
HOUSE BILL 2857

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Anderson and Sheldon

Read first time 01/26/94. Referred to Committee on State Government.

1 AN ACT Relating to the regulation of geologists; adding a new
2 chapter to Title 18 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds it is in the public
5 interest to regulate the practice of geology to safeguard life, health,
6 and property and to promote the public welfare.

7 NEW SECTION. **Sec. 2.** (1) It is unlawful for any person to
8 practice or offer to practice geology for others in this state, or to
9 use in connection with his or her name or otherwise assume or advertise
10 any title or description tending to convey the impression that he or
11 she is a geologist, unless the person has been licensed or exempted
12 under the provisions of this chapter.

13 (2) A person shall be construed to practice or offer to practice
14 geology, within the meaning and intent of this chapter, if the person:

15 (a) Practices any branch of the profession of geology;

16 (b) By verbal claim, sign, advertisement, letterhead, card, or in
17 any other way represents himself or herself to be a geologist;

1 (c) Through the use of some other title implies that he or she is
2 a geologist or that he or she is licensed under this chapter; or

3 (d) Holds himself or herself out as able to perform or does perform
4 any geologic services or work recognized by the board as the practice
5 of geology.

6 NEW SECTION. **Sec. 3.** Unless the context clearly requires
7 otherwise, the definitions in this section apply throughout the
8 chapter.

9 (1) "Board" means the board of licensing for geologists.

10 (2) "Department" means the department of licensing.

11 (3) "Director" means the director of the department of licensing.

12 (4) "Geologist" means a person who, by reason of his or her
13 knowledge of geology, mathematics, and the supporting physical and life
14 sciences, acquired by education and practical experience, is qualified
15 to engage in the practice of geology, has met the qualifications
16 established pursuant to this chapter, and has been issued a certificate
17 of licensure as a geologist by the board.

18 (5) "Geology" means the science that includes: Treatment of the
19 earth and its origin and history, in general; the investigation of the
20 earth's constituent rocks, minerals, solids, fluids including surface
21 and underground waters, gases, and other materials; and the study of
22 the natural agents, forces, and processes which cause changes in the
23 earth.

24 (6) "Practice of geology" means performance of geological service
25 or work including, but not limited to, consultation, investigation,
26 evaluation, planning, surveying, mapping, and inspection of geological
27 work, and the responsible supervision thereof, the performance of which
28 is related to public welfare or the safeguarding of life, health,
29 property, and the environment, except as otherwise specifically
30 provided by this chapter.

31 (7) "Responsible charge" means the independent control and
32 direction, by use of initiative, skill, and independent judgment, of
33 geological work or the supervision of such work.

34 (8) "Subordinate" means any person who assists in the practice of
35 geology by a licensed geologist or an exempt person, without assuming
36 the responsible charge of the work.

37 (9) "Engineering geology" means a specialty of geology affecting:
38 (a) The planning, design, operation, and maintenance of civil

1 engineering works; (b) the development, protection, and remediation of
2 ground and surface water resources; and (c) other human activities when
3 geologic factors and conditions impact the public welfare or the
4 safeguarding of life, health, property, and the environment.

5 (10) "Engineering geologist" means a geologist who, by reason of
6 his or her knowledge of engineering geology, acquired by education and
7 practical experience, is qualified to engage in the practice of
8 engineering geology, has met the qualifications in engineering geology
9 established pursuant to this chapter, and has been issued a license in
10 engineering geology by the board.

11 (11) "Practice of engineering geology" means performance of
12 geological service or work including, but not limited to, consultation,
13 investigation, evaluation, planning, surveying, mapping, and inspection
14 of geological work, and the responsible supervision thereof, the
15 performance of which is related to public welfare or the safeguarding
16 of life, health, property, and the environment, except as otherwise
17 specifically provided by this chapter, and includes, but is not limited
18 to, the commonly recognized geologic practices of construction geology,
19 hydrogeology, environmental geology, and urban geology. Nothing in
20 this subsection shall be construed to permit the use of the title
21 engineer or the practice of engineering by a geologist, except such
22 practice as is incidental to the practice of geology or engineering
23 geology and does not include any design of an engineered structure.

24 (12) "Specialty" means a branch of geology that has been recognized
25 pursuant to this chapter for the purposes of licensure. Engineering
26 geology is considered to be a specialty of geology.

27 (13) "Licensed specialty geologist" means a licensed geologist who
28 has met the qualifications in a specialty of geology established
29 pursuant to this chapter and has been issued a license in that
30 specialty by the board.

