# GEOLOGIST AND GEOPHYSICIST ACT
## (Business and Professions Code §§ 7800 – 7887)

**INCLUDES AMENDMENTS MADE DURING THE 2016 LEGISLATIVE SESSION**
**(Effective January 1, 2017, unless otherwise noted)**

## CHAPTER 12.5. GEOLOGISTS AND GEOPHYSICISTS

### Article 1. General Provisions

**7800. Geologist and Geophysicist Act**

This chapter of the Business and Professions Code constitutes the chapter on geologists and geophysicists. It may be cited as the Geologist and Geophysicist Act.

**7801. "Board" defined**

(a) "Board," as used in this chapter, means the Board for Professional Engineers, Land Surveyors, and Geologists established under Section 6710. Any reference in any law or regulation to the Board for Geologists and Geophysicists or the State Board of Registration for Geologists and Geophysicists shall be deemed to refer to the Board for Professional Engineers, Land Surveyors, and Geologists.

(b) The board shall succeed to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction previously vested in the Board for Geologists and Geophysicists.

(c) The board shall receive two personnel years that were previously allocated to the Board for Geologists and Geophysicists for the performance of the board's responsibilities under this chapter.

**7802. "Geology" defined**

"Geology," as used in this chapter, refers to that science which treats of the earth in general; investigation of the earth's crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases and other materials for the benefit of mankind.

**7802.1. "Geophysics" defined**

"Geophysics," as used in this chapter, refers to that science which involves study of the physical earth by means of measuring its natural and induced fields of force, including, but not limited to, electric, gravity, and magnetic, and its responses to natural and induced energy and the interpreting of these measurements and the relating of them to the physics of the earth.

**7803. "Geologist" defined**

"Geologist," as used in this chapter, refers to a person engaged in the practice of geology.

**7803.1. "Geophysicist" defined**

"Geophysicist," as used in this chapter, refers to a person engaged in the practice of geophysics.

**7804. Defines who may use geologist titles**

Only a person registered as a geologist under the provisions of this chapter shall be entitled to take and use the title "professional geologist." Only a person registered as a geologist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geologist.

**7804.1. Defines who may use geophysicist titles**

Only a person registered as a geophysicist under the provisions of this chapter shall be entitled to take and use the title "professional geophysicist." Only a person registered as a geophysicist and certified under the provisions of this chapter shall be entitled to take and use the title of a registered certified specialty geophysicist.

**7805. "Responsible charge of work" defined**

The term "responsible charge of work" means the independent control and direction by the use of initiative, skill and independent judgment of geological or geophysical work or the supervision of such work.

**7806. Subordinate defined**

A subordinate is any person who assists a professional geologist or professional geophysicist in the practice of geology or geophysics without assuming the responsible charge of work.

**7807. Qualified geologist defined**

A qualified geologist is a person who possesses all the qualifications specified in Section 7841 for registration except that he is not registered.

**7807.1. Qualified geophysicist defined**

A qualified geophysicist is a person who possesses all the qualifications specified in Section 7841.1 for registration except that he is not registered.

## Article 2. Administration

**7810.1. Protection of the public**

Protection of the public shall be the highest priority for the board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

**7818. Authority to adopt, amend, or repeal rules and regulations**

The board, pursuant to the provisions contained in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, may adopt, amend, or repeal rules and regulations to carry out ~~the provisions of~~ this chapter.

*{Amended by Stats.2016, Ch. 86}*

**7819. Records open to inspection by the public**

Except as otherwise provided by law, all records of the board shall be open to inspection by the public during regular office hours.

**7820. Official Board seal**

The board shall have and use a seal bearing the name "Board for Professional Engineers, Land Surveyors, and Geologists."

**7821. Roster of licensees**

The board shall compile and maintain, or may have compiled and maintained on its behalf, a register of all licensees that contains the licensee's name, address of record, type of branch license, license number, the date the license was issued, and the date the license will expire.

**7822. Specialty certifications**

The board may, by regulation, provide for the division of the certification of registration into different specialties, including, but not limited to, petroleum, mining, and ground water, and may issue certificates in one or more of the specialties in which the applicant demonstrated proficiency. The board shall provide such a certificate for those qualified in engineering geology.

**7825. Establish relations with other regulatory bodies**

The board shall establish relations with bodies which regulate the practice of geology and geophysics, or closely related geologic and geophysical disciplines, or which register geologists and geophysicists in the other states, and may establish relations with such bodies in other countries, for the purposes of working toward (1) uniformly high professional standards and (2) mutual recognition of registration.

## Article 2.1. Technical Advisory Committees

**7826. Technical advisory committees; functions**

The board may establish one or more technical advisory committees to advise and assist the board with respect to the following:

(a) Application review and verification for any level of registration, licensure, authority, or title.

