



**SOUTH CAROLINA SOIL
CLASSIFIERS ADVISORY COUNCIL
LAW AND REGULATION
REFERENCE MANUAL**

Linked Table of Contents
Ctrl + Click on link to go directly to that section

Advisory Council Requirements
[Advisory Council Requirements in Statute](#)

Definitions
[Definitions in Statute](#)
[Definitions in Regulations](#)

Department Administration
[Administration of Program](#)
[Department Right to Promulgate Regulations in Statute](#)
[Code of Ethics in Regulation](#)
[Injunctive Relief in Statute](#)
[Severability in Statute](#)

Disciplinary and Investigations
[Investigative Procedures in Statute](#)
[Cease and Desist Orders in Statute](#)
[Grounds for Disciplinary Action](#)
[Right to Appeal in Statute](#)
[Cost of Investigations and Prosecution in Statute](#)
[Payment of Cost and Fine for Violation in Statute](#)
[Confidentiality of Investigations in Statute](#)
[Penalties in Statute](#)
[Civil Action and Injunctive Relief in Statute](#)

Examination
[Examination Requirements in Statute](#)
[Examination Requirements in Regulation](#)
[Exemption from Examination in Statute](#)

Licensure
[Soil Classifier Licensure Requirements in Statute](#)
[Soil Classifier Licensure Requirements in Regulation](#)
[Soil Classifier-In-Training Certification Requirements in Statute](#)
[Soil Classifier-In-Training Certification Requirements in Regulation](#)
[Issuing Licenses in Statute](#)
[Fees in Regulation](#)
[Seal Requirements in Regulation](#)
[Exemptions in Statute](#)
[Voluntary Surrender of License or Certification in Statute](#)
[Denial of Licensure or Certification in Statute](#)
[Criminal Records Grounds for Denial of Licensure or Certification](#)

License Expiration, Renewal and Reinstatement
[License Expiration, Renewal and Reinstatement in Statute](#)
[License Expiration, Renewal and Reinstatement in Regulation](#)
[Continuing Education Requirements in Regulation](#)

TITLE 40, CHAPTER 65.

SOIL CLASSIFIERS

SECTION 40-65-5. Application of other provisions to this chapter.

Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to professional soil classifiers regulated pursuant to this chapter.

SECTION 40-65-10. Administration of chapter; department is agency of licensure; appointment and membership of advisory council; qualifications of council members.

(A) The department shall serve as the agency of licensure for professional soil classifiers and shall administer the provisions of this chapter.

(B) The department shall appoint an advisory council of five qualified professional soil classifiers, who must have the qualifications required in Section 40-65-30, to recommend licensure for those applicants eligible to become licensed soil classifiers and to recommend certification for those applicants eligible to become a soil-classifier-in-training. Each member of the council must be a professional soil classifier who has been actively engaged in the practice of soil classifying for a period of at least ten years and must have been in responsible charge of soil classification for at least six years.

SECTION 40-65-20. Definitions.

In addition to the definitions provided in Section 40-1-20, as used in this chapter, unless the context or subject matter indicates otherwise:

(1) "Department" means the Department of Labor, Licensing and Regulation.

(2) "Kind of soil" means a group of natural bodies that has a discrete combination landscape, morphological, chemical, and physical properties.

(3) "Practice of soil classifying" and "practice of professional soil classifying" means any service or work, the adequate performance of which requires education in the physical, chemical, biological, and soil sciences, training and experience in the application of the special knowledge of these sciences to soil classification, soil classification by accepted principles and methods, investigation, evaluation and consultation on the effect of measured, observed, and inferred soil properties upon various uses, the preparation of soil descriptions, maps and reports and interpretive drawings, maps and reports of soil properties and the effect of soil properties upon various uses, and the effect of various uses upon kinds of soil, any of which embraces this service or work, either public or private, incidental to the practice of soil classifying.