31 NEW SECTION. **Sec. 4.** A state board of licensing for geologists is
32 created. The board shall consist of seven members, six of whom shall
33 be appointed by the director, and shall advise the director concerning
34 the administration of this chapter. Five members of the board shall be
35 geologists licensed pursuant to this chapter, two of whom shall be
36 licensed in a specialty of geology recognized pursuant to this chapter.
37 Insofar as possible, the composition of the appointed geologists
38 serving on the board shall be representative of the occupational

1 distribution of geologists licensed pursuant to this chapter. One
2 member of the board shall be a lay member of the general public with no
3 family or business connection with the practice of geology. The state
4 geologist shall be an ex officio member of the board. Members of the
5 board shall be appointed for terms of four years. Initial terms shall
6 be staggered such that not more than two appointments are scheduled to
7 be made in any calendar year. Members shall hold office until the
8 expiration of the terms for which they were appointed and until their
9 successors have been appointed and have qualified. A board member may
10 be removed for just cause. The director may appoint a new member to
11 fill a vacancy on the board for the remainder of the unexpired term.

12 Each board member shall be entitled to compensation for each day
13 spent conducting official business and to reimbursement for travel
14 expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

15 NEW SECTION. **Sec. 5.** The director has the following authority in
16 administering this chapter:

17 (1) To adopt, amend, and rescind rules in consultation with the
18 board as deemed necessary to carry out this chapter;

19 (2) To adopt fees as provided in RCW 43.24.086;

20 (3) To administer licensing examinations approved by the board. To
21 adopt or recognize examinations prepared by other organizations at the
22 recommendation of the board;

23 (4) To issue subpoenas and administer oaths in connection with an
24 investigation, hearing, or proceeding held under this chapter;

25 (5) To take or cause depositions to be taken and use other
26 discovery procedures as needed in an investigation, hearing, or
27 proceeding held under this chapter;

28 (6) To compel attendance of witnesses at hearings;

29 (7) In the course of investigating a complaint or report of
30 unprofessional conduct, to conduct practice reviews;

31 (8) To take emergency action ordering summary suspension of a
32 license, or restriction or limitation of the licensee's practice
33 pending proceedings by the director;

34 (9) To use the board or the office of administrative hearings, as
35 authorized in chapter 34.12 RCW, to conduct hearings. However, the
36 director or the director's designee shall make the final decision as to
37 disposition of the charges;

1 (10) To enter into contracts for professional services determined
2 to be necessary for adequate enforcement of this chapter;

3 (11) To adopt standards of professional conduct or practice in
4 consultation with the board;

5 (12) In the event of a finding of unprofessional conduct by an
6 applicant or license holder, to impose sanctions against an applicant
7 or license holder as provided by this chapter;

8 (13) To enter into an assurance of discontinuance in lieu of
9 issuing a statement of charges or conducting a hearing. The assurance
10 shall consist of a statement of the law in question and an agreement to
11 not violate the stated provision. Violation of an assurance under this
12 subsection is grounds for disciplinary action;

13 (14) To designate individuals authorized to sign subpoenas and
14 statement of charges; and

15 (15) To employ such investigative, administrative, and clerical
16 staff as necessary for the enforcement of this chapter.

17 NEW SECTION. **Sec. 6.** The board has the following authority in
18 administering this chapter:

19 (1) To recommend rules, including board organization and assignment
20 of terms, for adoption by the director;

21 (2) To establish the minimum qualifications for applicants for
22 licensure as provided by this chapter;

23 (3) To approve the method of administration for examinations
24 required by this chapter or by rule adopted by the director. To
25 recommend examinations prepared by other organizations for adoption or
26 recognition by the director. To set the time and place of examinations
27 with the approval of the director;

28 (4) To recommend and review standards of professional conduct and
29 practice for adoption by the director;

30 (5) To conduct disciplinary hearings at the request of the
31 director; and

32 (6) To conduct practice reviews at the request of the director.

33 NEW SECTION. **Sec. 7.** For licensing as a geologist, an applicant
34 must meet the following requirements:

35 (1) The applicant must be of good moral and ethical character as
36 attested to by letters of reference submitted by the applicant or as
37 otherwise determined by the board;

1 (2) The applicant must be a graduate of a course of study in
2 geology satisfactory to the board or must satisfy educational
3 equivalents determined by the board;

4 (3) The applicant must have a documented record of a minimum of
5 four years of experience in geology or a specialty of geology, obtained
6 after completion of the academic requirements specified in this
7 section, in geologic work of a character satisfactory to the board,
8 demonstrating that the applicant is qualified to assume responsible
9 charge of such work upon licensing as a geologist. The board may
10 require that up to two years of such experience be gained under the
11 supervision of a geologist licensed in this or any other state, or
12 under the supervision of others who, in the opinion of the board, are
13 qualified to have responsible charge of geological work.