(b) Evaluation and investigation of potential violations of this chapter.

(c) Amendment, repeal, adoption, or revision of board rules, regulations, policies, and procedures.

**7826.1. Membership of technical advisory committee**

Each member of each technical advisory committee shall be appointed by the board and shall serve at the pleasure of the board. Each committee shall be composed of no more than five members.

**7826.2. Qualifications of technical advisory committee members**

Each member of each technical advisory committee shall be an expert in the area of geology or geophysics within the committee's jurisdiction and shall be licensed under this chapter.

**7826.3. Per diem; expenses for technical advisory committee members**

All the members of each technical advisory committee shall serve without compensation but shall receive per diem and expenses as provided in Section 103.

**7826.4. Immunity from liability for technical advisory committee members**

Each member of each technical advisory committee shall be granted the same immunity as is granted to a public employee pursuant to Article 3 (commencing with Section 820) of Chapter 1 of Part 2 of Division 3.6 of Title 1 of the Government Code.

## Article 3. Scope of Regulation

**7830. Unlawful use of stamp, seal, or title by unregistered geologist**

It is unlawful for anyone other than a geologist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a professional geologist or registered certified specialty geologist, or to use in any manner the title "professional geologist" or the title of any registered certified specialty geologist unless registered or registered and certified under this chapter.

**7830.1. Unlawful use of stamp, seal, or title by unregistered geophysicist**

It is unlawful for anyone other than a geophysicist registered under this chapter to stamp or seal any plans, specifications, plats, reports, or other documents with the seal or stamp of a registered geophysicist, professional geophysicist, or registered certified specialty geophysicist, or to use in any manner the title "registered geophysicist," "professional geophysicist," or the title of any registered certified specialty geophysicist unless registered, or registered and certified, under this chapter.

**7831. Use of stamp or seal when certificate not in force**

It is unlawful for anyone to stamp or seal any plans, specifications, plats, reports, or other documents with the seal after the certificate of the registrant, named thereon, has expired or has been suspended or revoked, unless the certificate has been renewed or reissued.

**7832. Effect of chapter on person not exempted**

Any person, except as in this chapter specifically exempted, who shall practice or offer to practice geology or geophysics for others in this state is subject to the provisions of this chapter.

**7833. Business entity requirements**

This chapter does not prohibit one or more geologists or geophysicists from practicing through the entity of a sole proprietorship, partnership, or corporation. In a partnership or corporation whose primary activity consists of geological services, at least one partner or officer shall be a professional geologist. In a partnership or corporation whose primary activity consists of geophysical services, at least one partner or officer shall be a professional geophysicist.

**7834. Effect of chapter on non-geological or non-geophysical businesses**

This chapter does not prevent or prohibit an individual, firm, company, association or corporation whose principal business is other than the practice of geology or geophysics from employing a geologist or geophysicist to perform professional services in geology or geophysics incidental to the conduct of their business.

**7835. Preparation of geologic documents; signing and sealing requirements**

All geologic plans, specifications, reports, or documents shall be prepared by a professional geologist or ~~registered~~ licensed certified specialty geologist, or by a subordinate employee under his or her direction. In addition, they shall be signed by the professional geologist or ~~registered~~ licensed certified specialty geologist ~~or~~ and stamped with his or her seal, ~~either~~ both of which shall indicate his or her responsibility for them.

*{Amended by Stats.2016, Ch. 236}*

**7835.1. Preparation of geophysical documents; signing and sealing requirements**

All geophysical plans, specifications, reports, or documents shall be prepared by a professional geophysicist, ~~registered~~ licensed certified specialty geophysicist, professional geologist, ~~registered~~ licensed certified specialty geologist, or by a subordinate employee under his or her direction. In addition, they shall be signed by the professional geophysicist, ~~registered~~ licensed certified specialty geophysicist, professional geologist, or ~~registered~~ licensed certified specialty geologist, ~~or~~ and stamped with his or her seal, ~~either~~ both of which shall indicate his or her responsibility for them.

*{Amended by Stats.2016, Ch. 236}*

**7836. Federal exemption**

Officers and employees of the United States of America practicing solely as such officers or employees are exempt from registration under the provisions of this chapter.

**7837. Exemption for subordinates**

A subordinate to a geologist or geophysicist registered under this chapter, insofar as he or she acts solely in that capacity, is exempt from registration under the provisions of this chapter. This exemption, however, does not permit any subordinate to practice geology or geophysics for others in his or her own right or to use the title "professional geologist" or "professional geophysicist."

