

ARTICLE 17 AS AMENDED

RELATING TO DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

SECTION 1. Sections 46-12-4 and 46-12-4.1 of the General Laws in Chapter 46-12 entitled "Water Pollution" are hereby repealed.

~~§ 46-12-4. Pollution monitoring system. The director shall establish a pollution monitoring system, and a fee system for point source dischargers who discharge sewage into the surface waters of the state. Money derived from the fee system shall be deposited as general revenues. The director shall monitor the levels of conventional and hazardous pollutants especially toxic pollutants discharged into the surface waters and shall assess the impact thereof. Nothing herein shall be deemed to apply to dredging, disposal of dredge materials and/or the transportation thereof regulated under § 46-23-18 and/or 46-23-18.1.~~

~~§ 46-12-4.1. Fees — Limits — Recovery of costs. The fee established by the director pursuant to § 46-12-4 shall be based on the individual discharger's need for monitoring and the effluent's potential for environmental degradation as determined by the director; provided, however, that any fees charged dischargers shall be in addition to and not substituted for funds appropriated by or monitoring required by the state or federal government for similar purposes; and further provided:~~

~~(1) The director shall annually adopt by regulation, in accordance with the provisions of chapter 35 of title 42, the maximum cost of the monitoring program for the next fiscal year. The fee charged any discharger shall not exceed the actual cost of the pollution monitoring program of that discharger.~~

~~(2) The operating authority for any publicly owned treatment facility is hereby empowered to recover any costs incurred under the provisions of this chapter, including administrative costs, by levying an assessment on their customers. Money derived from the fees shall be deposited as general revenues and shall be usable to match any federal funds appropriated for these purposes.~~

SECTION 2. Sections 46-13.2-1, 46-13.2-2, 46-13.2-3, 46-13.2-4, 46-13.2-5, and 46-13.2-7 of the General Laws in Chapter 46-13.2 entitled "Drilling of Drinking Water Wells" are hereby amended to read as follows:

46-13.2-1. Definitions. -- For the purpose of this chapter:

1 ~~(1) "Abandoned well" means a well whose use has been permanently discontinued; (1)~~
2 "Building official" means the local building official authorized in accordance with section 23-
3 27.3-107 or the state building code commissioner authorized in accordance with section 23-27.3-
4 108.2, as applicable;

5 (2) "Board" means the Rhode Island ~~well-drilling~~ contractors' registration and licensing
6 board;

7 ~~(3) "Director" means the director of the department of environmental management;~~

8 ~~(4) "Groundwater" means subsurface water;~~

9 ~~(5)~~(3) "Person" means an individual, partnership, corporation, association, or
10 organization, or any combination thereof;

11 ~~(6)~~(4) "Well" means an artificial sanitary excavation or opening in the ground, by which
12 groundwater can be obtained or through which it flows under natural pressure or is artificially
13 withdrawn; and for the purposes of this chapter, excepting section 46-13.2-3(c), attached as an
14 appurtenance to a building or structure.

15 ~~(7)~~(5) "Well ~~driller~~ drilling contractor" means a person who engages in well drilling,
16 including the installation pumps as provided herein;

17 ~~(8)~~(6) "Well drilling" means and includes the industry, procedure and all operations
18 engaged in by any person, full-time or part-time, for compensation or otherwise, to obtain water
19 from a well or wells by drilling, or other methods, for any purpose or use.

20 (7) "Appurtenance" means and includes the installation, alteration or repair of wells
21 connected to a structure.

22 ~~**46-13.2-2. Rhode Island well drilling board.** --- (a) There shall be a board to be known~~
23 ~~as the Rhode Island well drilling board which shall advise the director according to this chapter.~~
24 ~~The board shall consist of seven (7) residents of the state appointed by the governor; one member~~
25 ~~shall be a member of the general public; three (3) members shall be active well drillers or pump~~
26 ~~installers who shall have had at least five (5) years experience as such; one member shall be an~~
27 ~~employee of the department of health; one member shall be an employee of the department of~~
28 ~~environmental management, environmental protection branch; and one member shall be a~~
29 ~~hydrologist experienced in well construction; four (4) members shall constitute a quorum.~~

30 ~~(b) The board shall meet within thirty (30) days after its members are first appointed,~~
31 ~~and, thereafter, at least three (3) times a year. The board shall elect a chairperson and a secretary~~
32 ~~annually from its membership. The secretary shall keep a complete record of all meetings and~~
33 ~~proceedings of the board and shall perform the usual duties pertaining to the office.~~

34 ~~(c) No member of the board shall be compensated for their service including state~~

1 ~~employees who shall only be entitled to their usual and customary salary and not any additional~~
2 ~~compensation.~~

3 **46-13.2-2. Purpose.** -- The purpose of this act is to promote public health and welfare
4 and protect the environment by providing specifying standards for the installation of a well and
5 providing a mechanism to ensure that all well drilling contractors conducting business in the state
6 of Rhode Island have the requisite skills, training and experience necessary to safely and
7 adequately install water wells within this state.

