

WELL DRILLER'S LICENSE - PUMP

INSTALLATION

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrick Painter

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses requirements for well drillers.

Highlighted Provisions:

This bill:

- ▶ defines "well drilling" to include installation or repair of a pump in a well;
- ▶ allows pump installation or repair without a license, but with registration, in certain circumstances on a person's own property;
- ▶ subjects a person installing or repairing a pump in a well for compensation to well driller licensing requirements;
- ▶ requires the state engineer to create a registration system for well drilling without a license; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-3-25, as last amended by Laws of Utah 2008, Chapters 282 and 382



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-3-25** is amended to read:

73-3-25. Well driller's license -- Enforcement.

(1) As used in this section:

(a) "Well" means an open or cased excavation or borehole for diverting, using, or monitoring underground water made by any construction method.

(b) "Well driller" means a person with a license to engage in well drilling for compensation or otherwise.

(c) "Well drilling" means the act of:

(i) drilling, constructing, repairing, renovating, deepening, cleaning, developing, or abandoning a well[-]; or

(ii) installing or repairing a pump in a well.

(2) (a) Notwithstanding Subsection (3), a person who installs or repairs a pump in a well on the person's own property for the person's own use:

(i) is not required to obtain a license under this section; and

(ii) shall register with the state engineer in accordance with Subsection (2)(c).

(b) A person who installs or repairs a pump in a well for compensation:

(i) shall obtain a license as required by Subsection (3); and

(ii) is subject to all of this section's provisions.

(c) The state engineer shall establish a process for a person who installs or repairs a pump in accordance with Subsection (2)(a) to register.

~~[(2)]~~ (3) (a) (i) A person shall obtain a license as provided in this section before engaging in well drilling.

(ii) The state engineer may enforce Subsection ~~[(2)]~~ (3)(a)(i) in accordance with Sections 73-2-25 and 73-2-26.

(b) A person applying for a well driller license shall file a well driller bond:

(i) with the state engineer; and

(ii) payable to the Division of Water Rights.

(c) (i) Compliance with this section and the rules authorized by this section is required to obtain or renew a well driller license.

59 (ii) The state engineer may refuse to issue a license if it appears an applicant [~~violated~~
60 violates a rule authorized by this section.

61 (d) A well driller license is not transferable.

62 [~~(3)~~] (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
63 Act, the state engineer may make rules establishing:

64 (a) the amount, form, and general administrative requirements of a well driller bond;

65 (b) the amount of a well driller fine;

66 (c) minimum well drilling standards;

67 (d) well driller reporting requirements;

68 (e) the requirements for obtaining a well driller license, including:

69 (i) a well driller license application form;

70 (ii) the license expiration date; and

71 (iii) the license renewal cycle; and

72 (f) a procedure to enforce a well drilling standard or other well drilling requirement.

73 [~~(4)~~] (5) (a) A well driller shall submit a report to the state engineer:

74 (i) containing data relating to each well;

75 (ii) within 30 days after the completion or abandonment of the well drilling;

76 (iii) on forms furnished by the state engineer; and

77 (iv) containing information required by the state engineer.

78 (b) In accordance with Sections 73-2-25 and 73-2-26, the state engineer may
79 commence an enforcement action against a person who fails to submit a report required by
80 Subsection [~~(4)~~] (5)(a) within 90 days of the day on which the well driller license lapses.

81 [~~(5)~~] (6) (a) A well driller shall comply with the rules authorized by this section.

82 (b) If the state engineer determines that a well driller has failed to comply with a rule,
83 the state engineer may, in accordance with the procedures established in rule:

84 (i) (A) order that a well driller pay a fine; or

85 (B) revoke or suspend the well driller's license; and

86 (ii) exact the bond.

87 [~~(6)~~] (7) (a) The state engineer shall retain the money from a fine or exacting a bond as
88 a dedicated credit.

89 (b) The state engineer may expend:

- 90 (i) money retained from a fine for:
- 91 (A) well drilling inspection;
- 92 (B) well drilling enforcement; or
- 93 (C) well driller education; and
- 94 (ii) money retained from exacting a bond to investigate or correct a deficiency by a
- 95 well driller that could adversely affect the public interest resulting from noncompliance with a
- 96 rule authorized by this section.

Legislative Review Note
as of 12-1-09 2:44 PM

Office of Legislative Research and General Counsel

H.B. 226 - Well Driller's License -- Pump Installation

Fiscal Note

2010 General Session
State of Utah

State Impact

Enacting the bill will generate \$8,700 in FY 2011 and \$1,200 in FY 2012 as Dedicated Credits to the Division of Water Rights. Such revenue would be available for expenditure by the Division.

	<u>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
Dedicated Credits	\$0	\$8,700	\$1,200	\$0	\$8,700	\$1,200
Total	\$0	\$8,700	\$1,200	\$0	\$8,700	\$1,200

Individual, Business and/or Local Impact

This bill would require a person who installs or repairs a pump in a well for compensation to register and pay a fee.