the board's required examination.

12        In any individual case the board, by a two-thirds vote, may waive  
13 any of the requirements for registration, except payment of the  
14 applicable fees, upon written request of an applicant and upon a  
15 showing of good cause. If the board determines that the applicant is  
16 qualified for registration as a geologist, the requirements waived and  
17 the basis for such waiver shall be recorded in the applicant's record  
18 and in the proceedings of the board.

19        NEW SECTION.    **Sec. 6.**        The board may deny registration to an  
20 applicant who fails to satisfy any of the requirements established  
21 pursuant to this chapter, or if the board determines that there is  
22 probable cause to believe that an applicant has violated this chapter  
23 or comparable provisions in effect in any other state. The board shall  
24 not issue a certificate of registration pending the disposition, in  
25 this or another state, of any complaint alleging a violation of which  
26 the board has notice.

27        An applicant who is denied registration shall be notified in  
28 writing within thirty days of the board's decision, stating the reason  
29 for the denial. Within thirty days after receipt of such notice, the

1 applicant may make written request for a review hearing before the  
2 board. In the absence of a request for a hearing, the board's action  
3 shall be final and conclusive.

4 The board shall refund the application fee of any applicant whose  
5 application has been denied, less the cost of considering the  
6 application, as determined by the board.

7 NEW SECTION. **Sec. 7.** The board shall issue a certificate  
8 evidencing registration as a geologist to an applicant whom the board  
9 feels has met the requirements established pursuant to this chapter and  
10 who has paid the applicable fees. The certificate shall show the full  
11 name of the registrant, shall have a serial number, and shall be signed  
12 by an appropriate officer of the board. The issuance by the board of  
13 a certificate of registration is evidence of a certificate holder's  
14 right to practice geology, so long as the certificate remains unrevoked  
15 or unexpired.

16 Each registrant shall procure a seal or stamp of a design  
17 established by the board, bearing the registrant's name, serial number,  
18 and the legend "registered geologist." Geologic reports, documents,  
19 chain-of-custody records, manifests, permits, affidavits, maps, plans,  
20 logs, sections, or other public records prepared or issued by or under  
21 the supervision of a registered geologist, shall include the full name,  
22 signature, and serial number of the registrant who prepared the  
23 document or under whose supervision the document was prepared, and an  
24 impression of the registrant's seal or stamp, in accordance with rules  
25 established by the board.

26 NEW SECTION. **Sec. 8.** Persons engaged in the following  
27 activities shall not be required to register under this chapter:



1 (1) Geological work performed by an employee or subordinate of a  
2 registrant under this chapter, so long as the work does not include  
3 responsible charge of geological work and is performed under the direct  
4 supervision of a registered geologist, who shall be responsible for  
5 such work;

6 (2) Geological work performed by officers and employees of the  
7 United States practicing solely as such officers and employees;

8 (3) Geological work performed exclusively in the exploration for  
9 and development of energy resources and base, precious, and nonprecious  
10 minerals, including sand, gravel, and aggregate;

11 (4) Geologic research conducted through academic institutions,  
12 agencies of the federal or state governments, nonprofit research  
13 institutions, or for-profit organizations, including submissions of  
14 research to public agencies;

15 (5) Teaching in geology or related physical or natural sciences;

16 (6)(a) The acquisition of engineering data involving soil, rock,  
17 groundwater, and other earth materials; evaluation of the physical and  
18 chemical properties of soil, rock, ground water, and other earth  
19 materials; and utilization of these data in analysis, design, and  
20 construction by professional engineers registered and licensed in this  
21 state, and (b) similar geological work performed by persons or  
22 organizations licensed or registered in any other profession or  
23 occupation related to geology, provided such work is permitted under  
24 the applicable licensing or registration law, and is incidental to the  
25 practice or the profession or occupation for which licensure and  
26 registration is required;

27 (7) Work customarily performed by such physical or natural  
28 scientists and chemists, archaeologists, geographers, oceanographers,  
29 and soil scientists; and

1 (8) The giving of testimony, or preparation and presentation of  
2 exhibits or documents for the sole purpose of being placed in evidence  
3 before any administrative or judicial tribunal or hearing, provided  
4 that the testimony, exhibits, or documents do not imply that the person  
5 is a registered geologist under this chapter.

6 NEW SECTION. **Sec. 9.** This chapter shall be known and may be  
7 cited as "The Washington registration of geologists act."

8 NEW SECTION. **Sec. 10.** Sections 1 through 9 of this act shall  
9 constitute a new chapter in Title 18 RCW.

10 NEW SECTION. **Sec. 11.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

14 NEW SECTION. **Sec. 12.** The sum of seventy-five thousand  
15 dollars, or as much thereof as may be necessary, is appropriated for  
16 the biennium ending June 30, 1993, from the general fund to the  
17 department of licensing for the purposes of administering the  
18 registration of geologists act.