A person is construed to practice or offer to practice soil classifying within the meaning and intent of this chapter if the person, by verbal claim, sign, advertisement, letterhead, card or use of some other title, represents himself to be a soil classifier; however, this does not mean or include the practice of soil classifying by persons exempt under the provisions of Section 40-65-40 or the work ordinarily performed by persons who sample and test soil for fertility status or construction materials and engineering surveys and soundings to determine soil properties influencing the design and construction of engineering and architectural projects. Notwithstanding the provisions of this paragraph, a person must not be construed to practice soil classifying unless he offers soil classifying services to or performs soil classifying for the public.

(4) "Responsible charge" means direct control and personal supervision of soil classification.

(5) "Soil" means all of the groups of natural bodies occupying the unconsolidated portion of the earth's surface capable of supporting plant life and having properties due to the combined effect of climate and living organisms, as modified by topography and time, upon parent materials.

(6) “Soil classification” means plotting the boundaries and describing and evaluating the kinds of soil as to their behavior and response to management under various uses.

(7) “Soil classifier” and “professional soil classifier” means a person who, by reason of his special knowledge of the physical, chemical, and biological sciences applicable to soils as natural bodies and of the methods and principles of soil classification as acquired by soil education and soil classification experience in the formation, morphology, description, and mapping of soils, is qualified to practice soil classifying, who has been licensed by the Department of Labor, Licensing and Regulation, and who has passed an examination in the fundamental soil and related subjects as provided for in this chapter.

(8) “Soil-classifier-in-training” means a person who complies with the requirements for education and character and who has passed an examination in the fundamental soil and related subjects as provided for in this chapter.

SECTION 40-65-30. Licensure as professional soil classifier; certification as soil-classifier-in-training; qualifications.

(A) A person must not practice or offer to practice professional soil classifying in this State unless the person is licensed to practice under the provisions of this chapter.

(B) To be eligible for licensure as a professional soil classifier or to be certified as a soil-classifier-in-training, an applicant must be of good character and reputation and shall submit a written application to the department containing information the department may require.

(C) To be licensed as a professional soil classifier an applicant must have:

(1) fifteen or more semester hours of approved soil courses as recognized by the department;

(2) successfully passed an examination in the principles and practice of soil classifying as prescribed by the department;

(3) completed two or more years of training under the supervision of a registered or licensed soil classifier or someone who meets the minimum academic and experience requirements of a licensed soil classifier; and

(4) one of the following additional qualifications:

(a) a bachelor’s degree or equivalent in a curriculum approved by the department and two years or more of experience of a grade and character which indicates to the department that the applicant is competent to practice soil classifying;

(b) a bachelor’s degree or equivalent in one of the natural sciences and six years or more of experience in soil classifying work of a character and grade which indicates to the department that the applicant is competent to practice soil classifying;

(c) a soil-classifier-in-training certificate with two years’ or more experience as a soil-classifier-in-training of a grade and character which indicates to the department that the applicant is competent to practice soil classifying; or

(d) employment as an extension specialist, researcher, or teacher of soils in a college or university and has two or more years of soil classifying experience of a character and grade which indicates to the department that the applicant is competent to practice soil classifying.

(D) To be certified as a soil-classifier-in-training, which certification is valid for two years, an applicant must have:

(1) a bachelor’s degree or equivalent in a curriculum approved by the department and have passed an examination in the fundamentals of soil classification; or

(2) completed a curriculum not approved by the department, have passed an examination in the fundamentals of soil classification, and have four years of soil classification experience, of which two years must be under the supervision of a registered or licensed soil classifier or someone who meets the minimum academic and experience requirements of a licensed soil classifier.

SECTION 40-65-32. Application form for licensure or certification.

Applications for licensure as a professional soil classifier and for certification as a soil-classifier-in-training must be on forms prescribed and furnished by the department.

SECTION 40-65-34. Examinations.

Examinations must be held at such times and places as the department determines.

SECTION 40-65-36. Issuance of license; prima facie evidence; issuance of certification; fees; limitations; examinations; reciprocity.

(A)(1) The department shall issue a license upon payment of the license fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(2) The issuance of a license by the department is prima facie evidence that the person named is entitled to all rights and privileges of a professional soil classifier during the term for which the license is valid if the license has not been revoked or suspended.

(B) The department shall issue a certificate as a soil-classifier-in-training upon payment of the certificate fee, pursuant to subsection (C), to an applicant who in the opinion of the department has met the requirements of this chapter.