14 (4) The applicant must pass an examination covering the
15 fundamentals and practice of geology prescribed or accepted by the
16 board.

17 (5) The applicant must meet other general or individual
18 requirements established by the board pursuant to its authority under
19 this chapter.

20 (6) For licensing in any geological specialty recognized pursuant
21 to this chapter, an applicant must first be a licensed geologist
22 pursuant to this chapter, and then meet the following requirements:

23 (a) In addition to the educational requirements for licensing as a
24 geologist defined in subsection (2) of this section, an applicant for
25 licensing in any specialty of geology established by the board must
26 successfully complete advanced study pertinent to the specialty, or
27 equivalent seminars or on-the-job training acceptable to the board.

28 (b) The applicant's experience must include a documented record of
29 four years of experience, after completion of the academic requirements
30 specified in this subsection, in geologic work in the applicable
31 specialty of a character satisfactory to the board, demonstrating that
32 the applicant is qualified to assume responsible charge of such
33 specialty work upon licensing in that specialty of geology. The board
34 may require that up to two years of such experience be gained under the
35 supervision of a geologist licensed in the specialty in this or any
36 other state, or under the supervision of others who, in the opinion of
37 the board, are qualified to have responsible charge of geological work
38 in the specialty.

1 (c) The applicant must pass an examination in the applicable
2 specialty prescribed or accepted by the board.

3 (7) The following standards are applicable to experience in the
4 practice of geology or a specialty required under subsections (3) and
5 (6) of this section:

6 (a) Each year of professional practice of a character acceptable to
7 the board, carried out under the direct supervision (i) of a geologist
8 who is licensed in this state or under requirements for licensing
9 comparable to those under this chapter, or (ii) of a geologist who
10 meets the educational and experience requirements for licensing but who
11 is not required to be licensed under the limitations of this chapter,
12 qualifies as one year of professional experience in geology.

13 (b) Each year of professional engineering geology practice of a
14 character acceptable to the board, carried out under the direct
15 supervision (i) of an engineering geologist who is licensed as such
16 under this chapter, or who is licensed as an engineering geologist
17 under comparable requirements in any other state, (ii) of a
18 professional engineer licensed in this or any other state, or (iii) of
19 an engineering geologist who meets the educational and experience
20 requirements for licensing but who is not required to be licensed under
21 the limitations of this chapter, qualifies as one year of practice in
22 engineering geology.

23 (c) Each year of professional specialty practice of a character
24 acceptable to the board, carried out under the direct supervision (i)
25 of a geologist who is licensed in a specialty under this chapter, or
26 who is licensed as a specialty geologist under comparable requirements
27 in any other state, or (ii) of a specialty geologist who meets the
28 educational and experience requirements for licensing but who is not
29 required to be licensed under the limitations of this chapter,
30 qualifies as one year of practice in the applicable specialty of
31 geology.

32 (d) Experience in professional practice, of a character acceptable
33 to the board and acquired prior to one year after the effective date of
34 this act, qualifies if the experience (i) was acquired under the direct
35 supervision of a geologist who meets the educational and experience
36 requirements for licensing under this chapter, or who is licensed under
37 comparable requirements in any other state, or (ii) would constitute
38 responsible charge of professional geological work, as determined by
39 the board.

1 (8)(a) Each year of full-time graduate study in the geological
2 sciences or in a specialty of geology qualifies as one year of
3 professional experience in geology or the applicable specialty of
4 geology, up to a maximum of two years.

5 (b) The board may accept geological research or teaching of geology
6 or a geological specialty at the college or university level as
7 qualifying experience, if the research or teaching, in the judgment of
8 the board, is comparable to experience obtained in the practice of
9 geology or a specialty thereof.

10 (9) An applicant who applies for licensing within one year after
11 the effective date of this act, shall be considered to be qualified for
12 licensing, without further written examination, if the applicant
13 possesses the following qualifications:

14 (a)(i) A specific record of graduation with a bachelor of science
15 or bachelor of arts or higher degree, with a major in geology granted
16 by an approved institution of higher education acceptable to the board;
17 or

18 (ii) Graduation from an approved institution of higher education in
19 a four-year academic degree program other than geology, but with the
20 required number of course hours as defined by the board to qualify as
21 a geologist or engineering geologist; and

22 (b) Experience consisting of a minimum of four years of
23 professional practice in geology or a specialty thereof, of a character
24 acceptable to the board.

