

# SENATE BILL 678

C2

8lr2388  
CF HB 870

---

By: **Senator Glassman**

Introduced and read first time: February 1, 2008

Assigned to: Education, Health, and Environmental Affairs

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Geologists Act**

3 FOR the purpose of creating the State Board of Geologists in the Department of Labor,  
4 Licensing, and Regulation; specifying the purpose of this Act; providing for the  
5 composition of the Board and the appointment, terms, and expenses of Board  
6 members; providing for the election of Board officers and procedures of the  
7 Board; establishing certain powers and duties of the Board; requiring certain  
8 individuals to be licensed by the Board as geologists before practicing geology;  
9 establishing certain education requirements for geologists; establishing certain  
10 licensing and license renewal requirements; specifying certain examination  
11 requirements for geologists; authorizing the Board to deny a license to an  
12 applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a  
13 license, or impose certain penalties under certain circumstances; establishing  
14 certain hearing and appeal procedures for geologists; providing for certain  
15 criminal penalties; requiring certain penalties collected by the Board to be paid  
16 into the General Fund; requiring that an evaluation of the Board and the  
17 statutes and regulations that relate to the Board be performed on or before a  
18 certain date; specifying the terms of the initial appointed members of the  
19 Board; defining certain terms; and generally relating to the State Board of  
20 Geologists and the licensing and regulation of geologists.

21 BY renumbering

22 Article – State Government  
23 Section 8–403(b)(27) through (69), respectively  
24 to be Section 8–403(b)(28) through (70), respectively  
25 Annotated Code of Maryland  
26 (2004 Replacement Volume and 2007 Supplement)

27 BY adding to

28 Article – State Government  
29 Section 8–403(b)(27)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2004 Replacement Volume and 2007 Supplement)

3 BY adding to  
4 Article – Business Occupations and Professions  
5 Section 21–101 through 21–502 to be under the new title “Title 21. Geologists”  
6 Annotated Code of Maryland  
7 (2004 Replacement Volume and 2007 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That Section(s) 8–403(b)(27) through (69), respectively, of Article – State  
10 Government of the Annotated Code of Maryland be renumbered to be Section(s)  
11 8–403(b)(28) through (70), respectively.

12 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
13 read as follows:

14 **Article – State Government**

15 8–403.

16 (b) Except as otherwise provided in subsection (a) of this section, on or before  
17 the evaluation date for the following governmental activities or units, an evaluation  
18 shall be made of the following governmental activities or units and the statutes and  
19 regulations that relate to the governmental activities or units:

20 **(27) GEOLOGISTS, STATE BOARD OF (§ 21–201 OF THE BUSINESS**  
21 **OCCUPATIONS AND PROFESSIONS ARTICLE: JULY 1, 2017);**

22 **Article – Business Occupations and Professions**

23 **TITLE 21. GEOLOGISTS.**

24 **SUBTITLE 1. DEFINITIONS; STATEMENT OF PURPOSE.**

25 **21–101.**

26 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
27 INDICATED.

28 (B) “BOARD” MEANS THE STATE BOARD OF GEOLOGISTS.

29 (C) “GEOLOGIST” MEANS A INDIVIDUAL WHO IS LICENSED BY THE  
30 BOARD TO PRACTICE GEOLOGY.

1           (D)   **“LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A**  
2 **LICENSE ISSUED BY THE BOARD TO PRACTICE GEOLOGY.**

3           (E)   (1)   **“PRACTICE GEOLOGY” MEANS TO PERFORM ANY SERVICE OR**  
4 **CREATIVE WORK, THE ADEQUATE PERFORMANCE OF WHICH REQUIRES**  
5 **GEOLOGIC EDUCATION, TRAINING, AND EXPERIENCE IN THE APPLICATION OF**  
6 **THE PRINCIPLES, THEORIES, LAWS, AND BODY OF KNOWLEDGE ENCOMPASSED**  
7 **IN THE SCIENCE OF GEOLOGY.**