**7838. Exemption for civil engineers and petroleum engineers**

A civil engineer empowered to practice civil engineering in this state, and a petroleum engineer registered in this state, under provisions of Chapter 7 (commencing with Section 6700) of Division 3 of this code insofar as they practice civil engineering in its various branches or petroleum engineering, respectively, are exempt from registration under the provisions of this chapter.

**7839. Prohibition against offering or practicing civil engineering**

This chapter shall not empower a geologist or geophysicist registered under this chapter to practice or offer to practice civil engineering and any of its various recognized branches.

**7839.1. Prohibition against offering geophysics or geology**

This chapter shall not empower a geologist registered under this chapter to practice or offer to practice geophysics for others in this state except as such geophysical work is related to his practice of geology.

This chapter shall not empower a geophysicist registered under this chapter to practice or offer to practice geology for others in this state except as such geological work is related to his practice of geophysics.

**7839.2. Written contracts**

(a) A professional geologist or professional geophysicist shall use a written contract when contracting to provide geological or geophysical services to a client pursuant to this chapter. The written contract shall be executed by the professional geologist or professional geophysicist and the client or the client's representative prior to the professional geologist or professional geophysicist commencing work, unless the client states in writing that work may be commenced before the contract is executed. The written contract shall include, but is not limited to, all of the following:

(1) A description of the services to be provided to the client by the professional geologist or professional geophysicist.

(2) A description of any basis of compensation applicable to the contract, and the method of payment agreed upon by the parties.

(3) The name, address, and license or certificate number of the professional geologist or professional geophysicist, and the name and address of the client.

(4) A description of the procedure that the professional geologist or professional geophysicist and the client will use to accommodate additional services.

(5) A description of the procedure to be used by both parties to terminate the contract.

(b) Subdivision (a) shall not apply to any of the following:

(1) Geologic or geophysical services rendered by a professional geologist or professional geophysicist for which the client will not pay compensation.

(2) A professional geologist or professional geophysicist who has a current or prior contractual relationship with the client to provide geologic or geophysical services, and who has already been paid the fees that are due under the contract by the client.

(3) If the client executes a waiver in writing after full disclosure of this section that a contract that complies with the requirements of this section is not required.

(4) Geological or geophysical services rendered by a professional geologist or professional geophysicist to any of the following:

(A) A professional geologist or professional geophysicist licensed under this chapter.

(B) An engineer licensed under Chapter 7 (commencing with Section 6700).

(C) A land surveyor licensed under Chapter 15 (commencing with Section 8700).

(D) An architect licensed under Chapter 3 (commencing with Section 5500).

(E) A contractor licensed under Chapter 9 (commencing with Section 7000).

(F) A public agency.

(c) As used in this section, “written contract” includes a contract in electronic form.

## Article 4. Registration

### 7840. Application form and fee

An application for registration as a geologist or for registration as a geophysicist shall be made to the board on a form prescribed by it and shall be accompanied by the application fee fixed by this chapter.

### 7841. Qualifications for licensure as a geologist

An applicant for licensure as a geologist shall have all the following qualifications:

(a) Not have committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) Meet either of the following educational requirements fulfilled at a school or university whose curricula meet criteria established by rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

(c) Have a documented record of a minimum of five years of professional geological experience of a character satisfactory to the board, demonstrating that the applicant is qualified to assume responsible charge of this work upon licensure as a geologist. This experience shall be gained under the supervision of a geologist or geophysicist licensed in this or any other state, or under the supervision of others who, in the opinion of the board, have the training and experience to have responsible charge of geological work. Professional geological work does not include routine sampling, laboratory work, or geological drafting.

Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geological sciences at college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of upper division or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of three years towards meeting the requirement for at least five years of professional geological work as set forth above.

The ability of the applicant shall have been demonstrated by the applicant having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination that incorporates a national examination for geologists created by a nationally recognized entity approved by the board, and a supplemental California specific examination. The California specific examination shall test the applicant's knowledge of state laws, rules and regulations, and of seismicity and geology unique to practice within this state.

*{Amended by Stats.2016, Ch. 236}*

**7841.1. Qualifications for licensure as a geophysicist**

An applicant for licensure as a geophysicist shall have all of the following qualifications. This section shall not apply to applicants for licensure as geologists.

(a) Not have committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) Meet one of the following educational requirements fulfilled at a school or university whose curricula meet criteria established by rules of the board.

(1) Graduation with a major in a geophysical science or any other discipline that, in the opinion of the board, is relevant to geophysics.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geophysics. At least 24 semester hours, or the equivalent, shall be in the third or fourth year, or graduate courses.

