

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1375

Session of
1979

INTRODUCED BY MESSRS. POLITE, SALVATORE, PIEVSKY, BRANDT,
WEIDNER, CORNELL, D. S. HAYES, E. H. SMITH, LASHINGER,
GLADECK, KNEPPER, MRS. TAYLOR, MESSRS. COHEN, POTT, NOYE,
E. R. LYNCH, PITTS, WILT, BURD, MADIGAN, DAVIES, ITKIN AND
MICHLOVIC, MAY 23, 1979

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 12, 1980

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 "CERTIFICATION OR CERTIFYING." THE ACT BY THE BOARD OF <—
2 CERTIFYING THE QUALIFICATIONS OF A PROFESSIONAL GEOLOGIST TO
3 ENGAGE IN THE PRACTICE OF GEOLOGY.

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

11 "Department." The Department of Environmental Resources.

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

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

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

29 "Practice of geology." The practice or the offer to practice
30 geology for others, such practice including, but not limited to,

1 describing the natural processes acting on earth materials,
2 gases, or fluids, predicting the probable occurrence of natural
3 resources, predicting and locating natural or man-induced
4 phenomena which may be useful or hazardous to mankind,
5 recognizing, interpreting and determining the proper utilization
6 of geologic factors in the design, construction, operation and
7 maintenance of land use activities that are controlled by and
8 impact on geological factors and recognizing and interpreting
9 the effect of the construction and operation of such activities
10 on the geological environment; further, such practice shall
11 include, but not be limited to, geological consulting,
12 investigating, evaluation, inspecting, geological mapping,
13 planning, and giving testimony before governmental agencies on
14 or pertaining to geological matters. The practice of geology
15 shall not be deemed to include THE DRILLING OF WELLS FOR WATER
16 SUPPLY, THE CONDUCT OF SEWAGE ENFORCEMENT OFFICERS OR
17 DETERMINATIONS MADE PURSUANT TO THE REQUIREMENTS OF THE ACT OF
18 JANUARY 24, 1966 (1965 P.L.1535, NO.537), KNOWN AS THE
19 "PENNSYLVANIA SEWAGE FACILITIES ACT," the practice of
20 architecture or engineering as such, for which separate
21 registration is required under the provisions of the act of July
22 12, 1919 (P.L.933, No.369), referred to as the Architects
23 Registration Law, or the act of May 23, 1945 (P.L.913, No.367),
24 known as the "Professional Engineers Registration Law."

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

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

30 (2) be related to or part of the immediate family of any

1 member of the occupation to be regulated by the board;

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

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

8 ~~"Registration or registering." The act by the board of~~ <—
9 ~~certifying the qualifications of a professional geologist to~~
10 ~~engage in the practice of geology.~~

11 "Responsible charge." A position that requires initiative,
12 skill and independent judgment, and implies such degree of
13 competence and accountability gained by technical education and
14 experience of a grade and character as is sufficient to qualify
15 an individual to personally and independently engage in, and be
16 entrusted with, the work involved in the practice of geology.
17 This term does not include positions which require routine
18 performance of subprofessional work such as auxiliary personnel,
19 unless acting as chief of party.

20 "Secretary." The Secretary of the Department of
21 Environmental Resources.

22 Section 4. Construction of this act.

23 (a) Practice by firms, etc.--A firm, corporation, co-
24 partnership, association, or joint stock company may engage in
25 the practice of geology in this Commonwealth; provided only that
26 such practice is carried on by or under the responsible charge
27 of at least one certified professional geologist whose name and
28 seal or stamp appears on all displays introduced into the stream
29 of commerce.

30 (b) Educational activities.--This act shall not be construed

1 to affect or prevent the presentation of field excursions,
2 educational courses or other educational endeavors or the
3 pursuit of scientific studies for the advancement of the
4 sciences.

5 Section 5. Exemptions.

6 The following shall be exempted from registration under the
7 provisions of this act:

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

(2) The practice of geology by a person not a resident of and having no established place of business in this Commonwealth, or who has recently become a resident thereof, practicing or offering to practice geology in this Commonwealth for more than an aggregate of 30 days, if that person shall have filed with the board a proper application for ~~registration~~ CERTIFICATION accompanied by the prescribed fee, provided such person is duly ~~registered~~ CERTIFIED to practice geology in a state or other jurisdiction in which the requirements for the ~~registration~~ CERTIFICATION of geologists are of a standard satisfactory to the board or provided such person presents evidence satisfactory to the board that said person is a qualified geologist. The board shall be required to consider the application within 90 days from the date of filing of the application. UNTIL SUCH TIME AS THE BOARD CONSIDERS THE APPLICATION, THE PERSON PRACTICING GEOLOGY SHALL BE EXEMPT FROM REGISTRATION UNDER THIS ACT.

