

**State of California
Office of Administrative Law**

In re:
Board for Professional Engineers, Land
Surveyors and Geologists

Regulatory Action:

Title 16, California Code of Regulations

Adopt sections: 3024.5
Amend sections: 3005, 3024, 3031
Repeal sections: 3026

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-0517-02

OAL Matter Type: Regular (S)

This action by the Board for Professional Engineers, Land Surveyors and Geologists updates regulations relating to ASBOG examination, abandoned applications, postponements,

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. Pursuant to Government Code section 11343.4, subdivision (b)(3), this regulatory action becomes effective upon filing with the Secretary of State on June 29, 2023.

Date: June 29, 2023



Nicole C. Carrillo
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Richard B. Moore, Executive
Officer
Copy: Angela Yu

REGULAR

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 29 2023
2:08 PM

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z- 2022-1101-03	2023-0517-02	

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
OFFICE OF ADMIN. LAW 2023 MAY 17 PM 4:40	

AGENCY WITH RULEMAKING AUTHORITY
Board for Professional Engineers, Land Surveyors, and Geologists

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE ASBOG Exam Fees, Abandoned Applications		TITLE(S) 16	FIRST SECTION AFFECTED 3005	2. REQUESTED PUBLICATION DATE November 11, 2022	
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Angela Yu		TELEPHONE NUMBER (916) 999-3610	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER 2022, 45-2	PUBLICATION DATE 11/11/22

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) ASBOG Exam Fees, Abandoned Applications	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 3024.5
	AMEND 3005, 3024, 3031
TITLE(S) 16	REPEAL 3026

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) Kimberly Kirchmeyer, Director, Department of Consumer Affairs *Kimberly Kirchmeyer*

7. CONTACT PERSON Angela Yu	TELEPHONE NUMBER (916) 999-3610	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Angela.Yu@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Richard B. Moore</i>	DATE 3/30/2023
TYPED NAME AND TITLE OF SIGNATORY Richard B. Moore, Executive Officer	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 29 2023

Office of Administrative Law

**BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
PROPOSED REGULATION**

**ASBOG EXAMINATION FEES, ABANDONED APPLICATIONS, POSTPONEMENTS,
AND EXAMINATIONS**

Legend: Added text is indicated with an underline.
Deleted text is indicated by ~~strikeout~~.

1. Amend Section 3005, Article 1, Division 29 of Title 16 of the California Code of Regulations

§ 3005. Fees

(a) The following is the prescribed application fee for:

- (1) Licensure as a Professional Geologist or a Professional Geophysicist \$175
- (2) Certification as a specialty geologist or specialty geophysicist \$175
- (3) Certification as a geologist-in-training \$75

(b) The following is the prescribed examination fee for:

- (1) ~~The Practice of Geology national examination \$250~~
- (2) The California specific geologist examination \$175
- (3) ~~The Fundamentals of Geology national examination \$200~~
- (4) (2) Examination for licensure as a geophysicist \$175
- (5) (3) Examination for certification as a specialty geologist or specialty geophysicist \$175

(c) The duplicate certificate fee shall be \$10.

(d) The two-year biennial renewal fee for a license that expires on or after January 1, 2021, shall be \$180.

(e) The delinquency fee for renewal of a license is 50% of the renewal fee in effect on the last regular renewal date.

(f) Fees required under provisions of this rule transmitted through the United States mail shall be deemed filed on the date shown by the post office cancellation mark appearing on the envelope containing the fee or on the date mailed if satisfactory proof is made that mailing occurred on an earlier date.

(g) The fee for the retired license shall be \$75. No renewal fee or other fee shall be charged for the retired license.

(h) Refund of fees submitted to the Board shall be made only as follows:

(1) Any application fees or penalties imposed and collected illegally, by mistake, inadvertence, or error shall be refunded in full.

(i) As used in this section, "license" includes certificate of registration or license as a professional geologist, certificate of registration or license as a professional geophysicist, and certificate of registration or license as a registered certified specialty geologist or specialty geophysicist.

Note: Authority cited: Sections 7818 and 7887, Business and Professions Code.

Reference: Sections 158, 7844, 7851, 7880, 7881 and 7887, Business and Professions Code.

2. Amend Section 3024, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3024. Abandoned Applications.

~~(a) In the absence of special circumstances, the board shall consider an application abandoned when:~~

~~(1) The applicant fails to submit a registration fee within 6 months of the date of the letter of notification that the application has been received and approved or~~

~~(2) The applicant fails to appear for a scheduled examination without obtaining a postponement from the board prior to the date of the examination or without scheduling to take the examination within the next two subsequent examinations as follows:~~

~~(A) An applicant for registration as a geologist shall obtain a postponement no later than fifty (50) days prior to the date of the examination.~~

~~(B) An applicant for registration as a geophysicist or certification as a specialty geologist or specialty geophysicist shall obtain a postponement no later than fifteen (15) days prior to the date of the examination, or~~

~~(3) The applicant fails to respond within 6 months of a board request for additional information concerning the applicant's educational background or professional geological or geophysical work experience.~~

~~(b) An applicant may be granted an emergency postponement not less than five days prior to such examination by the board for good cause.~~

~~(c) The application fee will be retained by the board when an application has been declared abandoned.~~

~~(d) In the event an applicant fails to appear for a scheduled examination without obtaining a postponement from the board, the board shall retain a portion of the examination fee as follows:~~

