

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1375

Session of
1979

INTRODUCED BY MESSRS. POLITE, SALVATORE, PIEVSKY, BRANDT,
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MICHLOVIC, MAY 23, 1979

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 30, 1979

AN ACT

1 Providing for the certification of professional geologists.

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5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Geologists
9 Certification Act."

10 Section 2. Statement of legislative findings.

11 The General Assembly finds that in order to safeguard life,
12 health, property, and environment, and to promote the public
13 welfare, the practice of geology in this Commonwealth is hereby
14 declared to be subject to regulation in the public interest. Two
15 years after this act goes into effect, it shall be unlawful for
16 any person to practice, or offer to practice, geology for others
17 within the Commonwealth of Pennsylvania, unless such person has
18 been duly certified or exempted from certification under the
19 provisions of this act.

20 Section 3. Definitions.

21 The following words and phrases when used in this act shall
22 have, unless the context clearly indicates otherwise, the
23 meanings given to them in this section:

24 "Advisory committee." The advisory committee as created and
25 defined in the act of January 24, 1966 (1965 P.L.1535, No.537),
26 known as the "Pennsylvania Sewage Facilities Act."

27 "Board." The Certification Board of Professional Geologists.

28 "Certificate of registration." A certificate or other
29 documentary evidence that a geologist has been certified to
30 engage in the practice of geology.

1 "Certified professional geologist." A person who, by reason
2 of knowledge of the principles of earth science acquired by
3 education and practical experience, is qualified to engage in
4 the practice of geology as hereinafter defined and a person who
5 has been registered by the board pursuant to the provisions of
6 this act, and whose registration is in force and has not been
7 suspended or revoked.

8 "Department." The Department of Environmental Resources.

9 "Display." Written reports, plans, maps, cross sections,
10 diagrams, or any other presentations used to communicate the
11 results, conclusions, and recommendations of the practice of
12 geology.

13 "Geologist trainee." A person who possesses the necessary
14 educational qualifications as prescribed in this act for
15 registration as a professional geologist and who has passed a
16 test administered by the department to determine proficiency in
17 the fundamental principles of geology, but who has not completed
18 the experience requirements in the field of geology as required
19 for certification.

20 "Geology." The science which treats of the earth in general;
21 the earth's processes; investigation of the earth and the rocks
22 and other materials which compose it; and the applied science of
23 utilizing knowledge of the earth's processes, constituent rocks,
24 minerals, liquids, gases, and other materials for the use of
25 mankind.

26 "Practice of geology." The practice or the offer to practice
27 geology for others, such practice including, but not limited to,
28 describing the natural processes acting on earth materials,
29 gases, or fluids, predicting the probable occurrence of natural
30 resources, predicting and locating natural or man-induced

1 phenomena which may be useful or hazardous to mankind,
2 recognizing, interpreting and determining the proper utilization
3 of geologic factors in the design, construction, operation and
4 maintenance of land use activities that are controlled by and
5 impact on geological factors and recognizing and interpreting
6 the effect of the construction and operation of such activities
7 on the geological environment; further, such practice shall
8 include, but not be limited to, geological consulting,
9 investigating, evaluation, inspecting, geological mapping,
10 planning, and giving testimony before governmental agencies on
11 or pertaining to geological matters. The practice of geology
12 shall not be deemed to include the practice of architecture or
13 engineering as such, for which separate registration is required
14 under the provisions of the act of July 12, 1919 (P.L.933,
15 No.369), referred to as the Architects Registration Law, or the
16 act of May 23, 1945 (P.L.913, No.367), known as the
17 "Professional Engineers Registration Law."

18 "Public member." A member of the board designated in this
19 act as representing the public at large shall be a private
20 citizen and shall not:

21 (1) be a member of any occupation which is regulated by
22 the board;

23 (2) be related to or part of the immediate family of any
24 member of the occupation to be regulated by the board;

25 (3) be affiliated in any way with the occupation to be
26 regulated; or

27 (4) hold any other appointive or elective public office
28 or position within this Commonwealth or another state or the
29 United States Government during the appointive term for which
30 he serves.

1 "Registration or registering." The act by the board of
2 certifying the qualifications of a professional geologist to
3 engage in the practice of geology.

