
HOUSE BILL 2324

State of Washington 60th Legislature 2007 Regular Session

By Representatives Hunt and Wood

Read first time 02/21/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to soil scientists; amending RCW 18.235.020; adding
2 a new section to chapter 18.220 RCW; adding a new chapter to Title 18
3 RCW; creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in order to
6 protect life, property, and health, and to promote public welfare it is
7 in the public interest to regulate the practice of soil science as a
8 profession by establishing minimum standards of ethical conduct and
9 professional responsibility and by establishing professional education
10 and experience requirements for those persons representing to the
11 public that they are soil scientists.

12 NEW SECTION. **Sec. 2.** The definitions in this section apply
13 throughout this chapter unless the context clearly requires otherwise.

14 (1) "Advisory committee" means the advisory committee appointed
15 under section 4 of this act.

16 (2) "Board" means the geologist licensing board as defined in RCW
17 18.220.010.

18 (3) "Department" means the department of licensing.

1 (4) "Director" means the director of the department of licensing.

2 (5) "Holder" means a person who has been issued a certificate under
3 this chapter.

4 (6) "Responsible charge" means the exercise of fully independent
5 control and direction of soil science work or the supervision of such
6 work, and being fully responsible, answerable, accountable, or liable
7 for the results.

8 (7) "Soil science" means the science that:

9 (a) Involves the study of various aspects of the living soil
10 ecosystem and includes the following focused subject areas: (i) Soil
11 physics, which is the study of water and heat transfer through soil;
12 (ii) soil chemistry and mineralogy; (iii) soil biochemistry; (iv) soil
13 fertility; and (v) soil genesis, morphology, and classification;

14 (b) Can be used to provide information for projects including but
15 not limited to the following: (i) Management of water quantity by
16 utilizing infiltration and percolation capabilities on a site/soil
17 specific basis; (ii) treatment of polluted water using soil microbial
18 populations working in concert with natural soil chemistry and
19 mineralogy; (iii) treatment of polluted soils using soil biochemical
20 and physical applications; (iv) interpretation of soil morphology and
21 soil development in order to avoid or mitigate negative impacts to
22 either surface water systems or groundwater systems, or both; and (v)
23 preparation of detailed soil maps that can be used for site-specific
24 soil management, such as erosion control plans.

25 (8) "Soil scientist" means a person who, by reason of the person's
26 knowledge of soil science, mathematics, the environment, and the
27 supporting physical and life sciences, acquired by education and
28 practical experience, has met the qualifications established under this
29 chapter, and has been issued a certificate as a soil scientist by the
30 board.

31 (9) "Subordinate" means a person who assists in the practice of
32 soil science by a soil scientist without assuming the responsible
33 charge of the work.

34 NEW SECTION. **Sec. 3.** It is unlawful for a person to use in
35 connection with the person's name or otherwise assume or advertise the
36 title soil scientist or description tending to convey the impression

1 that the person is a soil scientist, unless the person has been
2 certified under the provisions of this chapter.

3 NEW SECTION. **Sec. 4.** (1) An advisory committee is created to
4 provide recommendations to the board and the director concerning the
5 administration of this chapter. The advisory committee consists of
6 five members who are conversant with and experienced in the soil
7 science profession, and who are otherwise eligible for certification
8 under this chapter. Subsequent to the initial appointments, all
9 members must be certified under this chapter. Each member of the
10 advisory committee must be a resident of the state.

11 (2) The director shall appoint to the advisory committee
12 individuals from across the state, utilizing geographic and
13 experiential diversity as much as possible. The terms of the members
14 of the advisory committee are a maximum of three years, except that the
15 initial appointees to the advisory committee serve the following terms:
16 Two members for two years and three members for three years. No member
17 of the advisory committee is eligible for reappointment to a third
18 consecutive term, but any member is eligible for reappointment after an
19 absence of at least one year from the advisory committee. Any member
20 who is reappointed following an absence of at least one year from the
21 advisory committee is eligible for reappointment to a second
22 consecutive term and is again eligible for reappointment after an
23 absence of at least one year from the advisory committee.

24 (3) Members of the advisory committee serve until replaced by a
25 subsequent appointment even if their appointment exceeds the length of
26 their term, but may resign prior to completing the term of appointment.
27 The director may for just cause remove an advisory committee member.
28 The director shall appoint a new member to fill any vacancy on the
29 advisory committee for the remainder of the unexpired term. Members of
30 the advisory committee may not be compensated, but shall be reimbursed
31 for expenses incurred in accordance with RCW 43.03.050 and 43.03.060.
32 Three members constitute a quorum.