8                   (2)   **“PRACTICE GEOLOGY” INCLUDES CONSULTATION,**  
9 **RESEARCH, INVESTIGATION, EVALUATIONS, MAPPING, SAMPLING, PLANNING OF**  
10 **GEOLOGIC PROJECTS, AND EMBRACING GEOLOGIC SERVICES OR WORK IN**  
11 **CONNECTION WITH ANY PUBLIC OR PRIVATE UTILITIES, STRUCTURES, ROADS,**  
12 **BUILDINGS, PROCESSES, WORKS, OR PROJECTS.**

13   **21-102.**

14           **THE PURPOSE OF THIS TITLE IS TO PROTECT THE PUBLIC, SPECIFICALLY**  
15 **THOSE PERSONS WHO ARE THE DIRECT RECIPIENTS OF SERVICES REGULATED**  
16 **BY THIS TITLE, FROM UNSAFE PRACTICES AND FROM OCCUPATIONAL**  
17 **PRACTICES THAT TEND TO REDUCE COMPETITION OR FIX THE PRICE OF**  
18 **SERVICES RENDERED.**

19                   **SUBTITLE 2. STATE BOARD OF GEOLOGISTS.**

20   **21-201.**

21           **THERE IS A STATE BOARD OF GEOLOGISTS IN THE DEPARTMENT.**

22   **21-202.**

23           (A)   (1)   **THE BOARD CONSISTS OF SEVEN MEMBERS.**

24                   (2)   **THE DIRECTOR OF THE MARYLAND GEOLOGICAL SURVEY OR**  
25 **A DESIGNEE OF THE DIRECTOR IS AN EX OFFICIO MEMBER OF THE BOARD.**

26                   (3)   **THE GOVERNOR, WITH THE ADVICE OF THE SECRETARY AND**  
27 **THE SENATE, SHALL APPOINT THE OTHER SIX MEMBERS, OF WHOM:**

28                           (I)   **THREE SHALL BE GEOLOGISTS; AND**

29                           (II)   **THREE SHALL BE CONSUMER MEMBERS.**

30           (B)   (1)   **EACH MEMBER OF THE BOARD SHALL BE:**

1                   **(I) A CITIZEN OF THE UNITED STATES; AND**

2                   **(II) A RESIDENT OF THE STATE.**

3                   **(2) A MEMBER DURING THE MEMBER'S TERM MAY NOT HOLD**  
4 **ELECTIVE OFFICE IN A PROFESSIONAL ASSOCIATION OF GEOLOGISTS.**

5           **(C) EACH CONSUMER MEMBER OF THE BOARD:**

6                   **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC; AND**

7                   **(2) MAY NOT:**

8                           **(I) BE A LICENSEE OR OTHERWISE SUBJECT TO**  
9 **REGULATION BY THE BOARD;**

10                           **(II) BE AN IMMEDIATE FAMILY MEMBER OF A GEOLOGIST;**

11                           **(III) BE OR HAVE BEEN EMPLOYED BY A GEOLOGIST OR A**  
12 **COMPANY ENGAGED IN THE PRACTICE OF GEOLOGY;**

13                           **(IV) HAVE A MATERIAL INTEREST IN PROVIDING GOODS AND**  
14 **SERVICES TO GEOLOGISTS; OR**

15                           **(V) ENGAGE OR HAVE BEEN ENGAGED IN AN ACTIVITY**  
16 **DIRECTLY RELATED TO GEOLOGY.**

17           **(D) BEFORE TAKING OFFICE, EACH MEMBER OF THE BOARD SHALL**  
18 **TAKE THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND**  
19 **CONSTITUTION.**

20           **(E) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 3**  
21 **YEARS AND BEGINS ON JULY 1.**

22                           **(2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS**  
23 **REQUIRED BY THE TERMS PROVIDED FOR APPOINTED MEMBERS ON OCTOBER**  
24 **1, 2008.**

25                           **(3) AT THE END OF A TERM, AN APPOINTED MEMBER CONTINUES**  
26 **TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1           (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN  
2 SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS  
3 APPOINTED AND QUALIFIES.

4           (5) EACH APPOINTED MEMBER IS ELIGIBLE FOR  
5 REAPPOINTMENT BUT MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.