25 (10) An applicant who applies for licensing in a specialty within
26 one year after the effective date of this act shall be considered to be
27 qualified for licensing in that specialty, without further written
28 examination, if the applicant:

29 (a) Is qualified for licensing as a geologist in this state; and

30 (b) Has experience consisting of a minimum four years of
31 professional practice in the applicable specialty of geology, of a
32 character acceptable to the board.

33 (11) The geologists initially appointed to the board under section
34 4 of this act shall be qualified for licensing under subsections (7)
35 and (8) of this section.

36 NEW SECTION. **Sec. 8.** Application for licensure must be filed with
37 the director on a form provided by the director and must contain
38 statements made under oath demonstrating the applicant's education and

1 practical experience. The director may require any information and
2 documentation that reasonably relates to the need to determine whether
3 the applicant meets the criteria for licensure.

4 The application fee for initial licensure shall be determined by
5 the director as provided in RCW 43.24.086. The application, together
6 with the fee, must be submitted to the department prior to the
7 application deadline established by the director. Fees for initial
8 licensure shall include the examination and issuance of a certificate.

9 If the director finds an applicant ineligible for licensure, the
10 fee shall be retained as an application fee.

11 NEW SECTION. **Sec. 9.** Examinations of applicants for licensure
12 shall be held at such times and places as determined by the board with
13 the director's approval. The scope of the examination shall be
14 directed to an applicant's ability to practice geology or any approved
15 specialty of geology in a manner to assure the safety of life, health,
16 and property.

17 A candidate failing an examination may apply for reexamination.
18 Subsequent examinations shall be granted upon payment of a fee to be
19 determined by the director as provided in RCW 43.24.086.

20 NEW SECTION. **Sec. 10.** The director shall issue a certificate of
21 licensure to an applicant who has satisfactorily met all the
22 requirements of this chapter for licensure as a geologist or an
23 approved specialty geologist. The certificate shall show the full name
24 of the license holder, shall have a certificate number, and shall be
25 signed by the director and an officer of the board.

26 The issuance by the director of a certificate of licensure to an
27 individual shall be prima facie evidence that the person is entitled to
28 all the rights and privileges of a licensed geologist or specialty
29 geologist while the certificate remains unrevoked or unexpired.

30 Each license holder shall obtain a seal of the design authorized by
31 the director, bearing the licensee's name, certificate number, and the
32 legend "licensed geologist" together with any specialty in which the
33 individual may be licensed. Geologic reports, plans, and other
34 technical documents prepared by or under the responsible charge of the
35 license holder shall be signed, dated, and stamped with the seal or a
36 facsimile thereof. Such signature and stamping constitutes a
37 certification by the license holder that the document was prepared by

1 or under his or her responsible charge and that to his or her knowledge
2 and belief the document was prepared in accordance with the
3 requirements of this chapter.

4 NEW SECTION. **Sec. 11.** The director may, upon application and
5 payment of a fee determined by the director as provided in RCW
6 43.24.086, issue a license and certificate without further examination
7 as a geologist or specialty geologist to any person who holds a license
8 or certificate of qualification issued by proper authority of any
9 state, territory, or possession of the United States, the District of
10 Columbia, or any foreign country, if the applicant's qualifications, as
11 evaluated by the board, meet the requirements of this chapter and the
12 rules adopted by the director.

13 NEW SECTION. **Sec. 12.** Licenses issued in conformance with this
14 chapter shall be renewed periodically on a date to be set by the
15 director in conformance with RCW 43.24.140. A license holder who fails
16 to pay the prescribed fee within ninety days following the date of
17 expiration shall pay a renewal fee equal to the current fee plus an
18 amount equal to one year's renewal fee.

19 A license that has been expired for five years or more may be
20 reinstated in conformance with rules adopted by the director.
21 Reinstatement conditions may include demonstration of continued
22 practice or competency in the practice of geology or approved specialty
23 of geology.

24 NEW SECTION. **Sec. 13.** All fees and fines collected under the
25 provisions of this chapter shall be paid into the geologists account,
26 which account is created in the custody of the state treasurer.
27 Expenditures from the account may be used only to carry out the duties
28 required for operation and enforcement of this chapter. Moneys in the
29 account may be spent only after appropriation.

