

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 6455

Chapter 253, Laws of 2000

56th Legislature
2000 Regular Session

GEOLOGISTS

EFFECTIVE DATE: Sections 1 through 4, and sections 6 through 21 take effect 7/1/01. Sections 22 through 24 take effect 6/8/00.

Note: As provided by section 24, the legislature has directed section 5 of this act to be submitted to the voters for their approval or rejection at the November 7, 2000, state general election. The election will be certified December 7, 2000. If approved by the voters or if a court determines that approval is not required, section 5 will take effect on July 1, 2001.

Passed by the Senate March 7, 2000
YEAS 33 NAYS 12

BRAD OWEN
President of the Senate

Passed by the House March 3, 2000
YEAS 95 NAYS 3

CLYDE BALLARD
**Speaker of the
House of Representatives**

FRANK CHOPP
**Speaker of the
House of Representatives**

Approved March 31, 2000

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 6455** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

March 31, 2000 - 3:55 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6455

AS AMENDED BY THE HOUSE

Passed Legislature - 2000 Regular Session

State of Washington 56th Legislature 2000 Regular Session

By Senate Committee on Commerce, Trade, Housing & Financial
Institutions (originally sponsored by Senators Gardner, Winsley,
Fraser, Shin, Kohl-Welles, Brown, Costa, Fairley and Jacobsen)

Read first time 02/04/2000.

1 AN ACT Relating to the regulation of geologists; adding a new
2 chapter to Title 18 RCW; prescribing penalties; providing an effective
3 date; and providing for submission of a certain section of this act to
4 a vote of the people.

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

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

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

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

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

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

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

5 (d) Holds himself or herself out as able to perform or does perform
6 any geological services or work recognized by the board as the practice
7 of geology for others.

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

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

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

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

13 (4) "Engineering geologist" means a geologist who, by reason of his
14 or her knowledge of engineering geology, acquired by education and
15 practical experience, is qualified to engage in the practice of
16 engineering geology, has met the qualifications in engineering geology
17 established under this chapter, and has been issued a license in
18 engineering geology by the board.

19 (5) "Engineering geology" means a specialty of geology affecting
20 the planning, design, operation, and maintenance of engineering works
21 and other human activities where geological factors and conditions
22 impact the public welfare or the safeguarding of life, health,
23 property, and the environment.

24 (6) "Geologist" means a person who, by reason of his or her
25 knowledge of geology, mathematics, the environment, and the supporting
26 physical and life sciences, acquired by education and practical
27 experience, has met the qualifications established under this chapter,
28 and has been issued a certificate of licensing as a geologist by the
29 board.

30 (7) "Geology" means the science that includes: Treatment of the
31 earth and its origin and history, in general; the investigation of the
32 earth's constituent rocks, minerals, solids, fluids, including surface
33 and underground waters, gases, and other materials; and the study of
34 the natural agents, forces, and processes that cause changes in the
35 earth.

36 (8) "Hydrogeology" means a science that involves the study of the
37 waters of the earth, including the study of the occurrence,
38 circulation, distribution, chemistry, remediation, or quality of water

1 or its role as a natural agent that causes changes in the earth, and
2 the investigation and collection of data concerning waters in the
3 atmosphere or on the surface or in the interior of the earth, including
4 data regarding the interaction of water with other gases, solids, or
5 fluids.

6 (9) "Licensed specialty geologist" means a licensed geologist who
7 has met the qualifications in a specialty of geology established under
8 this chapter and has been issued a license in that specialty by the
9 board.

10 (10) "Practice of engineering geology" means performance of
11 geological service or work including but not limited to consultation,
12 investigation, evaluation, planning, geological mapping, and inspection
13 of geological work, and the responsible supervision thereof, the
14 performance of which is related to public welfare or the safeguarding
15 of life, health, property, and the environment, except as otherwise
16 specifically provided by this chapter, and includes but is not limited
17 to the commonly recognized geological practices of construction
18 geology, environmental geology, and urban geology.

19 (11) "Practice of geology" means performance of geological service
20 or work including but not limited to collection of geological data,
21 consultation, investigation, evaluation, interpreting, planning,
22 geological mapping, or inspection relating to a service or work that
23 applies to geology, and the responsible supervision thereof, the
24 performance of which is related to public welfare or the safeguarding
25 of life, health, property, and the environment, except as otherwise
26 specifically provided by this chapter.

