
SENATE BILL 5691

State of Washington

56th Legislature

1999 Regular Session

By Senator Jacobsen

Read first time 02/03/1999. Referred to Committee on Commerce, Trade, Housing & Financial Institutions.

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 geological services or work recognized by the board as the practice
5 of geology.

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

8 (1) "Board" means the geologist licensing board.

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

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

11 (4) "Geologist" means a person who, by reason of his or her
12 knowledge of geology, mathematics, and the supporting physical and life
13 sciences, acquired by education and practical experience, has met the
14 qualifications established under this chapter, and has been issued a
15 certificate of licensing as a geologist by the board.

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

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

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

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

35 (9) "Engineering geology" means a specialty of geology affecting
36 (a) the planning, design, operation, and maintenance of engineering
37 works; (b) the development, protection, and remediation of ground and
38 surface water resources; and (c) other human activities where

1 geological factors and conditions impact the public welfare or the
2 safeguarding of life, health, property, and the environment.

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

9 (11) "Practice of engineering geology" means performance of
10 geological service or work including but not limited to consultation,
11 investigation, evaluation, planning, geological mapping, and inspection
12 of geological work, and the responsible supervision thereof, the
13 performance of which is related to public welfare or the safeguarding
14 of life, health, property, and the environment, except as otherwise
15 specifically provided by this chapter, and includes but is not limited
16 to the commonly recognized geological practices of construction
17 geology, hydrogeology, environmental geology, and urban geology.
18 Nothing in this subsection shall be construed to permit the use of the
19 title engineer nor the practice of engineering by a geologist, except
20 when such practice is incidental to the practice of geology or
21 engineering geology and does not include any design of an engineered
22 structure.

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

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

30 NEW SECTION. **Sec. 4.** The state geologist licensing board is
31 created. The board consists of seven members, six of whom shall be
32 appointed by the director, who shall advise the director concerning the
33 administration of this chapter. Of the initial appointments to the
34 board, five shall be actively engaged in the practice of geology for at
35 least ten years, five of which shall have been immediately prior to
36 their appointment to the board. Subsequent to the initial
37 appointments, five members of the board must be geologists licensed
38 under this chapter, two of whom shall be licensed in a specialty of

1 geology recognized under this chapter. Insofar as possible, the
2 composition of the appointed geologists serving on the board shall be
3 generally representative of the occupational distribution of geologists
4 licensed under this chapter. One member of the board must be a member
5 of the general public with no family or business connection with the
6 practice of geology. The supervisor of geology of the department of
7 natural resources is an ex officio member of the board. Members of the
8 board shall be appointed for terms of four years. Terms shall be
9 staggered so that not more than two appointments are scheduled to be
10 made in any calendar year. Members shall hold office until the
11 expiration of the terms for which they were appointed and until their
12 successors have been appointed and have qualified. A board member may
13 be removed for just cause. The director may appoint a new member to
14 fill a vacancy on the board for the remainder of the unexpired term.

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

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

20 (1) To adopt, amend, and rescind rules approved by the board as
21 deemed necessary to carry out this chapter;

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

23 (3) To administer licensing examinations approved by the board and
24 to adopt or recognize examinations prepared by other organizations as
25 approved by the board;

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

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

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

32 (7) In the course of investigating a complaint or report of
33 unprofessional conduct, to direct the board to conduct practice reviews
34 and disciplinary hearings;

35 (8) To take emergency action ordering summary suspension of a
36 license, or restrict or limit a licensee's practice pending further
37 proceedings by the director;

1 (9) To use the board or, at the request of the board, the office of
2 administrative hearings, as authorized in chapter 34.12 RCW, to conduct
3 hearings. However, the director or the director's designee shall make
4 the final decision as to disposition of the charges;

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

7 (11) To adopt standards of professional conduct and practice as
8 approved by the board;

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

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

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

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

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

23 (1) To establish rules, including board organization and assignment
24 of terms, for adoption by the director;

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

27 (3) To approve the method of administration for examinations
28 required by this chapter or by rule as established by the director. To
29 approve the adoption or recognition of examinations prepared by other
30 organizations for adoption by the director. To set the time and place
31 of examinations with the approval of the director;

32 (4) To establish and review standards of professional conduct and
33 practice for adoption by the director. Rules of professional conduct
34 will be consistent with those outlined for engineers and land surveyors
35 in chapter 196-27 WAC, and will be consistent with chapter 39.80 RCW;

36 (5) To conduct disciplinary hearings; and

37 (6) To conduct practice reviews.