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

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

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

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

(7) The practice of soil mechanics, foundation engineering, and geological engineering by professional

engineers who are duly licensed under the law in this
Commonwealth.

Section 6. Certification Board of Professional Geologists.

(a) Establishment.--To administer the provisions of this
act, there is hereby created to function within the department
the Certification Board of Professional Geologists, consisting
of six members, appointed by the secretary, ~~and~~ WHO shall
represent the consumer public, the private, and governmental
sectors of geology, with no more than two members from any one
sector at the time of their appointments, and further, with no
more than one member from any single company, agency or
institution within any one sector, and with no more than two
members maintaining their residence in any single county of this
Commonwealth at the time of their appointments. The ~~board shall~~
~~include the~~ secretary of the department SHALL SERVE as an ex
officio member OF THE BOARD.

(b) Composition.--The board shall consist of six members,
four of whom shall be certified professional geologists and two
public members who shall be representatives of the consumer
public. Applications for consideration as a member shall be
accepted by the advisory committee after ~~proper notification has~~
~~been afforded in~~ NEWS RELEASES HAVE BEEN MADE AVAILABLE TO
newspapers of general circulation TO THE EFFECT THAT
APPLICATIONS ARE BEING SOUGHT. Members shall be chosen from a
list of nominees submitted to the secretary by the advisory
committee. The advisory committee shall designate a minimum of
three nominees for each of the public and geologist member
positions.

(c) Terms.--~~Each~~ EXCEPT AS OTHERWISE PROVIDED IN THIS ACT,
EACH member of the board shall be appointed to a four year term

1 by the secretary. No person shall serve as a member of the board
2 for more than two successive terms. Each member shall hold
3 office until the expiration of the term for which appointed or
4 until a successor has been duly appointed and has qualified. The
5 terms of such public members shall be the same as the other
6 appointive members of the respective board and they shall be
7 entitled to receive the same compensation and expenses as
8 provided by law.

9 (d) Vacancies.--Vacancies in the membership of the board
10 shall be filled for the unexpired term by appointment by the
11 secretary. Any vacancy occurring before the expiration of the
12 appointive term of a public or geology member shall be filled by
13 the secretary with a public or geology member, as may be
14 appropriate, for the unexpired term in the manner provided by
15 law.

16 (e) Qualifications.--Each geologist and public member of the
17 board shall ~~be~~ HAVE BEEN a resident of the Commonwealth of <—
18 Pennsylvania for at least two years at the time of his
19 appointment. Each certified professional geologist member of the
20 board shall be engaged in the practice of geology and shall have
21 been in responsible charge of work for at least five years prior
22 to appointment. ~~Each~~ EXCEPT AS OTHERWISE PROVIDED IN THIS ACT, <—
23 EACH geologist member of the board shall be a certified
24 professional geologist.

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

28 Section 7. Transition provisions.

29 (a) First board.--Each geologist member of the first board,
30 appointed under this act, upon payment of the appropriate fee,

1 shall be licensed and issued a certificate of registration by <—
2 the secretary.

3 (b) Qualifications and terms.--The members of the first
4 board ~~shall meet the requirements set forth in section 6(e) and~~ <—
5 shall be appointed within three months after the passage of this
6 act, to serve for terms of at least one and no more than four
7 years from the dates of their appointments, which shall be so
8 made as to have the term of one geologist member expire each
9 year. One public member of the first board shall serve for a
10 period of two years. The other public member of the first board
11 shall serve for a period of three years.

12 (c) First meeting.--The first board appointed shall hold its
13 initial meeting within 30 days after its appointment, and shall
14 elect ~~it~~ IT'S chairperson and vice chairperson as provided in <—
15 section 8.

