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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1317

Session of  
1983

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INTRODUCED BY STEWART, ITKIN, BRANDT, GLADECK, ZWIKL, WOZNIAK,  
LEVI, BOYES, GAMBLE, GREENWOOD, COY, CLYMER, CAPPABIANCA,  
MICHLOVIC, MURPHY, POTT, NAHILL, PRATT, SAURMAN, E. Z. TAYLOR  
AND F. E. TAYLOR, JUNE 30, 1983

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REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 30, 1983

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AN ACT

1 Providing for the certification of professional geologists.

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1       The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

3       Section 1.   Short title.

4       This act shall be known and may be cited as the Geologists  
5 Certification Act.

6       Section 2.   Legislative findings.

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

16       Section 3.   Definitions.

17       The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

20       "Certificate."   A certificate or other documentary evidence  
21 that a geologist has been certified to engage in the practice of  
22 geology.

23       "Certification or certifying."   The act by the department of  
24 certifying the qualifications of a professional geologist to  
25 engage in the practice of geology.

26       "Certified professional geologist."   A person who, by reason  
27 of knowledge of the principles of earth science acquired by  
28 education and practical experience, is qualified to engage in  
29 the practice of geology as hereinafter defined and who has been  
30 certified by the department pursuant to the provisions of this

1 act, and whose certification is in force and has not been  
2 suspended or revoked.

3 "Department." The Department of Environmental Resources.

4 "Display." Written reports, plans, maps, cross sections,  
5 diagrams or any other presentations used to communicate the  
6 results, conclusions and recommendations of the practice of  
7 geology.

8 "Geology." The science which treats of the earth in general;  
9 the earth's processes; investigation of the earth and the rocks  
10 and other materials which compose it; and the applied science of  
11 utilizing knowledge of the earth's processes, constituent rocks,  
12 minerals, liquids, gases and other materials for the use of  
13 mankind.

14 "Practice of geology." The practice or the offer to practice  
15 geology for others, such practice including, but not limited to,  
16 describing the natural processes acting on earth materials,  
17 gases or fluids, predicting the probable occurrence of natural  
18 resources, predicting and locating natural or man-induced  
19 phenomena which may be useful or hazardous to mankind,  
20 recognizing, determining and evaluating geologic factors as they  
21 apply to the design, construction, operation and maintenance of  
22 land use activities that are controlled by and impact on  
23 geological factors and recognizing and evaluating the effect of  
24 the construction and operation of such activities on the  
25 geological environment; further, such practice shall include,  
26 but not be limited to, geological consulting, investigating,  
27 evaluation, inspecting, geological mapping, planning and giving  
28 testimony before governmental agencies on or pertaining to  
29 geological matters. The practice of geology shall not be deemed  
30 to include the drilling of wells for water supply, the conduct

1 of sewage enforcement officers or determinations made pursuant  
2 to the requirements of the act of January 24, 1966 (1965  
3 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities  
4 Act, the practice of architecture or engineering as such, for  
5 which separate certification is required under the provisions of  
6 the act of July 12, 1919 (P.L.933, No.369), referred to as the  
7 Architects Registration Law, or the act of May 23, 1945  
8 (P.L.913, No.367), known as the Professional Engineers  
9 Registration Law.

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

19 "Secretary." The Secretary of Environmental Resources.  
20 Section 4. Construction of act.

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

28 (b) Educational activities.--This act shall not be construed  
29 to affect or prevent the presentation of field excursions,  
30 educational courses or other educational endeavors or the

1 pursuit of scientific studies for the advancement of the  
2 sciences.

3 Section 5. Exemptions.

4 The following shall be exempted from registration under the  
5 provisions of this act:

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

28 (2) The practice of geology by a person not a resident  
29 of and having no established place of business in this  
30 Commonwealth, or who has recently become a resident thereof,

1 practicing or offering to practice geology in this  
2 Commonwealth for more than an aggregate of 30 days, if that  
3 person shall have filed with the department a proper  
4 application for certification accompanied by the prescribed  
5 fee, provided the person is duly certified to practice  
6 geology in a state or other jurisdiction in which the  
7 requirements for the certification of geologists are of a  
8 standard satisfactory to the department or provided the  
9 person presents evidence satisfactory to the department that  
10 the person is a qualified geologist. The department shall be  
11 required to consider the application within 90 days from the  
12 date of filing of the application. Until such time as the  
13 department considers the application, the person practicing  
14 geology shall be exempt from registration under this act.

