

Regular Session, 2012

HOUSE BILL NO. 990

BY REPRESENTATIVE GUINN

WATER/WELLS: Provides for the licensing of water well pump installers

1 AN ACT

2 To amend and reenact Chapter 13-B of Title 38 of the Louisiana Revised Statutes of 1950,
3 to be comprised of R.S. 38:3098 through 3098.8, relative to the licensing of water
4 well pump installers; to provide for licensing and education of water well pump
5 installers; to change the composition of the advisory committee responsible for
6 certain regulations affecting water well drillers; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 13-B of Title 38 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 38:3098 through 3098.8, is hereby amended and reenacted is hereby
10 enacted to read as follows:

11 CHAPTER 13-B. SUBSURFACE WATERS--WELL DRILLERS AND PUMP
12 INSTALLERS

13 §3098. Licensing of water well and other drillers and pump installers

14 A. Every person, firm, ~~or~~ corporation, or governmental agency engaged or
15 desiring to engage in the ~~business of~~ drilling, installation, or removal of pumps or
16 equipment for water wells, ~~for underground water, drilling~~ monitoring wells,
17 geotechnical bore holes, heat pump wells, cathodic protection holes, ~~and/or~~ seismic
18 shot holes, as well as reworking water wells, or plugging and abandoning wells or
19 bore holes, excluding oil and gas wells, in the state of Louisiana shall file an
20 application with the office for a drilling license, using forms prepared by the office,

1 setting out qualifications therefor and such other information including any
2 examination, oral or written, as may be required by the office. The office may issue
3 a license limited to the installation of pumps and equipment for water wells, and
4 shall provide for the application, qualifications, and examination required for such
5 limited purpose. The fees for such license and renewal shall be as follows:

6 (1) Those persons, firms, ~~or~~ corporations, or governmental agencies who
7 drill ~~less~~ fewer than twenty-five domestic water wells yearly shall pay a license and
8 annual fee of fifty dollars.

9 (2) For all other persons, firms, ~~or~~ corporations, or governmental agencies
10 who drill water wells, ~~and/or drill~~ monitoring wells, geotechnical bore holes, heat
11 pump wells, cathodic protection holes, seismic shot holes, ~~as well as reworking or~~
12 install pumps or equipment for water wells or rework water wells, or ~~plugging plug~~
13 ~~and abandoning~~ abandon wells or bore holes, excluding oil and gas wells, the license
14 fee and annual renewal fee shall be one hundred dollars.

15 B. All licenses shall expire on June thirtieth of each year, and shall not be
16 transferable, and shall be renewable annually, upon submitting all outstanding water
17 well registration forms as required by R.S. 38:3094(A)(1), completion of six hours
18 of continuing education as approved by the office, and upon payment of the required
19 fee. Any person, firm, corporation, or governmental agency engaged in water well
20 pump installations or removal on April 21, 2012, upon a request made to the
21 department before June 30, 2013, and upon providing satisfactory evidence of a
22 minimum of two years of pump installing experience, shall be issued a license
23 limited to installing pumps or equipment for water wells and shall not be required
24 to take an examination, provided the applicant is at least eighteen years of age and
25 of good moral character.

26 C. Nothing in this Chapter shall prevent a person who has not obtained a
27 license pursuant ~~thereto~~ to this Chapter from constructing or plugging a water well
28 or installing or removing a water well pump in his own well if any such well is
29 located on his own or leased property intended for use only in a single family house

1 which is his permanent residence, or intended for use only for watering livestock on
2 his farm, and where the waters to be produced are not intended for use by the public
3 or any residence other than his own. However, such person shall comply with all
4 rules and regulations as ~~to the construction of wells~~ as set out by the provisions of
5 this Chapter.

6 D. This Section shall apply to any person who performs drilling or pump
7 installing services; however, the provisions of this Section shall not apply to any
8 person who performs labor or services at the direction and under the personal
9 supervision of a licensed ~~well contractor~~ driller or pump installer.