(c) Have at least seven years of professional geophysical work that shall include either a minimum of three years of professional geophysical work under the supervision of a professional geophysicist, except that prior to July 1, 1973, professional geophysical work shall qualify under this subdivision if it is under the supervision of a qualified geophysicist, or a minimum of five years' experience in responsible charge of professional geophysical work. Professional geophysical work does not include the routine maintenance or operation of geophysical instruments, or, even if carried out under the responsible supervision of a professional geophysicist, the routine reduction or plotting of geophysical observations.

Each year of undergraduate study in the geophysical sciences referred to in this section shall count as one-half year of training up to a maximum of two years, and each year of graduate study or research counts as a year of training.

Teaching in the geophysical sciences referred to in this section at a college level shall be credited year for year toward meeting the requirement in this category, provided that the total teaching experience includes six semester units per semester, or equivalent if on the quarter system, of the third or fourth year or graduate courses.

Credit for undergraduate study, graduate study, and teaching, individually, or in any combination thereof, shall in no case exceed a total of four years towards meeting the requirements for at least seven years of professional geophysical work as set forth above.

The ability of the applicant shall have been demonstrated by his or her having performed the work in a responsible position, as the term "responsible position" is defined in regulations adopted by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it.

(d) Successfully pass a written examination that shall test the applicant's knowledge of state laws, rules, and regulations, and of the principles and practices of geophysics within this state. The board shall administer the test on the state laws and the board's rules and regulations as a separate part of the examination for licensure as a geophysicist.

*{Amended by Stats.2016, Ch. 629}*

**7841.2. Requirements for certification as a geologist-in-training**

An applicant for certification as a geologist-in-training shall comply with all of the following:

(a) Not have committed acts or crimes constituting grounds for denial of certification under Section 480.

(b) Successfully pass the Fundamentals of Geology examination.

(c) Meet either of the following education requirements fulfilled at a school or university whose curricula meet criteria established by the rules of the board:

(1) Graduation from a college or university with a major in geological sciences or any other discipline that, in the opinion of the board, is relevant to geology.

(2) Completion of a combination of at least 30 semester hours, or the equivalent, in courses that, in the opinion of the board, are relevant to geology. At least 24 semester hours, or the equivalent, shall be in upper division or graduate courses.

*{Amended by Stats.2016, Ch. 236}*

**7842. Qualifications for certification in a specialty in geology**

(a) An applicant for certification in a specialty in geology shall meet all of the requirements of Section 7841, shall be a geologist licensed under this chapter, and, in addition, his or her seven years of professional geological work shall include one of the following:

~~(a)~~ (1) A minimum of three years performed under the supervision of a geologist certified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist, except that prior to July 1, 1970, professional geological work shall qualify under this subdivision if it is performed under the supervision of a geologist qualified in the specialty for which the applicant is seeking certification or under the supervision of a licensed civil engineer if the applicant is seeking certification as an engineering geologist.

~~(b)~~ (2) A minimum of five years' experience in responsible charge of professional geological work in the specialty for which the applicant is seeking certification.

(b) In addition to meeting the requirements of subdivision (a), an applicant for certification in a specialty of geology shall successfully pass a written examination in that specialty.

*{Amended by Stats.2016, Ch. 236}*

**7842.1. Qualifications for certification in a specialty in geophysics**

An applicant for certification in a specialty in geophysics shall meet all of the requirements of Section 7841.1 and in addition, his seven years of professional geophysical work shall include one of the following:

(a) A minimum of three years performed under the supervision of a geophysicist, certified in the specialty for which he is seeking certification.

(b) A minimum of five years' experience in responsible charge of professional geophysical work in the specialty for which the applicant is seeking certification.

**7843. Qualifications for certification as a geologist-in-training**

(a) An applicant for certification as a geologist-in-training shall, upon ~~making a passing grade in the National Association of State Boards of Geology's Fundamentals of Geology examination~~ meeting all the requirements prescribed in Section 7841.2, be issued a certificate as a geologist-in-training. A renewal or other fee, other than the application fee, ~~may~~ shall not be charged for this certification. The certificate shall become invalid when the holder has qualified as a professional geologist as provided in Section 7841.

(b) A geologist-in-training certificate does not authorize the holder thereof to practice or offer to practice geology, in his or her own right, or to use the title specified in Section 7804.

(c) It is unlawful for anyone other than the holder of a valid geologist-in-training certificate issued under this chapter to use the title of "geologist-in-training" or any abbreviation of that title.

*{Amended by Stats.2016, Ch. 236}*

**7844. Examinations in general**

(a) Examination for ~~registration~~ licensure shall be held at the times and places within the state as the board shall determine. The scope of examinations and the methods of procedure may be prescribed by rule of the board.

(b) The board may make arrangements with a public or private organization to conduct the examination. The board may contract with a public or private organization for materials or services related to the examination.

