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BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11] (*Heading of Division 3 added by Stats. 1939, Ch. 30.)*

CHAPTER 12.5. Geologists and Geophysicists [7800 - 7887] (*Heading of Chapter 12.5 amended by Stats. 1972, Ch. 1396.)*

ARTICLE 6. Offenses Against the Chapter [7870 - 7874] (*Article 6 added by Stats. 1968, Ch. 942.)*

7870. The board shall have the power, duty and authority to investigate violations of the provisions of this chapter.

(*Added by Stats. 1968, Ch. 942.*)

7871. 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.

(*Amended by Stats. 1984, Ch. 47, Sec. 76. Effective March 21, 1984.*)

7872. A person who does any of the following is guilty of a misdemeanor:

- (a) Unless the person is exempt from licensure 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) Presents or attempts to file as their own the certificate of a geologist-in-training or the license of a professional geologist, certified specialty geologist, a professional geophysicist, or a certified specialty geophysicist, unless they are the person named on the certificate or the license.
- (c) Gives false evidence of any kind to the board, or to any board member, in obtaining a certificate or a license.
- (d) Impersonates or uses the seal, signature, or license number of any professional geologist, certified specialty geologist, professional geophysicist, or certified specialty geophysicist or who uses a false license number.
- (e) Impersonates or uses the certificate number of a geologist-in-training or who uses a false certificate.
- (f) Uses an expired, suspended, surrendered, or revoked certificate or license.
- (g) Represents themselves as, or uses 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 the person is qualified by licensure as a professional geologist under this chapter, or represents themselves as, or uses 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 the person is qualified by licensure as a professional geophysicist under this chapter.
- (h) Unless the person is licensed, 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, except as authorized pursuant to Section 7834.
- (i) Uses the title, or any combination of that title, of "professional geologist," "registered geophysicist," or "professional geophysicist," the title of any licensed certified specialty geologist or any licensed certified specialty geophysicist, or "geologist-in-training," or who makes use of any abbreviation of a title that might lead to the belief that the person is licensed as a geologist, a geophysicist, a certified specialty geologist, or a certified specialty geophysicist, or holds a certificate as a geologist-in-training, without being licensed, licensed and certified, or certified, as required by this chapter.
- (j) Violates any provision of this chapter.

(*Amended by Stats. 2024, Ch. 588, Sec. 14. (AB 3253) Effective January 1, 2025.*)

7873. 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.

(Amended by Stats. 1982, Ch. 517, Sec. 28.)

7874. (a) If a licensee who is retained as an expert witness enters into a nondisclosure agreement, that agreement shall not be construed to prevent the licensee from reporting a potential violation of the Geologist and Geophysicist Act to the board.

(b) This section shall not be construed to be, or act as, a waiver of any applicable attorney-client or attorney work product privileges.

(Added by Stats. 2019, Ch. 145, Sec. 2. (SB 339) Effective January 1, 2020.)