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

18 (4) Persons who practice geology solely for their own  
19 use, and provided such practice is not directly related to  
20 the public interest.

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

23 (6) Officers and employees of the Federal Government  
24 while engaged in this Commonwealth in the practice of geology  
25 for the Federal Government.

26 (7) The practice of soil science, soil mechanics,  
27 foundation engineering and geological engineering by  
28 professional engineers who are duly licensed under the law in  
29 this Commonwealth.

30 Section 6. Application.

1 (a) Fee.--Each application for original certification shall  
2 be accompanied by an application fee of \$10 in the form of a  
3 check or money order made payable to the Department of  
4 Environmental Resources.

5 (b) Contents.--An applicant for certification shall fill out  
6 and file with the department the original of an application  
7 form, available upon request from the department, no later than  
8 60 days before the applicant plans to be certified. The form  
9 shall require relevant information about the applicant's  
10 character, geologic knowledge and experience in application of  
11 that knowledge. Among the data required on the application form  
12 is information about the applicant's:

13 (1) Educational background at the undergraduate and  
14 graduate level.

15 (2) Professional geological work, not to include work  
16 involving routine sampling, laboratory work or geological  
17 drafting. Persons who have taught geological science at  
18 college level must provide information about the level of the  
19 courses and number of hours per semester taught.

20 (3) Scientific and technical society affiliations and  
21 the grade of membership and whether certified by each.

22 (4) Major publications, patents, reports and honors.

23 (5) Adherence to high professional and ethical standards  
24 as attested by three references.

## 25 Section 7. Qualifications.

26 Determination of satisfactory qualifications shall be based  
27 on the applicant's character, knowledge of the principles and  
28 techniques of geology and experience in the application of those  
29 principles and techniques. The following shall be the minimum  
30 qualifications for certification:

1           (1) The applicant must be certified by the American  
2       Institute of Professional Geologists. A person who is in good  
3       standing as a member of the American Institute of  
4       Professional Geologists and who has been certified by that  
5       organization, is deemed to be eligible upon application and  
6       payment of applicable fees to become certified under the act;  
7       or

8           (2) The applicant must be of good moral character and  
9       meet the following combination of education and experience:

10           (i) Education:

11               (A) graduation from an accredited institution of  
12           higher learning, with a major in geology, geophysics,  
13           geochemistry or engineering geology with a minimum of  
14           30 semester or 45 quarter hours in geology,  
15           geophysics, geochemistry, engineering geology or  
16           their subdivisions; or

17               (B) completion of 30 semester or 45 quarter  
18           hours in geological science courses leading to a  
19           major in geology, of which at least 24 semester or 36  
20           quarter hours are in third or fourth year or graduate  
21           courses; and

22           (ii) Experience: Completion of at least seven years  
23       of professional geological work which shall include  
24       either a minimum of three years of professional  
25       geological work under the supervision of a certified  
26       professional geologist, except that prior to July 1,  
27       1984, professional geological work qualifies under this  
28       subparagraph if it is under the supervision of a  
29       qualified geologist, or a minimum of five years  
30       experience in a responsible position in geological work.

1 (iii) The following criteria of education and  
2 experience qualify as specified toward accumulation of  
3 the required number of years of professional geological  
4 work:

5 (A) Each year of undergraduate study in the  
6 geological sciences shall count as one-half year of  
7 professional geological work up to a maximum of two  
8 years and each year of graduate study or research  
9 shall count as a year of professional geological  
10 work.

11 (B) Teaching in the geological sciences at  
12 college level counts, as one year of professional  
13 geological work, provided that the total teaching  
14 experience includes six semester hours per semester  
15 for at least two semesters or equivalent if under  
16 another system of third or fourth year or graduate  
17 courses.