4 "Responsible charge." A position that ~~required~~ REQUIRES <—
5 initiative, skill and independent judgment, and implies such
6 degree of competence and accountability gained by technical
7 education and experience of a grade and character as is
8 sufficient to qualify an individual to personally and
9 independently engage in, and be entrusted with, the work <—
10 involved in the practice of geology. This term does not include
11 positions which require routine performance of subprofessional
12 work such as auxiliary personnel, unless acting as chief of
13 party.

14 "Secretary." The Secretary of the Department of
15 Environmental Resources.
16 Section 4. Construction of this act.

17 (a) Practice by firms, etc.--A firm, corporation, co-
18 partnership, ~~professional~~ association, or joint stock company <—
19 may engage in the practice of geology in this Commonwealth;
20 provided only that such practice is carried on by or under the
21 responsible charge of at least one certified professional
22 geologist whose name and seal or stamp appears on all displays
23 introduced into the stream of commerce.

24 (b) Educational activities.--This act shall not be construed
25 to affect or prevent the presentation of field excursions,
26 educational courses or other educational endeavors or the
27 pursuit of scientific studies for the advancement of the
28 sciences.

29 Section 5. Exemptions.

30 The following shall be exempted from registration under the

1 provisions of this act:

2 (1) The practice of geology by a person not a resident
3 of and having no established place of business in this
4 Commonwealth, when such practice does not exceed an aggregate
5 of 30 days in any calendar year and provided such person is
6 duly registered to practice geology in a state or other
7 jurisdiction in which the requirements for the registration
8 of geologists are of a standard satisfactory to the board or
9 provided such person presents evidence satisfactory to the
10 board that said person is a qualified geologist; and provided
11 further that such nonresident shall file with the board,
12 before or within five days of the beginning of the aggregate
13 of a 30-day practice of geology in this Commonwealth, a
14 statement giving name, residence, the number of his
15 certificate of registration or equivalent and by what
16 authority issued or other evidence of qualification and the
17 place and nature of the work in which that person will be
18 engaged in this Commonwealth; and upon the completion of the
19 work, a statement of the time engaged in such work within the
20 Commonwealth. To such a person, the board shall issue a
21 temporary authorization to practice for not more than an
22 aggregate of 30 days upon proper application therefor and the
23 payment of a fee established by the ~~board~~ DEPARTMENT. <—

24 (2) The practice of geology by a person not a resident
25 of and having no established place of business in this
26 Commonwealth, or who has recently become a resident thereof,
27 practicing or offering to practice geology in this
28 Commonwealth for more than an aggregate of 30 days, if that
29 person shall have filed with the board a proper application
30 for registration accompanied by the prescribed fee, provided

1 such person is duly registered to practice geology in a state
2 or other jurisdiction in which the requirements for the
3 registration of geologists are of a standard satisfactory to
4 the board or provided such person presents evidence
5 satisfactory to the board that said person is a qualified
6 geologist. The board shall be required to consider the
7 application within 90 days from the date of filing of the
8 application.

9 (3) The practice of employees solely for their employer,
10 or any employee of a person practicing lawfully under
11 paragraph (1).

12 (4) Persons who practice geology solely for their own
13 use, and provided such practice does not directly related to
14 the public interest.

15 (5) Persons engaged solely in teaching the science of
16 geology.

17 (6) Officers and employees of the Federal Government of
18 the United States of America while engaged in this
19 Commonwealth in the practice of geology for said governments.

20 (7) The practice of soil mechanics, foundation
21 engineering, and geological engineering by professional
22 engineers who are duly licensed under the law in this
23 Commonwealth.

24 Section 6. Certification Board of Professional Geologists.

25 (a) Establishment.--To administer the provisions of this
26 act, there is hereby created to function within the department
27 the Certification Board of Professional Geologists, consisting
28 of six members, appointed by the secretary, and shall represent
29 the consumer public, the private, and governmental sectors of
30 geology, with no more than two members from any one sector at

1 the time of their appointments, and further, with no more than
2 one member from any single company, agency or institution within
3 any one sector, and with no more than two members maintaining
4 their residence in any single county of this Commonwealth at the
5 time of their appointments. The board shall include the
6 secretary of the department as an ex officio member.

7 (b) Composition.--The board shall consist of six members,
8 four of whom shall be certified professional geologists and two
9 public members who shall be representatives of the consumer
10 public. Applications for consideration as a member shall be
11 accepted by the advisory committee after proper notification has
12 been afforded in newspapers of general circulation. Members
13 shall be chosen from a list of nominees submitted to the
14 secretary by the advisory committee. The advisory committee
15 shall designate a minimum of three nominees for each of the
16 public and geologist member positions.