30 NEW SECTION. **Sec. 14.** The following acts are prohibited and
31 constitute grounds for disciplinary action or denial, suspension, or
32 revocation of any license under this chapter:

33 (1) Knowingly violating any of the provisions of this chapter or
34 the rules adopted under this chapter;

- 1 (2) Knowingly making a material misstatement or omission in the
2 application for or renewal of a license;
- 3 (3) Not meeting the qualifications for licensure set forth by this
4 chapter;
- 5 (4) Incompetency, misconduct, fraud, gross negligence, or repeated
6 incidents of negligence in or related to the practice of geology;
- 7 (5) Conviction of a gross misdemeanor or felony or the commission
8 of any act involving moral turpitude, dishonesty, or corruption,
9 whether or not the act constitutes a crime. If the act constitutes a
10 crime, conviction in a criminal proceeding is not a condition precedent
11 to disciplinary action. Upon such conviction, however, the judgment
12 and sentence is conclusive evidence at the ensuing disciplinary hearing
13 of the guilt of the license holder or applicant of the crime described
14 in the indictment or information, and of the person's violation of the
15 statute on which it was based. For the purposes of this section,
16 conviction includes all instances in which a plea of guilty or nolo
17 contendere is the basis for the conviction and all proceedings in which
18 the sentence has been deferred or suspended. Nothing in this section
19 abrogates rights guaranteed under chapter 9.96A RCW;
- 20 (6) Advertising that is false, fraudulent, or misleading;
- 21 (7) Suspension, revocation, or restriction of the individual's
22 license to practice the profession by competent authority in any state,
23 federal, or foreign jurisdiction, a certified copy of the order,
24 stipulation, or agreement being conclusive evidence of the revocation,
25 suspension, or restriction;
- 26 (8) Aiding or abetting an unlicensed person to practice if a
27 license is required;
- 28 (9) Failure to adequately supervise subordinates to the extent that
29 the public health or safety is at risk;
- 30 (10) Failure to cooperate with the director by:
- 31 (a) Not furnishing necessary papers or documents requested by the
32 director for purposes of conducting an investigation for disciplinary
33 action, denial, suspension, or revocation of a license under this
34 chapter;
- 35 (b) Not furnishing in writing a full and complete explanation
36 covering the matter contained in a complaint filed with the department;
37 or
- 38 (c) Not responding to subpoenas issued by the director, whether or
39 not the recipient of the subpoena is the accused in the proceeding;

1 (11) Failure to comply with an order issued by the director or an
2 assurance of discontinuance entered into with the director;

3 (12) Interference with an investigation or disciplinary proceeding
4 by willful misrepresentation of facts before the director or the
5 director's authorized representative, or by use of threats or
6 harassment against any client or witness to prevent them from providing
7 evidence in a disciplinary proceeding or any other legal action; or

8 (13) Committing any other act, or failing to act, which act or
9 failure are customarily regarded as being contrary to the accepted
10 professional conduct or standard generally expected of those practicing
11 geology.

12 NEW SECTION. **Sec. 15.** The procedures governing adjudicative
13 proceedings before agencies under chapter 34.05 RCW, the administrative
14 procedure act, govern all hearings before the director or his or her
15 designee.

16 Upon a finding that a license holder or applicant has committed
17 unprofessional conduct, the director may issue an order providing for
18 one or any combination of the following:

19 (1) Revocation of the license;

20 (2) Suspension of the license for a fixed or indefinite term;

21 (3) Restriction or limitation of the practice;

22 (4) Issuance of a civil fine not to exceed five thousand dollars
23 for each violation;

24 (5) Requiring satisfactory completion of a specific program of
25 remedial education or treatment;

26 (6) Monitoring of the practice by a peer approved by the director;

27 (7) Reprimand or censure;

28 (8) Compliance with conditions of probation for a designated period
29 of time;

30 (9) Withholding of a license request;

31 (10) Refund of fees billed to and collected from the consumer; or

32 (11) Other corrective action.

33 Any of the actions under this section may be totally or partly
34 stayed by the director. All costs associated with compliance with
35 orders issued under this section are the obligation of the license
36 holder or applicant.

1 NEW SECTION. **Sec. 16.** A person, including but not limited to
2 consumers, licensees, corporations, organizations, and state and local
3 governmental agencies, may submit a written complaint to the department
4 charging a license holder or applicant with unprofessional conduct and
5 specifying the grounds for the charge. If the director determines that
6 the complaint merits investigation, or if the director has reason to
7 believe, without a formal complaint, that a license holder or applicant
8 may have engaged in unprofessional conduct, the director shall
9 investigate to determine if there has been unprofessional conduct. A
10 person who files a complaint under this section in good faith is immune
11 from suit in any civil action related to the filing or contents of the
12 complaint.