(c) The board may authorize an organization specified by the board to receive directly from applicants payment of the examination fees charged by that organization as payment for examination materials and services.

*{Amended by Stats.2016, Ch. 634}*

**7845. Geologist and certified specialty geologist examinations**

Examinations for registration as a geologist or registered certified specialty geologist shall test the applicant's knowledge of geology and of any established specialty for which he or she applies and his or her ability to apply that knowledge and to assume responsible charge in the professional practice of geology or a certified specialty geology, or both geology and a certified specialty geology.

**7845.1. Geophysicist and certified specialty geophysicist examinations**

Examinations for registration as a geophysicist or registered certified specialty geophysicist shall test the applicant's knowledge basic to geophysics and his ability to apply that knowledge and to assume responsible charge in the professional practice of geophysics or a certified specialty geophysics, or both geophysics and a certified specialty geophysics.

**7846. Re-examination**

An applicant failing in an examination may be examined again upon filing a new application and the payment of the application fee fixed by this chapter.

**7847. Comity applicants**

The board, upon application therefor, on its prescribed form, and upon the payment of the application and registration fees fixed by this chapter, which fees shall be retained by the board, may issue a certificate of registration as a geologist or as a geophysicist to a person holding an equivalent certificate of registration as a geologist or as a geophysicist, issued to him by any state or country when the applicant's qualifications meet the other requirements of this chapter and the rules established by the board.

**7850. Certification as a professional geologist**

Any applicant ~~who has passed the examination and~~ for licensure as a professional geologist who meets all the requirements prescribed in Section 7841 and who has otherwise

qualified hereunder as a geologist, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him or her as a professional geologist.

*{Amended by Stats.2016, Ch. 236}*

**7850.1. Certification as a professional geophysicist**

Any applicant ~~who has passed the examination and~~ for licensure as a professional geophysicist who meets all the requirements prescribed in Section 7841.1 and who has otherwise qualified hereunder as a geophysicist, upon payment of the registration fee fixed by this chapter, shall have a certificate of registration issued to him or her as a professional geophysicist.

*{Amended by Stats.2016, Ch. 236}*

**7850.5. Certification as a specialty geologist**

An applicant ~~who has passed the examination~~ for certification as a certified specialty geologist ~~and~~ who meets all the requirements prescribed in Section 7842 and who has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter, shall have a certificate issued to him or her as a certified specialty geologist.

A certificate of certified specialty geologist shall be signed by the president and executive officer and issued under the seal of the board.

*{Amended by Stats.2016, Ch. 236}*

**7850.6. Certification as a specialty geophysicist**

An applicant who has passed the examination for a certified specialty geophysicist and has otherwise qualified under this chapter in the specialty, upon payment of the fee fixed by this chapter shall have a certificate issued to him or her as a certified specialty geophysicist. A certificate of certified specialty geophysicist shall be signed by the president and executive officer and issued under the seal of the board.

**7851. Retired license**

(a) The board shall issue, upon application and payment of the fee established by Section 7887, a retired license to a geologist or geophysicist who has been licensed by the board for a minimum of five years within California and a minimum of 20 years within the United States or its territories, and who holds a license that is not suspended, revoked, or otherwise disciplined, or subject to pending discipline under this chapter.

(b) The holder of a retired license issued pursuant to this section shall not engage in any activity for which an active geologist's or geophysicist's license is required. A geologist or geophysicist holding a retired license may use the titles “retired professional geologist” or “professional geologist, retired,” or “retired professional geophysicist” or “professional geophysicist, retired.”

(c) The holder of a retired license shall not be required to renew that registration.

(d) In order for the holder of a retired license, issued pursuant to this section, to restore his or her license to active status he or she shall pass the examination required for initial licensure with the board.

**7852. Seal for professional geologist or certified specialty geologist**

(a) Each geologist ~~registered~~ licensed under this chapter ~~may~~ shall, upon ~~registration~~ licensure, obtain a seal of the design authorized by the board bearing the ~~registrant's~~ licensee's name, number of his or her certificate, and the legend "professional geologist."

(b) Each specialty geologist certified under this chapter ~~may~~ shall, upon certification, obtain a seal of the design authorized by the board bearing the ~~registrant's~~ licensee's name, number of his or her certificate, and the legend of the appropriate specialty in geology in which he or she is certified under this chapter.

*{Amended by Stats.2016, Ch. 236}*

**7852.1. Seal for professional geophysicist or certified specialty geophysicist**

(a) Each geophysicist ~~registered~~ licensed under this chapter ~~may~~ shall, upon ~~registration~~ licensure, obtain a seal of the design authorized by the board bearing the ~~registrant's~~ licensee's name, number of his or her certificate, and the legend "professional geophysicist."