8 **46-13.2-3. Regulations.** -- (a) ~~For the purpose of safeguarding the public health, the~~
9 ~~director, and the board shall promote and encourage cooperation among well drillers and~~
10 ~~governmental agencies in the development and protection of records of underground water~~
11 ~~formations and resources. The director shall prepare and disseminate such information as may be~~
12 ~~necessary for the benefit of the industry and the public.~~

13 (b) The ~~director~~ Rhode Island building standards committee, pursuant to section 23-27.3-
14 100.1.5 shall by no later than December 31, 2013 promulgate regulations incorporate in the
15 appropriate portions of the state building codes establishing minimum standards for the location,
16 design, construction and installation, ~~and maintenance~~ of wells that are appurtenances to
17 buildings in consultation with ~~the board,~~ the department of health, ~~and~~ the division of statewide
18 planning and the department of environmental management, with due regard for the preservation
19 of public health, ~~the preservation, allocation, and management of the groundwater of the state, the~~
20 ~~protection of the consuming public, and the maintenance of geological and other scientific data~~
21 protection of public welfare and the environment.

22 (b) In those circumstances in which compliance with the requirements for locating a new
23 or replacement well would result in undue hardship, property owners may seek a variance from
24 any one or more of the siting requirements, in accordance with the following:

25 (1) Except as specified in (3), from the building code board of appeals authorized in the
26 municipality with jurisdiction over the property on which the well is proposed;

27 (2) Except as specified in (3), in the absence of a local building code board of appeals,
28 from the state building code board of appeals; and

29 (3) From the department of environmental management in all cases in which the well is
30 proposed to be installed as part of an application for the new construction of or repair of an on-
31 site wastewater disposal system. The appropriate authority specified above may grant a variance
32 to the extent necessary to ameliorate the undue hardship and to the extent the exemption can be
33 granted without impairing the intent and purpose of this chapter.

34 (c) ~~Any regulations or amendments thereto promulgated by the director under this chapter~~

1 ~~shall be submitted to the board for approval.~~ To protect public health and the environment, the
2 Rhode Island department of environmental management is authorized to promulgate regulations
3 applicable to the owners of on-site wastewater systems that limit the installation of any type of
4 well, including wells installed for irrigation systems, near the on-site wastewater treatment
5 systems on the owner's property.

6 ~~**46-13.2-4. Registration for well drilling contractors and pump installers**~~
7 ~~**Suspension or revocation.**~~ **Registration and licensing of well drilling contractors and**
8 **pump installers.** -- (a) ~~Subject to the approval of the board, the director shall establish~~
9 ~~registration requirements setting forth minimum standards for well drilling contractors and pump~~
10 ~~installers. The well drilling contractors shall be required to have ability and proficiency in the~~
11 ~~skill of well drilling demonstrated by experience or training and sufficient financial resources to~~
12 ~~have and maintain adequate tools and machines for the work. After the publication of these~~
13 ~~regulations by the director, a person, before engaging in the business of well drilling or pump~~
14 ~~installing, shall obtain a certificate of registration annually as a well drilling contractor or pump~~
15 ~~installer. The applicant shall pay a registration fee of two hundred dollars (\$200) and an annual~~
16 ~~renewal registration fee of one hundred dollars (\$100). A certificate of registration is not~~
17 ~~transferable and expires one year after issuance. After the renewal date, a certificate of~~
18 ~~registration may be renewed only upon application for renewal and payment of a late fee of ten~~
19 ~~dollars (\$10.00) in addition to the regular registration fee. A lost, destroyed, or mutilated~~
20 ~~certificate may be replaced by a duplicate upon payment of a fee of two dollars (\$2.00). One seal~~
21 ~~shall be issued to each registrant as provided in subsection (b) of this section, and additional seals~~
22 ~~may be obtained at a fee of two dollars (\$2.00) each.~~ No person shall install a well or a pump
23 within a water well unless registered or licensed with the proper authorities in accordance with
24 this chapter, chapter 5-65 and chapter 5-65.2 of the Rhode Island general laws. Well drilling
25 contractors are subject to the jurisdiction of the contractors' registration and licensing board
26 including the registration procedures of the board authorized by chapter 5-65 and in effect at the
27 time of passage of this act.