1 NEW SECTION. **Sec. 7.** In order to become a licensed geologist, an
2 applicant must meet the following requirements:

3 (1) The applicant shall be of good moral and ethical character as
4 attested to by letters of reference submitted by the applicant or as
5 otherwise determined by the board;

6 (2) The applicant shall have graduated from a course of study in
7 geology satisfactory to the board or satisfy educational equivalents
8 determined by the board;

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

19 (4) The applicant shall have passed an examination covering the
20 fundamentals and practice of geology prescribed or accepted by the
21 board;

22 (5) The applicant shall meet other general or individual
23 requirements established by the board pursuant to its authority under
24 this chapter;

25 (6) For licensing in any geological specialty recognized under this
26 chapter, an applicant must first be a licensed geologist under this
27 chapter, and then meet the following requirements:

28 (a) In addition to the educational requirements for licensing as a
29 geologist defined in subsection (2) of this section, an applicant for
30 licensing in any specialty of geology established by the board shall
31 have successfully completed advanced study pertinent to their
32 specialty, or equivalent seminars or on-the-job training acceptable to
33 the board;

34 (b) The applicant's experience shall include a documented record of
35 four years of experience, after completion of the academic requirements
36 specified in this subsection, in geological work in the applicable
37 specialty of a character satisfactory to the board, and demonstrating
38 that the applicant is qualified to assume responsible charge of the
39 specialty work upon licensing in that specialty of geology. The board

1 may require that up to two years of the experience be gained under the
2 supervision of a geologist licensed in the specialty in this or any
3 other state, or under the supervision of others who, in the opinion of
4 the board, are qualified to have responsible charge of geological work
5 in the specialty; and

6 (c) The applicant must pass an examination in the applicable
7 specialty prescribed or accepted by the board;

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

11 (a) Each year of professional practice of a character acceptable to
12 the board, carried out under the direct supervision of a geologist who
13 (i) is licensed in this state or is licensed in another state with
14 licensing standards substantially similar to those under this chapter;
15 or (ii) meets the educational and experience requirements for
16 licensing, but who is not required to be licensed under the limitations
17 of this chapter, qualifies as one year of professional experience in
18 geology;

19 (b) Each year of professional engineering geology practice of a
20 character acceptable to the board, carried out under the direct
21 supervision of (i) an engineering geologist who is licensed as such
22 under this chapter, or who is licensed as an engineering geologist in
23 another state that has licensing requirements that are substantially
24 similar to this chapter; (ii) a professional engineer licensed in this
25 or any other state; or (iii) an engineering geologist who meets the
26 educational and experience requirements for licensing, but who is not
27 required to be licensed under the limitations of this chapter,
28 qualifies as one year of practice in engineering geology;

29 (c) Each year of professional specialty practice of a character
30 acceptable to the board, carried out under the direct supervision of a
31 (i) geologist who is licensed in a specialty under this chapter, or who
32 is licensed as a specialty geologist in another state that has
33 licensing requirements that are substantially similar to this chapter;
34 or (ii) specialty geologist who meets the educational and experience
35 requirements for licensing, but who is not required to be licensed
36 under the limitations of this chapter, qualifies as one year of
37 practice in the applicable specialty of geology; and

38 (d) Experience in professional practice, of a character acceptable
39 to the board and acquired prior to one year after the effective date of

1 this section, qualifies if the experience (i) was acquired under the
2 direct supervision of a geologist who meets the educational and
3 experience requirements for licensing under this chapter, or who is
4 licensed in another state that has licensing requirements that are
5 substantially similar to this chapter; or (ii) would constitute
6 responsible charge of professional geological work, as determined by
7 the board;