(b) Each specialty geophysicist certified under this chapter ~~may~~ shall, upon certification, obtain a seal of the design authorized by the board bearing the ~~registrant's~~ licensee's name, number of his or her certificate, and the legend of the appropriate specialty in geophysics in which he or she is certified under this chapter.

*{Amended by Stats.2016, Ch. 236}*

**7853. Duplicate certificate or license**

A duplicate certificate of registration to replace one lost, destroyed, or mutilated may be issued subject to the rules and regulations of the board. The duplicate certificate fee fixed by this chapter shall be charged.

**7854. Certificate as evidence of licensure**

An unsuspended, unrevoked and unexpired certificate and endorsement of registry made under this chapter is presumptive evidence in all courts and places that the person named therein is legally registered.

**7855. Denial of licensure; appeal**

Any applicant who is denied registration or authorization shall, in writing, be so notified and informed of the reason therefor. Within 30 days after receipt of notice, such applicant may make written request to the board for a hearing which, if granted, shall be conducted as specified in Section 7861.

## Article 5. Disciplinary Proceedings

**7860. Complaints; investigations; grounds for disciplinary action**

(a) The board may, upon its own initiative or upon the receipt of a complaint, investigate the actions of any professional geologist or geophysicist, and make findings thereon.

(b) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or revoke the certificate of any geologist or geophysicist registered hereunder, on any of the following grounds:

(1) Conviction of a crime substantially related to the qualifications, functions, or duties of a geologist or geophysicist.

(2) Misrepresentation, fraud, or deceit by a geologist or geophysicist in his or her practice.

(3) Negligence or incompetence by a geologist or geophysicist in his or her practice.

(4) Violation of any contract undertaken in the capacity of a geologist or geophysicist.

(5) Fraud or deceit in obtaining a certificate to practice as a geologist or geophysicist.

(c) By a majority vote, the board may publicly reprove, suspend for a period not to exceed two years, or may revoke the certificate of any geologist or geophysicist registered under this chapter, for unprofessional conduct. Unprofessional conduct includes, but is not limited to, any of the following:

(1) Aiding or abetting any person in a violation of this chapter or any regulation adopted by the board pursuant to this chapter.

(2) Violating this chapter or any regulation adopted by the board pursuant to this chapter.

(3) Conduct in the course of practice as a geologist or geophysicist that violates professional standards adopted by the board.

**7860.2. Failure or refusal to respond in an investigation**

(a) The failure of, or refusal by, a licensee or a certificate holder to respond to a written request from a representative of the board to cooperate in the investigation of a complaint against that licensee or certificate holder constitutes a cause for disciplinary action under Section 7860.

(b) This section shall remain in effect only until January 1, 2020, and as of that date is repealed.

**7861. Conduct of proceedings**

The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein.

**7862. Reinstatement of revoked license**

The board may reissue a certificate of registration, certification, or authority, to any person whose certificate has been revoked if a majority of the members of the board vote in favor of such reissuance for reasons the board deems sufficient.

**7863. Revocation upon conviction**

A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a geologist or geophysicist is deemed to be a conviction within the meaning of this article. The board may order the certificate or authorization suspended or revoked, or may decline to issue a certificate or authorization, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

**7864. Petitions for reinstatement of revoked license or modification of penalty**

(a) A petitioner may petition the board for reinstatement or modification of penalty, including reduction, modification, or termination of probation, after the following minimum

periods have elapsed from the effective date of the decision ordering the disciplinary action, or if the order of the board or any portion of it is stayed by a court, from the date the disciplinary action is actually implemented in its entirety:

(1) Except as otherwise provided in this section, at least three years for reinstatement of a certificate that was revoked or surrendered. However, the board may, in its sole discretion, specify in its order of revocation or surrender a lesser period of time that shall be at a minimum of one year.

(2) At least two years for early termination of a probation period of three years or more.

(3) At least one year for early termination of a probation period of less than three years.

(4) At least one year for reduction or modification of a condition of probation.

(b) The board shall notify the Attorney General of the filing of the petition. The petitioner and the Attorney General shall be given timely notice by letter of the time and place of the hearing on the petition, and the petitioner and the Attorney General shall be given the opportunity to present both oral and documentary evidence and argument to the board. The petitioner shall at all times have the burden of proof to establish by clear and convincing evidence that he or she is entitled to the relief sought in the petition.

(c) The board itself or an administrative law judge, if one is designated by the board, shall hear the petition and shall prepare a written decision setting forth the reasons supporting the decision.

(d) The board may grant or deny the petition or may impose any terms and conditions that it reasonably deems appropriate as a condition of reinstatement or reduction or modification of the penalty.

