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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO WATERS AND NAVIGATION -- DRILLING OF DRINKING WATER
WELLS CONTRACTORS LICENSING LAW

Introduced By: Senator Michael J. McCaffrey

Date Introduced: June 03, 2014

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-65.2-1, 5-65.2-2 and 5-65.2-3 of the General Laws in Chapter 5-
2 65.2 entitled "Rhode Island Well Drilling Contractors Licensing Law" are hereby amended to
3 read as follows:

4 **5-65.2-1. ~~Short title~~ Short title and purpose.** -- This chapter shall be known and may be
5 cited as the "Rhode Island Well Drilling Contractors Licensing Law". The purpose of this chapter
6 is to establish minimum standards, govern and enforce the installation, construction, repair,
7 development and abandonment of wells, well pumps and water supply treatment systems in order
8 to safeguard the public health and to provide an adequate supply of clean and uncontaminated
9 water for all persons in the state.

10 **5-65.2-2. Definitions.** -- When used in this chapter:

11 (1) "Alter" means the replacing or repairing of any portion of the existing water supply
12 system or water supply treatment systems (including filtration systems) and the terms "alteration"
13 and "altering" shall be construed accordingly.

14 (2) "Appurtenances" means and includes wells connected to a structure and any pump
15 filtration or other water treatment supply system or device installed therewith.

16 (~~4~~)(3) "Board" means the contractors' registration and licensing board.

17 (4) "Construct" means the building, assembly or installation of a new water supply
18 system, water supply treatment system or the enlargement or alteration of an existing water

1 supply system; and the term "construction" shall be construed accordingly.

2 (5) "Domestic well" means the supplying of water to a water supply system for the
3 purpose of drinking, culinary, or household uses in which it is not used as a public water supply.

4 ~~(2)~~(6) "Person" means an individual, partnership, corporation, association, or
5 organization, or any combination thereof.

6 (7) "Water supply system" or "water supply treatment system" means apparatus,
7 equipment, water service pipes, water distribution pipes, and the necessary connecting pipes,
8 control valves and all appurtenances adjacent to the structure or premises, including the supply of
9 water to the main water distribution line, geo-thermo and all other water needs that require
10 storage pumping treatment or altering in any way. Water supply treatment system or water supply
11 system shall include "filtration systems" and "pump installation".

12 ~~(3)~~(8) "Well" means an artificial sanitary excavation or opening in the ground, by which
13 groundwater can be obtained or through which it flows under natural pressure or is artificially
14 withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or
15 structure.

16 ~~(4)~~(9) "Well drilling contractor" or "pump installer" means a person who ~~engages in well~~
17 ~~drilling; including the installation of pumps as provided herein~~ is certified to engage in the
18 installation, removal, alteration or repair of water pumps, water supply treatment systems or
19 appurtenances in connection with any water supply system including all connections between the
20 well and storage tank, licensed by the department of health.

21 ~~(5)~~(10) "Well drilling" means and includes the industry, procedure and all operations
22 engaged in by any person, full-time or part-time, for compensation or otherwise, to obtain water
23 from a well or wells by drilling, or other methods, for any purpose or use.

24 **5-65.2-3. Licensing procedure.** -- (a) In addition to the provisions of chapter 5-65, the
25 contractors' registration and licensing board is authorized to establish a program to license well
26 drilling contractors to ensure persons performing well drilling work or to install water supply
27 systems as properly qualified to conduct the work. On or before January 1, 2014, the board shall
28 promulgate regulations to establish a licensing program that provides for appropriate categories of
29 well drilling work, and shall update the regulations on or before January 1, 2015, to include a
30 category for persons who install water supply systems, to ensure proper qualifications pertaining
31 to the use of different equipment and approaches to install wells and well pumps and water supply
32 systems, and that will allow the well drilling contractor to fulfill the registration requirements of
33 5-65 through the licensing program. Upon promulgation of applicable regulations, the license
34 issued by the board to a well drilling contractor shall serve to fulfill the contractor registration

1 requirements of chapter 5-65.

2 (b) The board may establish classes of licenses for all persons or entities noted herein and
3 to promulgate regulations to establish classes of licenses.

4 ~~(b)~~(c) Pursuant to board regulations, all persons seeking to be qualified as a licensed well
5 drilling professional shall submit an application to the contractors' registration and licensing
6 board on the form or forms that the board requires. As specified by the board, the application
7 shall include the following information:

- 8 (1) The name of the applicant;
- 9 (2) The business address of the applicant;
- 10 (3) The mailing address of the applicant;
- 11 (4) The telephone number of the applicant;
- 12 (5) Any registration number and/or other license numbers issued by the state, or any city
13 or town;
- 14 (6) A statement of the skills, training and experience of the applicant sufficient to ensure
15 public safety, health and welfare; and
- 16 (7) Agent of service for out-of-state contractors.