16 Section 8. Administration.

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

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

22 (c) Quorum and voting.--Five members of the board shall
23 constitute a quorum: ~~Provided, however, That no board meeting~~ <—
24 ~~shall be official nor shall any number equal a quorum unless~~
25 ~~both public members are present at the meeting.~~ Any board member
26 who misses three consecutive board meetings shall be dismissed
27 immediately by the secretary. Such a vacancy shall be filled in
28 the same manner as provided in section 6(d).

29 (d) Rules and regulations.--The department, after
30 consultation with the board, shall in the manner provided by law

1 adopt such rules and regulations which are reasonably necessary
2 for the proper performance of the board's and the department's
3 duties and the regulation of the proceedings before them. All
4 proposed rules and regulations of the department relating to
5 geologists or any section of this act shall be submitted to the
6 Chief Clerk of the Senate and House of Representatives who shall
7 cause the PROPOSED rules or regulations to be printed and <—
8 distributed among all members of both chambers in the same
9 manner as a reorganization plan. If both bodies fail to act
10 within 60 days of receipt of such rules or regulations, or
11 within ten legislative days after receipt, whichever shall last
12 occur, THE PROPOSED rules or regulations ~~adopted~~ shall be <—
13 promulgated ~~pursuant to~~ IN COMPLIANCE WITH the provisions of the <—
14 act of July 31, 1968 (P.L.769, No.240), referred to as the
15 Commonwealth Documents Law and 45 Pa.C.S. Part II (relating to
16 publication and effectiveness of Commonwealth documents). If
17 either chamber disapproves any PROPOSED rule or regulation, such <—
18 information shall be certified by the Speaker of the House of
19 Representatives or President pro tempore of the Senate to the
20 department, and ~~such rule or regulation~~ IT shall not be <—
21 promulgated as a ~~final~~ rule or regulation. <—

22 Section 9. Duties of the board.

23 (a) Duties generally.--The board shall specify
24 qualifications for certification consistent with those
25 hereinafter set out; provide certificates ~~of registration~~ and <—
26 geologist trainee certificates; the board shall also, subject to
27 the departments approval, specify means of application for
28 ~~registration~~ CERTIFICATION; specify means for examinations prior <—
29 to ~~registration~~ CERTIFICATION; and specify means for renewal, <—
30 replacement and reissuance of certificates ~~of registration~~. <—

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

3 (c) Roster.--A roster showing the name, place of business,
4 and the residence of each certified professional geologist shall
5 be prepared by the department during the month of January of
6 each year. Copies of this roster shall be placed on file with
7 the prothonotary of each county and may be available to any
8 person upon request to the department, accompanied by payment
9 prescribed by the department.

10 (d) Unlawful practices.--The board is hereby authorized to
11 request the Attorney General of the Commonwealth to apply for
12 relief by injunction in the established manner provided in cases
13 of civil procedure, without bond, to enforce the provisions of
14 this act, or to restrain any violation thereof.

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

19 (f) Disposition of fees and fines.--All fees and fines
20 collected pursuant to this act ARE HEREBY APPROPRIATED TO THE <—
21 DEPARTMENT FOR ADMINISTRATION OF THIS ACT AND ANY BALANCE AT THE
22 END OF EACH FISCAL YEAR shall be paid into the General Fund. in <—
23 ~~the same manner and subject to the same restrictions as other~~
24 ~~moneys received by the department.~~ The department shall charge a
25 late renewal fee of \$5 for each month or part of month past the
26 renewal date, and a duplicate certificate fee of \$5.

27 (g) General review.--The board, as hereinafter provided,
28 shall make general reviews of the administration of this act and
29 the current rules and regulations of the department regulating
30 the board, certified professional ~~geologist~~ GEOLOGISTS, or the <—

1 practice of geology, or shall make reviews of specific aspects
2 of said administration, rules and regulations. Each such GENERAL <—
3 review shall include a hearing during which testimony from the
4 public shall be received. The board shall issue public notice of
5 place, date and time of said hearing in newspapers of general
6 circulation in at least three counties of this Commonwealth and
7 shall mail notice of said hearing to certified professional
8 geologists, geologist trainees, and such others as the board may
9 decide, said public and mailed notices to be issued no fewer
10 than 15 days before the date of said hearing. The results,
11 conclusions, and recommendations from the hearing shall be a
12 public record. A general review of said administration, rules
13 and regulations shall be made by the board before the expiration
14 of five years after the date this act takes effect and at
15 intervals of no more than five years following the preceding
16 general review. A general review of said administration, rules
17 and regulations or a review of specific aspects of said
18 administration, rules and regulations shall be made by the board
19 within 90 days of receipt by the board of a petition for such
20 review endorsed by at least 10%, but no fewer than 30 persons,
21 of the certified professional geologists ~~registered~~ CERTIFIED <—
22 under this act with ~~registration~~ CERTIFICATION current on the <—
23 date of receipt of said petition, except that in the case of a
24 petition for review of specific aspects of said administration,
25 rules and regulations, the board may expand the scope of the
26 review to include other or all aspects of said administration,
27 rules and regulations.

