

R156. Commerce, Occupational and Professional Licensing.

R156-76. Professional Geologist Licensing Act Rule.

R156-76-101. Title.

This rule is known as the "Professional Geologist Licensing Act Rule".

R156-76-102. Definitions.

In addition to the definitions in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and Title 58, Chapter 76, Professional Geologist Licensing Act, the following rule definitions supplement the statutory definitions:

- (1) "ASBOG" means the National Association of State Boards of Geology.
- (2) "Employee" or "subordinate" means an individual who:
 - (a) is not licensed as a professional geologist;
 - (b) works with, for, or provides professional geologic services on work initiated by a person licensed as a professional geologist; and
 - (c) works only under the administration, charge, control, command, authority, oversight, guidance, jurisdiction, regulation, management, or authorization of a person licensed as a professional geologist.
- (3) "Geosciences" as used in Subsection 58-76-302(3)(a), means an earth science degree that results in sufficient geological knowledge to enable the practice of geology before the public.
- (4) "Qualified individual" as used in Section R156-76-302c, means a person who is licensed as a professional geologist in a recognized jurisdiction, or who otherwise meets the requirements for licensure as defined in Sections 58-76-302, R156-76-302b, and R156-76-302c.
- (5) "Practice of geology before the public" as used in Subsection 58-76-102(3) does not include the following activities:
 - (a) routine sampling, laboratory work, or geological drafting, where the elements of initiative, scientific judgment, and decision-making are lacking;
 - (b) data acquisition where geological interpretation is minimal and incidental, such as for example mud-logging, wireline logging, rock property measurements, dating, and geochemical, geophysical and biological surveys;
 - (c) the following aspects of paleontology:
 - (i) taxonomy;
 - (ii) biologic analysis of organisms; or
 - (iii) investigation and reporting of deposits that may be fossiliferous, including incidental geological analysis; or
 - (d) the following aspects of the practice of anthropology and archeology:
 - (i) archeological survey, excavation, and reporting;
 - (ii) production of archeological plan views, profiles, and regional overviews; or
 - (iii) investigation and reporting of artifacts or deposits that are modified or affected by past human behavior.
- (6) "Principal" as used in Subsection 58-76-603(2), means the licensee assigned to and personally accountable for the production of specified professional geologic projects within an organization.
- (7) "Recognized jurisdiction" as used in Subsection R156-76-302d(2), means any state, district or territory of the United States that issues a license for a professional geologist, and whose licensure requirements include:
 - (a) a bachelor's or post-graduate degree in the geosciences from an accredited institution, or equivalent foreign education as determined by the Foreign Credentials Service of America (FCSA) and the Division in collaboration with the board;
 - (b) documented qualifying experience requirements similar to the experience requirements in Subsection 58-76-302(5) and Section R156-76-302; and
 - (c) passing the ASBOG Fundamentals of Geology (FG) Examination and the ASBOG Principles and Practice of Geology (PG) Examination.
- (8) "Unprofessional conduct" as defined in Title 58, Chapter 1, Division of Occupational and Professional Licensing Act, and Title 58, Chapter 76, Professional Geologist Licensing Act, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-76-502.

R156-76-103. Authority - Purpose.

This rule is adopted by the division under the authority of Subsection 58-1-106(1) to enable the division to administer Title 58, Chapter 76.

R156-76-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-76-302b. Qualifications for Licensure - Education Requirements.

- (1) In accordance with Section 58-76-302, the education requirements for graduates of an approved geoscience program are as follows:
 - (a) an earned bachelor's or master's degree in geology from an accredited institution; or
 - (b) an earned bachelor's or post-graduate degree in the geosciences from an accredited institution including the completion of a minimum of 24 semester or 36 quarter hours in upper level or graduate geology courses that include one or more of the following subject areas:
 - (i) structural geology;

- (ii) geophysics;
- (iii)(A) sedimentology;
- (B) stratigraphy; or
- (C) paleontology;
- (iv)(A) mineralogy;
- (B) petrology; or
- (C) geochemistry;
- (v)(A) engineering geology; or
- (B) environmental geology;
- (vi)(A) hydrogeology; or
- (B) hydrology;
- (vii)(A) geomorphology; or
- (B) remote sensing;
- (viii)(A) economic geology; or
- (B) petroleum geology; or
- (ix) field geology.

(2) In accordance with Section 58-1-302, an applicant who has been educated in a foreign country shall submit a course-by-course accreditation evaluation completed by FCSA to determine program equivalency.

R156-76-302c. Qualifications for Licensure - Experience Requirements.