8 (8) Each year of full-time graduate study in the geological
9 sciences or in a specialty of geology shall qualify as one year of
10 professional experience in geology or the applicable specialty of
11 geology, up to a maximum of two years. The board may accept geological
12 research, teaching of geology, or a geological specialty at the college
13 or university level as qualifying experience, provided that such
14 research or teaching, in the judgment of the board, is comparable to
15 experience obtained in the practice of geology or a specialty thereof;

16 (9) An applicant who applies for licensing within one year after
17 this section becomes effective shall be considered to be qualified for
18 licensing, without further written examination, if the applicant
19 possesses the following qualifications:

20 (a)(i) A specific record of graduation with a bachelor of science
21 or bachelor of arts or higher degree, with a major in geology granted
22 by an approved institution of higher education acceptable to the board;
23 or

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

28 (b) Experience consisting of a minimum of four years of
29 professional practice in geology or a specialty thereof, of a character
30 acceptable to the board;

31 (10) An applicant who applies for licensing in a specialty within
32 one year after recognition of the specialty under this chapter shall be
33 considered qualified for licensing in that specialty, without further
34 written examination, if the applicant:

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

36 (b) Has experience consisting of a minimum four years of
37 professional practice in the applicable specialty of geology, of a
38 character acceptable to the board; and

1 (11) The geologists initially appointed to the board under section
2 4 of this act shall be qualified for licensing under subsections (7)
3 and (8) of this section.

4 NEW SECTION. **Sec. 8.** An application for licensing shall be filed
5 with the director on a form provided by the director and must contain
6 statements made under oath demonstrating the applicant's education and
7 practical experience. The director may require any information and
8 documentation that reasonably relates to the need to determine whether
9 the applicant meets the criteria for licensing. The application fee
10 for initial licensing shall be determined by the director as provided
11 in RCW 43.24.086. The application, together with the fee, must be
12 submitted to the department prior to the application deadline
13 established by the director. Fees for initial licensing shall include
14 the examination and issuance of a certificate. If the director finds
15 an applicant ineligible for licensing, the fee shall be retained as an
16 application fee.

17 NEW SECTION. **Sec. 9.** Examinations of applicants for licensing,
18 when required, shall be held at such times and places as determined by
19 the board with the director's approval. The scope of the examination
20 shall be directed to an applicant's ability to practice geology or any
21 approved specialty of geology in a manner to ensure the safety of life,
22 health, and property. A candidate failing an examination may apply for
23 reexamination. Subsequent examinations will be granted upon payment of
24 a fee to be determined by the director as provided in RCW 43.24.086.

25 NEW SECTION. **Sec. 10.** The director shall issue a certificate of
26 licensing to any applicant who has satisfactorily met all of the
27 requirements of this chapter for licensing as a geologist or an
28 approved specialty geologist. The certificate shall show the full name
29 of the license holder, shall have a certificate number, and shall be
30 signed by the director and an officer of the board. The issuance by
31 the director of a certificate of licensing to an individual shall be
32 prima facie evidence that the person is entitled to all the rights and
33 privileges of a licensed geologist or specialty geologist while the
34 certificate remains unrevoked or unexpired.

35 Each license holder shall obtain a seal of the design authorized by
36 the director, bearing the licensee's name, certificate number, and the

1 legend "licensed geologist" together with any specialty in which the
2 individual may be authorized. Geological reports, plans, and other
3 technical documents prepared by or under the responsible charge of the
4 license holder shall be signed, dated, and stamped with the seal or
5 facsimile thereof. Each signature and stamping constitutes a
6 certification by the license holder that the document was prepared by
7 or under his or her responsible charge and that to his or her knowledge
8 and belief the document was prepared in accordance with the
9 requirements of this chapter.

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

19 NEW SECTION. **Sec. 12.** Licenses issued in conformance with this
20 chapter shall be renewed periodically on a date to be set by the
21 director in conformance with RCW 43.24.140. A license holder who fails
22 to pay the prescribed fee within ninety days following the date of
23 expiration shall pay a renewal fee equal to the current fee plus an
24 amount equal to one year's renewal fee. Any license that has been
25 expired for five years or more may be reinstated in conformance with
26 rules adopted by the director. Reinstatement conditions may include
27 demonstration of continued practice or competency in the practice of
28 geology or an approved specialty of geology.