18 (C) Credit for undergraduate study, graduate  
19 study and teaching, separately or in combination, may  
20 not exceed a total of four years toward meeting the  
21 required number of years of professional geological  
22 work.

23 (D) When any combination of teaching and  
24 professional geological work by a faculty member is  
25 applied to any one-year period, each activity must be  
26 prorated so that the total credit toward meeting the  
27 requirements for professional geological work will  
28 not exceed 12 months.

29 (3) If in the opinion of the department inadequate  
30 information has been provided by the applicant to allow the

department to ascertain whether the applicant satisfied the qualifications for certification, the applicant may be required to provide additional information for purposes of the application or may be required to present himself or herself for an interview at the department for this purpose.

Section 8. Certification.

(a) Issuance of certificate.--An applicant who meets the qualifications for certification under this act, upon payment of a certification fee of \$75 in the form of a check or money order made payable to the department, shall be issued a numbered certificate as a professional geologist. A certification number, once assigned, shall not be used again for any person other than the one to whom it is originally issued.

(b) Eligibility.--Certification may only be granted to an individual who:

(1) pays the fee specified in this act; and

(2) demonstrates to the satisfaction of the department that the individual has the qualifications required by this act.

(c) Denial.--An applicant who is denied certification shall be notified in writing and informed of the reason for the denial. Within 30 days after the receipt of notice, the applicant may make written request to the department for a hearing.

(d) Convictions.--A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony or a crime involving moral turpitude is deemed to be a conviction within the meaning of this act. The department may order a certificate suspended or revoked or may decline to issue a certificate when the time for an appeal has elapsed, when the

1 judgment of conviction has been affirmed on appeal or when an  
2 order granting probation is made suspending the imposition of  
3 sentence.

4 (e) Seals and stamps.--Each individual certified hereunder  
5 may, upon certification, obtain and use a seal or stamp of  
6 certification, of a design authorized by the department, bearing  
7 the certified individual's name and number, the legend  
8 "Certified Professional Geologist," and the date of expiration  
9 of the current certificate.

10 (f) Renewal of certification.--Every geologist certified  
11 under this act who desires to continue the practice of geology  
12 shall every two years pay to the department a renewal fee, to be  
13 established by the department. The fee shall be paid on or  
14 before a date to be fixed by the department, upon receipt of  
15 which a renewal certificate for the current period shall be  
16 issued.

17 (g) Failure to renew.--Failure of a certified individual to  
18 renew a certificate by the date of its expiration shall not  
19 automatically deprive such person of the right of renewal;  
20 except that application for renewal of an expired certificate  
21 shall be made on a form and be accompanied by payment of such a  
22 delayed renewal fee, as the department may prescribe. A  
23 certificate which is not renewed within two years after its  
24 expiration date shall not be renewed thereafter. The holder of  
25 such an expired certificate may reapply for certification under  
26 any appropriate subsection of section 6.

27 (h) Replacement certificates.--Replacements for certificates  
28 lost, destroyed or mutilated shall be issued subject to the  
29 rules of the department. A replacement fee, to be established by  
30 the department, shall be paid for such issuance.

1 Section 9. Violations.

2 (a) Unlawful practices.--From and after two years after this  
3 act goes into effect, it shall be unlawful for any person to  
4 practice, or offer to practice geology as defined in this act or  
5 to use in connection with the person's name or otherwise assume  
6 or advertise any title or description tending to convey the  
7 impression that the person is a certified professional  
8 geologist, unless the person has been duly certified or exempted  
9 under the provisions of this act. The right to engage in the  
10 practice of geology shall be deemed a personal right, based on  
11 the qualifications of the individual as evidenced by his  
12 certificate, which shall not be transferable.

13 (b) Geologist displays.--From and after two years after this  
14 act goes into effect, all geological displays shall be prepared  
15 by a certified professional geologist or by a person under the  
16 responsible charge of a certified professional geologist and all  
17 geological displays shall be signed, stamped or impressed with  
18 the seal of the certified professional geologist which shall  
19 indicate responsibility for them, except that persons practicing  
20 under the provisions of section 5 are exempted.

