
HOUSE BILL 1966

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By Representatives Kirby, McMahan, Chase, Cairnes, McIntire, Carrell and Darneille

Read first time 02/18/2003. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the practice of soil science; amending RCW
2 18.220.010 and 18.220.190; adding a new section to chapter 18.220 RCW;
3 and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.220 RCW
6 to read as follows:

7 This chapter permits the state and any political subdivision of the
8 state or a county, city, or other public body to use either the
9 services of a soil scientist engaging in the practice of soil science
10 or a licensed geologist or licensed specialty geologist engaging in the
11 practice of geology or relevant specialty to perform work that is
12 within the scope of practice of both professions.

13 **Sec. 2.** RCW 18.220.010 and 2000 c 253 s 3 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

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

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

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

8 (5) "Engineering geology" means a specialty of geology affecting
9 the planning, design, operation, and maintenance of engineering works
10 and other human activities where geological factors and conditions
11 impact the public welfare or the safeguarding of life, health,
12 property, and the environment.

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

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

25 (8) "Hydrogeology" means a science that involves the study of the
26 waters of the earth, including the study of the occurrence,
27 circulation, distribution, chemistry, remediation, or quality of water
28 or its role as a natural agent that causes changes in the earth, and
29 the investigation and collection of data concerning waters in the
30 atmosphere or on the surface or in the interior of the earth, including
31 data regarding the interaction of water with other gases, solids, or
32 fluids.

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

37 (10) "Practice of engineering geology" means performance of
38 geological service or work including but not limited to consultation,

1 investigation, evaluation, planning, geological mapping, and inspection
2 of geological work, and the responsible supervision thereof, the
3 performance of which is related to public welfare or the safeguarding
4 of life, health, property, and the environment, except as otherwise
5 specifically provided by this chapter, and includes but is not limited
6 to the commonly recognized geological practices of construction
7 geology, environmental geology, and urban geology.

8 (11) "Practice of geology" means performance of geological service
9 or work including but not limited to collection of geological data,
10 consultation, investigation, evaluation, interpreting, planning,
11 geological mapping, or inspection relating to a service or work that
12 applies to geology, 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.

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

18 (a) The preparation of geologic reports, documents, or exhibits by
19 any commission, board, department, district, or division of the state
20 or any political subdivision thereof or of any county, city, or other
21 public body, or by the employees or staff members of the commission,
22 board, department, district, or division of the state or any political
23 subdivision thereof or of any county, city, or other public body when
24 the reports, documents, or exhibits are disseminated or made available
25 to the public in such a manner that the public may reasonably be
26 expected to rely thereon or be affected thereby; and

27 (b) The performance of geological services by any individual, firm,
28 partnership, corporation, or other association or by the employees or
29 staff members thereof, whether or not the principal business of the
30 organization is the practice of geology, which the geological reports,
31 documents, or exhibits constituting the practice of geology are
32 disseminated or made available to the public or any individual or
33 organization in such a manner that the public or individual or
34 combination of individuals may reasonably be expected to rely thereon
35 or be affected thereby.

36 However, geological reports, documents, or exhibits that are
37 prepared by the employees or staff members of any individual, firm,
38 partnership, corporation, or other association or commission, board,

1 department, district, or division of the state or any political
2 subdivision thereof or any county, city, or other public body that are
3 for use solely within such organizations are considered in-house
4 reports, documents, or exhibits and are not the practice of geology for
5 others unless or until the reports are disseminated or made available
6 as set forth in (a) or (b) of this subsection.

7 (13) "Practice of hydrogeology" means the performance of or offer
8 to perform any hydrogeologic service or work in which the public
9 welfare or the safeguarding of life, health, environment, or property
10 is concerned or involved. This includes the collection of geological
11 data, and consultation, investigation, evaluation, interpretation,
12 planning, or inspection relating to a service or work that applies
13 hydrogeology.

14 (14) "Practice of soil science" means the performance of or offer
15 to perform soil science work including, but not limited to, the
16 investigation, evaluation, planning, management, classification, and
17 mapping of soil and the interpretation of soil behavior, including
18 surface erosion and landslide assessment, and the inspection and
19 responsible charge of such work.

20 (15) "Responsible charge" means the exercise of fully independent
21 control and direction of geological work or the supervision of such
22 work, and being fully responsible, answerable, accountable, or liable
23 for the results.

24 ((+15+)) (16) "Soil scientist" means a person who is qualified to
25 engage in the practice of soil science by reason of soil science
26 knowledge acquired by education and practical experience, as determined
27 by the director by rule, which must include at a minimum:

28 (a)(i) Graduation from an accredited college or university in a
29 four-year course of study satisfactory to the director or from a four-
30 year course of study in a program accredited by an organization
31 recognized by the director, which includes at least thirty semester
32 hours of credit, or the equivalent, in biological, physical, or earth
33 science, with a minimum of fifteen semester hours, or the equivalent,
34 in subjects such as soil genesis, pedology, soil chemistry, soil
35 physics, and soil fertility, leading to a bachelor's or higher degree
36 in soil science; and

37 (ii) Four years of experience obtained subsequent to completion of
38 the academic requirements specified in (a)(i) of this subsection in

1 soil science work of a character satisfactory to the director and
2 demonstrating that the person is qualified to assume responsible charge
3 of soil science work; or

4 (b)(i) A bachelor's degree or higher from an accredited academic
5 institution satisfactory to the director, but not having the course of
6 study prescribed in (a)(i) of this subsection; and

7 (ii) Seven years of experience obtained subsequent to completion of
8 the academic requirements specified in (b)(i) of this subsection in
9 soil science work of a character satisfactory to the director and
10 demonstrating that the person is qualified to assume responsible charge
11 of soil science work.

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

15 ~~((+16+))~~ (18) "Subordinate" means any person who assists in the
16 practice of geology by a licensed geologist or an exempt person,
17 without assuming the responsible charge of the work.

18 **Sec. 3.** RCW 18.220.190 and 2000 c 253 s 20 are each amended to
19 read as follows:

20 The following activities do not require a certificate of licensing
21 under this chapter:

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

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

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

34 (4) Geological research conducted through academic institutions,
35 agencies of the federal or state governments, nonprofit research
36 institutions, or for-profit organizations, including submission of
37 reports of research to public agencies;

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

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

17 (7) Geological work or general scientific work performed by soil
18 scientists in the preparation of reports, documents, and exhibits
19 relating to the practice of soil science. Nothing in this section may
20 be construed to permit the use of the title geologist or engineering
21 geologist, or any other specialty as defined by the director, by a soil
22 scientist except as licensed under this chapter;

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

31 ~~((+8))~~ (9) The giving of testimony, or preparation and
32 presentation of exhibits or documents for the sole purpose of being
33 placed in evidence before any administrative or judicial tribunal or
34 hearing, providing such testimony, exhibits, or documents do not imply
35 that the person is registered under the provisions of this chapter.

36 NEW SECTION. **Sec. 4.** This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately.

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