(C)(1) The application for a license as a professional soil classifier or for certification as a soil-classifier-in-training shall be on a form prescribed and furnished by the department, shall contain statements made under oath showing the applicant's education, a detailed summary of his experience, and references as required by this chapter, and shall be accompanied by an application fee established by the department of not less than five nor more than twenty-five dollars.

(2) Licenses shall be established by the department subject to the following limitations:

(a) The license fee for professional soil classifiers shall be in an amount not less than twenty nor more than one hundred dollars.

(b) The certification fee for soil-classifier-in-training certification or enrollment shall be established by the department in an amount not less than ten nor more than fifty dollars.

(c) Should the department deny the issuance of a license to an applicant, the fee paid shall be retained as an application fee.

(3) Examinations shall be held at such times and places as the department shall determine. Examinations required on fundamental soil subjects may be taken at any time prescribed by the department. The final examinations may not be taken until the applicant has completed a period of soil classifying experience as provided in this chapter. The passing grade on any examination shall not be less than seventy percent. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the department of not less than ten nor more than twenty-five dollars. Any candidate for registration having an average grade of less than fifty percent may not apply for reexamination for a period of one year from the date of such examination.

(D) An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he holds a certificate of registration in the practice of soil classifying awarded on the basis of comparable qualifications and

issued to him by a proper authority of another state, possession, or territory of the United States and who in the opinion of the department meets the requirements of this chapter.

SECTION 40-65-38. Renewal of license; requirements; reinstatement of license after lapse.

(A) A licensee shall file an application for renewal every two years on or before a date designated by the department. The application for renewal must include:

- (1) current contact information;
- (2) renewal fee;
- (3) acceptable continuing education promulgated by the department in regulation, upon consultation with the advisory council; and
- (4) other information the department may request.

(B) A licensee who allows a license to lapse by failing to renew, as provided for in subsection (A), may reinstate the license within three years from the date the license lapsed by filing a reinstatement application and paying the required fees. After three years from the date the license lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.

SECTION 40-65-40. Exemptions.

This chapter must not be construed to prevent or affect:

- (1) the work of an employee or subordinate of a person licensed pursuant to this chapter or an employee of a person practicing lawfully pursuant to this chapter, if the work does not include final soil classifying decisions and is done under the direct supervision of and verified by a person licensed pursuant to this chapter or a person practicing lawfully pursuant to this chapter;
- (2) the practice of any other legally recognized profession or trade;
- (3) the practice of soil classifying by a person who is regularly employed to perform soil classifying services solely for his employer or for a subsidiary or affiliated corporation of his employer, if the soil classifying is performed on the real property of his employer.
- (4) the work of an employee or subordinate of a person holding a Professional Soil Classifier license under this chapter provided the work does not include final soil classifying decisions and is done under the supervision and verified by a person holding a Professional Soil Classifier license.
- (5) a professional wetlands specialist who applies soil science to make wetland delineations or determinations.
- (6) a person who conducts soil sampling solely for the purpose of determining plant nutrient and lime application rates for gardening and for agricultural, horticultural, silvicultural, or related purposes.
- (7) a person who practices another licensed trade or profession within the scope of that license.

SECTION 40-65-45. Persons eligible without examination.

An applicant otherwise qualified shall be admitted to registration as a professional soil classifier without examination if he holds a certificate of registration in the practice of soil classifying awarded on the basis of comparable qualifications and issued to him by a proper authority of another state, possession, or territory of the United States and who in the opinion of the department meets the requirements of this chapter.

SECTION 40-65-50. Administration of program of soil classifiers.

The department shall administer the program of soil classifiers in accordance with Section 40-1-50, this chapter, and regulations promulgated pursuant to this chapter.

SECTION 40-65-60. Power of department to promulgate regulations, including code of ethics for licensees.

In addition to the powers provided for in Chapter 1, the department may promulgate regulations pursuant to the Administrative Procedures Act including, but not limited to, a code of ethics for licensees.

SECTION 40-65-70. Power of department to seek injunctive relief.