10 E. A license may be renewed and shall be renewable without examination
11 for the ensuing year by making an application not later than the expiration date,
12 submitting all outstanding water well registration forms required by R.S.
13 38:3094(A)(1), and paying the applicable fee. Such application shall have the effect
14 of extending the validity of the current license until the new license is received or the
15 applicant is notified by the department that the license has been refused. On
16 application made after June thirtieth of each year, the license ~~will~~ shall be renewed
17 only upon payment of the applicable fee, plus a penalty of five dollars for each
18 month the application is delinquent. Delinquency in excess of one year may, in the
19 discretion of the advisory committee, be deemed as a waiver of the driller's or pump
20 installer's right for renewal; and if he should apply thereafter, the department may
21 require that he be considered as a new applicant, including the requirement for
22 examination.

23 F. Any person whose license has been revoked may, upon application for a
24 new license, be required, in the discretion of the advisory committee, to take the
25 examination and in all other ways be considered as a new applicant.

26 §3098.1. Qualifications for license

27 In order to be licensed as a ~~drilling contractor~~ driller or pump installer, as
28 provided in R.S. 38:3098, in the state of Louisiana, the applicant must possess the
29 following qualifications:

- 1 (1) Be at least eighteen years of age.
- 2 (2) Be of good moral character.
- 3 (3) Have a minimum of two years drilling or pump installation experience.
- 4 (4) Demonstrate to the satisfaction of the office a reasonable knowledge of
- 5 this Chapter and the rules and regulations adopted by the office under the provisions
- 6 of this Chapter.

7 §3098.2. Powers of the Department of Natural Resources, office of conservation

8 resources

9 A. In carrying out the provisions of this Chapter, the office is empowered but

10 not limited to do the following:

11 (1) Make reasonable rules and regulations for the purpose of carrying out the

12 provisions of this Chapter as well as for the proper drilling, registration, and

13 abandonment of wells and holes, excluding oil and gas wells, and the installation and

14 removal of water well pumps.

15 (2) Prepare required forms and establish other procedures to govern the

16 submission of applications, reports, and other information authorized to be sent to

17 the office as required by this Chapter.

18 (3) Prepare and give reasonable oral or written examinations or both for

19 license applicants.

20 (4) Deposit all fees in a special fund in the office of the state treasurer to be

21 used for the implementation of this Chapter.

22 (5) Upon presenting valid identification as an inspector for the office, enter

23 upon and be given access at reasonable times and under reasonable conditions to any

24 premises for the purposes of inspecting water wells.

25 B. If the office finds that compliance with all the requirements of this

26 Chapter would result in undue hardship, an exemption from any one or more of such

27 requirements may be granted by the office to the extent necessary to ameliorate such

28 undue hardship and to the extent such exemption can be granted without impairing

29 the intent and purpose of this Chapter.

1 §3098.4. Grounds for revoking license

2 The grounds for revoking a well driller's ~~license shall be as follows or pump~~
3 installer's license shall be any one of the following:

4 1. That he has intentionally made a material misstatement in the application
5 for such license;~~or,~~

6 2. That he has willfully violated any provisions of this Chapter;~~or,~~

7 3. That he has obtained, or attempted to obtain, such license by fraud or
8 misrepresentation;~~or,~~

9 4. That he has been guilty of fraudulent or dishonest practices;~~or,~~

10 5. That he has demonstrated lack of competence as a ~~driller of water wells~~
11 water well driller or pump installer;~~or,~~

12 6. That he has failed or refused to file reports as required under the
13 provisions of this Chapter;~~or,~~

14 7. That he has willfully and contumaciously refused to obey reasonable
15 orders, rules, and regulations of the office.

16 §3098.5. Driller to keep records and file reports

17 The driller shall keep accurate records on each water well drilled, including
18 but not limited to its location, depth, character of rocks or formations drilled, fluids
19 encountered, and such other reasonable information as the office may specify. Each
20 driller shall, within thirty days after completion of each well, file a report containing
21 such information in the office on forms provided by the office. ~~A copy of this~~
22 ~~information shall be provided to the Louisiana Geological Survey by the office.~~

23 However, no report or information shall be required to be filed with the office if the
24 well is a driven well or if it is dug by the use of a hand auger. It shall be the
25 responsibility of a pump installer to keep accurate records on each pump installed,
26 including but not limited to its location, depth, size, capacity, and such other
27 reasonable information as the department may specify.