21 (c) Use of expired stamp, etc.--It shall be unlawful for a  
22 person to affix that person's signature, stamp or to impress  
23 that person's seal of registration to any display after the  
24 certificate of the individual certified named thereon has  
25 expired or been suspended or revoked.

26 (d) False use of stamp, etc.--It shall be unlawful for any  
27 person to present or attempt to use as his own, the certificate,  
28 stamp or seal of certification of a certified individual or to  
29 falsely impersonate any certified individual of like or  
30 different name.

(e) Penalty.--Any person convicted of violating any of the provisions of this section shall be guilty of a summary offense and upon conviction thereof be sentenced to pay a fine not exceeding \$300 or to imprisonment not exceeding 90 days, or both. Any person convicted of violating provisions of this section for the second time shall be guilty of a misdemeanor of the second degree and upon conviction thereof shall be sentenced to pay a fine of \$500 or to imprisonment not exceeding two years, or both.

Section 10. Roster.

(a) Publishing of roster.--As soon as practicable after the completion of the biennial renewals in each even-numbered year, the department shall publish a roster showing the names and addresses of certified professional geologists who are valid registrants in this Commonwealth until the date shown in the roster.

(b) Individual responsibility.--It shall be the responsibility of each registrant to keep the department advised of the latest address of the registrant.

Section 11. Penalties.

(a) Suspension, etc.--The department shall have the power and authority to suspend, refuse to renew or to revoke the certificate of any person who is found guilty in a court of law of:

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

(2) Any felony.

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

1           (4) Aiding or abetting any person in the violation of  
2       any provision of this act.

3           (5) Violating any provision of this act.

4       The department may confiscate the certificate and any stamp or  
5       seal evidencing the certification of any person who is found  
6       guilty.

7       (b) Right of complaint.--Any person may prefer, against any  
8       certified individual, charges of fraud, deceit, gross negligence  
9       or misconduct. The charges shall be in writing, and shall be  
10      sworn to by the person making them and shall be filed with the  
11      department. All charges, unless dismissed by the department as  
12      unfounded or trivial, shall be heard by a hearing examiner.  
13      Copies of any documents filed in cases resulting in dismissal by  
14      the department shall be sent to the secretary and kept on file  
15      for a period of six years.

16      (c) Hearing examiners.--The department shall appoint such  
17      hearing examiners as shall be necessary to conduct hearings as  
18      may be required under this subsection. The department shall have  
19      the power to adopt and promulgate rules and regulations setting  
20      forth the functions, powers, standards and duties to be followed  
21      by the hearing examiners. The hearing examiners shall have the  
22      power to conduct hearings in accordance with the regulations of  
23      the department and to issue subpoenas requiring the attendance  
24      and testimony of individuals or the production of pertinent  
25      books, records, documents and papers by persons whom they  
26      believe to have information relevant to any matter pending  
27      before the examiner. The examiner shall also have the power to  
28      administer oaths. The hearing examiner shall hear evidence  
29      submitted and arguments of counsel, if any, with reasonable  
30      dispatch, and shall promptly record his decision, supported by

1 findings of fact, and a copy thereof shall immediately be sent  
2 to the secretary and to counsel of record, or the parties, if  
3 not represented.

4 (d) Right of appeal.--Any certified individual aggrieved or  
5 adversely affected by any final order of the department in an  
6 individual proceeding may appeal in the manner provided by law  
7 and general rule for the taking of appeals from the decisions of  
8 administrative agencies.

9 (e) Reissuance of certificates after appeals.--Application  
10 for the reissuance of a certificate after findings on appeals  
11 may be made in such a manner as shall be directed by the  
12 secretary.

13 Section 12. General repeal.

14 All acts and parts of acts are repealed insofar as they are  
15 inconsistent with this act.

16 Section 13. Expiration.

17 This act expires in seven years unless extended by statute.

18 Section 14. Effective date.

19 This act shall take effect immediately.