13 NEW SECTION. **Sec. 17.** The following acts are prohibited and a
14 person committing any said act is guilty of a gross misdemeanor:

15 (1) The practice or offer to practice geology or a geologic
16 specialty without being licensed in accordance with the provisions of
17 this chapter;

18 (2) Presenting or attempting to use as his or her own the
19 certificate of licensure or seal of another;

20 (3) Giving any false or forged evidence of any kind to the director
21 or his or her authorized representative in obtaining a license;

22 (4) Falsely impersonating any other licensee; or

23 (5) Attempting to use an expired or revoked certificate of
24 licensure.

25 All fees, fines, forfeitures, and penalties collected or assessed
26 by a court because of a violation of this section shall be remitted to
27 the department to be deposited into the geologists account created in
28 section 13 of this act.

29 NEW SECTION. **Sec. 18.** The director is authorized to apply for
30 relief by injunction without bond to restrain a person from the
31 commission of any act which is prohibited under this chapter. In such
32 proceedings, it is not necessary to allege or prove either that an
33 adequate remedy at law does not exist or that substantial or
34 irreparable damage would result from continued violation.

35 The director, individuals acting on the director's behalf, and
36 members of the board are immune from suit in any action, civil or
37 criminal, based on disciplinary proceedings or other official acts

1 performed in the course of their duties in the administration and
2 enforcement of this chapter.

3 NEW SECTION. **Sec. 19.** The following activities do not require a
4 certificate of licensure under this chapter:

5 (1) Geological work performed by an employee or a subordinate of a
6 geologist or specialty geologist licensed under this chapter, provided
7 that such work does not include responsible charge of geological work
8 as defined in this chapter and is performed under the direct
9 supervision of a geologist licensed under this chapter, who shall be
10 and remain responsible for such work.

11 (2) Geological work performed by officers and employees of the
12 United States practicing solely as such officers and employees.

13 (3) Geological work performed exclusively in the exploration for
14 energy and mineral resources, insofar as such work has no substantial
15 impact upon the public health, safety, and welfare, as determined by
16 regulations issued by the director, and does not require the submission
17 of reports or documents to public agencies.

18 (4) Geologic research conducted through academic institutions,
19 agencies of the federal or state governments, nonprofit research
20 institutions, or for-profit organizations, including submission of
21 reports of research to public agencies.

22 (5) Teaching in geology or related physical or natural sciences.

23 (6) Practice of engineering or other licensed professions: (a) The
24 acquisition of engineering data involving soil, rock, ground water, and
25 other earth materials; evaluation of the physical and chemical
26 properties of soil, rock, ground water, and other earth materials; and
27 the utilization of these data in analysis, design, and construction by
28 professional engineers appropriately registered or licensed in this
29 state, and (b) similar work performed by persons or organizations
30 licensed or registered in any other profession or occupation related to
31 geology, provided that such work is permitted under the applicable
32 licensing or registration law and is incidental to the practice or the
33 profession or occupation for which licensure or registration is
34 required. Nothing in this subsection shall be construed to permit the
35 practice of geology, except such incidental practice as outlined in
36 this subsection, or use of the title geologist or engineering geologist
37 by an engineer or other licensed professional except as licensed under
38 this chapter.

1 (7) Work customarily performed by such physical or natural
2 scientists as chemists, archaeologists, geographers, hydrologists,
3 oceanographers, pedologists, and soil scientists, providing such work
4 does not include the design and execution of geologic investigations,
5 being in responsible charge of geologic or specialty geologic work, or
6 the drawing of geologic conclusions and recommendations in a way that
7 significantly affects the public health, safety, or welfare.

8 (8) The giving of testimony, or preparation and presentation of
9 exhibits or documents for the sole purpose of being placed in evidence
10 before any administrative or judicial tribunal or hearing, providing
11 such testimony, exhibits, or documents do not imply that the person is
12 registered under the provisions of this chapter.

13 NEW SECTION. **Sec. 20.** If any provision of this act or its
14 application to any person or circumstance is held invalid, the
15 remainder of the act or the application of the provision to other
16 persons or circumstances is not affected.

17 NEW SECTION. **Sec. 21.** Sections 1 through 19 of this act shall
18 constitute a new chapter in Title 18 RCW.

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