28 ~~(b) A well drilling contractor or pump installer shall place in a conspicuous location on~~
29 ~~both sides of his or her well drilling machine or service rig, his or her registration number in~~
30 ~~letters not less than two inches (2") high. A seal furnished by the director of the department of~~
31 ~~environmental management designating the year the certificate of registration was issued or~~
32 ~~renewed, and the words "Rhode Island registered water well drilling contractor or pump~~
33 ~~installation contractor", shall be affixed directly adjacent to the registration number.~~

34 ~~(e)~~(b) A municipality engaged in well drilling shall be exempt from the registration or

1 license provisions of this chapter if the drilling is done by regular employees of, and with
2 equipment owned by, the municipality, and the work is on wells intended for use by the
3 municipality.

4 ~~(d)(c)~~ This chapter shall not restrict a plumber or electrician from engaging in the trade
5 for which he or she has been licensed.

6 ~~(e) (1) A certificate of registration may be refused, or a certificate of registration duly
7 issued may be suspended or revoked, or the renewal thereof refused by the director on the
8 director's own investigation and motion or upon motion of an interested party or motion of the
9 board if the director has good and sufficient reason to believe or finds that the applicant for or the
10 holder of a certificate has:~~

11 ~~(1) Made a material misstatement in the application for a registration or any application
12 for renewal thereof; or~~

13 ~~(ii) Obtained the registration through willful fraud or misrepresentation; or~~

14 ~~(iii) Demonstrated incompetency to act as a well driller as determined by the director; or~~

15 ~~(iv) Been guilty of failure to comply with the provisions of this chapter or the rules and
16 regulations issued pursuant hereto; or~~

17 ~~(v) Refused to file reports of wells drilled as required by § 46-13.2-5; or~~

18 ~~(vi) Has been found guilty by a court of competent jurisdiction, of any fraud, deceit, gross
19 negligence, incompetence, or misconduct in the industry, operations, or business of well drilling.~~

20 ~~(2) Before any certificate of registration shall be refused, suspended, or revoked, or the
21 renewal thereof refused, the director shall give notice of the intention to do so by registered mail.
22 Upon receipt of the notice, the person affected may, within ten (10) days, request a hearing. No
23 revocation or suspension of a registration shall take place until the hearing is completed unless
24 the director shall find immediate revocation or suspension is necessary to avoid imminent peril to
25 life or property.~~

26 ~~(3) Appeal from the decisions of the director may be taken within thirty (30) days after
27 the decision of the commissioner, to the superior court in accordance with the provisions of § 42-
28 35-15.~~

29 ~~(f) The director shall prepare a roster of all registered well drillers and pump installers
30 and distribute the roster annually to the local building inspector, if there is one, and the town clerk
31 of each town.~~

32 ~~(g) Any well driller or pump installer registered as of July 1, 1987, shall be deemed to be
33 registered under this chapter, but shall comply with the other provisions of this chapter.~~

34 ~~(h) After one year from the date of refusal or revocation of a certificate of registration, an~~

1 ~~application to register may be made again by the person affected.~~

2 **46-13.2-5. Record of wells.** -- (a) Within ~~thirty (30)~~ ten (10) days after completion of a
3 new or replacement well, a well drilling contractor shall provide the owner, ~~the board, the~~
4 building official and the department of health, ~~the department of environmental management a~~
5 ~~record~~ well installation report conforming to the form, content, and means specified by the
6 department of health. ~~indicating~~ This well installation report will at a minimum indicate:

- 7 (1) The well owner's name and address,
- 8 (2) The physical location of the well,
- 9 (3) The well depth,
- 10 (4) The geologic materials and thickness of materials penetrated,
- 11 (5) The ~~amount~~ length and type of casing,
- 12 (6) The static water levels, ~~and~~
- 13 (7) The results of a well yield test that conforms to industry standards, and
- 14 ~~(7)(8)~~ (8) Any other additional information which may be required by ~~regulations adopted~~
15 ~~under this chapter~~ the department of health.

16 ~~(b) A record for a drive point well where no earth materials are removed from the well~~
17 ~~bore shall be sufficient if the owner's name, well location, depth, casing, static water level, and~~
18 ~~screen data are indicated.~~

19 **46-13.2-7. Well constructed for farming or private use.** -- A landowner may ~~drill~~
20 construct his or her own well to provide water for the consumption by himself or herself, his or
21 her family, pets, livestock, or for farming of his or her land where the water obtained shall not be
22 intended for use by the general public or in any residence other than the landowner's, and the
23 landowner shall not be required to be registered under § 46-13.2-4, but must submit ~~the drilling~~
24 ~~record~~ a well installation report as required by § 46-13.2-5 and comply with all applicable
25 regulations and codes of construction adopted under this chapter and section 23-27.3 and comply
26 as applicable with requirements of section 23-1-5.3.

