

1 AN ACT relating to water well drillers.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 223.400 is amended to read as follows:

4 As used in KRS 223.405 to 223.460, unless the context requires otherwise:

- 5 (1) "Alteration or repair of a water well" means any maintenance, addition, or change of
6 well or pitless adapter, but does not include replacement or repair of a water pump
7 or associated piping;~~[-]~~
- 8 (2) "Board" means the Kentucky Water Well Certification Board;
- 9 (3) "Cabinet" means the Energy and Environment Cabinet;
- 10 (4) "Certificate" means a certificate of competency issued by the secretary stating that
11 the water well driller has met all the requirements for the appropriate classification
12 set forth in KRS 223.405 to 223.460 or by regulation;
- 13 (5) "Person" means an individual, corporation, partnership, association, municipality,
14 state and federal government, or other public body or other legal entity, or any
15 officer, employee, or agent of any of the foregoing;~~[-]~~
- 16 (6) "Secretary" means the secretary of the Energy and Environment Cabinet;
- 17 (7) "Water well" or "well" means any excavation or opening in the surface of the earth
18 that is drilled, cored, bored, washed, driven, jetted, or otherwise constructed when
19 the actual or intended use in whole or part of an excavation is the removal of water
20 for any purpose, including but not limited to culinary and household purposes,
21 animal consumption, food manufacture, use of geothermal resources for domestic
22 heating purposes and industrial, irrigation, and dewatering purposes, but not
23 including wells to be used for watering stock or for general farmstead use if the
24 wells do not provide water for human consumption;
- 25 (8) "Water well driller" means a person who is qualified to engage in the drilling,
26 alteration, or repair of a water well as defined in this chapter; **and**
- 27 **(9) "Water well driller's assistant" means a person who is qualified to engage in the**

1 **drilling, alteration, or repair of a water well under the supervision of a certified**
2 **water well driller.**

3 ➔Section 2. KRS 223.405 is amended to read as follows:

4 It is unlawful for any person as defined in KRS 223.400, to construct, alter, or repair a
5 water well without first having obtained a valid certificate **as a water well driller or as a**
6 **water well driller's assistant** as provided for in KRS 223.425.

7 ➔Section 3. KRS 223.425 is amended to read as follows:

8 (1) Application for a certificate, or for renewal thereof, shall be made to the cabinet in
9 writing under oath or affirmation, upon forms prescribed and furnished by the
10 cabinet. The applications shall include:

- 11 (a) The name and address of the applicant;
- 12 (b) Prior experience, if any, in the field for which the applicant is applying;
- 13 (c) Any other information that the cabinet deems necessary in order to carry out
14 the provisions of KRS 223.405 to 223.460; and
- 15 (d) All past and current licenses held in this or any other state relating to the
16 provisions of KRS 223.405 to 223.460.

17 (2) The cabinet may issue a water well driller certificate to any applicant who meets all
18 of the provisions of KRS 223.405 to 223.460 and:

- 19 (a) Is at least eighteen (18) years of age; and
- 20 (b) Is **legally permitted to work in**~~[a citizen of]~~ the United States~~[or has declared~~
21 ~~an intention to become a citizen of the United States]~~; and
- 22 (c) Has worked for two (2) years under the supervision of a certified water well
23 driller or has other suitable experience or education as determined by the
24 cabinet. For those in business on July 13, 1984, the two (2) year experience
25 requirement shall be deemed satisfied if the driller has engaged in water well
26 drilling, over the two (2) previous years; and
- 27 (d) Has a passing grade on the examination as determined by the cabinet.

1 (3) ~~{Those persons in business for two (2) years on July 13, 1984, shall be deemed~~
2 ~~exempt from the examination requirements of this chapter and shall apply for and~~
3 ~~obtain a certificate by July 1, 1985.~~

4 ~~(4)~~ Those persons who are water witchers, dowsers, diviners, and any others who use
5 divining rods for the purpose of locating underground water resources shall be
6 exempt from KRS 223.405 to 223.460 for the purpose of locating underground
7 water resources, but are not exempt from the requirements of KRS 223.405 to
8 223.460 for the purpose of installing water wells.