33 (4) At the request of the advisory committee, the director may
34 appoint additional temporary members to the advisory committee for
35 assistance with rule development, examination development, and
36 technical advice on complaints. Temporary members must meet the same
37 minimum qualifications as regular members of the advisory committee.

1 Temporary members have all the powers, duties, and immunities of
2 regular members of the advisory committee and shall be reimbursed for
3 expenses incurred in accordance with RCW 43.03.050 and 43.03.060. The
4 director shall limit the term of temporary members to one year, but may
5 extend the original appointment up to one additional year.

6 NEW SECTION. **Sec. 5.** The advisory committee shall make
7 recommendations to the board regarding:

8 (1) Developing and adopting rules to administer this chapter
9 including, but not limited to, evaluating the experience, scope, and
10 standards of practice of soil science;

11 (2) Reviewing complaints and investigations pertaining to this
12 chapter; and

13 (3) Performing other duties deemed necessary by the director or the
14 board.

15 NEW SECTION. **Sec. 6.** The director has the following authority in
16 administering this chapter:

17 (1) To adopt fees as provided in RCW 43.24.086; and

18 (2) To administer examinations approved by the board.

19 NEW SECTION. **Sec. 7.** (1) To become a certified soil scientist, an
20 applicant must meet the requirements of this section.

21 (2) An applicant who applies for soil scientist certification
22 before July 1, 2009, is considered qualified for certification, without
23 further written examination, if the applicant meets the standards
24 described in subsection (3)(a), (b), and (c) of this section.

25 (3) In order to become a certified soil scientist, an applicant
26 must:

27 (a) Be of good moral and ethical character as attested to by
28 letters of reference submitted by the applicant or as otherwise
29 determined by the board;

30 (b) Have graduated from a course of study in soil science
31 satisfactory to the board or satisfy educational equivalents determined
32 by the board;

33 (c) Have a documented record of a minimum of five years of
34 experience obtained after the completion of the academic requirements
35 specified in this section, in soil science work of a character

1 satisfactory to the board, demonstrating that the applicant is
2 qualified to assume responsible charge of such work upon certification
3 as a soil scientist. At least three years of the experience must be
4 gained under the supervision of a soil scientist credentialed in this
5 or any other state, or under the supervision of others who, in the
6 opinion of the board, are qualified to have responsible charge of soil
7 science work;

8 (d) Pass an examination covering the fundamentals and practice of
9 soil science prescribed or accepted by the board; and

10 (e) Meet other general requirements established by the board under
11 its authority under this chapter.

12 NEW SECTION. **Sec. 8.** (1) Experience in professional practice as
13 required under section 7(3)(c) of this act, of a character acceptable
14 to the board and acquired prior to July 1, 2009, is acceptable if the
15 experience: (a) Was acquired under the direct supervision of a soil
16 scientist who meets the educational and experience requirements for
17 certification under this chapter, or who is credentialed in another
18 state that has requirements that are substantially similar to this
19 chapter; or (b) would constitute responsible charge of professional
20 soil science work, as determined by the board;

21 (2) Each year of full-time graduate study in soil science qualifies
22 as one year of professional experience, up to a maximum of two years.
23 The board may accept soil science research or teaching of soil science
24 at the college or university level as qualifying experience, provided
25 that such research or teaching, in the judgment of the board, is
26 comparable to experience obtained in the practice of soil science.

27 NEW SECTION. **Sec. 9.** An application for certification shall be
28 filed with the director on a form provided by the director and must
29 contain statements made under oath demonstrating the applicant's
30 education and practical experience. The director may require any
31 information and documentation that reasonably relates to the need to
32 determine whether the applicant meets the criteria for certification.
33 The application fee for initial certification must be determined by the
34 director as provided in RCW 43.24.086. The application, together with
35 the fee, must be submitted to the department prior to the application
36 deadline established by the director. Fees for initial certification

1 must include the examination and issuance of a certificate. If the
2 director finds an applicant ineligible for certification, the fee is
3 retained as an application fee.

4 NEW SECTION. **Sec. 10.** Examinations of applicants for
5 certification, when required, shall be held at such times and places as
6 determined by the board with the director's approval. The scope of the
7 examination must be directed to an applicant's ability to practice soil
8 science. A candidate failing an examination may apply for
9 reexamination. Subsequent examinations will be granted upon payment of
10 a fee to be determined by the director as provided in RCW 43.24.086.

11 NEW SECTION. **Sec. 11.** (1) The director shall issue a certificate
12 to any applicant who has satisfactorily met all of the requirements of
13 this chapter for certification as a soil scientist. The certificate
14 must show the full name of the holder, have a number, and be signed by
15 the director. The issuance by the director of a certificate to an
16 individual is prima facie evidence that the person is entitled to all
17 the rights and privileges of a certified soil scientist while the
18 certificate remains unrevoked or unexpired.

