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HOUSE BILL NO. 1835

Offered January 13, 2025

Prefiled January 6, 2025

A BILL to amend and reenact §§ 54.1-2200, 54.1-2200.2, and 54.1-2208.1 through 54.1-2208.4 of the Code of Virginia, relating to professions and occupations; regulation of geologists; licensure; penalty.

Patron—Wiley

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2200, 54.1-2200.2, and 54.1-2208.1 through 54.1-2208.4 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geological mapping" means the process of creating a map on which is recorded geological information, such as the distribution, nature, and age of relationships of rock units, in which surficial deposits may or may not be mapped separately, and the occurrence of structural features such as folds, faults, and joints; mineral deposits; and fossil localities. "Geological mapping" may indicate geologic structure by means of formational outcrop patterns, by conventional symbols giving the direction and amount of dip at certain points, or by structure-contour lines.

"Geologist" means a person engaged in the practice of geology.

"Geology" means the science encompassing those principles and methods related to (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures that compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any professional service or work wherein the principles and methods of geology are applied, including (i) investigating, evaluating, and consulting; (ii) geological mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological work in order to enhance and protect the health, safety, and welfare of the public and the environment.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, observation, investigation, and consultation on measured, observed, and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports, and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports, and interpretive drawings.

"Qualified geologist" means an ~~uncertified~~ *unlicensed* person who possesses all the qualifications specified in this chapter for ~~certification~~ *licensure*.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil, and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description, and mapping of soils.

~~"Virginia certified professional geologist"~~ means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

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59 "Virginia certified professional wetland delineator" means a person who possesses the qualifications
 60 required for certification by the provisions of this chapter and the regulations of the Board and who is granted
 61 certification by the Board.

62 "Virginia licensed professional geologist" means a person who possesses all qualifications specified in
 63 this chapter for licensure and whose competence has been attested by the Board through licensure.

64 "Virginia licensed professional soil scientist" means a person who possesses the qualifications required
 65 for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a
 66 license by the Board.

67 "Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal
 68 regulatory guidance and describing wetland types.

69 "Wetland professional" means a person having special knowledge of wetland science and the methods and
 70 principles of wetland delineation as acquired by education and experience in the formation, description, and
 71 mapping of wetlands.

72 "Wetland science" means the science dealing with the physical, chemical, and biological properties of
 73 wetland systems integrated through ecological and morphological relationships.

74 "Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

75 **§ 54.1-2200.2. Board for Professional Soil Scientists, Wetland Professionals, and Geologists;**
 76 **membership; quorum.**

77 A. Notwithstanding the provisions of § 54.1-200, the Board for Professional Soil Scientists, Wetland
 78 Professionals, and Geologists shall be composed of 13 members as follows: three licensed professional soil
 79 scientists, three certified professional wetland delineators, three *licensed professional* geologists, and three
 80 citizen members. The State Geologist shall serve as an ex officio member of the Board. The *professional*
 81 geologist members shall be of varied backgrounds. The professional soil scientist members shall have
 82 experience in at least one of the following areas: (i) soil mapping and classification, (ii) soil suitability and
 83 land use, (iii) teaching and research in soil science, and (iv) environmental protection regulations. Of the
 84 wetland professional members, one shall have experience in wetland delineation and description, one shall
 85 have experience in teaching and research in wetland science, and one shall have experience with natural
 86 resource regulations. Terms of the members shall be for four years.

87 B. The Board shall annually elect a chairman from its membership. Seven board members, consisting of at
 88 least two *professional* soil scientists, two professional wetland delineators, two *professional* geologists, and
 89 one citizen, shall constitute a quorum.

90 C. The Governor may select the professional soil scientist members from a list of at least three names for
 91 each vacancy submitted by the Virginia Association of Professional Soil Scientists. The Governor may notify
 92 the Virginia Association of Professional Soil Scientists of any professional vacancy other than by expiration
 93 among the professional soil scientist members of the Board and nominations may be made for the filling of
 94 the vacancy.

95 D. The Governor may select the wetland professionals from a list of at least three names for each vacancy
 96 submitted by the Virginia Association of Wetland Professionals. The Governor may notify and request
 97 nominations from the Virginia Association of Wetland Professionals of any professional vacancy other than
 98 by expiration among the wetland professional members.

99 **§ 54.1-2208.1. Purpose; exemptions.**

100 A. ~~The certification program set forth in this article is voluntary and shall not be construed to prevent or~~
 101 ~~affect the practice of geology by uncertified geologists; however, no person may represent himself as a~~
 102 ~~Virginia certified professional geologist unless he has been so certified by the Board licensing of professional~~
 103 ~~geologists as set forth in this article shall serve any or all of the following purposes:~~

- 104 1. *The protection of the public health, safety, and welfare;*
- 105 2. *The protection of the environmental health, safety, and welfare;*
- 106 3. *The maintenance of educational, experiential, and ethical standards in the practice of geology;*
- 107 4. *The maintenance of standards of objectivity, truthfulness, and reliability in the practice of geology;*
- 108 5. *The prohibition of solicitation or acceptance of work by professional geologists on any basis other than*
 109 *their qualifications for the work offered;*
- 110 6. *The restriction of the professional geologist from association with any person engaging in illegal or*
 111 *dishonest activities in the practice of geology; and*
- 112 7. *The limitation of the practice of geology and any offer of the practice of geology to those persons*
 113 *licensed pursuant to this article.*