17 (c) Terms.--Each member of the board shall be appointed to a
18 four year term by the secretary. No person shall serve as a
19 member of the board for more than two successive terms. Each
20 member shall hold office until the expiration of the term for
21 which appointed or until a successor has been duly appointed and
22 has qualified. The terms of such public members shall be the
23 same as the other appointive members of the respective board and
24 they shall be entitled to receive the same compensation and
25 expenses as provided by law.

26 (d) Vacancies.--Vacancies in the membership of the board
27 shall be filled for the unexpired term by appointment by the
28 secretary. Any vacancy occurring before the expiration of the
29 appointive term of a public OR GEOLOGY member shall be filled by <—
30 the secretary with another A public OR GEOLOGY member, AS MAY BE <—

1 APPROPRIATE, for the unexpired term in the manner provided by
2 law.

3 (e) Qualifications.--Each geologist and public member of the
4 board shall be a resident of the Commonwealth of Pennsylvania
5 for at least two years at the time of his appointment. Each
6 certified professional geologist member of the board shall be
7 engaged in the practice of geology and shall have been in
8 responsible charge of work for at least five years PRIOR TO <—
9 APPOINTMENT. Each geologist member of the board shall be a
10 certified professional geologist.

11 (f) Expenses.--Each member of the board shall be paid \$30
12 per diem and shall be reimbursed for actual and necessary
13 expenses incurred in the performance of their duties.

14 Section 7. Transition provisions.

15 (a) First board.--Each geologist member of the first board,
16 appointed under this act, upon payment of the appropriate fee,
17 shall be licensed and issued a certificate of registration by
18 the secretary.

19 (b) Qualifications and terms.--The members of the first
20 board shall meet the requirements set forth in section 6(e) and
21 shall be appointed within three months after the passage of this
22 act, to serve for terms of at least one and no more than four
23 years from the dates of their appointments, which shall be so
24 made as to have the term of one geologist member expire each
25 year. One public member of the first board shall serve for a
26 period of two years. The other public member of the first board
27 shall serve for a period of three years.

28 (c) First meeting.--The first board appointed shall hold its
29 initial meeting within 30 days after its appointment, and shall
30 elect its chairperson and vice chairperson as provided in section

1 8.

2 Section 8. Administration.

3 (a) Officers.--The board shall elect from its membership
4 annually a chairperson and a vice chairperson.

5 (b) Meetings.--The board shall hold regular semiannual
6 meetings and such special meetings as may be provided for in its
7 rules or as a majority of the members may desire.

8 (c) Quorum and voting.--Five members of the board shall
9 constitute a quorum: Provided, however, That no board meeting
10 shall be official nor shall any number equal a quorum unless
11 both public members are present at the meeting. ~~Any public~~ <—
12 ~~member who is habitually absent or in any manner creating havoc~~
13 ~~such that the meetings of the board are continuancy delayed~~ ANY <—
14 BOARD MEMBER WHO MISSES THREE CONSECUTIVE BOARD MEETINGS shall
15 be dismissed immediately by the secretary. Such a vacancy shall
16 be filled in the same manner as provided in section 6(d).

17 (d) Rules and regulations.--The department, after
18 consultation with the board, shall in the manner provided by law
19 adopt such rules and regulations which are reasonably necessary
20 for the proper performance of the board's and the department's
21 duties and the regulation of the proceedings before them.

22 ~~Proposed~~ ALL PROPOSED rules and regulations of the department <—
23 relating to geologists OR ANY SECTION OF THIS ACT shall be <—
24 submitted to the Chief Clerk of the Senate and House of
25 Representatives who shall cause the RULES OR regulations to be <—
26 printed and distributed among all members of both chambers in
27 the same manner as a reorganization plan. If both bodies fail to
28 act within 60 days of receipt of such RULES OR regulations, or <—
29 within ten legislative days after receipt, whichever shall last
30 occur, RULES OR regulations adopted shall be promulgated <—