1 §3098.6. Advisory committee

2 A. The Department of Natural Resources is hereby authorized to appoint a
3 committee to serve in an advisory capacity and to make recommendations for the
4 regulation and control of water well drillers as defined in this Chapter. This advisory
5 committee shall consist of the following members:

6 (1) The commissioner of conservation or his designee.

7 (2) The secretary of the Department of Natural Resources or his designee.

8 (3) The president of the Louisiana Engineering Society or his designee.

9 (4) The secretary of the Department of Health and Hospitals or his designee.

10 (5) The secretary of the Department of Environmental Quality or his
11 designee.

12 (6) The director of the Louisiana Geological Survey.

13 ~~(5)~~(7) One representative of the United States Geological Survey.

14 ~~(6)~~(8) One domestic well driller selected by the governor from a list of three
15 submitted by the Louisiana Ground Water Association.

16 ~~(7)~~(9) One municipal and industrial driller selected by the governor from a
17 list of three submitted by the Louisiana Ground Water Association.

18 ~~(8)~~(10) One irrigation driller selected by the governor from a list of three
19 submitted by the Louisiana Ground Water Association.

20 ~~(9)~~(11) Two drillers at large selected by the commissioner of conservation
21 from the industry as a whole.

22 B. The first appointment of the domestic well driller and one at large driller
23 shall be for one year; the first appointment of the irrigation well driller and one at
24 large driller shall be for two years; the first appointment of the municipal and
25 industrial driller shall be for three years; thereafter, all appointments shall be for four
26 year terms.

27 C. The chairman and vice chairman shall be selected by the members of the
28 committee.

1 D. The members who are public employees shall not receive ~~no~~ pay or
2 allowances for their attendance at meetings of the advisory committee. All other
3 members of the advisory committee shall not receive ~~no~~ salary or per diem but may
4 be compensated for expenses actually incurred in official activities approved by the
5 office out of funds derived from license fees collected under the provisions of this
6 Chapter. Such compensation shall be based upon proof to the satisfaction of the
7 office in accordance with policies adopted by the legislative auditor in such matters.

8 §3098.7. Penalties

9 A. Any person, firm, ~~or corporation,~~ or governmental agency who engages
10 in or follows the business or occupation, or advertises, holds itself out, or acts
11 temporarily or otherwise as a well driller or pump installer without having first
12 secured the required license or renewal thereof, or who otherwise violates any
13 provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction
14 shall be fined not less than one hundred dollars and not more than one thousand
15 dollars within the discretion of the court; and each day in which such violation exists
16 or continues shall constitute a separate offense.

17 B. In addition to the penalties prescribed herein, any person who violates any
18 order of the office requiring described remedial action as set out elsewhere in this
19 Chapter, which shall specify a time requirement for compliance with such order,
20 shall be subject to a penalty not to exceed one hundred dollars for each day such
21 noncompliance continues.

22 §3098.8. Chapter supplementary to other laws and regulations

23 This Chapter shall be supplementary to laws, rules, and regulations of the
24 state of Louisiana, or any of its political subdivisions, and of any other state agencies
25 or commissions, except insofar as such conflict may exist.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Guinn

HB No. 990

Abstract: Requires the licensing of water well pump installers.

Present law requires every person, firm, or corporation engaged in the business of drilling water wells for underground water, drilling monitoring wells, geotechnical bore holes, heat pump wells, cathodic protection holes, seismic shot holes, as well as reworking water wells, or plugging or abandoning wells or bore holes, excluding oil and gas wells, to apply to the Dept. of Natural Resources, office of conservation, for a license.

Present law provides that the license fee and annual renewal fee shall be \$50 for persons, firms, or corporations who drill fewer than 25 domestic water wells annually.

Present law provides that the license fee and annual renewal fee for all other persons, firms, or corporations, who drill water wells, monitoring wells, geotechnical bore holes, heat pump wells, as well as rework water wells, or plugging and abandoning wells or bore holes, excluding oil and gas shall be \$100.