114 B. This article shall not *be construed to prevent or affect the:*

- 115 1. *The practice of any profession or trade for which licensing, certification, or registration is required*
 116 *under any other Virginia law, including the practice of licensed professional engineers lawfully practicing*
 117 *engineering in its various specialized branches;*
- 118 2. *The work of any archeologist, chemist, geographer, or oceanographer who is in responsible charge of*
 119 *geological work or the drawing of geological conclusions and recommendations, provided such work does*

120 *not include the design and execution of geological investigations;*

121 3. *The practice of geology by any person under the direct supervision and control of a professional*
 122 *geologist licensed pursuant to this article, provided such practice does not include being in responsible*
 123 *charge of final geological reports or decisions; or*

124 4. *The practice of geology by any person certified as a professional geologist before July 1, 2025.*

125 **§ 54.1-2208.2. Licensure; minimum qualifications; penalty.**

126 A. Any person practicing or offering to practice as a geologist or in a geological specialty in this
 127 Commonwealth may submit reasonable evidence to the Board that he is qualified to practice and to be
 128 ~~certified licensed~~ as provided in this article. The Board shall approve the application for ~~certification~~
 129 *licensure* of any person who, in the opinion of the Board, has satisfactorily met the requirements of this
 130 article and who has paid any applicable fees fixed by the Board.

131 ~~Certifications Licenses~~ shall expire at intervals as designated by the Board. A ~~certification license~~ may be
 132 renewed by the Board upon receipt of a formal request accompanied by any applicable fees.

133 B. To be eligible for ~~certification licensure~~ as a professional geologist, an applicant shall meet each of the
 134 following minimum qualifications:

135 1. Be of ethical character.

136 2. Have a baccalaureate or higher degree from an accredited institution of higher education with either a
 137 major in geology, engineering geology, geological engineering, or related geological sciences; or have
 138 completed at least 30 semester hours or the equivalent in geological science courses leading to a major in
 139 geology.

140 3. Have at least seven years of geological work that shall include either a minimum of three years of
 141 geological work under the supervision of a qualified or ~~certified licensed~~ professional geologist or a
 142 minimum of three years of experience in responsible charge of geological work. The adequacy of the position
 143 and the required supervision and experience shall be determined by the Board in accordance with standards
 144 set forth in its regulations. The following criteria of education and experience qualify toward the required
 145 seven years of geological work:

146 a. Each year of full-time undergraduate study in the geological sciences shall count as one-half year of
 147 experience up to a maximum of two years, and each year of full-time graduate study shall count as a year of
 148 experience up to a maximum of three years. Credit for undergraduate and graduate study shall in no case
 149 exceed a total of four years toward meeting the requirements for at least seven years of geological work.

150 b. The Board may consider, in lieu of the above-described geological work, the cumulative total of
 151 geological work or geological research of persons occupying research or post-graduate positions as well as
 152 those teaching geology courses at an institution of higher education, provided such work or research can be
 153 demonstrated to be of a sufficiently responsible nature to be equivalent to the geological work required in this
 154 section.

155 4. Have successfully passed an appropriate examination approved by the Board and designed to
 156 demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the
 157 public practice of geology.

158 At the discretion of the Board, separate examinations may be prepared for various subspecialties of
 159 geology; however, there will be no specialty ~~certification licensure~~, only ~~certification licensure~~ as a
 160 professional geologist.

161 C. *No person shall represent himself as a licensed professional geologist unless he has been so licensed*
 162 *by the Board. Any person practicing or offering to practice geology within the meaning of this article who,*
 163 *through verbal claim, sign, advertisement, or letterhead, represents himself as a licensed professional*
 164 *geologist without holding such license from the Board is guilty of a Class 1 misdemeanor.*

165 **§ 54.1-2208.3. Waiver of examination.**

166 The Board may waive the examination requirement for ~~certification licensure~~ as a professional geologist
 167 for an applicant who otherwise meets the requirements of this article and who also meets any of the following
 168 conditions:

169 1. Makes written application to the Board and has at least 12 years of geological work that includes the
 170 geological work as specified in subsection B of § 54.1-2208.2.

171 2. Makes written application to the Board and holds an unexpired certificate of registration, certification,
 172 or license to engage in the practice of geology issued to him on the basis of comparable requirements by a
 173 proper authority of a state, territory, or possession of the United States or the District of Columbia.

174 **§ 54.1-2208.4. Professional ethics and conduct.**

175 A. The Board, in coordination with an ad hoc panel of ~~certified licensed~~ professional geologists convened
 176 by the Board and representing various geological interests in Virginia, shall have prepared and adopted a
 177 Code of Professional Ethics and Conduct that shall be published and made known in writing to every Virginia
 178 ~~certified licensed~~ professional geologist and applicant for ~~certification licensure~~ under this article. The Board
 179 may revise and amend this code as needed and shall forthwith notify each ~~certified licensed~~ professional
 180 geologist in writing of such revisions or amendments.

181 B. The full Board, by majority vote, shall have the power to suspend, revoke, or refuse to renew the

182 ~~certification~~ *license* of any professional geologist who, after an appropriate formal hearing, is found to have
183 been involved in:

184 1. Any fraud or deceit in obtaining ~~certification~~ *licensure*;

185 2. Any violation of the Code of Professional Ethics and Conduct or other regulations of the Board;

186 3. Demonstrated gross negligence, incompetence, or misconduct in the practice of geology as a
187 professional geologist; or

188 4. Any conviction of a felony which, in the opinion of the Board, would adversely affect the practice of
189 geology.

190 C. The Board, by majority vote of the quorum, may reinstate a revoked or suspended ~~certification~~ *license*
191 to any professional geologist who makes written application to the Board showing good cause for such
192 action.