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Professional Geologist and Geophysicist Written Contracts Requirement

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Senate Bill 152, which becomes effective on January 1, 2014, adds Business and Professions Code section 7839.2 to the Geologist and Geophysicist Act. This section requires a written contract to be used by a Professional Geologist or Geophysicist when contracting to provide professional services to a client. The use of a written contract helps to eliminate miscommunications, which oftentimes arise when using an oral contract. A written contract may be in electronic form. The following is an overview of the new section.

Requirements: Before the Professional Geologist or Geophysicist begins work, they must sign a written contract with their client, or his or her representative; however, there are exemptions. The written contract must include, but not be limited to, all of the following:

1. A description of the services to be provided by the Professional Geologist or Geophysicist;
2. A description of any basis of compensation applicable to the contract, and method of payment agreed upon by the parties;
3. The name, address, and license or certificate number of the Professional Geologist or Geophysicist, and the name and address of the client;
4. A description of the procedure that the Professional Geologist or Geophysicist and the client will use to accommodate additional services; and
5. A description of the procedure to be used by any party to terminate the contract.

Exemptions: A written contract is not required under the following circumstances:

1. The client will not be compensating the Professional Geologist or Geophysicist for their services.
2. The Professional Geologist or Geophysicist has a current or prior contractual relationship with the client to provide professional services, and the client has paid the Professional Geologist or Geophysicist all of the fees that are due under that contract.
3. The client knowingly states in writing, after full disclosure of this requirement, that a written contract need not be used.
4. Professional services are rendered by a Professional Geologist or Geophysicist to another Professional Geologist or Geophysicist; a licensed engineer; a licensed land surveyor; a licensed architect; a licensed contractor; or a public agency.

For additional information, please contact the Enforcement Unit at BPELS.Enforcement_Information@dca.ca.gov or (916) 263-2284.



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