(e) A petition shall not be considered while the petitioner is under sentence for any criminal offense, including any period during which the petitioner is on court-imposed probation or parole. A petition shall not be considered while there is an accusation or petition to revoke probation pending against the petitioner.

(f) The board may, in its discretion, deny without hearing or argument any petition that is filed pursuant to this section within a period of two years from the effective date of a prior decision following a hearing under this section.

(g) Judicial review of the board's decision following a hearing under this section may be sought by way of a petition for writ of administrative mandamus pursuant to Section 1094.5 of the Code of Civil Procedure. The party seeking to overturn the board's decision shall have the burden of proof in any mandamus proceeding. In the mandamus proceeding, if it is alleged that there has been an abuse of discretion because the board's findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by substantial evidence in light of the whole record.

(h) The following definitions shall apply for purposes of this section:

(1) "Certificate" includes a certificate of registration or license as a professional geologist or professional geophysicist or certification as a geologist-in-training.

(2) "Petitioner" means a professional geologist or professional geophysicist or a geologist-in-training whose certificate has been revoked, suspended, or surrendered or placed on probation.

## Article 6. Offenses Against the Chapter

### 7870. Authority to investigate

The board shall have the power, duty and authority to investigate violations of the provisions of this chapter.

### 7871. Duty to prosecute

It shall be the duty of the respective officers charged with the enforcement of laws and ordinances to prosecute all persons charged with the violation of any of the provisions of this chapter.

It shall be the duty of the executive officer of the board, under the direction of the board, to aid these officers in the enforcement of this chapter.

### 7872. Acts constituting a misdemeanor

Every person is guilty of a misdemeanor and for each offense of which he or she is convicted is punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment not to exceed three months, or by both fine and imprisonment:

(a) Who, unless he or she is exempt from registration under this chapter, practices or offers to practice geology or geophysics for others in this state according to the provisions of this chapter without legal authorization.

(b) Who presents or attempts to file as his or her own the certificate of registration of another.

(c) Who gives false evidence of any kind to the board, or to any member thereof, in obtaining a certificate of registration.

(d) Who impersonates or uses the seal of any other practitioner.

(e) Who uses an expired or revoked certificate of registration.

(f) Who shall represent himself or herself as, or use the title of, professional geologist, or any other title whereby the person could be considered as practicing or offering to practice geology for others, unless he or she is qualified by registration as a geologist under this chapter, or who shall represent himself or herself as, or use the title of, professional geophysicist, or any other title whereby the person could be considered as practicing or offering to practice geophysics for others, unless he or she is qualified by registration as a geophysicist under this chapter.

(g) Who manages, or conducts as manager, proprietor, or agent, any place of business from which geological or geophysical work is solicited, performed or practiced for others, unless the geological work is supervised or performed by a professional geologist, or unless the geophysical work is supervised or performed by a professional geophysicist or geologist.

(h) Who violates any provision of this chapter.

### 7873. Injunction

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or which, in the opinion of the board, will constitute an offense against this chapter, the superior court of the county in which the offense has occurred or is about to occur, on application of the board, may issue an injunction or other appropriate order restraining such act or practice.

The proceedings authorized by this section shall be in accordance with the provisions contained in Chapter 3 (commencing with Section 525) of Title 7 of Part 2 of the Code of Civil Procedure.

## Article 7. Revenue

### 7880. Certificate renewal time periods

A certificate of registration as a geologist or as a specialty geologist or as a geophysicist or as a specialty geophysicist shall expire at 12 a.m. of the last day of the birth month of the certificate holder during the second year of a two-year term if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration of the certificate, apply for renewal on a form prescribed by the board, and pay the renewal fee prescribed by this chapter.

For purposes of implementing the distribution of the renewal of registrations throughout the year, the board may establish a system of staggered certificate expiration dates and a pro rata formula for the payment of renewal fees by certificate holders affected by the implementation of the program.

### 7881. Renewal of expired certificates

Except as otherwise provided in this article, certificates of registration as a geologist or as a geophysicist, or certified specialty certificates, may be renewed at any time within five years after expiration on filing an application for renewal on a form prescribed by the board and payment of all accrued and unpaid renewal fees. If the certificate is renewed more than 30 days after its expiration, the certificate holder, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this chapter. Renewal under this section shall be effective on the date on which the application is filed, on the date on which all renewal fees are paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the certificate shall continue in effect through the date provided in Section 7880 that next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

### 7881.5. Assessment to reinforce knowledge of state laws and board rules and regulations

(a) At the time of renewal specified in Section 7880 or 7881, the board shall administer an assessment of the certificate holder to reinforce the certificate holder's knowledge of state laws and the board's rules and regulations. Failure to complete this assessment within 60 days after the date of expiration of the certificate may result in disciplinary action under Section 7860, but shall not affect the renewal of the certificate.