1 pursuant to the provisions of the act of July 31, 1968 (P.L.769,
2 No.240), referred to as the Commonwealth Documents Law and 45
3 Pa.C.S. Part II (relating to publication and effectiveness of
4 Commonwealth documents). If either chamber disapproves any RULE <—
5 OR regulation, such information shall be certified by the
6 Speaker of the House of Representatives or President pro tempore
7 of the Senate to the department, and such RULE OR regulation <—
8 shall not be promulgated as a final RULE OR regulation. <—

9 Section 9. Duties of the board.

10 (a) Duties generally.--The board shall specify
11 qualifications for certification consistent with those
12 hereinafter set out; provide certificates of registration and
13 geologist trainee certificates; the board shall also, subject to
14 the departments approval, specify means of application for
15 registration; specify means for examinations prior to
16 registration; and specify means for renewal, replacement and
17 reissuance of certificates of registration.

18 (b) Code of ethics.--The board shall establish a code of
19 ethics for the practice of geology.

20 (c) Roster.--A roster showing the name, place of business,
21 and the residence of each certified professional geologist shall
22 be prepared by the department during the month of January of
23 each year. Copies of this roster shall be placed on file with
24 the prothonotary of each county and may be available to any
25 person upon request to the department, accompanied by payment
26 prescribed by the department.

27 (d) Unlawful practices.--The board is hereby authorized to
28 request the Attorney General of the Commonwealth to apply for
29 relief by injunction in the established manner provided in cases
30 of civil procedure, without bond, to enforce the provisions of

1 this act, or to restrain any violation thereof.

2 (e) Immunity.--The members of the board shall not be
3 personally liable in legal actions arising from the
4 administration of this act and of the board created hereby,
5 provided such administration is in good faith.

6 (f) Disposition of fees and fines.--All fees and fines
7 collected pursuant to this act shall be paid into the General
8 Fund in the same manner and subject to the same restrictions as
9 other moneys received by the department. The department shall
10 charge a late renewal fee of \$5 for each month or part of month
11 past the renewal date, and a duplicate ~~enrollment~~ CERTIFICATE
12 fee of \$5. <—

13 (g) General review.--The board, as hereinafter provided,
14 shall make general reviews of the administration of this act and
15 the current rules and regulations of the department regulating
16 the board, certified professional geologist, or the practice of
17 geology, or shall make reviews of specific aspects of said
18 administration, rules and regulations. Each such review shall
19 include a hearing during which testimony from the public shall
20 be received. The board shall issue public notice of place, date
21 and time of said hearing in newspapers of general circulation in
22 at least three counties of this Commonwealth and shall mail
23 notice of said hearing to certified professional geologists,
24 geologist trainees, and such others as the board may decide,
25 said public and mailed notices to be issued no fewer than 15
26 days before the date of said hearing. The results, conclusions,
27 and recommendations from the hearing shall be a public record. A
28 general review of said administration, rules, and regulations
29 shall be made by the board before the expiration of five years
30 after the date this act takes effect and at intervals of no more

1 than five years following the preceding general review. A
2 general review of said administration, rules, and regulations or
3 a review of specific aspects of said administration, rules and
4 regulations shall be made by the board within 90 days of receipt
5 by the board of a petition for such review endorsed by at least
6 10%, but no fewer than 30 persons, of the certified professional
7 geologists registered under this act with registration current
8 on the date of receipt of said petition, except that in the case
9 of a petition for review of specific aspects of said
10 administration, rules and regulations, the board may expand the
11 scope of the review to include other or all aspects of said
12 administration, rules and regulations.

13 (h) Financial requirements of board.--To submit annually to
14 the secretary of the department an estimate of the financial
15 requirements of the board for administrative, and miscellaneous
16 expenses. The board shall submit, in addition to any information
17 requested or prescribed by the secretary of the department the
18 following information, for the most current fiscal year:

19 (1) Number of applications for certification received.

20 (2) Number of new and renewal certificates issued.

21 (3) Number of applicants failing to qualify for
22 certificates.

23 (4) Number of violations cited.

24 (5) Number of violations corrected.

25 (6) Certificates prosecuted.

26 (7) Amount of expenditures incurred.

27 (8) The amount of fee revenue by type of certificate
28 issued.

29 (9) Number of applications not processed by June 30 of
30 the previous fiscal year.