27 SECTION 3. Sections 46-13.2-6, 46-13.2-8, and 46-13.2-10 of the General Laws in
28 Chapter 46-13.2 entitled "Drilling of Drinking Water Wells" are hereby repealed.

29 ~~§ 46-13.2-6. Wells constructed for oil, gas, brine, or mining.~~ — ~~Drilling, excavating,~~
30 ~~and pumping associated with the oil, gas, or brine well industries, and the construction, quarrying,~~
31 ~~and mining industries, and the disposal of any materials shall be subject to this chapter only~~
32 ~~insofar as they relate to the pollution and depletion of underground water resources.~~

33 ~~§ 46-13.2-8. Exemptions.~~ — ~~Where the director finds that compliance with all~~
34 ~~requirements of this chapter or regulations adopted pursuant thereto would result in undue~~

1 ~~hardship, an exemption from any one or more of the requirements may be granted by the director~~
2 ~~to the extent necessary to ameliorate the undue hardship and to the extent the exemption can be~~
3 ~~granted without impairing the intent and purpose of this chapter.~~

4 ~~**§ 46-13.2-10. Violations.** Any person who engages in well drilling or offers to engage in~~
5 ~~well drilling, or advertises or holds himself or herself out or acts temporarily or otherwise as a~~
6 ~~well driller, without first having obtained the required certificate of registration, and any person~~
7 ~~who violates any provisions of this chapter, including, but not limited to, the accurate reporting of~~
8 ~~wells drilled, shall be guilty of a misdemeanor and shall be punished by a fine of not more than~~
9 ~~five hundred dollars (\$500) or by imprisonment for not more than one year, and each day that~~
10 ~~violation shall continue shall be deemed a separate offense.~~

11 SECTION 4. Sections 5-65-1, 5-65-3 and 5-65-5 of the General Laws in Chapter 5-65
12 entitled "Contractors' Registration and Licensing Board" are hereby amended to read as follows:

13 **5-65-1. Definitions.** -- As used in this chapter:

14 (1) "Board" means the contractors' registration and licensing board established pursuant
15 to the provisions of Rhode Island general laws section 5-65-14 or its designees.

16 (2) "Commission" means the building code commission supportive of the contractors'
17 registration and licensing board.

18 (3) (i) "Contractor" means a person who, in the pursuit of an independent business,
19 undertakes or offers to undertake or submits a bid, or for compensation and with or without the
20 intent to sell the structure arranges to construct, alter, repair, improve, move over public
21 highways, roads or streets or demolish a structure or to perform any work in connection with the
22 construction, alteration, repair, improvement, moving over public highways, roads or streets or
23 demolition of a structure, and the appurtenances thereto. For the purposes of this chapter,
24 "appurtenances" includes the installation, alteration or repair of wells connected to a structure
25 consistent with chapter 46-13.2. "Contractor" includes, but is not limited to, any person who
26 purchases or owns property and constructs or for compensation arranges for the construction of
27 one or more structures.

28 (ii) A certificate of registration is necessary for each "business entity" regardless of the
29 fact that each entity may be owned by the same individual.

30 (4) "Dwelling unit" means a single unit providing complete independent living facilities
31 for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and
32 sanitation.

33 (5) "Hearing officer" means a person designated by the executive director, to hear
34 contested claims or cases, contested enforcement proceedings, and contested administrative fines,

1 in accordance with the Administrative Procedures Act, chapter 35 of title 42.

2 (6) "Monetary damages" means the dollar amount required in excess of the contract
3 amount necessary to provide the claimant with what was agreed to be provided under the terms of
4 the contract reduced by any amount due and unpaid to the respondent inclusive of any and all
5 awards and restitution.

6 (7) "Staff" means the executive director for the contractors' registration and licensing
7 board, and any other staff necessary to carry out the powers, functions and duties of the board
8 including inspectors, hearing officers and other supportive staff.

9 (8) "State" means the state of Rhode Island.

10 (9) "Structure" means (i) any commercial building; or (ii) any building containing one or
11 more residences and their appurtenances. The board's dispute resolution process shall apply only
12 to residential structures containing dwelling units as defined in the state building code or
13 residential portions of other types of buildings without regard to how many units any structure
14 may contain. The board retains jurisdiction and may conduct hearings regarding violations
15 against all contractors required to be registered or licensed by the board.

