

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Water well drilling and pump installation licensure.

Sponsored by: Joint Agriculture, State and Public Lands
and Water Resources Interim Committee

A BILL

for

1 AN ACT relating to water well drilling contractors and
2 water well pump installation contractors; providing for
3 licensure; providing certain exemptions; establishing
4 licensing procedures; providing for fees; providing for
5 examinations and continuing education requirements;
6 providing for reciprocity; providing for license revocation
7 and suspension; providing penalties; making conforming
8 amendments; providing a sunset for certain provisions;
9 repealing reciprocity provisions as provided; and providing
10 for an effective date.

11

12 *Be It Enacted by the Legislature of the State of Wyoming:*

13

1 **Section 1.** W.S. 33-42-112 through 33-42-116 are
2 created to read:

3

4 **33-42-112. Exemptions.**

5

6 (a) Upon submitting satisfactory evidence to the
7 board, any person who has been actively engaged as a water
8 well drilling contractor or a water well pump installation
9 contractor in the state of Wyoming for the five (5) years
10 prior to July 1, 2008, shall be exempt from the oral or
11 written examination requirements pursuant to W.S. 33-42-108
12 and 33-42-110 until June 30, 2009. Satisfactory evidence
13 may include written affidavits from three (3) individuals
14 competent to attest to the applicant's professional work
15 experience.

16

17 (b) Any water well drilling contractor or water well
18 pump installation contractor certified pursuant to W.S.
19 33-42-101 through 33-42-111 by June 30, 2009, shall be
20 exempt from oral or written examination requirements
21 pursuant to W.S. 33-42-108 and 33-42-110.

22

23 (c) All applicants shall be required to pay all
24 applicable fees.

1

2 (d) If a water well drilling contractor or pump
3 installation contractor is not licensed by June 30, 2009,
4 he shall comply with all the requirements of W.S.
5 33-42-108, including taking and passing the examination.

6

7 (e) The licensure requirements of this chapter shall
8 not apply to any person drilling an oil or gas well or
9 installing a pump in an oil or gas well, where the oil or
10 gas well is permitted pursuant to W.S. 30-5-115.

11

12 (f) The licensure requirements of this chapter shall
13 not apply to any person:

14

15 (i) Installing a pump in a well on land owned or
16 leased by him;

17

18 (ii) Drilling a monitor well that does not
19 require a permit from the state engineer.

20

21 (g) Subsections (a) through (d) of this section are
22 repealed July 1, 2009.

23

24 **33-42-113. License renewal.**

1

2 (a) In order to be eligible to renew a license, a
3 licensed water well drilling contractor or water well pump
4 installation contractor shall:

5

6 (i) Complete at least eighteen (18) professional
7 competence hours in three (3) years, as established by the
8 board;

9

10 (ii) Submit payment of all applicable fees; and

11

12 (iii) Comply with all requirements under W.S.
13 33-42-111(a).

14

15 **33-42-114. Reciprocity.**

16

17 If a person holding a license entitling him to drill water
18 wells or install pumping equipment in another state applies
19 for a Wyoming water well drilling contractor's or water
20 well pump installation contractor's license, and if the
21 board determines the standards and requirements of the
22 state in which the applicant is licensed are equal to or
23 exceed the standards or requirements of this act, the board
24 may waive the examination requirements except the applicant

1 shall successfully complete an examination based on Wyoming
2 statutes and rules relating to the drilling of water wells
3 or installation of pump equipment. The applicant shall
4 also pay all applicable fees.

5
6 **33-42-115. Complaints and investigations.**

7
8 If any information concerning a possible violation of this
9 act or rules and regulations applicable to water well
10 drilling or pump installation is received or obtained by a
11 board member or the state engineer's office, the board may,
12 on its own motion, initiate proceedings under this act and
13 in accordance with the Wyoming Administrative Procedure
14 Act.

15
16 **33-42-116. Penalties.**

17
18 A violation of any provision of this act is a misdemeanor
19 punishable by a fine of not more than one thousand dollars
20 (\$1,000.00), imprisonment for not more than six (6) months,
21 or both.

22
23 **Section 2.** W.S. 33-42-102(a)(vi), 33-42-103,
24 33-42-104(c), 33-42-107(a)(iii), (v) and (vi),

1 33-42-108(a)(intro) and (iii), 33-42-109, 33-42-110 and
2 33-42-111(a)(intro), (i) and (b) are amended to read:

3

4 **33-42-102. Definitions.**

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6 (a) As used in this act:

7

8 (vi) "This act" means W.S. 33-42-101 through
9 ~~33-42-111~~ 33-42-116.

10

11 **33-42-103. License.**

12

13 (a) It is unlawful for any person to use in
14 connection with his name or to advertise any title or
15 description tending to convey the impression that he is a
16 ~~certified~~ licensed water well drilling contractor or water
17 well pump installation contractor unless he has been
18 ~~certified~~ licensed under this act.

19

20 (b) The drilling, construction or completion of water
21 wells, including the installation of pumping equipment,
22 shall be considered a business activity affecting the
23 public interest and requiring reasonable standards of
24 competence.

1

2 (c) The licensing of water well drilling contractors
3 and the licensing of water well pump installation
4 contractors are separate and distinct activities.
5 Licensing requirements shall be specific to each profession
6 and shall be addressed in rules and regulations.

7

8 (d) A copy of the license of a licensed water well
9 drilling licensee or water well pump installation licensee
10 overseeing the job and assuming liability for the water
11 well drilling or water well pump installation shall be
12 conspicuously posted at the water well drilling or water
13 well pump installation site.