1 Section 10. Qualifications for registration.

2 (a) General rules.--Except as hereinafter expressly
3 provided, no applicant shall be certified until the applicant
4 has successfully passed an examination under the supervision of
5 the department; nor shall an applicant be certified whose
6 character would justify revocation or suspension of registration
7 as provided in section 15. The applicant shall have made
8 application for registration in the manner prescribed by the
9 department, accompanied by the payment of an examination fee and
10 a registration fee to be established by the department, the
11 combined initial fees not to exceed \$50. The examination fee
12 shall cover the direct costs of the examination relating to the
13 ~~preparation, administration,~~ PREPARING, ADMINISTERING, grading <—
14 and recording of the examination. If the applicant fails the
15 examination, the examination fee shall be forfeited but the
16 registration fee shall be refunded.

17 (b) Educational requirement.--Applicants for registration as
18 certified professional geologists shall have graduated from an
19 accredited college or university, have completed 30 semester
20 units or the equivalent in the field of geology and have been
21 actively engaged in the practice of geology as defined in this
22 act for a minimum of four years, which experience shall be under
23 the responsible charge of:

24 (1) a certified professional geologist;

25 (2) a person acceptable to the board with a minimum of
26 four years of practice in responsible charge of geological
27 work; or

28 (3) a person qualified under section 11(e) or (f).

29 (c) Educational requirements for trainees.--Applicants for
30 certification as geologist trainees shall have graduated from an

1 accredited college or university and shall have completed 30
2 semester units or the equivalent in courses in the field of
3 geology.

4 (d) Substitution of academic experience.--Academic
5 experience shall be allowed as partial fulfillment of the
6 experience requirements to the following extent:

7 (1) Each year of full-time graduate study or research in
8 geology at an accredited college or university shall count as
9 one year of practice, except that credit for graduate study
10 or research, individually, or in any combination thereof,
11 shall in no case exceed a total of two years toward meeting
12 the experience requirements set forth above.

13 (2) Teaching in geology at college level shall be
14 credited year for year toward meeting the experience
15 requirements. Such teaching shall be of varied and in-depth
16 nature such that the teacher's knowledge of geology is
17 evident to the board.

18 Section 11. Examinations.

19 (a) Administration of examinations.--Examinations shall be
20 held at frequent intervals and at least semi-annually to afford
21 all applicants an equal opportunity for taking such
22 examinations, at such time and place as the department shall
23 determine.

24 (b) Scope.--The scope and content of the examinations shall
25 be prescribed by the board, subject to department approval, and
26 subdisciplines of the science of geology shall be considered in
27 preparation of examinations. The examinations shall consist of
28 two parts:

29 (1) A written test, to determine the applicant's
30 proficiency in the fundamental principles of geology.

1 (2) A written practical problem, the solution of which
2 shall be in writing and demonstrate the applicant's knowledge
3 of geology and the applicant's ability to apply that
4 knowledge to assume responsible charge in the practice of
5 geology.

6 (c) Reexamination.--Applicants failing their first
7 examination may ask for reexamination without filing a new
8 application, and shall be entitled to such reexamination on
9 payment of a fee for reexamination to be prescribed by the
10 department. Such fee shall cover the direct cost of the
11 examination as in section 10(a). Applicants who fail on first
12 reexamination must file a new application before they can again
13 be admitted to examination.

14 (d) Trainees.--The board shall permit a person who is not
15 qualified to apply for registration by reason of insufficient
16 experience to take the first portion of the examination,
17 pertaining to fundamental principles of geology, prior to
18 completion of the required years of experience. Satisfactory
19 passage of that portion of the examination shall qualify the
20 person for certification as a geologist trainee, and shall be
21 recorded as an accomplished requirement toward that person's
22 registration, for a period not to exceed ten years.

23 (e) Requirements for certification.--At any time within two
24 years after this act goes into effect, upon proper application
25 therefor accompanied by payment of the registration fee, the
26 board shall issue a certificate of registration as a certified
27 professional geologist to any applicant who shall submit, under
28 oath, evidence satisfactory to the board that the applicant:

29 (1) has been practicing geology for at least eight
30 years, of which five years shall be in responsible charge of

1 practice; or

2 (2) complies with the academic and experience
3 requirements set forth in section 10(a),(b), and (d); or

4 (3) can demonstrate to the satisfaction of the board
5 that the applicant is qualified to practice geology as
6 defined herein.