16 (10) "Substantially" means any violation, which affects the health, safety, and welfare of
17 the general public.

18 **5-65-3. Registration for work on a structure required of contractor -- Issuance of**
19 **building permits to unregistered or unlicensed contractors prohibited -- Evidence of activity**

20 **as a contractor -- Duties of contractors.** -- (a) A person shall not undertake, offer to undertake,
21 or submit a bid to do work as a contractor on a structure or arrange to have work done unless that
22 person has a current, valid certificate of registration for all construction work issued by the board.
23 A partnership, corporation, or joint venture may do the work, offer to undertake the work, or
24 submit a bid to do the work only if that partnership, corporation, or joint venture is registered for
25 the work. In the case of registration by a corporation or partnership, an individual shall be
26 designated to be responsible for the corporation's or partnership's work. The corporation or
27 partnership and its designee shall be jointly and severally liable for the payment of the
28 registration fee, as requested in this chapter, and for violations of any provisions of this chapter.
29 Disciplinary action taken on a registration held by a corporation, partnership, or sole proprietor
30 may affect other registrations held by the same corporation, partnership, or sole proprietorship,
31 and may preclude future registration by the principal of that business entity.

32 (b) A registered partnership or corporation shall notify the board in writing immediately
33 upon any change in partners or corporate officers.

34 (c) A city, town, or the state shall not issue a building permit to anyone required to be

1 registered under this chapter who does not have a current, valid certificate of registration
2 identification card or valid license which shall be presented at the time of issuance of a permit
3 and shall become a condition of a valid permit. Each city, town, or the state which requires the
4 issuance of a permit as a condition precedent to construction, alteration, improvement,
5 demolition, movement or repair of any building or structure or the appurtenance to the structure
6 shall also require that each applicant for the permit file as a condition to issuing the permit a
7 written affidavit subject to the penalties of perjury, subscribed by the applicant, that the applicant
8 is registered under the provisions of this chapter, giving the number of the registration and stating
9 that the registration is in full force and effect, or, if the applicant is exempt from the provisions of
10 this chapter, listing the basis for the exemption. The city, town, or the state shall list the
11 contractor's registration number on the permit obtained by that contractor, and if a homeowner is
12 issued a permit, the building inspector or official must ascertain registration numbers of each
13 contractor on the premises and shall inform the registration board of any non-registered
14 contractors performing work at the site.

15 (d) Every city and town which requires the issuance of a business license as a condition
16 precedent to engaging, within the city or town, in a business which is subject to regulation under
17 this chapter, shall require that each licensee and each applicant for issuance or renewal of the
18 license file, or has on file, with the city or town a signed statement that the licensee or applicant is
19 registered under the provisions of this chapter and stating that the registration is in full force and
20 effect.

21 (e) It shall be prima facie evidence of doing business as a contractor when a person for
22 that person's own use performs, employs others to perform, or for compensation and with the
23 intent to sell the structure, arranges to have performed any work described in section 5-65-1(3) if
24 within any one twelve (12) month period that person offers for sale one or more structures on
25 which that work was performed.

26 (f) Registration under this chapter shall be prima facie evidence that the registrant
27 conducts a separate, independent business.

28 (g) The provisions of this chapter shall be exclusive and no city or town shall require or
29 shall issue any registrations or licenses nor charges any fee for the regulatory registration of any
30 contractor registered with the board. Nothing in this subsection shall limit or abridge the authority
31 of any city or town to license and levy and collect a general and nondiscriminatory license fee
32 levied upon all businesses, or to levy a tax based upon business conducted by any firm within the
33 city or town's jurisdiction, if permitted under the laws of the state.

34 (h) (1) Every contractor shall maintain a list which shall include the following

1 information about all subcontractors or other contractors performing work on a structure for that
2 contractor:

3 (i) Names and addresses.

4 (ii) Registration numbers or other license numbers.

5 (2) The list referred to in subdivision (h)(1) of this subsection shall be delivered to the
6 board within twenty-four (24) hours after a request is made during reasonable working hours, or a
7 fine of twenty-five dollars (\$25.00) may be imposed for each offense.

