

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 ~~H→~~ [~~but with registration, in certain~~

~~circumstances]~~ ~~H→~~ on a person's own property;

- ▶ subjects a person installing or repairing a pump in a well for compensation to well driller licensing requirements;

~~H→~~ [~~requires the state engineer to create a registration system for well drilling without a license;]~~ ~~H→~~ 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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29 *Be it enacted by the Legislature of the state of Utah:*

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

31 **73-3-25. Well driller's license -- Enforcement.**

32 (1) As used in this section:

33 (a) "Well" means an open or cased excavation or borehole for diverting, using, or

34 monitoring underground water made by any construction method.

35 (b) "Well driller" means a person with a license to engage in well drilling for

36 compensation or otherwise.

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

38 (i) drilling, constructing, repairing, renovating, deepening, cleaning, developing, or

39 abandoning a well[-]; or

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

41 (2) (a) Notwithstanding Subsection (3), a person who installs or repairs a pump in a

42 well on the person's own property for the person's own use ~~↔~~ ;

43 ~~(f)~~ ~~↔~~ is not required to obtain a license under this section ~~↔~~ ; ~~and~~

44 ~~— (ii) shall register with the state engineer in accordance with Subsection (2)(c)~~ ~~↔~~ .

45 (b) ~~↔~~ [A] Except as provided in Subsection (2)(c), a ~~↔~~ person who installs or repairs

45a a pump in a well for compensation:

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

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

48 (c) ~~↔~~ [The state engineer shall establish a process for a person who installs or repairs a

49 pump in accordance with Subsection (2)(a) to register.] Notwithstanding the requirements of

49a Subsection (2)(b), a person who performs electrical repairs on a pump in a well is not required

49b to obtain a license as required by Subsection (3). ~~↔~~

50 ~~[(2)]~~ (3) (a) (i) A person shall obtain a license as provided in this section before

51 engaging in well drilling.

52 (ii) The state engineer may enforce Subsection ~~[(2)]~~ (3)(a)(i) in accordance with

53 Sections 73-2-25 and 73-2-26.

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

55 (i) with the state engineer; and

56 (ii) payable to the Division of Water Rights.

57 (c) (i) Compliance with this section and the rules authorized by this section is required

58 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.