19 (2) Each holder must obtain a seal of the design authorized by the
20 director, bearing the holder's name, number, and the legend "certified
21 soil scientist." Soil science reports, plans, and other technical
22 documents prepared by or under the responsible charge of the holder
23 must be signed, dated, and stamped with the seal or facsimile of the
24 seal. Each signature and stamping constitutes a certification by the
25 holder that the document was prepared by or under the holder's
26 responsible charge and that to the holder's knowledge and belief the
27 document was prepared in accordance with the requirements of this
28 chapter.

29 NEW SECTION. **Sec. 12.** The director may, upon application and
30 payment of a fee determined by the director as provided in RCW
31 43.24.086, issue a certificate without further examination to any
32 person who holds valid credentials issued by the proper authority of
33 any state, territory, or possession of the United States, District of
34 Columbia, or any foreign country, if the applicant's qualifications, as

1 evaluated by the board, meet the requirements of this chapter and the
2 rules adopted by the director.

3 NEW SECTION. **Sec. 13.** Certificates issued under this chapter
4 shall be renewed periodically on a date to be set by the director in
5 conformance with RCW 43.24.140. A holder who fails to pay the
6 prescribed fee within ninety days after expiration of his or her
7 certificate shall have his or her certificate classified as invalid
8 until the holder pays a renewal fee equal to the current fee plus an
9 amount equal to one year's renewal fee. Any certificate that has been
10 expired for five years or more may be reinstated in conformance with
11 rules adopted by the director. Reinstatement conditions may include
12 demonstration of continued practice or competency in the practice of
13 soil science.

14 NEW SECTION. **Sec. 14.** All receipts from fees and fines collected
15 under this chapter must be deposited into the geologists' account
16 created in RCW 18.220.120. Expenditures from the account from the fees
17 and fines collected under this chapter may be used only for the
18 purposes of administering this chapter.

19 NEW SECTION. **Sec. 15.** In addition to the unprofessional conduct
20 described in RCW 18.235.130, the following conduct, acts, and
21 conditions constitute unprofessional conduct:

22 (1) Violating any of the provisions of this chapter or the rules
23 adopted under this chapter;

24 (2) Committing any other act, or failing to act, which act or
25 failure is customarily regarded as being contrary to the accepted
26 professional conduct or standard generally expected of those practicing
27 soil science;

28 (3) Failing to comply with the terms and conditions of an order
29 issued by the board;

30 (4) Failing to respond to inquiries from clients or other
31 professionals regarding conflicts with the holder's work, opinions, or
32 procedures, in a manner that would be expected from a prudent
33 practitioner;

34 (5) Modifying another holder's work without notifying that holder
35 and clearly describing the modifications in writing and signing the

1 report describing the modifications. However, this subsection (5) does
2 not apply when the plans, maps, or documents are modified by the owner
3 to reflect changes over time for their own purposes and are not used
4 for submittals or bid documents;

5 (6) Offering or accepting money, goods, or other favors as
6 inducement to receive favorable consideration for a professional
7 assignment or as an inducement to approve, authorize, or influence the
8 granting of a professional assignment;

9 (7) Soliciting or accepting gratuities, directly or indirectly,
10 from contractors, their agents, or other parties dealing with clients
11 or employers in connection with work for which the holder is
12 responsible;

13 (8) Using privileged information coming to the holder in the course
14 of his or her assignments as a means of making personal profit beyond
15 their professional compensation;

16 (9) Requesting, proposing, or accepting professional commissions on
17 a contingent basis under circumstances in which the holder's integrity
18 may be compromised;

19 (10) Willfully attempting to interfere with a board investigation
20 by falsifying records, making false statements, or intimidating or
21 influencing witnesses; or

22 (11) Willfully attempting to suborn another person to violate the
23 law, public policy, or their code of professional ethics.

24 NEW SECTION. **Sec. 16.** The board shall immediately suspend the
25 certificate of a person who has been certified pursuant to RCW
26 74.20A.320 by the department of social and health services as a person
27 who is not in compliance with a child support order. If the person has
28 continued to meet all other requirements for a certificate under this
29 chapter during the suspension, reissuance of the certificate shall be
30 automatic upon the board's receipt of a release issued by the
31 department of social and health services stating that the holder is in
32 compliance with the child support order. The procedure in RCW
33 74.20A.320 is the exclusive administrative remedy for contesting the
34 establishment of noncompliance with a child support order, and
35 suspension of a certificate under this subsection, and satisfies the
36 requirements of RCW 34.05.422.