- ~~(1) For failure to appear as scheduled for two sections of the national examination the board shall retain \$75.00 of the examination fee.~~
- ~~(2) For failure to appear as scheduled for one section of the national examination, the board shall retain \$50.00 of the examination fee.~~
- ~~(3) For failure to appear as scheduled for an examination for registration as a geophysicist or certified engineering geologist or certified hydrogeologist, the Board shall retain \$25.00 of the examination fee.~~

(a) Any of the following actions by an applicant for certification or licensure shall be considered to constitute abandonment of the application with no refund of the application fee:

- (1) Failure to provide additional information pursuant to Section 3022.2 within 90 days from the date of a written request by the Board's staff; or,
- (2) Failure to complete the examination(s) to which the applicant has been assigned within two (2) years from the date of filing of the application; or,
- (3) Failure to appear for the examination(s) at the designated time and place unless a postponement has been obtained in accordance with Section 3024.5; or,
- (4) Failure to appear for the examination(s) at the designated time and place after having obtained two postponements in accordance with Section 3024.5.

(b) An application submitted subsequent to an abandoned application shall be treated as a new application.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7818 and 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

3. Add Section 3024.5, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3024.5. Postponements

(a) The executive officer may grant a postponement, not to exceed two such postponements for each application, to any applicant who for reasonable cause is prevented from appearing for examination at the day or time fixed, provided the applicant's request for postponement and the written request and reason therefor is filed

with the principal office of the board specified in Section 3000 at any time prior to the examination or within the ten (10) day period immediately following the date of such examination.

(b) "Reasonable cause" as used in this section includes any of the following:

(1) Death of an immediate family member of the applicant, when accompanied by documentation, such as a copy of the death certificate.

(2) Illness, including contagious disease, or injury to the applicant or an immediate family member of the applicant, when accompanied by an original letter on letterhead from the health care provider, which includes the date(s), nature of the illness or injury, and the health care provider's signature.

(3) Natural disaster or other declared national, state, or local emergency.

(4) Military service, when accompanied by official military orders.

(5) Jury duty, when accompanied by documentation, such as the summons issued by the court.

(6) Unforeseen circumstances beyond the control of the applicant, including an accident, on the day of the examination that prevent the applicant from appearing at the examination location at the time and place set for the examination, when accompanied by documentation such as police reports, witness statements, and photos.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and 7844, Business and Professions Code.

4. Repeal Section 3026, Article 2, Division 29 of Title 16 of the California Code of Regulations

§ 3026. Unqualified Applicant: Refund of Examination Fee.

~~If an applicant for registration as a geologist or geophysicist or certification as a specialty geologist or specialty geophysicist is found by the Board to lack the qualifications required for admission to the examination for such registration, the board shall refund to the applicant the amount of the applicant's examination fee only.~~

~~Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7822, 7841, 7841.1, 7842 and 7887, Business and Professions Code.~~

5. Amend Section 3031, Article 3, Division 29 of Title 16 of the California Code of Regulations

3031. Examination-Credit: Examinations: Geologist-in-Training, Professional Geologist, Professional Geophysicist and Specialty Certification.

(a) Pursuant to Section 7841.2 of the Code, each applicant for certification as a geologist-in-training shall successfully pass the Fundamentals of Geology examination created and conducted by the National Association of State Boards of Geology, also known as ASBOG, by meeting the requirements set by ASBOG for taking, and receiving a passing score for, that examination. After [effective date of regulations, to be inserted by OAL], applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology examination. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

(a) (b) Each applicant for licensure as a geologist who obtains a passing score on the Fundamentals of Geology and Practice of Geology examinations created by the National Association of State Boards of Geology on or after November 1, 1996, and obtains a passing score as determined by a recognized criterion-referenced method of establishing the pass point in the supplemental California specific examination pursuant to Section 7841(d) of the Code shall be deemed to have passed the required examinations for licensure as a professional geologist in California.

(1) Each applicant shall meet the requirements set by ASBOG for taking, and receiving a passing score for, Fundamentals of Geology and Practice of Geology examinations. After [effective date of regulations, to be inserted by OAL], applicants shall directly contact ASBOG, or its designated vendor, if applicable, to obtain a date, time, and place (testing facility) to take the Fundamentals of Geology and the Practice of Geology examinations. Applicants shall pay all ASBOG's required examination fees for examination materials and services directly to ASBOG, or its designated vendor, if applicable, and shall comply with all ASBOG examination and test center policies, procedures, and rules.

(4) (2) Candidates Applicants shall receive credit for obtaining a passing score on the Fundamentals of Geology examination, the Practice of Geology examination, and the supplemental California specific examination as separate examinations

and shall be required to ~~submit an application to~~ retake and pass only those examinations previously failed.

(b) (c) Every applicant for licensure as a geophysicist or for certification in any specialty, who obtains a passing score determined by a recognized criterion-reference method of establishing the pass point in the California examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively, shall be deemed to have passed the California examination required by Section 7841.1 of the Code or Section 7842 of the Code, respectively. Such a passing score may vary moderately with changes in test composition.

Note: Authority cited: Section 7818, Business and Professions Code. Reference: Sections 7841, 7841.1, 7841.2, 7842, and ~~7842.1~~ 7844, Business and Professions Code.