7 (f) Registration of geologist registered in other
8 jurisdictions.--The board shall, on application for
9 registration, accompanied by payment of a fee to be established
10 by the department, issue a certificate of registration to any
11 applicant who holds a current certificate of registration issued
12 by the proper registering authority in that state, District of
13 Columbia, territory or possession of the United States, or any
14 foreign country, in which political subdivision the requirements
15 for the registration of professional geologists are of a
16 standard satisfactory to the board. A person may be licensed
17 under this subsection without examination.

18 (g) Quorum.--A quorum of the board shall be required to pass
19 upon the qualifications of any applicant for registration.

20 (h) Hearing.--The board shall grant a hearing for
21 reconsideration of an applicant who has been refused
22 registration if the applicant submits a petition attesting to
23 the applicant's professional competency supported by five
24 certified professional geologists, in writing over notarized
25 signatures, and the applicant has passed a test for proficiency
26 in the fundamental principles of geology, as prescribed by the
27 board, or is exempted from such test under subsection (e) or
28 (f). The time and place for such hearing shall be fixed by the
29 board, and the hearing shall be no later than 90 days after the
30 petition is received by the board. The applicant must attend the

1 hearing in person, and may be accompanied by counsel.

2 Section 12. Certificate of registration.

3 (a) Certificate.--The board shall issue a certificate of
4 registration, upon payment of a registration fee to be
5 established by the department, to any applicant who has
6 satisfactorily met all the appropriate requirements of this act.
7 A certificate of registration shall show the full name of the
8 registrant, shall have serial numbers, shall be dated, and shall
9 be signed by the chairperson under the seal of the board. The
10 issuance of a certificate of registration by the board shall be
11 prima facie evidence that the person named thereon is entitled
12 to all the rights and privileges of a certified professional
13 geologist and that the registrant may engage in the practice of
14 geology in this Commonwealth while the said certificate of
15 registration remains in force.

16 (b) Seals and stamps.--Each registrant hereunder may, upon
17 registration, obtain and use a seal or stamp of registration, of
18 a design authorized by the board, bearing the registrant's name
19 and number, the legend "Certified Professional Geologist," and
20 the date of expiration of the registrant's current certificate
21 of registration.

22 (c) Renewal of registration.--Every geologist registered
23 under this act who desires to continue the practice of geology
24 shall every two years pay to the department a renewal fee, to be
25 established by the department; said fee to be paid on or before
26 a date to be fixed by the department, upon receipt of which a
27 renewal certificate of registration for the current period shall
28 be issued.

29 (d) Failure to renew.--Failure of a registrant to renew a
30 certificate by the date of its expiration shall not

1 automatically deprive a registrant of the right of renewal;
2 except that application for renewal of an expired certificate
3 shall be made on a form and be accompanied by payment of such a
4 delayed renewal fee, as the department may prescribe. A
5 certificate of registration which is not renewed within two
6 years after its expiration date shall not be renewed thereafter.
7 The holder of such an expired certificate may reapply for
8 registration under any appropriate subsection of section 10.

9 (e) Replacement certificates.--Replacements for certificates
10 of registration lost, destroyed or mutilated shall be issued
11 subject to the rules of the department. A replacement fee, to be
12 established by the department, shall be paid for such issuance.

13 Section 13. Geologist trainee certificates.

14 (a) Issuance.--The board shall issue certificates to
15 applicants who have qualified and been certified as geologist
16 trainees, which certificates shall show the full name of the
17 geologist trainee, shall have serial numbers, shall be dated and
18 shall be signed by the secretary of the board.

19 (b) Period for which certificate is valid.--Certification of
20 a geologist trainee is valid for a maximum of six years and may
21 be renewed, subject to rules and regulations promulgated by the
22 department.

23 Section 14. Violations.

24 (a) Unlawful practitioner.--From and after two years after this
25 act goes into effect, it shall be unlawful for any person to
26 practice, or offer to practice geology, as defined in the
27 provisions of this act, for other; or to use in connection with
28 the person's name or otherwise assume or advertise any title or
29 description tending to convey the impression that the person is
30 a certified professional geologist, unless such person has been

1 duly registered or exempted under the provisions of this act.
2 The right to engage in the practice of geology shall be deemed a
3 personal right, based on the qualifications of the individual as
4 evidenced by his certificate of registration, which shall not be
5 transferable.