6           (F) THE GOVERNOR MAY REMOVE AN APPOINTED MEMBER FOR  
7 INCOMPETENCE, MISCONDUCT, NEGLECT OF DUTIES, OR OTHER SUFFICIENT  
8 CAUSE.

9 **21-203.**

10          (A) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR  
11 AND OTHER OFFICERS AS NECESSARY.

12          (B) THE MANNER OF ELECTION AND THE TERM OF AN OFFICER SHALL  
13 BE AS THE BOARD DETERMINES.

14 **21-204.**

15          (A) A MAJORITY OF THE VOTING MEMBERS THEN SERVING ON THE  
16 BOARD IS A QUORUM.

17          (B) (1) THE BOARD SHALL MEET AT LEAST ONCE EVERY 3 MONTHS  
18 AT A LOCATION AND IN AN OFFICE PROVIDED BY THE STATE.

19          (2) THE BOARD MAY HOLD SPECIAL MEETINGS AS PROVIDED IN  
20 ITS REGULATIONS.

21          (C) A MEMBER OF THE BOARD:

22               (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
23 BOARD; BUT

24               (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
25 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE  
26 BUDGET.

27          (D) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE  
28 STATE BUDGET.

29 **21-205.**

1           **(A) THE BOARD SHALL:**

2                   **(1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;**

3                   **(2) ADMINISTER EXAMINATIONS;**

4                   **(3) ISSUE LICENSES;**

5                   **(4) MAINTAIN A LIST OF ALL LICENSEES; AND**

6                   **(5) MAINTAIN A RECORD OF ITS PROCEEDINGS.**

7           **(B) THE BOARD SHALL MAKE AVAILABLE THROUGH WRITTEN,**  
8 **ELECTRONIC, OR OTHER MEANS A COPY OF THE BOARD'S REGULATIONS TO**  
9 **EACH APPLICANT FOR A LICENSE OR RENEWAL OF A LICENSE.**

10 **21-206.**

11           **(A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES A**  
12 **VIOLATION OF THIS TITLE.**

13           **(B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER**  
14 **THIS SECTION, THE BOARD SHALL PROMPTLY TAKE ACTION THAT IS**  
15 **APPROPRIATE UNDER THIS TITLE TO ENSURE COMPLIANCE WITH THIS TITLE.**

16           **(C) (1) IF THE BOARD CONCLUDES THAT CONDUCT ALLEGED TO BE**  
17 **IN VIOLATION OF THIS TITLE WILL RESULT IN HARM TO A RESIDENT OF THE**  
18 **STATE, THE BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION**  
19 **WITH RESPECT TO THE CONDUCT FROM THE CIRCUIT COURT OF THE COUNTY IN**  
20 **WHICH THE ALLEGED VIOLATION OCCURS.**

21                   **(2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE**  
22 **BOARD IS NOT REQUIRED TO:**

23                           **(I) POST BOND;**

24                           **(II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW**  
25 **DOES NOT EXIST; OR**

26                           **(III) ALLEGE OR PROVE THAT SUBSTANTIAL OR**  
27 **IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF**  
28 **THE PROVISION.**



1           **(A) AN APPLICANT FOR A LICENSE SHALL:**

2                   **(1) SUBMIT TO THE BOARD:**

3                           **(I) AN APPLICATION ON THE FORM THAT THE BOARD**  
4 **PROVIDES; AND**

5                           **(II) ANY DOCUMENT THAT THE BOARD REQUIRES; AND**

6                   **(2) PAY TO THE BOARD OR THE BOARD'S DESIGNEE:**

7                           **(I) A NONREFUNDABLE APPLICATION FEE THAT THE**  
8 **BOARD DETERMINES; AND**

9                           **(II) AN EXAMINATION FEE SET BY THE BOARD IN AN**  
10 **AMOUNT NOT TO EXCEED THE COST OF THE REQUIRED EXAMINATION.**

