

**Chapter 18.220 RCW
GEOLOGISTS**

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RCW 18.220.005 Finding. The legislature finds it is in the public interest to regulate the practice of geology to safeguard life, health, and property and to promote the public welfare. [2000 c 253 § 1.]

RCW 18.220.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the geologist licensing board.
- (2) "Department" means the department of licensing.
- (3) "Director" means the director of the department of licensing.
- (4) "Engineering geologist" means a geologist who, by reason of

his or her knowledge of engineering geology, acquired by education and practical experience, is qualified to engage in the practice of engineering geology, has met the qualifications in engineering geology established under this chapter, and has been issued a license in engineering geology by the board.

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

(6) "Geologist" means a person who, by reason of his or her knowledge of geology, mathematics, the environment, and the supporting physical and life sciences, acquired by education and practical experience, has met the qualifications established under this chapter,

and has been issued a certificate of licensing as a geologist by the board.

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Subordinate" means any person who assists in the practice of geology by a licensed geologist or an exempt person, without assuming the responsible charge of the work. [2000 c 253 § 3.]

RCW 18.220.020 License required. (1) It is unlawful for any person to practice, or offer to practice, geology for others in this state, or to use in connection with his or her name or otherwise assume or advertise any title or description tending to convey the impression that he or she is a licensed geologist, or other licensed specialty geologist title, unless the person has been licensed under the provisions of this chapter.

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

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

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

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

(d) Holds himself or herself out as able to perform or does perform any geological services or work recognized by the board as the practice of geology for others. [2000 c 253 § 2.]

RCW 18.220.030 Geologist licensing board. The state geologist licensing board is created. The board consists of seven members, six of whom shall be appointed by the director, who shall advise the director concerning the administration of this chapter. Of the initial appointments to the board, five shall be actively engaged in the practice of geology for at least ten years, five of which shall have been immediately prior to their appointment to the board. Subsequent to the initial appointments, five members of the board must be geologists licensed under this chapter, two of whom shall be licensed in a specialty of geology recognized under this chapter. Insofar as

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

Each board member shall be entitled to compensation for each day spent conducting official business and to reimbursement for travel expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060. [2000 c 253 § 4.]

RCW 18.220.040 Director's authority. The director has the following authority in administering this chapter:

- (1) To adopt fees as provided in RCW 43.24.086; and
 - (2) To administer licensing examinations approved by the board.
- [2007 c 256 § 5; 2002 c 86 § 261; 2000 c 253 § 5.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Referral to electorate—2000 c 253 § 5: "The secretary of state shall submit section 5 of this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with RCW 43.135.090 (section 2, chapter 1, Laws of 2000, Initiative Measure No. 695). The suggested ballot title for this act is: "Shall the state department of licensing be authorized to levy fees on geologists sufficient to pay for their licensure?" [2000 c 253 § 24.]

Reviser's note: Chapter 1, Laws of 2000 (Initiative Measure No. 695) was declared unconstitutional in its entirety by *Amalgamated Transit v. State*, 142 Wn.2d 183, 11 P.3d 762 (2000). Therefore 2000 c 253 § 5 was not referred to the electorate.

RCW 18.220.050 Board's authority. The board has the following authority in administering this chapter:

- (1) To adopt, amend, and rescind rules as deemed necessary to carry out this chapter;
- (2) To establish the minimum qualifications for applicants for licensure as provided by this chapter;
- (3) To approve the method of administration for examinations required by this chapter or by rule. To adopt or recognize examinations prepared by other organizations. To set the time and place of examinations with the approval of the director;

(4) To adopt standards of professional conduct and practice. Rules of professional conduct will be consistent with those outlined for engineers and land surveyors; and

(5) To designate specialties of geology to be licensed under this chapter. [2007 c 256 § 7; 2002 c 86 § 262; 2000 c 253 § 6.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.220.060 Requirements for licensure. In order to become a licensed geologist, an applicant must meet the following requirements:

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

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

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

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

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

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

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

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

the opinion of the board, are qualified to have responsible charge of geological work in the specialty; and

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

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

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

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

(c) Experience in professional practice, of a character acceptable to the board and acquired prior to one year after July 1, 2001, qualifies if the experience (i) was acquired under the direct supervision of a geologist who meets the educational and experience requirements for licensing under this chapter, or who is licensed in another state that has licensing requirements that are substantially similar to this chapter; or (ii) would constitute responsible charge of professional geological work, as determined by the board;

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

(9) An applicant who applies for licensing before July 1, 2003, shall be considered to be qualified for licensing, without further written examination, if the applicant possesses the following qualifications:

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

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

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

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

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

(b) Has experience consisting of a minimum five years of professional practice in the applicable specialty of geology as required under subsections (3) and (7) of this section, of a character acceptable to the board; and

(11) The geologists initially appointed to the board under RCW 18.220.030 shall be qualified for licensing under subsections (7) and (8) of this section. [2003 c 292 § 1; 2000 c 253 § 7.]

Effective date—2003 c 292: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 14, 2003]." [2003 c 292 § 3.]