In accordance with Subsection 58-76-302(5), active professional practice requirements are clarified or established as follows:

- (1) Professional practice shall be obtained after completing the minimum educational requirement for licensure.
- (2) One year of active professional practice shall consist of a minimum of 2,000 hours of geological work experience under the supervision of a qualified individual, or in responsible charge as permitted by law.
- (3) No more than 2,000 hours of active professional practice may be gained in any 12 month period of time.
- (4) Qualifying work engagements consist of a range of activities included in the practice of geology consisting of more than the performance or supervision of geological work activities that are routine, such as routine sampling, laboratory work, or geological drafting, where the elements of initiative, scientific judgment and decision-making are lacking.
- (5) Three years of geologic research or teaching activity in upper division or graduate level geology classes at an accredited university is equivalent to one year of qualifying experience.

R156-76-302d. Qualifications for Licensure - Examination Requirements.

- (1) In accordance with Subsection 58-76-302(5), except as provided in Subsections (4) or (5), the examination requirements for licensure as a professional geologist are as follows:
 - (a) the ASBOG (FG) Examination with a passing score as recommended by the ASBOG; and
 - (b) the ASBOG (PG) Examination with a passing score as established by the ASBOG.
- (2) Prior to registering for the ASBOG FG Examination, an applicant shall:
 - (a) be enrolled in the final semester or an approved program; or
 - (b) have completed the education requirements in Section R156-76-302b.
- (3) Prior to taking the ASBOG PG Examination, an applicant shall have passed the ASBOG FG Examination.
- (4) The Division may waive the ASBOG FG Examination for an applicant who:
 - (a) has practiced as a principal for five years of the last seven years preceding the date of the license application;
 - (b) was not required to pass the ASBOG FG Examination for initial licensure from the recognized jurisdiction the applicant was originally licensed; and
 - (c) has passed the ASBOG PG Examination.
- (5) The Division may waive the ASBOG FG and PG Examinations for an applicant who:
 - (a) has practiced as a principal for five years during the last seven years preceding the date of the license application;
 - (b) has been licensed for ten years preceding the date of the license application; and
 - (c) was not required to pass the ASBOG FG and PG Examinations for initial licensure from the recognized jurisdiction the applicant was originally licensed.

R156-76-303. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 76, Professional Geologist Licensing Act, is established in Section R156-1-308a.
- (2) Renewal procedures shall be in accordance with Sections R156-1-308b through R156-1-308l.

R156-76-501. Administrative Penalties - Unlawful Conduct.

In accordance with Sections 58-76-501 and 58-76-502 and Subsections 58-1-501(1)(a) through (d), unless otherwise ordered by the presiding officer, the following fine schedule shall apply.

- (1) Engaging in unlicensed practice or using any title that would cause a reasonable person to believe the user of the title is licensed under this chapter.

First Offense: \$800

Second Offense: \$1,600

(2) Engaging in, or representing oneself as engaged in the practice of geology as a corporation, proprietorship, partnership, or limited liability company unless exempted from licensure.

First Offense: \$800

Second Offense: \$1,600

(3) Impersonating another licensee or engaging in practice under this chapter using a false or assumed name, unless permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

(4) Knowingly employing any person to practice under this chapter who is not licensed to do so.

First Offense: \$1,000

Second Offense: \$2,000

(5) Knowingly permitting any person to use his license except as permitted by law.

First Offense: \$1,000

Second Offense: \$2,000

(6) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor. If a citation is issued for a third offense, the fine is double the second offense amount, with a maximum amount not to exceed the maximum fine allowed under Subsection 58-76-502(1)(i).

(7) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(8) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(9) In all cases the presiding officer shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount based upon the evidence reviewed.

R156-76-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) submitting an incomplete final plan, specification, report or set of plans to:

(a) a client, when the licensee represents, or could reasonably expect the client to consider, the plan, specification, report, or set of plans to be complete and final; or

(b) to a government official to obtain a permit;

(2) failing as a principal to exercise responsible charge;

(3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; or

(4) failing to conform to the accepted and recognized standards and ethics of the profession, including those in Section 16 Code of Ethics of the "ASBOG Model Rules and Regulations," revised August 2019, which is hereby incorporated by reference.

R156-76-601. Seal Requirements.

(1) In accordance with Section 58-76-601, the seal design and implementation shall be:

(a) each seal shall be a circular seal, 1-1/2 inches minimum diameter;

(b) each seal shall include the licensee's name, license number, "State of Utah", and "Licensed Professional Geologist";

(c) each seal shall be signed and dated with the signature and date appearing across the face of each seal imprint;

(d) each original set of final geologic map, cross-section, sketch, drawing, plan, or report prepared, as a minimum, shall have the original seal imprint, original signature and date placed on the cover or title sheet;

(e) a seal may be a wet stamp, embossed, or electronically produced; and

(f) copies of the original set of plans, specifications, reports, maps, sketches, surveys, drawings, documents and plats which contain the original seal, original signature and date are permitted, if the seal, signature and date is clearly recognizable.

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Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-76-101