28 (h) Financial requirements of board.--To submit annually to
29 the secretary of the department an estimate of the financial
30 requirements of the board for administrative, and miscellaneous

1 expenses. The board shall submit, in addition to any information
2 requested or prescribed by the secretary of the department the
3 following information, for the most current fiscal year:

4 (1) Number of applications for certification received.

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

6 (3) Number of applicants failing to qualify for
7 certificates.

8 (4) Number of violations cited.

9 (5) Number of violations corrected.

10 (6) ~~Certificates~~ NUMBER OF ALLEGED VIOLATIONS <—
11 prosecuted.

12 (7) Amount of expenditures ~~incurred~~ MADE. <—

13 (8) The amount of fee revenue by type of certificate
14 issued.

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

17 Section 10. Qualifications for ~~registration~~ CERTIFICATION. <—

18 (a) General rules.--Except as hereinafter expressly
19 provided, no applicant shall be certified until the applicant
20 has successfully passed an examination under the supervision of
21 the department; nor shall an applicant be certified whose
22 character would justify revocation or suspension of ~~registration~~ <—
23 CERTIFICATION as provided in section 15. The applicant shall <—
24 have made application for ~~registration~~ CERTIFICATION in the <—
25 manner prescribed by the department, accompanied by the payment
26 of an examination fee and a ~~registration~~ CERTIFICATION fee to be <—
27 established by the department, the combined initial fees not to
28 exceed \$50. The examination fee shall cover the direct costs of
29 the examination relating to the preparing, administering,
30 grading and recording of the examination. If the applicant fails

1 the examination, the examination fee shall be forfeited but the
2 ~~registration~~ CERTIFICATION fee shall be refunded. <—

3 (b) Educational requirement.--Applicants for ~~registration~~ <—
4 CERTIFICATION as certified professional geologists shall have <—
5 graduated from an accredited college or university, have
6 completed 30 semester units or the equivalent in the field of
7 geology and have been actively engaged in the practice of
8 geology as defined in this act for a minimum of four years,
9 which experience shall be under the responsible charge of:

10 (1) a certified professional geologist;

11 (2) a person acceptable to the board with a minimum of
12 four years of practice in responsible charge of geological
13 work; or

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

15 (c) Educational requirements for trainees.--Applicants for
16 certification as geologist trainees shall have graduated from an
17 accredited college or university and shall have completed 30
18 semester units or the equivalent in courses in the field of
19 geology.

20 (d) Substitution of academic experience.--Academic
21 experience shall be allowed as partial fulfillment of the
22 experience requirements to the following extent:

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

29 (2) Teaching in geology at college level shall be
30 credited year for year toward meeting the experience

requirements. Such teaching shall be of varied and in-depth nature such that the teacher's knowledge of geology is evident to the board.

Section 11. Examinations.

(a) Administration of examinations.--Examinations shall be held at frequent intervals and at least semiannually to afford all QUALIFIED applicants an equal opportunity for taking such examinations, at such time and place as the department shall determine.

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

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

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

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

(d) Trainees.--The board shall permit a person who is not

1 qualified to apply for registration by reason of insufficient
2 experience to take the first portion of the examination,
3 pertaining to fundamental principles of geology, prior to
4 completion of the required years of experience. Satisfactory
5 passage of that portion of the examination shall qualify the
6 person for certification as a geologist trainee, and shall be
7 recorded as an accomplished requirement toward that person's
8 registration, for a period not to exceed ten years.

9 (e) Requirements for certification.--At any time within two
10 years after this act goes into effect, upon proper application
11 therefor accompanied by payment of the ~~registration~~ <—
12 CERTIFICATION fee, the board shall issue a certificate of <—
13 ~~registration~~ as a certified professional geologist to any
14 applicant who shall submit, under oath, evidence satisfactory to
15 the board that the applicant:

16 (1) has been practicing geology for at least eight
17 years, of which five years shall be in responsible charge of
18 practice; or

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

21 (3) can demonstrate to the satisfaction of the board
22 that the applicant is qualified to practice geology as
23 defined herein.