11           **(B) AN APPLICATION SHALL BE MADE UNDER OATH.**

12           **(C) IF THE BOARD FINDS THAT AN APPLICATION FORM AND THE**  
13 **ACCOMPANYING DOCUMENTATION DO NOT DEMONSTRATE THAT THE**  
14 **APPLICANT MEETS THE REQUIREMENTS FOR A LICENSE UNDER THIS SUBTITLE,**  
15 **THE BOARD MAY REQUIRE THE APPLICANT TO SUBMIT ADDITIONAL**  
16 **INFORMATION OR DOCUMENTATION.**

17 **21-303.**

18           **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, TO QUALIFY FOR**  
19 **A LICENSE, AN APPLICANT SHALL:**

20                   **(1) MEET THE REQUIREMENTS OF THIS SECTION; AND**

21                   **(2) PASS AN EXAMINATION ADMINISTERED BY THE BOARD.**

22           **(B) AN APPLICANT SHALL PROVIDE EVIDENCE TO THE BOARD**  
23 **SHOWING THAT THE APPLICANT:**

24                   **(1) HAS RECEIVED A DEGREE FROM AN ACCREDITED COLLEGE OR**  
25 **UNIVERSITY WITH A MAJOR IN GEOLOGY; OR**

26                   **(2) HAS COMPLETED 30 CREDIT HOURS OF GEOLOGY OR ITS**  
27 **SUBDISCIPLINES, OF WHICH 24 CREDIT HOURS ARE FOR THIRD OR FOURTH**  
28 **YEAR COURSES OR GRADUATE COURSES;**



1           **(3) HAS ACHIEVED THE PASSING SCORE ON ALL PARTS OF THE**  
2 **WRITTEN, STANDARDIZED EXAMINATION OF THE NATIONAL ASSOCIATION OF**  
3 **STATE BOARDS OF GEOLOGY;**

4           **(4) WOULD NOT ENDANGER PUBLIC SAFETY WHILE ENGAGING IN**  
5 **THE PRACTICE OF GEOLOGY BECAUSE OF AN IMPAIRMENT RELATED TO A**  
6 **CONTROLLED DANGEROUS SUBSTANCE, ALCOHOL, OR MENTAL DISORDER; AND**

7           **(5) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,**  
8 **HAS NOT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT IS SUBSTANTIALLY**  
9 **RELATED TO THE PRACTICE OF GEOLOGY OR FACES A SIMILAR CRIMINAL**  
10 **CHARGE.**

11           **(C) THE BOARD MAY ISSUE A LICENSE TO AN APPLICANT THAT HAS**  
12 **BEEN CONVICTED OF A CRIMINAL OFFENSE THAT IS SUBSTANTIALLY RELATED**  
13 **TO THE PRACTICE OF GEOLOGY OR WHO FACES A SIMILAR CRIMINAL CHARGE IF**  
14 **THE BOARD DETERMINES THAT:**

15           **(1) MORE THAN 5 YEARS HAVE ELAPSED SINCE THE APPLICANT**  
16 **HAS FULLY DISCHARGED ALL IMPOSED SENTENCES OR MODIFICATIONS OF A**  
17 **SENTENCE;**

18           **(2) THE APPLICANT IS CAPABLE OF PRACTICING GEOLOGY IN A**  
19 **COMPETENT AND PROFESSIONAL MANNER; AND**

20           **(3) THE ISSUANCE OF THE LICENSE WILL NOT ENDANGER PUBLIC**  
21 **SAFETY.**

22 **21-304.**

23           **THE BOARD:**

24           **(1) PERIODICALLY SHALL OFFER THE EXAMINATIONS REQUIRED**  
25 **UNDER THIS SUBTITLE TO QUALIFIED APPLICANTS AT THE TIMES AND PLACES**  
26 **THAT THE BOARD DETERMINES;**

27           **(2) SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE**  
28 **TIME AND PLACE OF EXAMINATION;**

29           **(3) SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM OF AND**  
30 **PASSING SCORES FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE; AND**

1           (4)   MAY CHARGE AN EXAMINATION FEE NOT TO EXCEED THE  
2 COST OF ADMINISTERING THE EXAMINATION.