29 NEW SECTION. **Sec. 13.** (1) All fees and fines collected under the
30 provisions of this chapter shall be paid into the geologists' account,
31 created in subsection (2) of this section.

32 (2) The geologists' account is created in the custody of the state
33 treasurer. All receipts from fines and fees collected under this
34 chapter must be deposited into the account. Expenditures from the
35 account may be used only to carry out the duties required for the
36 operation and enforcement of this chapter. Only the director of

1 licensing or the director's designee may authorize expenditures from
2 the account. The account is subject to allotment procedures under
3 chapter 43.88 RCW, but an appropriation is not required for
4 expenditures.

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

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

10 (2) Knowingly making a material misstatement or omission in the
11 application for or renewal of a license;

12 (3) Not meeting the qualifications for licensing set forth by this
13 chapter;

14 (4) Incompetency, misconduct, fraud, gross negligence, or repeated
15 incidents of negligence in or related to the practice of geology;

16 (5) Conviction of a gross misdemeanor or felony or the commission
17 of any act involving moral turpitude, dishonesty, or corruption whether
18 or not the act constitutes a crime. If the act constitutes a crime,
19 conviction in a criminal proceeding is not a condition precedent to
20 disciplinary action. Upon such conviction, however, the judgment and
21 sentence is conclusive evidence at the ensuing disciplinary hearing of
22 the guilt of the license holder or applicant of the crime described in
23 the indictment or information, and of the person's violation of the
24 statute on which it was based. For the purposes of this section,
25 conviction includes all instances in which a plea of guilty or nolo
26 contendere is the basis for the conviction and all proceedings in which
27 the sentence has been deferred or suspended. Nothing in this section
28 abrogates rights guaranteed under chapter 9.96A RCW;

29 (6) Advertising that is false, fraudulent, or misleading;

30 (7) Suspension, revocation, or restriction of the individual's
31 license to practice the profession by competent authority in any state,
32 federal, or foreign jurisdiction, a certified copy of the order,
33 stipulation, or agreement being conclusive evidence of the revocation,
34 suspension, or restriction;

35 (8) Aiding or abetting an unlicensed person to practice if a
36 license is required;

37 (9) Failure to adequately supervise subordinates to the extent that
38 the public health or safety is at risk;

1 (10) Failure to cooperate with the director by:

2 (a) Not furnishing any necessary papers or documents requested by
3 the director for purposes of conducting an investigation for
4 disciplinary action, denial, suspension, or revocation of a license
5 under this chapter;

6 (b) Not furnishing in writing a full and complete explanation
7 covering the matter contained in a complaint filed with the department;
8 or

9 (c) Not responding to subpoenas issued by the director, whether or
10 not the recipient of the subpoena is the accused in the proceeding;

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

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

18 (13) Committing any other act, or failing to act, which act or
19 failure are customarily regarded as being contrary to the accepted
20 professional conduct or standard generally expected of those practicing
21 geology.

22 NEW SECTION. **Sec. 15.** The procedures governing adjudicative
23 proceedings before agencies under chapter 34.05 RCW govern all hearings
24 before the director or his or her designee. Upon a finding that a
25 license holder or applicant has committed unprofessional conduct, the
26 director may issue an order providing for one or any combination of the
27 following:

28 (1) Revocation of the license;

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

30 (3) Restriction or limitation of the practice;

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

33 (5) Requiring satisfactory completion of a specific program of
34 remedial education or treatment;

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

36 (7) Reprimand or censure;

37 (8) Compliance with conditions of probation for a designated period
38 of time;

- 1 (9) Withholding of a license request;
- 2 (10) Refund of fees billed to and collected from the consumer; or
- 3 (11) Other corrective action.

4 Any of the actions under this section may be totally or partly
5 stayed by the director. All costs associated with compliance with
6 orders issued under this section are the obligation of the license
7 holder or applicant.

