

Introduced by Senator RothJanuary 31, 2013

An act to add Section 7839.2 to the Business and Professions Code, relating to geologists and geophysicists.

LEGISLATIVE COUNSEL'S DIGEST

SB 152, as introduced, Roth. Geologists and geophysicists: written contracts.

Existing law, the Geologist and Geophysicist Act, generally regulates the practice of persons engaged in the practice of geology and persons engaged in the practice of geophysics. Violations of the act are a misdemeanor.

This bill would, subject to exceptions, require geologists and geophysicists to use a written contract when contracting to provide geological or geophysical services to a client, as specified. The bill would specify certain information to be included in the contract.

By imposing requirements on geologists and geophysicists, the violation of which is a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7839.2 is added to the Business and
2 Professions Code, to read:

3 7839.2. (a) A geologist or geophysicist shall use a written
4 contract when contracting to provide geological or geophysical
5 services to a client pursuant to this chapter. The written contract
6 shall be executed by the geologist or geophysicist and the client
7 or the client's representative prior to the geologist or geophysicist
8 commencing work, unless the client states in writing that work
9 may be commenced before the contract is executed. The written
10 contract shall include, but is not limited to, all of the following:

11 (1) A description of the services to be provided to the client by
12 the geologist or geophysicist.

13 (2) A description of any basis of compensation applicable to
14 the contract, and the method of payment agreed upon by the parties.

15 (3) The name, address, and license or certificate number of the
16 geologist or geophysicist, and the name and address of the client.

17 (4) A description of the procedure that the geologist or
18 geophysicist and the client will use to accommodate additional
19 services.

20 (5) A description of the procedure to be used by any party to
21 terminate the contract.

22 (b) Subdivision (a) shall not apply to any of the following:

23 (1) Geologic or geophysical services rendered by a geologist
24 or geophysicist for which the client will not pay compensation.

25 (2) A geologist or geophysicist who has a current or prior
26 contractual relationship with the client to provide geologic or
27 geophysical services, and who has already been paid the fees that
28 are due under the contract by the client.

29 (3) If the client executes a waiver in writing after full disclosure
30 of this section that a contract that complies with the requirements
31 of this section is not required.

32 (4) Geological or geophysical services rendered by a geologist
33 or geophysicist to any of the following:

34 (A) A geologist or geophysicist licensed under this chapter.

35 (B) An engineer licensed under Chapter 7 (commencing with
36 Section 6700).

37 (C) A land surveyor licensed under Chapter 15 (commencing
38 with Section 8700).

1 (D) An architect licensed under Chapter 3 (commencing with
2 Section 5500).

3 (E) A contractor licensed under Chapter 9 (commencing with
4 Section 7000).

5 (F) A public agency.

6 (c) As used in this section, “written contract” includes a contract
7 in electronic form.

8 SEC. 2. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution because
10 the only costs that may be incurred by a local agency or school
11 district will be incurred because this act creates a new crime or
12 infraction, eliminates a crime or infraction, or changes the penalty
13 for a crime or infraction, within the meaning of Section 17556 of
14 the Government Code, or changes the definition of a crime within
15 the meaning of Section 6 of Article XIII B of the California
16 Constitution.

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