24 (f) ~~Registration~~ CERTIFICATION of geologist registered in <—
25 other jurisdictions.--The board shall, on application for
26 ~~registration~~ CERTIFICATION WITHOUT EXAMINATION, accompanied by <—
27 payment of a fee to be established by the department, issue a
28 certificate of ~~registration~~ to any applicant who holds a current <—
29 certificate of ~~registration~~ issued by the proper ~~registering~~ <—
30 CERTIFYING authority in ~~that~~ ANY state, District of Columbia, <—

1 territory or possession of the United States, or any foreign
2 country, in which ~~political subdivision~~ the requirements for the
3 ~~registration~~ CERTIFICATION of professional geologists are of a
4 standard satisfactory to the board. A person may be licensed
5 under this subsection without examination.

6 (g) Quorum.--A quorum of the board shall be required to pass
7 upon the qualifications of any applicant for ~~registration~~
8 CERTIFICATION.

9 (h) Hearing.--The board shall grant a hearing for
10 reconsideration of an applicant who has been refused
11 ~~registration~~ CERTIFICATION if the applicant submits a petition
12 ~~attesting to the applicant's professional competency supported~~
13 ~~by five certified professional geologists,~~ FOR HEARING in
14 writing over notarized ~~signatures,~~ SIGNATURE, and the applicant
15 has passed a test for proficiency in the fundamental principles
16 of geology, as prescribed by the board, or is exempted from such
17 test under subsection (e) or (f). The time and place for such
18 hearing shall be fixed by the board, and the hearing shall be no
19 later than 90 days after the petition is received by the board.
20 The applicant must attend the hearing in person, and may be
21 accompanied by counsel.

22 Section 12. ~~Certificate of registration.~~

23 (a) Certificate.--The board shall issue a certificate of
24 ~~registration,~~ upon payment of a ~~registration~~ CERTIFICATION fee
25 to be established by the department, to any applicant who has
26 satisfactorily met all the appropriate requirements of this act.
27 A certificate ~~of registration~~ shall show the full name of the
28 ~~registrant~~ INDIVIDUAL CERTIFIED, shall have A serial ~~numbers,~~
29 NUMBER, shall be dated, and shall be signed by the chairperson
30 under the seal of the board. The issuance of a certificate of

1 ~~registration~~ by the board shall be prima facie evidence that the
2 person named thereon is entitled to all the rights and
3 privileges of a certified professional geologist and that the
4 ~~registrant~~ INDIVIDUAL CERTIFIED may engage in the practice of <—
5 geology in this Commonwealth while the said certificate ~~of~~ <—
6 ~~registration~~ remains in force.

7 (b) Seals and stamps.--Each ~~registrant~~ INDIVIDUAL CERTIFIED <—
8 hereunder may, upon ~~registration~~ CERTIFICATION, obtain and use a <—
9 seal ~~or~~ AND/OR stamp of ~~registration~~ CERTIFICATION, of a design <—
10 authorized by the board, bearing the ~~registrant's~~ CERTIFIED <—
11 INDIVIDUAL'S name and number, the legend "Certified Professional
12 Geologist," and the date of expiration of the ~~registrant's~~ <—
13 current certificate ~~of registration~~. <—

14 (c) Renewal of ~~registration~~ CERTIFICATION.--Every geologist <—
15 ~~registered~~ CERTIFIED under this act who desires to continue the <—
16 practice of geology shall every two years pay to the department
17 a renewal fee, to be established by the department; said fee to
18 be paid on or before a date to be fixed by the department, upon
19 receipt of which a renewal certificate ~~of registration~~ for the <—
20 current period shall be issued.

21 (d) Failure to renew.--Failure of a ~~registrant~~ CERTIFIED <—
22 INDIVIDUAL to renew a certificate by the date of its expiration
23 shall not automatically deprive a ~~registrant~~ SUCH PERSON of the <—
24 right of renewal; except that application for renewal of an
25 expired certificate shall be made on a form and be accompanied
26 by payment of such a delayed renewal fee, as the department may
27 prescribe. A certificate ~~of registration~~ which is not renewed <—
28 within two years after its expiration date shall not be renewed
29 thereafter. The holder of such an expired certificate may
30 reapply for ~~registration~~ CERTIFICATION under any appropriate <—

1 subsection of section 10.