3 **21-305.**

4           (A)   THE BOARD MAY USE A TESTING SERVICE TO ADMINISTER THE  
5 EXAMINATION.

6           (B)   IF THE BOARD USES A TESTING SERVICE, THE TESTING SERVICE,  
7 SUBJECT TO THE REQUIREMENTS SET BY THE BOARD, MAY:

8                   (1)   SET THE TIME AND PLACE OF EXAMINATIONS;

9                   (2)   GIVE QUALIFIED APPLICANTS NOTICE OF THE TIME AND  
10 PLACE OF EXAMINATIONS; AND

11                   (3)   FURNISH ANY INFORMATION THAT THE BOARD MAY REQUIRE  
12 THE TESTING SERVICE TO PROVIDE.

13 **21-306.**

14           (A)   THE USE OF UNAUTHORIZED MATERIAL BY AN APPLICANT DURING  
15 AN EXAMINATION SHALL CAUSE THE IMMEDIATE REJECTION OF THE  
16 APPLICATION AND SHALL BAR THE APPLICANT FROM REEXAMINATION FOR AT  
17 LEAST 1 YEAR.

18           (B)   (1)   AN APPLICANT WHO FAILS AN EXAMINATION OR FAILS TO  
19 APPEAR FOR A SCHEDULED EXAMINATION SHALL FILE A NEW APPLICATION AND  
20 PAY A NEW APPLICATION FEE.

21                   (2)   AN EXAMINATION FEE IS NONREFUNDABLE.

22           (C)   AN APPLICANT WHO TAKES AN EXAMINATION REQUIRED BY THIS  
23 TITLE SHALL BE NOTIFIED OF THE RESULTS OF THE EXAMINATION AS SOON AS  
24 PRACTICABLE.

25           (D)   IF AN APPLICANT FAILS AN EXAMINATION GIVEN UNDER THIS  
26 SUBTITLE, THE APPLICANT MAY RETAKE THE EXAMINATION.

27 **21-307.**

28           (A)   SUBJECT TO THE LIMITATIONS IN SUBSECTIONS (B) AND (C) OF  
29 THIS SECTION, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS VOTING  
30 MEMBERS THEN SERVING, THE BOARD MAY WAIVE THE EXAMINATION

1 REQUIREMENTS OF THIS TITLE FOR AN INDIVIDUAL WHO IS LICENSED IN  
2 ANOTHER STATE TO PRACTICE GEOLOGY.

3 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF  
4 THE APPLICANT:

5 (1) PAYS TO THE BOARD THE NONREFUNDABLE APPLICATION  
6 FEE THAT THE BOARD REQUIRES; AND

7 (2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:

8 (I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY  
9 THIS SUBTITLE;

10 (II) HOLDS AN ACTIVE LICENSE IN GOOD STANDING IN THE  
11 OTHER STATE THAT IS EQUIVALENT TO THE STATE LICENSE;

12 (III) BECAME LICENSED IN THE OTHER STATE AFTER  
13 MEETING THE STATE'S REQUIREMENTS THAT ARE AT LEAST EQUIVALENT TO  
14 THE LICENSING REQUIREMENTS OF THE STATE; AND

15 (IV) HAS PRACTICED FOR AT LEAST 2 YEARS AFTER  
16 LICENSURE IN THE STATE FROM WHICH THAT APPLICANT IS APPLYING FOR A  
17 LICENSE AND ACQUIRED AT LEAST 5 YEARS OF EXPERIENCE IN GEOLOGICAL  
18 WORK THAT IS SATISFACTORY TO THE BOARD.

19 (C) THE BOARD MAY GRANT A WAIVER ONLY IF THE STATE IN WHICH  
20 THE APPLICANT IS LICENSED WAIVES THE EXAMINATION OF LICENSEES OF THIS  
21 STATE TO A SIMILAR EXTENT AS THE STATE WAIVES THE EXAMINATION  
22 REQUIREMENTS FOR INDIVIDUALS LICENSED IN THAT STATE.