In addition to the powers provided for in Chapter 1, the department may apply in the name of the State for relief by injunction to enforce the provisions of this chapter or to restrain any violation of this chapter. In these proceedings it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation. The director, employees, or agents of the department may not be held personally liable for bringing an action pursuant to this section.

SECTION 40-65-80. Investigative procedures; who may file complaint

Investigations must be conducted in accordance with Section 40-1-80. Any person may file a complaint, which must be in writing, alleging fraud, deceit, gross negligence, incompetence, misconduct, or violation of the code of ethics against a licensee or a person holding a certification.

SECTION 40-65-90. Omitted by 2010 Act No. 249, Section 2.A, eff June 11, 2010.

SECTION 40-65-100. Cease and desist orders and equitable relief.

Cease and desist orders and equitable relief may be obtained in accordance with Section 40-1-100.

SECTION 40-65-110. Grounds for disciplinary action.

In addition to the grounds provided in Section 40-1-110, the advisory council may cancel, fine, suspend, revoke, or restrict the license or certification to practice soil classifying of a person who is guilty of:

- (1) the practice of fraud or deceit in obtaining a license or certification;
- (2) any gross negligence, incompetence, or misconduct in the practice of soil classifying;
- (3) any felony or crime involving moral turpitude or violation of the code of ethics promulgated by the department in regulation.

SECTION 40-65-120. Appeal of advisory council decision.

A person aggrieved by a decision of the advisory council may file an appeal in accordance with the Administrative Procedures Act.

SECTION 40-65-130. Grounds for denial of licensure or certification.

As provided in Section 40-1-130, the department may deny licensure or certification to an applicant based on the same grounds for which the advisory council may take disciplinary action against a licensee or a holder of certification.

SECTION 40-65-140. Criminal record grounds for denial of license or certification.

A license or certification may be denied based on a person's prior criminal record only as provided in Section 40-1-140.

SECTION 40-65-150. Voluntary surrender of license or certification when under investigation for violation.

A licensee or a person holding a certification under investigation for a violation of this chapter or a regulation promulgated pursuant to this chapter may voluntarily surrender the license or certification in accordance with and subject to the provisions of Section 40-1-150.

SECTION 40-65-160. Omitted by 2010 Act No. 249, Section 2.A, eff June 11, 2010.

SECTION 40-65-170. Person found in violation to pay costs of investigation and prosecution.

A person found in violation of this chapter or regulations promulgated pursuant to this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Section 40-1-170.

SECTION 40-65-180. Payment of cost and fine for violation.

All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Section 40-1-180. No person against whom a cost or fine is levied is eligible for the issuance or reinstatement of a license or certification until the cost or fine has been paid in full.

SECTION 40-65-190. Confidentiality of investigations.

Investigations conducted pursuant to this chapter are confidential and all communications are privileged as provided in Section 40-1-190.

SECTION 40-65-200. Penalties.

A person who practices or offers to practice professional soil classifying in this State without being licensed in accordance with the provisions of this chapter or a person, firm, partnership, organization, association, corporation, or other entity using or employing the words "soil classifier" or "professional soil classifier", or any modification or derivative of these terms, in its name or form of business or activity, except as authorized in this chapter, or any person presenting or attempting to use the license of another, or any person who shall give any false or forged evidence of any kind to the department in obtaining or attempting to obtain a license or any person who shall falsely impersonate a licensee of like or different name, or any person who attempts to use an expired or revoked or nonexistent license, or who practices or offers to practice when not qualified, or any person who falsely claims that he is licensed under this chapter, or any person, partnership, corporation, or other entity who violates a provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than three months. Each violation constitutes a separate offense. It is the duty of all constituted officers of the State and all political subdivisions of the State to enforce the provisions of this chapter and to prosecute any person violating this chapter.

SECTION 40-65-210. Department may institute civil action for injunctive relief, fine.

The department, in addition to instituting a criminal proceeding, may institute a civil action through the Administrative Law Court, in the name of the State, for injunctive relief against a person violating this chapter, a regulation promulgated under this chapter, or an order of the advisory council. For each violation an administrative law judge may impose a fine of no more than ten thousand dollars.

SECTION 40-65-220. Severability.