2 (e) Replacement certificates.--Replacements for certificates
3 ~~of registration~~ lost, destroyed or mutilated shall be issued <—
4 subject to the rules of the department. A replacement fee, to be
5 established by the department, shall be paid for such issuance.

6 Section 13. Geologist trainee certificates.

7 (a) Issuance.--The board shall issue ~~certificates~~ A <—
8 CERTIFICATE to ~~applicants~~ AN APPLICANT who ~~have~~ HAS qualified <—
9 and been certified as A geologist ~~trainees~~, TRAINEE, which <—
10 ~~certificates~~ CERTIFICATE shall show the full name of the <—
11 geologist trainee, shall have A serial ~~numbers~~ NUMBER, shall be <—
12 dated and shall be signed by the secretary of the board.

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

17 Section 14. Violations.

18 (a) Unlawful ~~practicer~~ PRACTICES.--From and after two years <—
19 after this act goes into effect, it shall be unlawful for any
20 person to practice, or offer to practice geology, as defined in
21 the provisions of this ~~act, for other~~; ACT; or to use in <—
22 connection with the person's name or otherwise assume or
23 advertise any title or description tending to convey the
24 impression that the person is a certified professional
25 geologist, unless such person has been duly ~~registered~~ CERTIFIED <—
26 or exempted under the provisions of this act. The right to
27 engage in the practice of geology shall be deemed a personal
28 right, based on the qualifications of the individual as
29 evidenced by his certificate ~~of registration~~, which shall not be <—
30 transferable.

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

9 (c) Use of expired stamp, etc.--It shall be unlawful for a
10 person to affix that person's signature, stamp, or to impress
11 that person's seal of registration to any display after the
12 certificate of the ~~registrant~~ INDIVIDUAL CERTIFIED named thereon <—
13 has expired or been suspended or revoked.

14 (d) False use of stamp, etc.--It shall be unlawful for any
15 person to present or attempt to use as his own, the certificate,
16 stamp, or seal of ~~registration~~ CERTIFICATION of a ~~registrant~~ <—
17 CERTIFIED INDIVIDUAL; or to falsely impersonate any ~~registrant~~ <—
18 CERTIFIED INDIVIDUAL of like or different name. <—

19 (e) Penalty.--Any person convicted of violating any of the
20 subsections of this section shall, be guilty of a summary
21 offense and upon conviction thereof be sentenced to pay a fine
22 not exceeding ~~\$1,000~~ \$300 or to imprisonment not exceeding ~~six~~ <—
23 ~~months~~, 90 DAYS, or both. ANY PERSON CONVICTED OF VIOLATING <—
24 PROVISIONS OF THIS SECTION FOR THE SECOND TIME SHALL BE GUILTY
25 OF A MISDEMEANOR OF THE SECOND DEGREE AND UPON CONVICTION
26 THEREOF SHALL BE SENTENCED TO PAY A FINE OF \$500 OR TO
27 IMPRISONMENT NOT EXCEEDING TWO YEARS, 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~~ CERTIFICATION of any person who is <—
15 found so guilty.

16 (b) Right of complaint.--Any person may prefer, against any
17 ~~registrant~~ CERTIFIED INDIVIDUAL, charges of fraud, deceit, gross <—
18 negligence, or misconduct. Such charges shall be in writing, and
19 shall be sworn to by the person making them, and shall be filed
20 with the board and copies shall be filed with the department.

21 All charges, unless dismissed by the board after the secretary's
22 approval as unfounded or trivial, shall be heard by a hearing
23 examiner. Copies of any DOCUMENTS FILED IN CASES RESULTING IN <—
24 dismissal by the board shall be sent to the secretary of the
25 department and kept on file for a period of six 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~~ CERTIFIED INDIVIDUAL <—
24 aggrieved or adversely affected by any final order of the board
25 in an individual proceeding may appeal in the manner provided by
26 law and general rule for the taking of appeals from the
27 decisions of 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 AND AUTOMATIC TERMINATION.

<—

6 This act shall take effect immediately AND SHALL EXPIRE IN
7 SEVEN YEARS UNLESS SOONER REENACTED BY THE GENERAL ASSEMBLY.

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