23 **21-308.**

24 (A) IF AN APPLICANT QUALIFIES FOR A LICENSE UNDER THIS SUBTITLE,  
25 THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

26 (1) THE APPLICANT HAS QUALIFIED FOR A LICENSE; AND

27 (2) THE BOARD WILL ISSUE A LICENSE TO THE APPLICANT ON  
28 RECEIPT OF THE LICENSE FEE THAT THE BOARD REQUIRES.

29 (B) ON PAYMENT OF THE LICENSE FEE, THE BOARD SHALL ISSUE A  
30 LICENSE TO EACH APPLICANT WHO MEETS THE REQUIREMENTS OF THIS  
31 SUBTITLE.

1           **(C) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD**  
2 **ISSUES:**

3                   **(1) THE FULL NAME OF THE LICENSEE; AND**

4                   **(2) THE REGISTRATION NUMBER ASSIGNED BY THE BOARD TO**  
5 **THE LICENSEE.**

6 **21-309.**

7           **WHILE A LICENSE IS IN EFFECT, IT AUTHORIZES THE LICENSEE TO**  
8 **PRACTICE GEOLOGY.**

9 **21-310.**

10           **A LICENSEE SHALL PROVIDE THE BOARD WRITTEN NOTICE OF ANY**  
11 **CHANGE OF NAME OR ADDRESS FROM THE NAME OR ADDRESS THAT APPEARS**  
12 **ON THE CURRENT LICENSE AT LEAST 10 WORKING DAYS BEFORE THE CHANGE**  
13 **IS TO TAKE EFFECT.**

14 **21-311.**

15           **(A) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION AND**  
16 **UNLESS A LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS**  
17 **SECTION, THE LICENSE EXPIRES EVERY OTHER YEAR ON THE ANNIVERSARY OF**  
18 **THE DATE OF ISSUANCE OF THE LICENSE.**

19           **(B) (1) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD**  
20 **SHALL MAIL TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE**  
21 **LICENSEE:**

22                           **(I) A RENEWAL APPLICATION FORM; AND**

23                           **(II) A NOTICE THAT STATES:**

24                                   **1. THE DATE ON WHICH THE CURRENT LICENSE**  
25 **EXPIRES;**

26                                   **2. THE DATE BY WHICH THE BOARD MUST RECEIVE**  
27 **THE RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED**  
28 **BEFORE THE LICENSE EXPIRES; AND**

1                   **3. THE AMOUNT OF THE RENEWAL FEE THAT THE**  
2 **BOARD REQUIRES.**

3                   **(2) THE FAILURE OF A LICENSEE TO RECEIVE THE NOTICE AS**  
4 **PROVIDED FOR IN THIS SUBSECTION DOES NOT PREVENT THE LICENSE FROM**  
5 **EXPIRING AS SPECIFIED UNDER SUBSECTION (A) OF THIS SECTION.**

6                   **(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY**  
7 **RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:**

8                   **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

9                   **(2) PAYS TO THE BOARD THE APPROPRIATE LICENSE RENEWAL**  
10 **FEE THAT THE BOARD REQUIRES; AND**

11                   **(3) SUBMITS TO THE BOARD A RENEWAL APPLICATION ON THE**  
12 **FORM THAT THE BOARD PROVIDES.**

13                   **(D) (1) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A**  
14 **RENEWAL CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS**  
15 **OF THIS SECTION.**

16                   **(2) THE BOARD SHALL INCLUDE ON EACH RENEWAL**  
17 **CERTIFICATE THAT THE BOARD ISSUES THE DATE ON WHICH THE CURRENT**  
18 **LICENSE EXPIRES.**

19                   **(E) THE SECRETARY MAY DETERMINE THAT LICENSES ISSUED UNDER**  
20 **THIS SUBTITLE SHALL EXPIRE ON A STAGGERED BASIS.**

21 **21-312.**

22                   **(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL**  
23 **WHO, FOR ANY REASON, HAS FAILED TO RENEW THE LICENSE, IF THE**  
24 **INDIVIDUAL:**

25                   **(1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 2**  
26 **YEARS AFTER THE LICENSE EXPIRES;**

27                   **(2) MEETS THE RENEWAL REQUIREMENTS OF § 21-311 OF THIS**  
28 **SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES; AND**

