

HOUSE BILL NO. HB0055

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 certain reciprocity provisions; and providing for
10 an effective date.

11

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

13

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

16

1 **33-42-112. Exemptions.**

2

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

13

14 (b) Any water well drilling contractor or water well
15 pump installation contractor certified pursuant to W.S.
16 33-42-101 through 33-42-111 by June 30, 2009, shall be
17 exempt from oral or written examination requirements
18 pursuant to W.S. 33-42-108 and 33-42-110.

19

20 (c) All applicants shall be required to pay all
21 applicable fees.

22

23 (d) If a water well drilling contractor or pump
24 installation contractor is not licensed by June 30, 2009,

1 he shall comply with all the requirements of W.S.
2 33-42-108, including taking and passing the examination.

3

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

8

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

11

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

14

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

17

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19 repealed July 1, 2009.

20

21 **33-42-113. License renewal.**

22

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

4
5 (i) Complete eighteen (18) professional
6 competence hours in three (3) years, as established by the
7 board;

8
9 (ii) Submit payment of all applicable fees; and

10
11 (iii) Comply with all requirements under W.S.
12 33-42-111(a).

13
14 **33-42-114. Reciprocity.**

15
16 If a person holding a license entitling him to drill water
17 wells or install pumping equipment in another state applies
18 for a Wyoming water well drilling contractor's or water
19 well pump installation contractor's license, if the other
20 state offers reciprocity, and if the board determines the
21 standards and requirements of the state in which the
22 applicant is licensed are equal to or exceed the standards
23 or requirements of this act, the board may waive the
24 examination requirements except the applicant shall

1 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.**

5

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

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

5
6 (v) Conduct hearings upon complaints with
7 respect to any person ~~certified~~licensed under this act in
8 conformity with the Wyoming Administrative Procedure
9 Act. The hearing shall be held in the county where the
10 complaint originated; and

11
12 (vi) Establish continuing education for persons
13 ~~certified~~licensed to maintain knowledge of current
14 industry standards. However, the board shall not impose
15 continuing education requirements for any person which
16 exceed eighteen (18) hours in any three (3) year period.

17
18 **33-42-108. Licensure in general; qualifications of**
19 **applicant; operator's license.**

20
21 (a) The board shall issue a ~~certificate~~license to an
22 applicant who:

23
24 (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 (ii) Certification fees and fees for renewal of
11 certification. Certification fees shall not exceed two
12 hundred dollars (\$200.00). Certification renewal fees shall
13 not exceed two hundred dollars (\$200.00) for a three (3)
14 year period thereafter. This paragraph is repealed July 1,
15 2009.

16

17 ~~(i)~~(iii) Examination and reexamination of
18 ~~certification~~license applicants;

19

20 (iv) Miscellaneous fees, including rosters,
21 annual reports, address labels, copying fees and
22 replacement licenses;

23

1 (v) License fees. License fees shall not exceed
2 two hundred dollars (\$200.00). License renewal fees shall
3 not exceed two hundred dollars (\$200.00) for each three (3)
4 year renewal period thereafter.

5
6 (b) The initial license shall be for a period not to
7 exceed three (3) years and shall expire on the third
8 December 31 after receiving the initial license. Each
9 subsequent license shall be valid for three (3) calendar
10 years and shall expire on December 31 of the third year.

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

22
23 **33-42-110. Examination; notification; reexamination.**
24

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 ~~(e)~~ (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.

24

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 or license issued or applied for in
18 accordance with the provisions of this act upon proof that
19 the certificate or license holder or applicant:

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

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

5 **Section 3.** W.S. 33-42-108(c) and (d) and 33-42-109(a)
6 are repealed.

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

10 (END)