RCW 18.220.070 Application for licensure—Fee. An application for licensing shall be filed with the director on a form provided by the director and must contain statements made under oath demonstrating the applicant's education and practical experience. The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensing. The application fee for initial licensing shall be determined by the director as provided in RCW 43.24.086. The application, together with the fee, must be submitted to the department prior to the application deadline established by the director. Fees for initial licensing shall include the examination and issuance of a certificate. If the director finds an applicant ineligible for licensing, the fee shall be retained as an application fee. [2000 c 253 § 8.]

RCW 18.220.080 Examinations—Fee. Examinations of applicants for licensing, when required, shall be held at such times and places as determined by the board with the director's approval. The scope of the examination shall be directed to an applicant's ability to practice geology or any approved specialty of geology in a manner to ensure the safety of life, health, and property. A candidate failing an examination may apply for reexamination. Subsequent examinations will be granted upon payment of a fee to be determined by the director as provided in RCW 43.24.086. [2000 c 253 § 9.]

RCW 18.220.090 Certificate of licensing—Seal. The director shall issue a certificate of licensing to any applicant who has satisfactorily met all of the requirements of this chapter for licensing as a geologist or an approved specialty geologist. The certificate shall show the full name of the license holder, shall have a certificate number, and shall be signed by the director and an officer of the board. The issuance by the director of a certificate of licensing to an individual shall be prima facie evidence that the person is entitled to all the rights and privileges of a licensed

geologist or specialty geologist while the certificate remains unrevoked or unexpired.

Each license holder shall obtain a seal of the design authorized by the director, bearing the licensee's name, certificate number, and the legend "licensed geologist" together with any specialty in which the individual may be authorized. Geological reports, plans, and other technical documents prepared by or under the responsible charge of the license holder shall be signed, dated, and stamped with the seal or facsimile thereof. Each signature and stamping constitutes a certification by the license holder that the document was prepared by or under his or her responsible charge and that to his or her knowledge and belief the document was prepared in accordance with the requirements of this chapter. [2000 c 253 § 10.]

RCW 18.220.100 Licensure or certification without examination—Requirements. The director may, upon application and payment of a fee determined by the director as provided in RCW 43.24.086, issue a license and certificate without further examination as a geologist or specialty geologist to any person who holds a license or certificate of qualification issued by proper authority of any state, territory, or possession of the United States, District of Columbia, or any foreign country, if the applicant's qualifications, as evaluated by the board, meet the requirements of this chapter and the rules adopted by the director. [2000 c 253 § 11.]

RCW 18.220.110 License renewal—Fee—Reinstatement. Licenses issued in conformance with this chapter shall be renewed periodically on a date to be set by the director in conformance with RCW 43.24.140. A license holder who fails to pay the prescribed fee within ninety days following the date of expiration shall pay a renewal fee equal to the current fee plus an amount equal to one year's renewal fee. Any license that has been expired for five years or more may be reinstated in conformance with rules adopted by the director. Reinstatement conditions may include demonstration of continued practice or competency in the practice of geology or an approved specialty of geology. [2000 c 253 § 12.]

RCW 18.220.120 Geologists' account. (1) All fees and fines collected under the provisions of this chapter shall be paid into the geologists' account, created in subsection (2) of this section. (2) The geologists' account is created in the custody of the state treasurer. All receipts from fines and fees collected under this chapter must be deposited into the account. Expenditures from the account may be used only to carry out the duties required for the operation and enforcement of this chapter. Only the director of licensing or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2000 c 253 § 13.]

RCW 18.220.130 Unprofessional conduct. In addition to the unprofessional conduct described in RCW 18.235.130, the following conduct, acts, and conditions constitute unprofessional conduct:

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

(2) Not meeting the qualifications for licensing set forth by this chapter; or

(3) Committing any other act, or failing to act, which act or failure are customarily regarded as being contrary to the accepted professional conduct or standard generally expected of those practicing geology. [2007 c 256 § 6; 2002 c 86 § 263; 2000 c 253 § 14.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.220.160 Suspension of license/practice permit—Noncompliance with a child support order. The board shall immediately suspend the license or practice permit of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license shall be automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422. [2000 c 253 § 17.]

RCW 18.220.190 Permitted activities—Certificate of licensing not required. The following activities do not require a certificate of licensing under this chapter:

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

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

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

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

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

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

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

(8) The giving of testimony, or preparation and presentation of exhibits or documents for the sole purpose of being placed in evidence before any administrative or judicial tribunal or hearing, providing such testimony, exhibits, or documents do not imply that the person is registered under the provisions of this chapter. [2000 c 253 § 20.]

RCW 18.220.200 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 § 265.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 18.220.211 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the board determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 14.]

RCW 18.220.901 Effective date—2000 c 253. (1) Sections 1, 3, 7, 9, 10, 11, 12, 14, 15, 16, 17, 20, and 21 of this act take effect July 1, 2001.

(2) Sections 2, 18, and 19 of this act take effect July 1, 2002.

(3) Sections 4, 5, 6, 8, and 13 of this act take effect April 1, 2001. [2001 c 61 § 1; 2000 c 253 § 23.]

Effective date—2001 c 61: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 18, 2001]." [2001 c 61 § 2.]