If a provision of this chapter or the application of a provision of this chapter to a person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this statute which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

SECTIONS 40-65-230, 40-65-240. Omitted by 2010 Act No. 249, Section 2.A, eff June 11, 2010.

Under Repealed Sections

Section 40-65-230

SECTIONS 40-65-230, 40-65-240. Omitted by 2010 Act No. 249, Section 2.A, eff June 11, 2010.

Under Repealed Sections

Section 40-65-240

SECTION 40-65-260. Omitted by 2010 Act No. 249, Section 2.A, eff June 11, 2010.

**SOIL CLASSIFIERS ADVISORY COUNCIL CODE OF REGULATIONS
CHAPTER 108**

108-1. Definitions.

1. “CE Hour” means continuing education hour, to equal fifty (50) minutes of instruction time.
2. “CSSE” means the Council of Soil Science Examiners. This organization writes the Fundamentals of Soil Science exam and the Professional Practice of Soil Science exam.
3. “NSCSS” means the National Society of Consulting Soil Scientists, Inc.
4. “Seals” means rubber stamps, rubber seals, impression seals, or digital seals.
5. “SSSA” means the Soil Science Society of America.
6. “SSSSC” means the Soil Science Society of SC.

108-2. Licensure.

A. Applications for Certification as a Soil Classifier In-Training

1. The application must be submitted on forms approved by the Department and must document education and examination as set out below.
2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.
3. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.
4. Successful completion of the Fundamentals of Soil Science Exam must be documented by SSSA.

B. Applications for Professional Soil Classifier

1. The application must be submitted on forms approved by the Department and must document education, experience and examination as set out below.
2. It shall be the responsibility of the applicant to ensure that the Department receives all information and documents necessary for the council to consider the application.
3. Experience must be documented by statement of employers or supervisors. It is the applicant’s responsibility to provide names and current mailing addresses of those employers and supervisors and assure that work experience forms are promptly returned to the Department. If the applicant establishes that it is impossible to contact employers or supervisors, the council may consider additional evidence of experience.
4. Education must be documented by official transcripts showing subjects and grades of all scholastic work which the applicant wishes to claim, degree issued, and date of issuance. It is the responsibility of the applicant to ensure that such a record is sent from the institution directly to the Department.
5. Successful completion of the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam must be documented by SSSA.
6. Applicants for licensure by comity are required to provide verification of licensure by examination by a jurisdiction which has requirements that are substantially equivalent to those in this state at the time of initial licensure.

C. The council shall make determinations concerning the education, experience, methods of practice, and current professional ability of applicants.

1. “Approved Curriculum” means a degree in any of the agricultural, biological, earth or physical sciences, with at least thirty (30) semester hours or forty-five (45) quarter hours in these sciences and at

least fifteen (15) semester hours or twenty-two (22) quarter hours in approved soil science courses from an accredited college or university.

2. "Approved Courses" means courses that have a significant aspect of soil science as their main topic of instruction. Examples include soil taxonomy, soil classification, soil interpretation, soil physics, soil chemistry, soil genesis, soil morphology, soil mineralogy, soil biology, soil fertility and wetlands soils. Special projects, seminars, and other courses will be considered on a case-by-case basis by the council.

D. Withholding information, misrepresentation, or untrue statements will be cause for denial of application.

E. The applicant will receive notification of a final determination by the council concerning the approval or disapproval of an application.

F. The effective date of licensure or certification for a successful applicant shall be the date on which the license is issued.

108-3. Seals.

A. A professional soil classifier shall not affix, or permit to be affixed, his/her name or seal to any document which was not prepared by him/her or under his/her direct supervision. No licensee shall affix his/her seal to any document unless the licensee has assumed the responsibility for the accuracy of the contract documents involved.

B. Seals must meet the following specifications:

1. The seal shall be circular in shape and two (2) inches in diameter;

2. Concentric with the outside of the seal there shall be a circle one and one-half (1½) inches in diameter;

3. In the annular space between the circle and the outside of the seal shall be the words "State of South Carolina" on the top and "Licensed Soil Classifier" on the bottom.