8 NEW SECTION. **Sec. 16.** A person, including but not limited to
9 consumers, licensees, corporations, organizations, and state and local
10 governments or agencies, may submit a written complaint to the
11 department charging a license holder or applicant with unprofessional
12 conduct and specifying the grounds for the charge. If the director
13 determines that the complaint merits investigation, or if the director
14 has reason to believe, without a formal complaint, that a license
15 holder or applicant may have engaged in unprofessional conduct, the
16 director shall investigate to determine if there has been
17 unprofessional conduct. A person who files a complaint under this
18 section in good faith is immune from suit in any civil action related
19 to the filing or contents of the complaint. The director, individuals
20 acting on the director's behalf, and members of the board are immune
21 from suit in any action, civil or criminal, based on disciplinary
22 proceedings or other official acts performed in the course of their
23 duties in the administration and enforcement of this chapter.

24 NEW SECTION. **Sec. 17.** The following acts are prohibited and any
25 person committing any of the following acts is guilty of a gross
26 misdemeanor:

27 (1) The practice or offer to practice geology or geological
28 specialty without being licensed in accordance with the provisions of
29 this chapter;

30 (2) Presenting or attempting to use as his or her own the
31 certificate of licensing or seal of another;

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

34 (4) Falsely impersonating any other licensee; or

35 (5) Attempting to use the expired or revoked certificate of
36 licensing.

1 All fees, fines, forfeitures, and penalties collected or assessed
2 by a court because of a violation of this section shall be remitted to
3 the department to be deposited into the geologists' account created in
4 section 13 of this act.

5 NEW SECTION. **Sec. 18.** The director is authorized to apply for
6 relief by injunction without bond, to restrain a person from the
7 commission of any act that is prohibited under this chapter. In such
8 proceedings, it is not necessary to allege or prove either that an
9 adequate remedy at law does not exist, or that substantial or
10 irreparable damage would result from continued violation. The
11 director, individuals acting on the director's behalf and members of
12 the board are immune from suit in any action, civil or criminal, based
13 on disciplinary proceedings or other official acts performed in the
14 course of their duties in the administration and enforcement of this
15 chapter.

16 NEW SECTION. **Sec. 19.** The following activities do not require a
17 certificate of licensing under this chapter:

18 (1) Geological work performed by an employee or a subordinate of a
19 geologist or specialty geologist licensed under this chapter, provided
20 that the work does not include responsible charge of geological work as
21 covered by this section, and is performed under the direct supervision
22 of a geologist licensed under this chapter, who shall be and remains
23 responsible for such work;

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

26 (3) Geological work performed exclusively in the exploration for
27 energy and mineral resources, insofar as such work has no substantial
28 impact upon the public health, safety, and welfare as determined by
29 regulations issued by the director;

30 (4) Geological research conducted through academic institutions,
31 agencies of the federal or state governments, nonprofit research
32 institutions, or for-profit organizations, including submission of
33 reports of research to public agencies;

34 (5) Teaching geology or related physical or natural sciences;

35 (6) The practice of engineering or other licensed professions: (a)
36 The acquisition of engineering data involving soil, rock, ground water,
37 and other earth materials; evaluation of the physical and chemical

1 properties of soil, rock, ground water, and other earth materials; and
2 the utilization of these data in analysis, design, and construction by
3 professional engineers appropriately registered or licensed in this
4 state; and (b) similar work performed by persons or organizations
5 licensed or registered in any other profession or occupation related to
6 geology, provided that such work is permitted under the applicable
7 licensing or registration law, and is incidental to the practice or the
8 profession or occupation for which licensing or registration is
9 required. Nothing in this section shall be construed to permit the
10 practice of geology, except such incidental practice as outlined in
11 this section, or use of the title geologist or engineering geologist by
12 an engineer or other licensed professional except as licensed under
13 this chapter;

14 (7) Work customarily performed by such physical or natural
15 scientists as chemists, archaeologists, geographers, hydrologists,
16 oceanographers, pedologists, and soil scientists, providing such work
17 does not include the design and execution of geological investigations,
18 being in responsible charge of geological or specialty geological work,
19 or the drawing of geological conclusions and recommendations in a way
20 that significantly affects the public health, safety, or welfare; or

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

26 NEW SECTION. **Sec. 20.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

30 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act
31 constitute a new chapter in Title 18 RCW.

--- END ---