6 (b) Geologist displays.--From and after two years after this
7 act goes into effect, all geological displays shall be prepared
8 by a certified professional geologist, or by a person under the
9 responsible charge of a certified professional geologist; and
10 all geological displays shall be signed, stamped, or impressed
11 with the seal of such certified professional geologist which
12 shall indicate responsibility for them, except that persons
13 practicing under provisions of section 5 are exempted.

14 (c) Use of expired stamp, etc.--It shall be unlawful for a
15 person to affix that person's signature, stamp, or to impress
16 that person's seal of registration to any display after the
17 certificate of the registrant named thereon has expired or been
18 suspended or revoked.

19 (d) False use of stamp, etc.--It shall be unlawful for any
20 person to present or attempt to use as his own, the certificate,
21 stamp, or seal of registration of a registrant; or to falsely
22 impersonate any registrant of like or different name.

23 (e) Penalty.--Any person convicted of violating any of the
24 subsections of this section shall, be guilty of a summary
25 offense and upon conviction thereof be sentenced to pay a fine
26 not exceeding \$1,000 or to imprisonment not exceeding six
27 months, or both.

28 Section 15. Penalties.

29 (a) Suspension, etc.--The board shall have the power and
30 authority to suspend, refuse to renew or to revoke the

1 certificate of registration of any person who is found guilty in
2 a court of law of:

3 (1) The practice of fraud or deceit in obtaining a
4 certificate of registration.

5 (2) Any felony arising from, or in connection with, the
6 practice of geology; or any other felony.

7 (3) Committing deceit, willful misrepresentation,
8 violation of contract, fraud, gross negligence or any other
9 misconduct in the practice of geology.

10 (4) Aiding or abetting any person in the violation of
11 any provisions of this act.

12 (5) Violating any provision of this act.

13 The board may confiscate the certificate and any stamp or seal
14 evidencing the registration of any person who is found so
15 guilty.

16 (b) Right of complaint.--Any person may prefer, against any
17 registrant, charges of fraud, deceit, gross negligence, or
18 misconduct. Such charges shall be in writing, and shall be sworn
19 to by the person making them, and shall be filed with the board
20 and copies shall be filed with the department. All charges,
21 unless dismissed by the board AFTER THE SECRETARY'S APPROVAL as <—
22 unfounded or trivial, shall be heard by a hearing examiner.
23 Copies of any dismissal by the board shall be sent to the
24 secretary of the department AND KEPT ON FILE FOR A PERIOD OF SIX <—
25 YEARS.

26 (c) Hearing examiners.--The department, after consultation
27 with the board, shall appoint, with the approval of the
28 secretary, such hearing examiners as shall be necessary to
29 conduct hearings as may be required under this subsection. The
30 department shall have the power to adopt and promulgate rules

1 and regulations setting forth the functions, powers, standards
2 and duties to be followed by the hearing examiners. The hearing
3 examiners shall have the power to conduct hearings in accordance
4 with the regulations of the department, and to issue subpoenas
5 requiring the attendance and testimony of individuals or the
6 production of, pertinent books, records, documents and papers by
7 persons whom they believe to have information relevant to any
8 matter pending before the examiner. Such examiner shall also
9 have the power to administer oaths. The hearing examiner shall
10 hear evidence submitted and arguments of counsel, if any, with
11 reasonable dispatch, and shall promptly record his decision,
12 supported by findings of fact, and a copy thereof shall
13 immediately be sent to the board and to the secretary and to
14 counsel of record, or the parties, if not represented. If
15 application for review is made to the board within 20 days from
16 the date of any decision made as a result of a hearing held by a
17 hearing examiner, the board shall review the evidence, and if
18 deemed advisable by the board, hear argument and additional
19 evidence. As soon as practicable, the board shall make a
20 decision and shall file the same with its finding of the facts
21 on which it is based and send a copy thereof to each of the
22 parties in dispute and to the secretary.

23 (d) Right of appeal.--Any registrant aggrieved or adversely
24 affected by any final order of the board in an individual
25 proceeding may appeal in the manner provided by law and general
26 rule for the taking of appeals from the decisions of
27 administrative agencies.

28 (e) Reissuance of certificates after appeals.--Application
29 for the reissuance of a certificate of registration after
30 findings on appeals may be made in such a manner as shall be

1 directed by the board.

2 Section 16. General repeals.

3 All acts or parts of acts inconsistent with this act are
4 repealed to the extent of any inconsistency.

5 Section 17. Effective date.

6 This act shall take effect immediately.