4. The name and license number of only one (1) individual shall be placed within the inner circle.

C. Professional soil classifiers licensed before July 1, 2012 may continue to use the previous seal design approved by the council.

108-4. License Expiration, Renewal, and Reinstatement.

A. Licenses issued to individuals expire biennially. The expiration date is noted on the license. Licenses must be renewed for the following licensure period by payment of the renewal fee and by reporting completion of the required continuing education hours. Licenses shall become invalid unless renewed.

B. Lapsed licenses may be reinstated by the council within three years from the date the license lapsed upon demonstration of qualification, payment of the reinstatement fee, and completion of required continuing education hours. After three years from the date the license lapsed, the person must apply for a new license, meeting all requirements for licensure in effect at the time of applying.

C. Applicants for reinstatement must certify that they have not practiced in South Carolina after the date that the license expired, must demonstrate continuing education as required by statute, and must pay a reinstatement fee in the amount of \$250.00.

108-5. Continuing Education.

A. Basic Requirements

1. Each soil classifier shall have completed thirty (30) continuing education hours of acceptable continuing education requirements during the two (2) year period immediately preceding each biennial renewal date as a condition for license renewal. Effective January 31, 2013, completion of six (6) hours

will be required for license renewal; this includes a minimum of one (1) continuing education hour in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations. Effective January 31, 2015, and thereafter, completion of thirty (30) hours will be required for license renewal.

2. All continuing education hours shall be earned by completing structured educational activities that directly address the health, safety, and welfare issues of the public as related to the practice of soil classifying. A minimum of one (1) continuing education hour must be in the area of professional ethics roles, responsibilities, and conduct of professional soil classifiers, or review of the South Carolina Statute and Regulations.

3. Self directed study may count toward a maximum of ten (10) continuing education hours.

4. If a licensee exceeds the total continuing education requirement in any renewal period, the licensee may carry a maximum of fifteen (15) continuing education hours forward into the next renewal period.

B. Records

1. Responsibility for documenting the fulfillment of the continuing education requirements provided for in this section rests with the licensee and the licensee must retain for a period of four (4) years the evidence to support fulfillment of the requirements.

a. Such evidence shall include evidence of completion of each course or program, a description of the contents of each course or program, and verification of the number of hours of each course or program; or, for other activities which meet the requirements, such documentation as to ascertain their completion; or

b. a copy of fulfillment of SSSA requirements for continuing education under the Soils Certifying Board.

2. Each licensee shall submit, on a form provided by the council, an affidavit attesting to the fulfillment of continuing education requirements during the preceding period.

3. Each affidavit may be subject to audit for verification of compliance with requirements. Licensees must comply with audit deadlines and requirements.

4. The council may disallow claimed credit for continuing education hours. The licensee shall have one hundred eighty (180) calendar days after notification of disallowance of credit to substantiate the original claimed credit or earn other continuing education credit which fulfills minimum requirements. These hours will be credited to the delinquent renewal period.

5. Failure to fulfill the continuing education requirements, to file the required report or to comply with audit and verification requests shall be considered a violation of the Soil Classifiers Licensure Law.

C. Approved Programs

1. Activities and field days organized or sponsored by SSSA, NSCSS, SSSSC or similar organizations acceptable to the board qualify to fulfill the continuing education requirement.

2. The following types of activities are acceptable:

a. Attendance at technical presentations or workshops on soil classifying subjects which are provided by independent sponsors or held in conjunction with colleges, universities, conventions or seminars and are related to materials use and function;

b. Self directed study may include:

i. Webinars on practice related topics.

ii. Public service activities that draw upon the soil classifier's expertise.

iii. Articles or other study materials that the soil classifier has not previously utilized for self directed study.

iv. Hours spent in soil classifying self directed study programs such as those organized or sponsored by SSSA, NSCSS, SSSSC, or similar organizations acceptable to the council.

c. Teaching soil classifying courses or seminars:

i. A maximum of one (1) CE credit may be claimed per class hour spent teaching soil classifying courses or seminars.

ii. Licensees may not claim credit for teaching the same course or seminar more than once. Teaching credit does not apply to full-time faculty.

iii. Each semester hour of credit from a college or university shall be deemed to be fifteen (15) hours and each quarter hour of credit shall be deemed to be ten (10) hours. University and college courses offered in a degree program are permitted so long as the course is not taken to meet the education requirements for licensure as a professional soil classifier.