1 NEW SECTION. **Sec. 17.** The uniform regulation of business and
2 professions act, chapter 18.235 RCW, governs the issuance and denial of
3 certificates, and the discipline of holders under this chapter.

4 NEW SECTION. **Sec. 18.** A new section is added to chapter 18.220
5 RCW to read as follows:

6 The board has the following authority in administering chapter
7 18.-- RCW (sections 1 through 17 of this act):

8 (1) To adopt, amend, and rescind rules as deemed necessary to carry
9 out this chapter;

10 (2) To establish the minimum qualifications for applicants for
11 certification as provided by chapter 18.-- RCW (sections 1 through 17
12 of this act);

13 (3) To approve the method of administration for examinations
14 required by chapter 18.-- RCW (sections 1 through 17 of this act) or by
15 rule. To adopt or recognize examinations prepared by other
16 organizations. To set the time and place of examinations with the
17 approval of the director; and

18 (4) To adopt standards of professional conduct and practice.

19 **Sec. 19.** RCW 18.235.020 and 2006 c 219 s 13 are each amended to
20 read as follows:

21 (1) This chapter applies only to the director and the boards and
22 commissions having jurisdiction in relation to the businesses and
23 professions licensed under the chapters specified in this section.
24 This chapter does not apply to any business or profession not licensed
25 under the chapters specified in this section.

26 (2)(a) The director has authority under this chapter in relation to
27 the following businesses and professions:

28 (i) Auctioneers under chapter 18.11 RCW;

29 (ii) Bail bond agents under chapter 18.185 RCW;

30 (iii) Camping resorts' operators and salespersons under chapter
31 19.105 RCW;

32 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

33 (v) Cosmetologists, barbers, manicurists, and estheticians under
34 chapter 18.16 RCW;

35 (vi) Court reporters under chapter 18.145 RCW;

- 1 (vii) Driver training schools and instructors under chapter 46.82
2 RCW;
- 3 (viii) Employment agencies under chapter 19.31 RCW;
- 4 (ix) For hire vehicle operators under chapter 46.72 RCW;
- 5 (x) Limousines under chapter 46.72A RCW;
- 6 (xi) Notaries public under chapter 42.44 RCW;
- 7 (xii) Private investigators under chapter 18.165 RCW;
- 8 (xiii) Professional boxing, martial arts, and wrestling under
9 chapter 67.08 RCW;
- 10 (xiv) Real estate appraisers under chapter 18.140 RCW;
- 11 (xv) Real estate brokers and salespersons under chapters 18.85 and
12 18.86 RCW;
- 13 (xvi) Security guards under chapter 18.170 RCW;
- 14 (xvii) Sellers of travel under chapter 19.138 RCW;
- 15 (xviii) Timeshares and timeshare salespersons under chapter 64.36
16 RCW; and
- 17 (xix) Whitewater river outfitters under chapter 79A.60 RCW.
- 18 (b) The boards and commissions having authority under this chapter
19 are as follows:
- 20 (i) The state board of registration for architects established in
21 chapter 18.08 RCW;
- 22 (ii) The cemetery board established in chapter 68.05 RCW;
- 23 (iii) The Washington state collection agency board established in
24 chapter 19.16 RCW;
- 25 (iv) The state board of registration for professional engineers and
26 land surveyors established in chapter 18.43 RCW governing licenses
27 issued under chapters 18.43 and 18.210 RCW;
- 28 (v) The state board of funeral directors and embalmers established
29 in chapter 18.39 RCW;
- 30 (vi) The state board of registration for landscape architects
31 established in chapter 18.96 RCW; and
- 32 (vii) The state geologist licensing board established in chapter
33 18.220 RCW and with respect to chapter 18.-- RCW (sections 1 through 17
34 of this act).

35 (3) In addition to the authority to discipline license holders, the
36 disciplinary authority may grant or deny licenses based on the
37 conditions and criteria established in this chapter and the chapters
38 specified in subsection (2) of this section. This chapter also governs

1 any investigation, hearing, or proceeding relating to denial of
2 licensure or issuance of a license conditioned on the applicant's
3 compliance with an order entered under RCW 18.235.110 by the
4 disciplinary authority.

5 NEW SECTION. **Sec. 20.** If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 remainder of the act or the application of the provision to other
8 persons or circumstances is not affected.

9 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act take
10 effect January 1, 2009.

11 NEW SECTION. **Sec. 22.** The director of licensing may take the
12 necessary steps to ensure that this act is implemented on January 1,
13 2009.

14 NEW SECTION. **Sec. 23.** Sections 1 through 17 of this act
15 constitute a new chapter in Title 18 RCW.

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