9 ~~(4)~~~~(5)~~ The term of each certificate shall be one (1) year. Each certificate shall carry
10 with it the right to successive renewal upon application and payment of fee, unless
11 the board finds that the certified individual has failed to comply satisfactorily with
12 KRS 223.405 to 223.460 or the regulations promulgated pursuant to KRS 223.420
13 or 223.435.

14 **(5) Application for a certified water well driller's assistant card shall be made on**
15 **forms prescribed and furnished by the cabinet. Applications shall include the**
16 **following information:**

17 **(a) Name and address of the applicant;**

18 **(b) Prior experience, if any, in the field for which the applicant is applying;**

19 **(c) Past and current licenses held in the Commonwealth or any other state that**
20 **relates to KRS 223.405 to 223.460;**

21 **(d) Proof that the applicant is at least eighteen (18) years of age;**

22 **(e) Proof that the applicant is legally permitted to work in the United States;**

23 **(f) Proof that the applicant has a passing grade on examinations required by**
24 **the cabinet; and**

25 **(g) Any other information that the cabinet deems necessary in order to carry**
26 **out KRS 223.405 to 223.460.**

27 **(6) The water well driller's assistant card shall be effective for one (1) year and shall**

1 be subject to successive renewal upon submission of application and payment of
2 prescribed fee by the cabinet unless:

3 (a) The cabinet finds that the certified water well driller's assistant has failed to
4 comply with any of the provisions of KRS 223.405 to 223.460 or the
5 administrative regulations promulgated thereunder; or

6 (b) The certified water well driller's assistant has failed to maintain an annual
7 minimum of eight (8) hours of continuing education credits.

8 (7) A certified water well driller is allowed to supervise a maximum of two (2)
9 certified water well driller's assistants at any given time.

10 (8) The water well driller's assistant shall be under the certified water well driller's
11 direct supervision when constructing, modifying, abandoning, or monitoring a
12 water well, except when the certified water well driller has submitted an affidavit
13 of supervision to the cabinet. The affidavit of supervision shall be submitted to
14 the cabinet prior to the water well driller's assistant performing any such work.

15 (9) The affidavit of supervision to be signed by the certified water well driller shall, at
16 minimum, require the following information of the certified water well driller:

17 (a) The name and certification number of the certified water well driller;

18 (b) The name of the company under which the certified water well driller
19 works;

20 (c) The name and address of the certified water well driller's assistant to be
21 supervised under the company identified in paragraph (b) of this
22 subsection;

23 (d) The effective date when supervision is to begin, and a statement that
24 supervision shall remain in effect until such time as the certified water well
25 driller provides written notice to the Division of Water and the water well
26 driller's assistant of the termination of supervision;

27 (e) The types of duties or operations to be performed by the water well driller's

1 assistant while under supervision of the certified water well driller, and a
 2 statement that the work to be performed shall be in accordance with all
 3 applicable statutes and administrative regulations; and
 4 (f) Notarized signatures of the certified water well driller and the certified
 5 water well driller's assistants.

6 **(10) The cabinet shall promulgate administrative regulations to establish the required**
 7 **forms, process, examination, fees, affidavit of supervision, and any other**
 8 **requirements necessary for the implementation of the water well driller's**
 9 **assistant certification program.**

10 ➔Section 4. KRS 223.447 is amended to read as follows:

11 (1) An applicant for a water well driller certification or a water well driller's assistant
 12 certification shall be subject to a fee by the cabinet of twenty-five dollars (\$25).

13 (2) An applicant to take a water well driller's certification or a water well driller's
 14 assistant certification examination shall be subject to a fee by the cabinet of forty
 15 dollars (\$40).

16 (3) An applicant for a water well driller's certification or a water well driller's assistant
 17 certification, upon notification by the cabinet that all requirements have been met
 18 for certification, shall be subject to a certification fee by the cabinet of one hundred
 19 dollars (\$100) for initial certification.

20 (4) An applicant for a water well driller's certificate, renewal, or a water well driller's
 21 assistant certificate renewal shall be subject to a renewal fee by the cabinet of one
 22 hundred dollars (\$100).

23 ➔Section 5. KRS 223.450 is amended to read as follows:

24 All water well drillers and water well driller's assistants, before doing any water well
 25 related work in Kentucky, must comply with KRS 223.405 to 223.460 notwithstanding
 26 comparable state provisions in states other than Kentucky.