27 (12) "Practice of geology for others" includes, but is not limited
28 to:

29 (a) The preparation of geologic reports, documents, or exhibits by
30 any commission, board, department, district, or division of the state
31 or any political subdivision thereof or of any county, city, or other
32 public body, or by the employees or staff members of the commission,
33 board, department, district, or division of the state or any political
34 subdivision thereof or of any county, city, or other public body when
35 the reports, documents, or exhibits are disseminated or made available
36 to the public in such a manner that the public may reasonably be
37 expected to rely thereon or be affected thereby; and

38 (b) The performance of geological services by any individual, firm,
39 partnership, corporation, or other association or by the employees or

1 staff members thereof, whether or not the principal business of the
2 organization is the practice of geology, which the geological reports,
3 documents, or exhibits constituting the practice of geology are
4 disseminated or made available to the public or any individual or
5 organization in such a manner that the public or individual or
6 combination of individuals may reasonably be expected to rely thereon
7 or be affected thereby.

8 However, geological reports, documents, or exhibits that are
9 prepared by the employees or staff members of any individual, firm,
10 partnership, corporation, or other association or commission, board,
11 department, district, or division of the state or any political
12 subdivision thereof or any county, city, or other public body that are
13 for use solely within such organizations are considered in-house
14 reports, documents, or exhibits and are not the practice of geology for
15 others unless or until the reports are disseminated or made available
16 as set forth in (a) or (b) of this subsection.

17 (13) "Practice of hydrogeology" means the performance of or offer
18 to perform any hydrogeologic service or work in which the public
19 welfare or the safeguarding of life, health, environment, or property
20 is concerned or involved. This includes the collection of geological
21 data, and consultation, investigation, evaluation, interpretation,
22 planning, or inspection relating to a service or work that applies
23 hydrogeology.

24 (14) "Responsible charge" means the exercise of fully independent
25 control and direction of geological work or the supervision of such
26 work, and being fully responsible, answerable, accountable, or liable
27 for the results.

28 (15) "Specialty" means a branch of geology that has been recognized
29 under this chapter for the purposes of licensure. Engineering geology
30 is considered to be a specialty of geology.

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

34 NEW SECTION. **Sec. 4.** The state geologist licensing board is
35 created. The board consists of seven members, six of whom shall be
36 appointed by the director, who shall advise the director concerning the
37 administration of this chapter. Of the initial appointments to the
38 board, five shall be actively engaged in the practice of geology for at

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

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

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

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

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

27 (3) To administer licensing examinations approved by the board and
28 to adopt or recognize examinations prepared by other organizations as
29 approved by the board;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) To establish rules, including board organization and assignment
27 of terms, and meeting frequency and timing, for adoption by the
28 director;

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

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

36 (4) To establish and review standards of professional conduct and
37 practice for adoption by the director. Rules of professional conduct

1 will be consistent with those outlined for engineers and land
2 surveyors;

3 (5) To designate specialties of geology to be licensed under this
4 chapter;

5 (6) To conduct disciplinary hearings; and

6 (7) To conduct practice reviews.

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

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

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

15 (3) The applicant shall have a documented record of a minimum of
16 five years of experience in geology or a specialty of geology, obtained
17 subsequent to completion of the academic requirements specified in this
18 section, in geological work of a character satisfactory to the board,
19 demonstrating that the applicant is qualified to assume responsible
20 charge of such work upon licensing as a geologist. The board shall
21 require that three years of the experience be gained under the
22 supervision of a geologist licensed in this or any other state, or
23 under the supervision of others who, in the opinion of the board, are
24 qualified to have responsible charge of geological work;

25 (4) The applicant shall have passed an examination covering the
26 fundamentals and practice of geology prescribed or accepted by the
27 board;

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

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

34 (a) In addition to the educational requirements for licensing as a
35 geologist defined in subsection (2) of this section, an applicant for
36 licensing in any specialty of geology established by the board shall
37 have successfully completed advanced study pertinent to their

1 specialty, or equivalent seminars or on-the-job training acceptable to
2 the board;

3 (b) The applicant's experience shall include a documented record of
4 five years of experience, after completion of the academic requirements
5 specified in this subsection, in geological work in the applicable
6 specialty of a character satisfactory to the board, and demonstrating
7 that the applicant is qualified to assume responsible charge of the
8 specialty work upon licensing in that specialty of geology. The board
9 shall require that three years of the experience be gained under the
10 supervision of a geologist licensed in the specialty in this or any
11 other state, or under the supervision of others who, in the opinion of
12 the board, are qualified to have responsible charge of geological work
13 in the specialty; and

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

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

19 (a) Each year of professional practice of a character acceptable to
20 the board, carried out under the direct supervision of a geologist who
21 (i) is licensed in this state or is licensed in another state with
22 licensing standards substantially similar to those under this chapter;
23 or (ii) meets the educational and experience requirements for
24 licensing, but who is not required to be licensed under the limitations
25 of this chapter, qualifies as one year of professional experience in
26 geology;

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

36 (c) Experience in professional practice, of a character acceptable
37 to the board and acquired prior to one year after the effective date of
38 this section, qualifies if the experience (i) was acquired under the
39 direct supervision of a geologist who meets the educational and