29                   **(3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C) OF**  
30 **THIS SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN**  
31 **ADDITION TO ALL PAST DUE RENEWAL FEES.**

1           **(B) (1) IF AN INDIVIDUAL HAS FAILED TO RENEW A LICENSE FOR ANY**  
2 **REASON AND THEN APPLIES TO THE BOARD FOR REINSTATEMENT MORE THAN 2**  
3 **YEARS AFTER THE LICENSE HAS EXPIRED, THE BOARD MAY:**

4                   **(I) REQUIRE THE INDIVIDUAL TO REAPPLY FOR A LICENSE**  
5 **IN THE SAME MANNER AS AN APPLICANT APPLIES FOR AN ORIGINAL LICENSE**  
6 **UNDER THIS SUBTITLE; OR**

7                   **(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION,**  
8 **REINSTATE THE LICENSE.**

9           **(2) THE BOARD MAY REINSTATE A LICENSE UNDER PARAGRAPH**  
10 **(1)(II) OF THIS SUBSECTION ONLY IF THE INDIVIDUAL:**

11                   **(I) MEETS THE RENEWAL REQUIREMENTS OF § 21-311 OF**  
12 **THIS SUBTITLE AND PAYS TO THE BOARD ALL PAST DUE RENEWAL FEES;**

13                   **(II) IF REQUIRED BY THE BOARD, STATES REASONS WHY**  
14 **REINSTATEMENT SHOULD BE GRANTED; AND**

15                   **(III) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (C)**  
16 **OF THIS SECTION, PAYS TO THE BOARD A REINSTATEMENT FEE OF \$100, IN**  
17 **ADDITION TO ALL PAST DUE RENEWAL FEES.**

18           **(C) THE BOARD MAY WAIVE A REINSTATEMENT FEE FOR A LICENSEE**  
19 **WHO PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE LICENSEE**  
20 **DID NOT PRACTICE GEOLOGY DURING THE TIME THE LICENSE LAPSED.**

21 **21-313.**

22           **(A) (1) SUBJECT TO THE HEARING PROVISIONS OF § 21-314 OF THIS**  
23 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**  
24 **MEMBERS THEN SERVING, MAY DENY A LICENSE TO ANY APPLICANT,**  
25 **REPRIMAND ANY LICENSEE, OR SUSPEND OR REVOKE A LICENSE IF THE**  
26 **APPLICANT OR LICENSEE:**

27                   **(I) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR**  
28 **ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR**  
29 **ANOTHER;**

30                   **(II) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

1                   (III) UNDER THE LAWS OF THE UNITED STATES OR OF ANY  
2 STATE, IS CONVICTED OF:

3                   1.     A FELONY; OR

4                   2.     A MISDEMEANOR THAT IS DIRECTLY RELATED TO  
5 THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO  
6 PRACTICE GEOLOGY;

7                   (IV) FAILS TO CONTROL OR SUPERVISE ADEQUATELY A  
8 PERSON WHO, WHILE UNDER THE SUPERVISION OF A LICENSEE, PRACTICES  
9 GEOLOGY;

10                  (V) ALLOWS AN INDIVIDUAL TO PRACTICE GEOLOGY  
11 WITHOUT A LICENSE;

12                  (VI) IS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL  
13 WHILE PRACTICING GEOLOGY;

14                  (VII) IS GUILTY OF NEGLIGENCE, INCOMPETENCE, OR  
15 MISCONDUCT WHILE PRACTICING GEOLOGY;

16                  (VIII) VIOLATES ANY REGULATION ADOPTED UNDER THIS  
17 TITLE; OR

18                  (IX) VIOLATES ANY PROVISION OF THIS TITLE.

19                  (2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A  
20 LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION,  
21 THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH  
22 VIOLATION.

23                  (II) TO DETERMINE THE AMOUNT OF THE PENALTY  
24 IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

25                   1.     THE SERIOUSNESS OF THE VIOLATION;

26                   2.     THE HARM CAUSED BY THE VIOLATION;

27                   3.     THE GOOD FAITH OF THE LICENSEE; AND

28                   4.     ANY HISTORY OF PREVIOUS VIOLATIONS BY THE  
29 LICENSEE.

