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	WELL DRILLER'S LICENSE - PUMP
	INSTALLATION
	2010 GENERAL SESSION
	STATE OF UTAH
	Chief Sponsor: Patrick Painter
	Senate Sponsor: David P. Hinkins
LO	NG TITLE
Gen	eral Description:
	This bill addresses requirements for well drillers.
Hig	hlighted Provisions:
	This bill:
	<ul> <li>defines "well drilling" to include installation or repair of a pump in a well;</li> </ul>
	► allows pump installation or repair without a license on a person's own property;
	<ul> <li>subjects a person installing or repairing a pump in a well for compensation to well</li> </ul>
drill	er licensing requirements; and
	<ul><li>makes technical changes.</li></ul>
Moı	nies Appropriated in this Bill:
	None
Oth	er Special Clauses:
	None
Utal	h Code Sections Affected:
AM	ENDS:
	<b>73-3-25</b> , as last amended by Laws of Utah 2008, Chapters 282 and 382
Be i	t enacted by the Legislature of the state of Utah:
	Section 1. Section <b>73-3-25</b> is amended to read:
	73-3-25. Well driller's license Enforcement.
	(1) As used in this section:

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30	(a) "Well" means an open or cased excavation or borehole for diverting, using, or
31	monitoring underground water made by any construction method.
32	(b) "Well driller" means a person with a license to engage in well drilling for
33	compensation or otherwise.
34	(c) "Well drilling" means the act of:
35	(i) drilling, constructing, repairing, renovating, deepening, cleaning, developing, or
36	abandoning a well[-]; or
37	(ii) installing or repairing a pump in a well.
38	(2) (a) Notwithstanding Subsection (3), a person who installs or repairs a pump in a
39	well on the person's own property for the person's own use is not required to obtain a license
40	under this section.
41	(b) Except as provided in Subsection (2)(c), a person who installs or repairs a pump in
42	a well for compensation:
43	(i) shall obtain a license as required by Subsection (3); and
44	(ii) is subject to all of this section's provisions.
45	(c) Notwithstanding the requirements of Subsection (2)(b), a person who performs
46	electrical repairs on a pump in a well is not required to obtain a license as required by
47	Subsection (3).
48	[(2)] (3) (a) (i) A person shall obtain a license as provided in this section before
49	engaging in well drilling.
50	(ii) The state engineer may enforce Subsection $[\frac{(2)}{(3)}]$ (a)(i) in accordance with
51	Sections 73-2-25 and 73-2-26.
52	(b) A person applying for a well driller license shall file a well driller bond:
53	(i) with the state engineer; and
54	(ii) payable to the Division of Water Rights.
55	(c) (i) Compliance with this section and the rules authorized by this section is required
56	to obtain or renew a well driller license.
57	(ii) The state engineer may refuse to issue a license if it appears an applicant [violated]

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58	<u>violates</u> a rule authorized by this section.
59	(d) A well driller license is not transferable.
60	[(3)] (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
61	Act, the state engineer may make rules establishing:
62	(a) the amount, form, and general administrative requirements of a well driller bond;
63	(b) the amount of a well driller fine;
64	(c) minimum well drilling standards;
65	(d) well driller reporting requirements;
66	(e) the requirements for obtaining a well driller license, including:
67	(i) a well driller license application form;
68	(ii) the license expiration date; and
69	(iii) the license renewal cycle; and
70	(f) a procedure to enforce a well drilling standard or other well drilling requirement.
71	[(4)] (5) (a) A well driller shall submit a report to the state engineer:
72	(i) containing data relating to each well;
73	(ii) within 30 days after the completion or abandonment of the well drilling;
74	(iii) on forms furnished by the state engineer; and
75	(iv) containing information required by the state engineer.
76	(b) In accordance with Sections 73-2-25 and 73-2-26, the state engineer may
77	commence an enforcement action against a person who fails to submit a report required by
78	Subsection $[(4)]$ $(5)$ (a) within 90 days of the day on which the well driller license lapses.
79	[6] (a) A well driller shall comply with the rules authorized by this section.
80	(b) If the state engineer determines that a well driller has failed to comply with a rule,
81	the state engineer may, in accordance with the procedures established in rule:
82	(i) (A) order that a well driller pay a fine; or
83	(B) revoke or suspend the well driller's license; and
84	(ii) exact the bond.
85	[(G)] (7) (a) The state engineer shall retain the money from a fine or exacting a bond a

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36	a dedicated credit.
37	(b) The state engineer may expend:
88	(i) money retained from a fine for:
39	(A) well drilling inspection;
90	(B) well drilling enforcement; or
91	(C) well driller education; and
92	(ii) money retained from exacting a bond to investigate or correct a deficiency by a
93	well driller that could adversely affect the public interest resulting from noncompliance with a
94	rule authorized by this section.