

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Hoofman**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 17-45-302 TO EXCLUDE
9 PROFESSIONAL ENGINEERS FROM THE PROVISIONS OF THE
10 REGISTRATION OF GEOLOGISTS ACT; AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13

14 SECTION 1. Arkansas Code § 17-45-302 is hereby amended to read as
15 follows:

16 "17-45-302. Persons subject to provisions - Exemptions.

17 (a) Every person, except as specifically exempted below, who shall
18 publicly practice or offer to publicly practice geology in this state is
19 subject to this chapter. The following persons are exempt:

20 (1) Persons engaged solely in teaching the science of geology or
21 engaged in nonpublic geologic research in this state;

22 (2) Officers and employees of the United States or this state
23 practicing solely as such officers or employees; and

24 (3) A subordinate to a geologist registered under this chapter,
25 insofar as he acts solely in that capacity. This exemption, however, does not
26 permit any subordinate to practice geology for others in his own right or to
27 use the title of registered geologist.

28 (b) (1) This chapter does not prohibit one (1) or more geologists from
29 practicing through the medium of a sole proprietorship, partnership, or
30 corporation. In a partnership or corporation whose primary activity consists
31 of geological services, at least one (1) partner or officer shall be a
32 registered geologist.

33 (2) This chapter does not prevent or prohibit an individual,
34 firm, company, association, or corporation whose principal business is other
35 than the public practice of geology from employing a nonregistered geologist

1 to perform nonpublic geological services necessary to the conduct of its
2 business.

3 (3) This chapter shall not be construed to prevent or to affect
4 the following:

5 (A) The practice of any profession or trade for which a
6 license is required under any other law of this state;

7 (B) The practice of geology, when the practice does not
8 exceed in the aggregate more than ninety (90) days in any calendar year, by a
9 person not a resident of and having no established place of business in this
10 state, if the person is licensed or registered to practice the profession in
11 another state where the requirements for a certificate of registration or
12 license are not lower than those specified in this state for obtaining the
13 registration required for the work and if, on or before entering the state for
14 commencing the work, the nonresident files with the board a statement giving
15 his name, residence, the number of his license or certificate of registration
16 and by what authority it is issued, and, upon the completion of the work, a
17 statement of the time engaged in the work within this state;

18 (C) The practice by a person not a resident of, and having
19 no established place of business in, this state, or who has recently become a
20 resident of this state, practicing or offering to practice the profession of
21 geology for more than ninety (90) days in any calendar year if the person has
22 filed with the board an application for a certificate of registration and has
23 paid the fee required by 17-45-307. The practice shall continue only for such
24 time as the board requires for the consideration of the applicant for
25 registration; or

26 (D) The practice of registered professional engineers from
27 lawfully practicing soil mechanics, foundation engineering, geotechnical
28 engineering, hydrology, and environmental engineering."

29

30 SECTION 2. All provisions of this act of general and permanent nature
31 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
32 Revision Commission shall incorporate the same in the Code.

33

34 SECTION 3. If any provisions of this act or the application thereof to
35 any person or circumstance is held invalid, the invalidity shall not affect

1 other provisions or applications of the act which can be given effect without
2 the invalid provisions or application, and to this end the provisions of this
3 act are declared to be severable.

4

5 SECTION 4. All laws and parts of laws in conflict with this act are
6 hereby repealed.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34