1           **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**  
2 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

3           **(B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE**  
4 **GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR**  
5 **THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS**  
6 **CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION**  
7 **(A)(1)(III) OF THIS SECTION:**

8           **(1) THE NATURE OF THE CRIME;**

9           **(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES**  
10 **AUTHORIZED BY THE LICENSE;**

11           **(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE**  
12 **CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR**  
13 **LICENSEE TO PRACTICE GEOLOGY;**

14           **(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND**

15           **(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR**  
16 **LICENSEE BEFORE AND AFTER THE CONVICTION.**

17 **21-314.**

18           **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**  
19 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**  
20 **§ 21-313 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM**  
21 **THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**  
22 **BOARD.**

23           **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**  
24 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**  
25 **ARTICLE.**

26           **(C) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE**  
27 **ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY**  
28 **HEAR AND DETERMINE THE MATTER.**

29 **21-315.**

30           **A PERSON AGGRIEVED BY A FINAL ACTION OF THE BOARD MAY TAKE AN**  
31 **APPEAL AS SPECIFIED UNDER §§ 10-222 AND 10-223 OF THE STATE**  
32 **GOVERNMENT ARTICLE.**



1           **SUBTITLE 4. PROHIBITED ACTS; DISCIPLINARY ACTIONS; PENALTIES.**

2           **21-401.**

3           **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON MAY NOT**  
4 **PERFORM, ATTEMPT TO PERFORM, OR OFFER TO PRACTICE GEOLOGY IN THE**  
5 **STATE WITHOUT A LICENSE.**

6           **21-402.**

7           **A PERSON MAY NOT:**

8                   (1)   **USE OR ATTEMPT TO USE THE LICENSE OF ANOTHER**  
9 **INDIVIDUAL; OR**

10                   (2)   **IMPERSONATE ANOTHER INDIVIDUAL WHO HOLDS A LICENSE.**

11           **21-403.**

12           **A PERSON MAY NOT ALLOW AN INDIVIDUAL TO PRACTICE GEOLOGY IF**  
13 **THE INDIVIDUAL DOES NOT HOLD A LICENSE.**

14           **21-404.**

15                   (A)   **A PERSON WHO VIOLATES § 21-401, § 21-402, OR § 21-403 OF THIS**  
16 **SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

17                           (1)   **A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT**  
18 **EXCEEDING 6 MONTHS OR BOTH; AND**

19                           (2)   **ON A SECOND OR SUBSEQUENT CONVICTION, A FINE NOT**  
20 **EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.**

21                   (B)   (1)   **EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE BOARD**  
22 **MAY IMPOSE ON A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE A**  
23 **PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.**

24                           (2)   **IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD**  
25 **SHALL CONSIDER:**

26                                   (I)   **THE SERIOUSNESS OF THE VIOLATION;**

27                                   (II)   **THE HARM CAUSED BY THE VIOLATION;**

- 1                   **(III) THE GOOD FAITH OF THE VIOLATOR;**  
2                   **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE**  
3 **VIOLATOR; AND**  
4                   **(V) ANY OTHER RELEVANT FACTORS.**

5                   **(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**  
6 **THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.**

7                   **SUBTITLE 5. SHORT TITLE; TERMINATION SUBJECT TO MARYLAND PROGRAM**  
8 **EVALUATION ACT.**

9                   **21-501.**

10                   **THIS TITLE MAY BE CITED AS THE “MARYLAND GEOLOGISTS ACT”.**

11                   **21-502.**

12                   **SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF**  
13 **THE MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL**  
14 **REGULATIONS ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO**  
15 **EFFECT AFTER JULY 1, 2017.**

16                   **SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial**  
17 **members of the State Board of Geologists shall expire as follows:**

- 18                   (1) two members in 2009;  
19                   (2) two members in 2010; and  
20                   (3) three members in 2011.

21                   **SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
22 **October 1, 2008.**