8 (i) The following subcontractors who are not employees of a registered contractor must
9 obtain a registration certificate prior to conducting any work: (1) carpenters, including finish
10 carpenters and framers; (2) siding installers; (3) roofers; (4) foundation installers, including
11 concrete installers and form installers; (5) drywall installers; (6) plasterers; (7) insulation
12 installers; (8) ceramic tile installers; (9) floor covering installers; (10) swimming pool installers,
13 both above ground and in ground; (11) masons, including chimney installers, fireplace installers,
14 and general masonry erectors. This list is not all inclusive and shall not be limited to the above
15 referenced contractors. No subcontractor licensed by another in-state agency pursuant to section
16 5-65-2 shall be required to register, provided that said work is performed under the purview of
17 that license.

18 (j) A contractor including, but not limited to, a general contractor, shall not hire any
19 subcontractor or other contractor to work on a structure unless the contractor is registered under
20 this chapter or exempt from registration under the provisions of section 5-65-2.

21 (k) A summary of this chapter, prepared by the board and provided at cost to all
22 registered contractors, shall be delivered by the contractor to the owner when the contractor
23 begins work on a structure; failure to comply may result in a fine.

24 (l) The registration number of each contractor shall appear in any advertising by that
25 contractor. Advertising in any form by an unregistered contractor shall be prohibited, including
26 alphabetical or classified directory listings, vehicles, business cards, and all other forms of
27 advertisements. The violations could result in a penalty being assessed by the board per
28 administrative procedures established.

29 (i) The board may publish, revoke or suspend registrations and the date the registration
30 was suspended or revoked on a quarterly basis.

31 (ii) Use of the word "license" in any form of advertising when only registered may
32 subject the registrant or those required to be registered to a fine of one hundred dollars (\$100) for
33 each offense at the discretion of the board.

34 (m) The contractor must see that permits required by the state building code are secured

1 on behalf of the owner prior to commencing the work involved. The contractor's registration
2 number must be affixed to the permit as required by the state building code.

3 (n) The board may assess an interest penalty of twelve percent (12%) annually when a
4 monetary award is ordered by the board.

5 (o) All work performed, including labor and materials, in excess of one thousand dollars
6 (\$1,000) shall be accompanied by a contract in writing. Contracts required pursuant to this
7 subsection shall include a location on or near the signature line location on or in which the parties
8 to the contract shall initial to evidence the receipt of certain consumer education materials or
9 information approved and provided by the board to the contractor. Said educational materials
10 and/or information shall include, but not be limited to, the following notice and shall be provided
11 by the contractor to the homeowner:

12 NOTICE OF POSSIBLE MECHANIC'S LIEN

13 To: Insert name of owner, lessee or tenant, or owner of less than the simple fee.

14 The undersigned is about to perform work and/or furnish materials for the construction,
15 erection, alterations or repair upon the land at (INSERT ADDRESS) under contract with you.
16 This is a notice that the undersigned and any other persons who provide labor and materials for
17 the improvement under contract with the undersigned may file a mechanic's lien upon the land in
18 the event of nonpayment to them. It is your responsibility to assure yourself that those other
19 persons under contract with the undersigned receive payment for their work performed and
20 materials furnished for the construction, erection, alteration or repair upon the land. Failure to
21 adhere to the provisions of this subsection may result in a one thousand dollar (\$1,000) fine
22 against the contractor and shall not affect the right of any other person performing work or
23 furnishing materials of claiming a lien pursuant to Chapter 34-28. However, such person failing
24 to provide such notice shall indemnify and hold harmless any owner, lessee or tenant, or owner of
25 less than the fee simple from any payment or costs incurred on account of any liens claims by
26 those not in privity with them, unless such owner, lessee or tenant, or owner of less than the fee
27 simple shall not have paid such person.

28 (p) Contracts entered into must contain notice of right of rescission as stipulated in all
29 pertinent Rhode Island consumer protection laws.

30 (q) The contractor must stipulate whether or not all the proper insurances are in effect for
31 each job contracted.

32 (r) Contractors who are in compliance with the provisions of this subsection shall be
33 exempt from the requirements of section 34-28-4.1.

34 [\(s\) In addition to the requirements of this chapter, contractors engaged in well drilling](#)

1 [activities shall also be subject to regulations pertaining to licensing and registration promulgated](#)
2 [by the contractors' registration and licensing board pursuant to chapters 5-65.2 and section 46-](#)
3 [13.2-4.](#)

4 **5-65-5. Registered application. --** (a) A person who wishes to register as a contractor
5 shall submit an application, under oath, upon a form prescribed by the board. The application
6 shall include:

7 (1) Workers' compensation insurance account number, or company name if a number has
8 not yet been obtained, if applicable;

9 (2) Unemployment insurance account number if applicable;

10 (3) State withholding tax account number if applicable;

11 (4) Federal employer identification number, if applicable, or if self-employed and
12 participating in a retirement plan;

13 (5) The individual(s) name and business address and residential address of:

14 (i) Each partner or venturer, if the applicant is a partnership or joint venture;

15 (ii) The owner, if the applicant is an individual proprietorship;

16 (iii) The corporation officers and a copy of corporate papers filed with the Rhode Island
17 secretary of state's office, if the applicant is a corporation;

18 (iv) Post office boxes are not acceptable as the only address.