D. Exemptions

1. Continuing education requirements may be waived for the following reasons:

a. New licensees shall be exempt for their first renewal period, not to exceed two (2) years.

b. A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year.

c. Licensees experiencing physical disability, illness, or other extenuating circumstances as reviewed and approved by the council may be exempt. Supporting documentation must be furnished with any such exemption request made to the council.

108-6. Examinations.

A. The examination for a professional soil classifier shall be the Fundamentals of Soil Science Exam and Professional Practice of Soil Science Exam, written by CSSE.

B. An applicant for soil classifier in-training shall be required to pass the Fundamentals of Soil Science Exam, written by CSSE.

C. An applicant for professional soil classifier shall be required to pass the Fundamentals of Soil Science Exam and the Professional Practice of Soil Science Exam, written by CSSE.

D. Applications for examination shall be made to SSSA.

108-7. Fees.

The Department shall prescribe reasonable fees in the following categories:

- (1) Initial Application Fee \$25.00
- (2) Licensure Fee--Professional Soil Classifier \$200.00
- (3) Licensure Fee--Soil Classifier-in-Training \$25.00
- (4) Biennial License Fee--Certificate of Licensure \$200.00
- (5) Late Payment Penalty Fee \$40.00
- (6) Reinstatement Fee \$250.00
- (7) Examination Fee Established by and paid to SSSA

108-8. Code of Ethics.

A. Relation of Professional to the Public

1. A licensee shall avoid and discourage sensational, exaggerated, and/or unwarranted statements that might induce participation in unsound enterprises.

2. A licensee shall not give professional opinion or make a recommendation without being as thoroughly informed as might reasonably be expected considering the purpose for which the opinion or recommendation is desired, and the degree of completeness of information upon which the opinion is based should be made clear.

3. A licensee shall not issue a false statement or false information even though directed to do so by employer or client.

B. Relation of Professional to Employer and Client

1. A licensee shall protect, to the fullest extent possible, the interest of his/her employer or client insofar as such interest is consistent with the law and professional obligations and ethics.

2. A licensee who finds that obligations to their employer or client conflict with their professional obligation or ethics should work to have such objectionable conditions corrected.

3. A licensee shall not use, directly or indirectly, an employer's or client's information in any way that would violate the confidence of the employer or client.

4. A licensee retained by one client shall not accept, without the client's written consent, an engagement by another if the interests of the two are in any manner conflicting.

5. A licensee who has made an investigation for any employer or client shall not seek to profit economically from the information gained, unless written permission to do so is granted or until it is clear that there can no longer be a conflict of interest with the original employer or client.

6. A licensee shall not divulge information given in confidence.

7. A licensee shall engage, or advise employer or client to engage, and cooperate with other experts and specialists.

8. A licensee protects the interests of a client by recommending only products and services that are in the best interest of the client and public.

9. A licensee protects his/her credibility by disclosing to clients how he/she will be compensated for providing recommendations to the client.

C. Relation of Professionals to Each Other

1. A licensee shall not falsely or maliciously attempt to injure the reputation of another.

2. A licensee shall freely give credit for work done by others, to whom the credit is due, and shall refrain from plagiarism of oral and written communications and shall not knowingly accept credit rightfully due another person.

3. A licensee shall not use the advantage of public employment (i.e., university, government) to compete unfairly with other licensed or certified professions.

4. A licensee shall endeavor to cooperate with others in the profession and encourage the ethical dissemination of technical knowledge.

D. Duty to the Profession

1. A licensee shall aid in exclusion from licensure those who have not followed this Code of Ethics or who do not have the required education and experience.

2. A licensee shall uphold this Code of Ethics by precept and example and encourage, by counsel and advice, other licensees to do the same.

3. A licensee having positive knowledge of deviation from this Code by another licensee shall bring such deviation to the attention of the council.

E. Any violation of this Code of Ethics shall constitute grounds for disciplinary action.