Proposed law retains present law provisions and extends the license requirement to governmental agencies who drill wells or install or remove water well pumps.

Proposed law authorizes the issuance of a license limited to the installation of pumps and equipment for water wells.

Present law requires that all licenses shall be renewed annually by June 30 of each year and requires six hours of continuing education annually as a requirement for such license renewal.

Proposed law retains present law and requires renewal applicants to submit all outstanding water well registration forms to the department.

Proposed law requires that each person, firm, corporation, or governmental agency engaged in water well pump installations or removal on April 21, 2012, who has filed an application before June 30, 2013, and has provided satisfactory evidence indicating that such water well pump installer has a minimum of two years pump installing experience shall be issued a pump installer's license and not be required to take an examination, provided such applicant is at least 18 years of age and of good moral character.

Present law provides that provisions of law shall not require licensing of an individual constructing a water well on his property intended for use in his private residence or for watering livestock on his farm.

Proposed law allows employees of a drilling or pump installing service who do not have a license to perform labor or other services under the supervision of a licensed driller or pump installer.

Present law requires a licensee who renews his license after the renewal date to pay the renewal fee for such license, plus a penalty of \$5 for each month the application is delinquent.

Present law requires water well drilling contractors applying for a state license to possess the following qualifications:

- (1) Be at least 18 years of age.
- (2) Be of good moral character.
- (3) Minimum of two-years drilling experience.
- (4) Demonstrate reasonable knowledge of state laws relative to drilling and installation of water wells and rules and regulations adopted by the office.

Proposed law further requires a minimum of two-years pump installation experience for a pump installer. Makes other qualifications applicable to a pump installer.

Present law empowers the Dept. of Natural Resources, office of conservation, with the following powers:

- (1) Make rules and regulations to carry out provisions relative to the licensing of water well drillers.
- (2) Prepare forms and establish procedures to govern the submission of applications, reports, and other information authorized to be sent to the department as required.
- (3) Prepare and give reasonable oral or written examinations or both for licensed applicants.
- (4) Deposit all fees in special fund in the office of the state treasurer to be used to implement the provisions of this Act.
- (5) Enter upon and be given access to premises to inspect water wells.

Proposed law authorizes rules and regulations for the installation and removal of water well pumps, otherwise retains present law.

Present law authorizes the grant exemption from any one or more requirements of present law which result in undue hardships.

Present law establishes the following grounds for revoking licenses:

- (1) Intentional material misstatement in license application.
- (2) Willful violation of any provision of this Act.
- (3) License obtained by fraud or misrepresentation.
- (4) Guilty of fraudulent or dishonest practices.
- (5) Incompetence as a driller of water wells.
- (6) Failure or refusal to file reports as required by this Act.
- (7) Willful refusal to obey reasonable orders, rules, and regulations of the department.

Proposed law provides that a water well pump installer license can also be revoked if such installer is found to be incompetent in his occupation.

Present law requires a driller to keep records on each well drilled which shall include location, depth, rock formations, fluids encountered, and other information, and within 30 days after completion of each well, the driller shall file a report with the department containing such information.

Proposed law requires the pump installer to keep records on each pump installed which shall include location, depth, size, and other reasonable information specified by the department.

Proposed law removes the requirement that a copy is provided to the La. Geological Survey.

Present law authorizes Dept. of Natural Resources to appoint a committee to serve in an advisory capacity and make recommendations for the regulation and control of water well drillers.

Proposed law adds the secretary of the Dept. of Environmental Quality or his designee and the director of the La. Geological Survey or his designee to the advisory committee.

Present law provides that any person, firm, or corporation that does not secure the required license or renewal or violates any provision of this Act is guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, and each day such violation shall be considered a separate offense. Further provides that the violation of a department order requiring remedial action as provided for in this Act and specifying a time requirement for compliance subjects the violator to an additional penalty not to exceed \$100 for each day noncompliance continues.

Proposed law provides for the same penalties in present law for water well pump installers.

(Amends R.S. 38:3098-3098.8)