19 (6) A signed affidavit subject to the penalties of perjury of whether or not the applicant
20 has previously applied for registration, or is or was an officer, partner, or venturer of an applicant
21 who previously applied for registration and if so, the name of the corporation, partnership, or
22 venture.

23 (7) Valid insurance certificate for the type of work being performed.

24 (b) A person may be prohibited from registering or renewing registration as a contractor
25 under the provisions of this chapter or his or her registration may be revoked or suspended if he
26 or she has any unsatisfied or outstanding judgments from arbitration, bankruptcy, courts and/or
27 administrative agency against him or her relating to their work as a contractor, and provided,
28 further, that an affidavit subject to the penalties of perjury shall be provided to the board attesting
29 to the information herein.

30 (c) Failure to provide or falsified information on an application, or any document
31 required by this chapter is punishable by a fine not to exceed ten thousand dollars (\$10,000).

32 (d) Applicant must be at least eighteen (18) years of age.

33 (e) Satisfactory proof shall be provided to the board evidencing the completion of five (5)
34 hours of continuing education units which will be required to be maintained by residential

1 contractors as a condition of registration as determined by the board pursuant to established
2 regulations.

3 (f) An affidavit issued by the board shall be completed upon registration [or license](#) or
4 renewal to assure contractors are aware of certain provisions of this law and shall be signed by
5 the registrant before a registration can be issued or renewed.

6 SECTION 5. Section 23-27.3-100.1.5 of the General Laws in Chapter 23-27.3 entitled
7 “State Building Code” is hereby amended to read as follows:

8 **23-27.3-100.1.5. Building code – Adoption and promulgation by committee. --** The
9 state building standards committee has the authority to adopt, promulgate, and administer a state
10 building code, which shall include: (a) provisions and amendments as necessary to resolve
11 conflicts between fire safety codes and building codes, as provided for in § 23-28.01-6; and (b) a
12 rehabilitation building and fire code for existing buildings and structures. The building code may
13 be promulgated in several sections, with a section applicable to one and two (2) family dwellings,
14 to multiple dwellings and hotels and motels, to general building construction, to plumbing
15 including and to electrical. [The building code shall incorporate minimum standards for the](#)
16 [location, design, construction and installation of wells which are appurtenances to a building in](#)
17 [applicable sections. For purposes of this chapter, "appurtenance" includes the installation,](#)
18 [alteration or repair of wells connected to a structure consistent with chapter 46-13.2.](#) The building
19 code and the sections thereof shall be reasonably consistent with recognized and accepted
20 standards adopted by national model code organizations and recognized authorities. To the extent
21 that any state or local building codes, statutes, or ordinances are inconsistent with the Americans
22 with Disabilities Act, Title III, Public Accommodations and Services Operated by Private
23 Entities, 42 U.S.C. § 12181 et seq., and its regulations and standards, they are hereby repealed.
24 The state building code standards committee is hereby directed to adopt rules and regulations
25 consistent with the Americans with Disabilities Act, Title II and III (28 CFR 35 and 28 CFR 36,
26 as amended), as soon as possible, but no later than February 15, 2012, to take effect on or before
27 March 15, 2012. The state building code standards committee is hereby authorized and directed to
28 update those rules and regulations consistent with the future revisions of the Americans with
29 Disabilities Act Accessibility Standards.

30 SECTION 6. Title 5 of the General laws entitled “BUSINESSES AND PROFESSIONS”
31 is hereby amended by adding thereto the following chapter:

32 [CHAPTER 5-65.2](#)

33 [RHODE ISLAND WELL DRILLING CONTRACTORS LICENSING LAW](#)

34 **5-65.2-1. Short title. –** [This chapter shall be known and may be cited as the “Rhode](#)

1 Island Well Drilling Contractors Licensing Law”.

2 **5-65.2-2. Definitions.** – When used in this chapter:

3 (1) “Board” means the contractors’ registration and licensing board.

4 (2) “Person” means an individual, partnership, corporation, association, or organization,
5 or any combination thereof.

6 (3) “Well” means an artificial sanitary excavation or opening in the ground, by which
7 groundwater can be obtained or through which it flows under natural pressure or is artificially
8 withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or
9 structure.