1 experience requirements for licensing under this chapter, or who is
2 licensed in another state that has licensing requirements that are
3 substantially similar to this chapter; or (ii) would constitute
4 responsible charge of professional geological work, as determined by
5 the board;

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

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

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

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

26 (b) Experience consisting of a minimum of five years of
27 professional practice in geology or a specialty thereof as required
28 under subsections (3) and (7) of this section, of a character
29 acceptable to the board;

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

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

35 (b) Has experience consisting of a minimum five years of
36 professional practice in the applicable specialty of geology as
37 required under subsections (3) and (7) of this section, of a character
38 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 board shall immediately suspend the
25 license or practice permit of a person who has been certified pursuant
26 to RCW 74.20A.320 by the department of social and health services as a
27 person who is not in compliance with a child support order. If the
28 person has continued to meet all other requirements for a license under
29 this chapter during the suspension, reissuance of the license 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 licensee is
32 in 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 license under this subsection, and satisfies the
36 requirements of RCW 34.05.422.

1 NEW SECTION. **Sec. 18.** The following acts are prohibited and any
2 person committing any of the following acts is guilty of a class 1
3 civil infraction under chapter 7.80 RCW:

4 (1) The practice or offer to practice geology or geological
5 specialty without being licensed in accordance with the provisions of
6 this chapter;

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

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

11 (4) Falsely impersonating any other licensee; or

12 (5) Attempting to use the expired or revoked certificate of
13 licensing.

14 All fees, fines, and penalties collected or assessed by a court
15 because of a violation of this section shall be remitted to the
16 department to be deposited into the geologists' account created in
17 section 13 of this act.

18 NEW SECTION. **Sec. 19.** The director is authorized to apply for
19 relief by injunction without bond, to restrain a person from the
20 commission of any act that is prohibited under this chapter. In such
21 proceedings, it is not necessary to allege or prove either that an
22 adequate remedy at law does not exist, or that substantial or
23 irreparable damage would result from continued violation. The
24 director, individuals acting on the director's behalf and members of
25 the board are immune from suit in any action, civil or criminal, based
26 on disciplinary proceedings or other official acts performed in the
27 course of their duties in the administration and enforcement of this
28 chapter.

29 NEW SECTION. **Sec. 20.** The following activities do not require a
30 certificate of licensing under this chapter:

31 (1) Geological work performed by an employee or a subordinate of a
32 geologist or specialty geologist licensed under this chapter, provided
33 that the work does not include responsible charge of geological work as
34 covered by this section, and is performed under the direct supervision
35 of a geologist licensed under this chapter, who shall be and remains
36 responsible for such work;

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

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

7 (4) Geological research conducted through academic institutions,
8 agencies of the federal or state governments, nonprofit research
9 institutions, or for-profit organizations, including submission of
10 reports of research to public agencies;

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

12 (6) The practice of engineering or other licensed professions: (a)
13 The acquisition of engineering data involving soil, rock, ground water,
14 and other earth materials; evaluation of the physical and chemical
15 properties of soil, rock, ground water, and other earth materials; and
16 the utilization of these data in analysis, design, and construction by
17 professional engineers appropriately registered or licensed in this
18 state; and (b) similar work performed by persons or organizations
19 licensed or registered in any other profession or occupation related to
20 geology, provided that such work is permitted under the applicable
21 licensing or registration law, and is incidental to the practice or the
22 profession or occupation for which licensing or registration is
23 required. Nothing in this section shall be construed to permit the use
24 of the title geologist or engineering geologist, or any other specialty
25 as defined by the director, by an engineer or other licensed
26 professional except as licensed under this chapter;

27 (7) General scientific work customarily performed by such physical
28 or natural scientists as chemists, archaeologists, geographers,
29 hydrologists, oceanographers, pedologists, and soil scientists,
30 providing such work does not include the design and execution of
31 geological investigations, being in responsible charge of geological or
32 specialty geological work, or the drawing of geological conclusions and
33 recommendations in a way that affects the public health, safety, or
34 welfare; or

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

1 NEW SECTION. **Sec. 21.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 22.** Sections 1 through 21 of this act
6 constitute a new chapter in Title 18 RCW.

7 NEW SECTION. **Sec. 23.** Sections 1 through 21 of this act take
8 effect July 1, 2001.

9 NEW SECTION. **Sec. 24.** The secretary of state shall submit section
10 5 of this act to the people for their adoption and ratification, or
11 rejection, at the next general election to be held in this state, in
12 accordance with RCW 43.135.090 (section 2, chapter 1, Laws of 2000,
13 Initiative Measure No. 695). The suggested ballot title for this act
14 is: "Shall the state department of licensing be authorized to levy
15 fees on geologists sufficient to pay for their licensure?"

Passed the Senate March 7, 2000.

Passed the House March 3, 2000.

Approved by the Governor March 31, 2000.

Filed in Office of Secretary of State March 31, 2000.