(b) The crime in subdivision (h) of Section 7872 shall not apply to this section.

(c) The board shall not charge the certificate holder a fee for the administration or development of the assessment.

(d) For the purposes of this section, "assessment" means an online program that contains educational reading material and questions. The material shall be based on state law and the board's rules and regulations relating to the practice of professional geologists and geophysicists. The scope of the assessment shall be limited to the board's top five types of violations related to the administrative and procedural aspects of the practice of professional geologists and

geophysicists and any changes or additions to existing law related to such administrative and procedural aspects.

*{Added by Stats.2016, Ch. 629}*

**7882. Expiration of suspended certificates; renewal**

A suspended certificate is subject to expiration and shall be renewed as provided in this article, but such renewal does not entitle the holder of the certificate, while it remains suspended and until it is reinstated, to engage in the activity to which the certificate relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

**7883. Expiration of revoked certificate**

A revoked certificate is subject to expiration as provided in this article, but it may not be renewed. If it is reinstated after its expiration, the holder of the certificate, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular date before the date on which it is reinstated, plus all accrued and unpaid renewal fees and the delinquency fee, if any, accrued at the time of its revocation.

**7884. Effect of expiration beyond five years**

Certificates of ~~registration~~ licensure as a geologist or as a geophysicist or certified specialty certificates which are not renewed within five years after expiration ~~may~~ shall not be renewed, restored, reinstated, or reissued thereafter. The holder of such certificate may apply for and obtain a new certificate, however, if:

(a) He or she has not committed any acts or crimes constituting grounds for denial of licensure under Section 480.

(b) He or she takes and passes the examination, if any, which would be required of him or her if he or she were then applying for the certificate for the first time.

The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a certificate is issued without an examination pursuant to ~~the provisions of~~ this section.

*{Amended by Stats.2016, Ch. 236}*

**7886. Accounting and deposit of funds**

(a) The department shall receive and account for all money derived under the operation of this chapter and, at the end of each month, shall report such money to the Controller and shall pay it to the Treasurer, who shall keep the money in a separate fund known as the Professional Engineer's, Land Surveyor's, and Geologist's Fund.

(b) For accounting and recordkeeping purposes, the Professional Engineer's, Land Surveyor's, and Geologist's Fund shall be deemed to be a single special fund and shall be available for expenditure only for the purposes as are now or may hereafter be provided by law.

(c) The fees and civil penalties received under this chapter shall be deposited in the Professional Engineer's, Land Surveyor's, and Geologist's Fund. All moneys in the fund are hereby appropriated for the purposes of this chapter.

(d) This section shall become operative on July 1, 2016.

**7887. Fee schedule**

The amount of the fees prescribed by this chapter shall be fixed by the board in accordance with the following schedule:

(a) The fee for filing each application for licensure as a geologist or a geophysicist or certification as a specialty geologist or a specialty geophysicist and for administration of the examination shall be fixed at not more than two hundred fifty dollars ($250).

(b) The license fee for a geologist or for a geophysicist and the fee for the certification in a specialty shall be fixed at an amount equal to the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued, except that, with respect to certificates that will expire less than one year after issuance, the fee shall be fixed at an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date before the date on which the certificate is issued. The board may, by appropriate regulation, provide for the waiver or refund of the initial certificate fee where the certificate is issued less than 45 days before the date on which it will expire.

(c) The duplicate certificate fee shall be fixed at not more than six dollars ($6).

(d) The renewal fee for a geologist or for a geophysicist shall be fixed at not more than four hundred dollars ($400).

(e) The renewal fee for a specialty geologist or for a specialty geophysicist shall be fixed at not more than one hundred dollars ($100).

(f) Notwithstanding Section 163.5, the delinquency fee for a certificate is an amount equal to 50 percent of the renewal fee in effect on the last regular renewal date.

(g) Each applicant for licensure as a geologist shall pay an examination fee fixed at an amount equal to the actual cost to the board to administer the examination described in subdivision (d) of Section 7841<u>, unless an applicant pays the examination fee directly to an organization pursuant to Section 7844</u>.

(h) Each applicant for licensure as a geophysicist or certification as an engineering geologist or certification as a hydrogeologist shall pay an examination fee fixed by the board at an amount equal to the actual cost to the board for the development and maintenance of the written examination, and shall not exceed one hundred dollars ($100).

(i) The fee for a retired license shall be fixed at not more than 50 percent of the fee for filing an application for licensure as a geologist or a geophysicist in effect on the date of application for a retired license.

*{Amended by Stats.2016, Ch. 634}*