10 (4) “Well drilling contractor” means a person who engages in well drilling; including the
11 installation of pumps as provided herein.

12 (5) “Well drilling” means and includes the industry, procedure and all operations engaged
13 in by any person, full-time or part-time, for compensation or otherwise, to obtain water from a
14 well or wells by drilling, or other methods, for any purpose or use.

15 **5-65.2-3. Licensing procedure.** – (a) In addition to the provisions of chapter 5-65, the
16 contractors’ registration and licensing board is authorized to establish a program to license well
17 drilling contractors to ensure persons performing well drilling work as properly qualified to
18 conduct the work. On or before January 1, 2014, the board shall promulgate regulations to
19 establish a licensing program that provides for appropriate categories of well drilling work to
20 ensure proper qualifications pertaining to the use of different equipment and approaches to install
21 wells and well pumps, and that will allow the well drilling contractor to fulfill the registration
22 requirements of 5-65 through the licensing program. Upon promulgation of applicable
23 regulations, the license issued by the board to a well drilling contractor shall serve to fulfill the
24 contractor registration requirements of chapter 5-65.

25 (b) Pursuant to board regulations, all persons seeking to be qualified as a licensed well
26 drilling professional shall submit an application to the contractors’ registration and licensing
27 board on the form or forms that the board requires. As specified by the board, the application
28 shall include the following information:

29 (1) The name of the applicant;

30 (2) The business address of the applicant;

31 (3) The mailing address of the applicant;

32 (4) The telephone number of the applicant;

33 (5) Any registration number and/or other license numbers issued by the state, or any city
34 or town;

1 (6) A statement of the skills, training and experience of the applicant sufficient to ensure
2 public safety, health and welfare; and

3 (7) Agent of service for out-of-state contractors.

4 (c) To be eligible for licensure as a well drilling contractor an applicant shall also fulfill
5 the following requirements:

6 (1) Be of good moral character;

7 (2) Pass appropriate examinations approved or administered by the contractors'
8 registration and licensing board unless otherwise exempted in accordance with subsection 5-65-
9 3(g) and has met all the requirements of the rules and regulations established by the board;

10 (3) Be in good standing with the contractors' registration and licensing board;

11 (4) Take ten (10) hours continuing education per year as set forth and recognized by the
12 contractors' registration and licensing board;

13 (d) The contractors' registration and licensing board is authorized to adopt rules and
14 regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to
15 effectuate the purpose of this chapter. Rules and regulations shall provide a fine schedule, which
16 will establish grounds for discipline for license holders or non-licensed contractors. Fines shall be
17 structured not to exceed five thousand (\$5,000) dollars per day per offense for conduct injurious
18 to the welfare of the public as well as those required pursuant to section 5-65-10.

19 (e) Any person applying for a license or registration and making any material
20 misstatement as to his or her experience or other qualifications, or any person, firm, or
21 corporation subscribing to or vouching for any misstatement shall be subject to the discipline and
22 penalties provided in section 5-65-10.

23 (f) No corporation, firm, association, or partnership shall engage in the business of well
24 drilling or represent itself as a well drilling contractor unless a licensed commercial well drilling
25 professional as provided in this chapter is continuously engaged in the supervision of its well
26 drilling work, provided that the well drilling professional is a general partner or an officer and
27 shareholder in the firm or corporation. If the license holder dies or otherwise becomes
28 incapacitated, the corporation, firm, or association shall be allowed to continue to operate until
29 the next examination shall be given or such times as the board shall see fit. In no event, shall the
30 corporation, firm, association, or partnership continue to operate longer than twelve (12) months
31 or in accordance with the board's established rules and regulations without satisfying the license
32 requirements of this chapter.

33 (g) Those well drilling contractors who were previously registered with the department of
34 environmental management, and remain in good standing as of December 31, 2012, and that were

1 [previously exempted from fulfilling the testing requirements required for registration by the](#)
2 [department shall also be exempt form the testing requirements set forth in this chapter.](#)

3 **5-65.2-4. Fees.** – [All persons seeking a well drilling professional license shall submit a](#)
4 [payment in the amount of two hundred dollars \(\\$200\), which shall support the licensing program,](#)
5 [representing a license fee. All fines and fees collected pursuant to this chapter shall be deposited](#)
6 [into a restricted receipt account for the exclusive use of supporting programs established by the](#)
7 [board.](#)

8 SECTION 7. Section 1 of this article shall take effect as of July 1, 2012. Sections 2, 3, 4,
9 5 and 6 of this article shall take effect as of January 1, 2013.