14

15 (e) Nothing in this act shall be construed to require
16 licensure of any person operating drilling equipment or
17 conducting other drilling or boring operations which do not
18 require a permit from the state engineer to appropriate
19 ground water.

20

21 (f) It shall be unlawful for any person to construct,
22 alter or rehabilitate a water well or install pumping
23 equipment in a water well without a license as provided by

1 this act unless the activity is exempted from the licensing
2 requirements of this act.

3
4 **33-42-104. Board of examining water well drilling**
5 **contractors and water well pump installation contractors**
6 **created; composition; appointment; terms; vacancies;**
7 **qualification; compensation.**

8
9 (c) Each member of the board appointed by the
10 governor shall have been a resident of this state for at
11 least one (1) year at the time of his appointment. Each
12 contractor board member shall have been engaged in the
13 practice of his profession for at least five (5) years
14 prior to his appointment. After the appointment of the
15 initial board, any water well drilling contractor or water
16 well pump installation contractor appointed to the board
17 shall be ~~certified~~licensed within six (6) months after
18 appointment.

19
20 **33-42-107. Duties of the board.**

21
22 (a) The board shall:
23

(iii) Examine the qualifications of anyone desiring to obtain a ~~certification~~license to engage in the business of water well drilling or the business of water well pump installing within the state;

(v) Conduct hearings upon complaints with respect to any person ~~certified~~licensed under this act in conformity with the Wyoming Administrative Procedure Act. The hearing shall be held in the county where the complaint originated; and

(vi) Establish continuing education for persons ~~certified~~licensed to maintain knowledge of current industry standards. However, the board shall not impose continuing education requirements for any person which exceed eighteen (18) hours in any three (3) year period.

33-42-108. Licensure in general; qualifications of applicant; operator's license.

(a) The board shall issue a ~~certificate~~license to an applicant who:

(iii) Has paid the required ~~fee~~fees; and

1

2 **33-42-109. Fees; renewal; renewal of lapsed licenses;**
3 **suspension or revocation.**

4

5 (a) The board shall establish reasonable and
6 necessary fees pursuant to W.S. 33-1-201 for:

7

8 (i) Application fees;

9

10 ~~(i)~~(iii) Examination and reexamination of
11 ~~certification~~license applicants;

12

13 (iv) Renewal fees; and

14

15 (v) Miscellaneous fees, including rosters,
16 annual reports, address labels, copying fees and
17 replacement licenses.

18

19 (b) License fees shall not exceed two hundred dollars
20 (\$200.00). Renewal fees shall not exceed two hundred
21 dollars (\$200.00) for each three (3) year renewal period
22 thereafter.

23

1 (c) The initial license shall be for a period not to
2 exceed three (3) years and shall expire on the third
3 December 31 after receiving the initial license. Each
4 subsequent license shall be valid for three (3) calendar
5 years and shall expire on December 31 of the third year.

6
7 (d) If a licensed water well drilling contractor or
8 water well pump installation contractor does not submit an
9 application for license renewal prior to the December 31
10 expiration date or does not remit the renewal fees, the
11 license shall expire. The contractor shall have a thirty-
12 one (31) day grace period to renew the expired license. If
13 the license has not been renewed by February 1 of the new
14 license period, it shall not be eligible for reinstatement
15 until the applicant has met all the requirements of W.S.
16 33-42-108.

17
18 (e) Paragraph (a)(ii) of this section is repealed
19 July 1, 2009.

20
21 **33-42-110. Examination; notification; reexamination.**

1 (a) An applicant for a license shall demonstrate
2 professional competence by passing a written or oral
3 examination prescribed by the board.

4
5 ~~(a)~~(b) An examination shall be given at least twice
6 annually. The examination shall be given at a location
7 designated by the board.

8
9 ~~(b)~~(c) The written or oral examination shall ~~consist~~
10 ~~of a written or oral examination testing~~ test the
11 applicant's general knowledge of the basics of well
12 construction ~~and state law~~ or pump installation procedures,
13 Wyoming laws, rules, regulations and local ordinances
14 concerning the construction of water wells or installation
15 of water well pumps and pumping equipment.

16
17 ~~(c)~~(d) Not less than thirty (30) days prior to
18 examination the board shall notify each applicant that his
19 application and evidence submitted for ~~certification~~
20 licensing is satisfactory and accepted or unsatisfactory
21 and rejected. If rejected, the reasons for rejection shall
22 be given. The notice shall include the date and location
23 of the examination.

1 ~~(d)~~(e) In the event an applicant fails to receive a
2 passing grade on examination, he may reapply for
3 examination within ninety (90) days.

4
5 (f) The board may contract with examination
6 development consultants, water well technical experts,
7 water pump installation technical experts or other
8 technical experts as deemed necessary to prepare the
9 examinations and may assign a member or members of the
10 board to work with the consultants and technical experts to
11 assure compliance with the requirements of this act.

12
13 **33-42-111. Denial, revocation or suspension of**
14 **license; hearing.**

15
16 (a) The board may withhold, deny, revoke or suspend
17 any ~~certificate~~license issued or applied for in accordance
18 with the provisions of this act upon proof that the
19 ~~certificate~~license holder or applicant:

20
21 (i) Has used fraud or deception in applying for
22 a ~~certificate~~license or in the taking of the examination;

1 (b) No ~~certificate~~license may be suspended or
2 revoked unless there has been a hearing in conformity with
3 the provisions of the Wyoming Administrative Procedure Act.

5 **Section 3.** W.S. 33-42-108(c) and (d) is repealed.

7 **Section 4.** This act is effective July 1, 2008.

9 (END)