17 ~~(c)~~(d) To be eligible for licensure as a well drilling contractor an applicant shall also
18 fulfill the following requirements:

- 19 (1) Be of good moral character;
- 20 (2) Pass appropriate examinations approved or administered by the contractors'
21 registration and licensing board unless otherwise exempted in accordance with subsection 5-65-
22 3(g) and has met all the requirements of the rules and regulations established by the board;
- 23 (3) Be in good standing with the contractors' registration and licensing board;
- 24 (4) Take ten (10) hours continuing education per year as set forth and recognized by the
25 contractors' registration and licensing board;

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

32 ~~(e)~~(f) Any person applying for a license or registration and making any material
33 misstatement as to his or her experience or other qualifications, or any person, firm, or
34 corporation subscribing to or vouching for any misstatement shall be subject to the discipline and

1 penalties provided in section 5-65-10.

2 ~~(f)~~(g) No corporation, firm, association, or partnership shall engage in the business of
3 well drilling or represent itself as a well drilling contractor unless a licensed commercial well
4 drilling professional as provided in this chapter is continuously engaged in the supervision of its
5 well drilling work, provided that the well drilling professional is a general partner or an officer
6 and shareholder in the firm or corporation. If the license holder dies or otherwise becomes
7 incapacitated, the corporation, firm, or association shall be allowed to continue to operate until
8 the next examination shall be given or such times as the board shall see fit. In no event, shall the
9 corporation, firm, association, or partnership continue to operate longer than twelve (12) months
10 or in accordance with the board's established rules and regulations without satisfying the license
11 requirements of this chapter.

12 ~~(g)~~(h) Those well drilling contractors who were previously registered with the
13 department of environmental management, and remain in good standing as of December 31,
14 2012, and that were previously exempted from fulfilling the testing requirements required for
15 registration by the department shall also be exempt ~~from~~ from the testing requirements set forth in
16 this chapter. The board may promulgate rules in relation to establishing grace periods in order to
17 properly license or test any prior well drilling contractor who has registered prior to December
18 31, 2012.

19 SECTION 2. The title of Chapter 46-13.2 of the General Laws entitled "Drilling of
20 Drinking Water Wells" is hereby amended to read as follows:

21 ~~CHAPTER 46-13.2~~

22 ~~Drilling of Drinking Water Wells~~

23 CHAPTER 46-13.2

24 DRILLING OF DRINKING WATER WELLS AND WATER SUPPLY SYSTEMS

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

28 **46-13.2-1. Definitions.** -- For the purpose of this chapter:

29 ~~(1) "Building official" means the local building official authorized in accordance with~~
30 ~~section 23-27.3-107 or the state building code commissioner authorized in accordance with~~
31 ~~section 23-27.3-108.2, as applicable;~~

32 ~~(2) "Board" means the Rhode Island contractors' registration and licensing board;~~

33 (1) "Abandoned well" means a well whose use has been permanently discontinued. A
34 well shall be permanently removed from service by completely filling it in, in such a manner that

1 vertical water within the well bore and within the annular space surrounding the well casing is
2 effectively and permanently prevented;

3 (2) "Abandonment temporary" or "temporary abandonment" means to remove a drilling
4 machine from a well site prior to putting the well into service or returning it to service or
5 subsequent to completing a well, or to remove a well from service subsequent to completing or
6 altering a well, or to remove a well from service with the intent to use it in the future;

7 (3) "Access port" means a minimum three fourths inch (3/4") tapped hole and plug, or a
8 three fourths inch (3/4") pipe welded onto the casing in the upper portion of a well casing to
9 permit entry of water-level measuring devices into the well;

10 (4) "Adequate protection" means construction methods which assure protection of
11 ambient groundwater from exposure to contamination;

12 (5) "Airline" means a water level measuring device consisting of a pressure gauge
13 attached to an airtight line or pipe within the well bore extending from land surface to below the
14 pumping level measuring the stable air pressure remaining in the line after completely purging
15 water from within the line;

16 (6) "Alter" means the replacing or repairing of any portion of the existing water supply
17 system or water supply treatment systems (including filtration systems) and the terms "alteration"
18 and "altering" shall be construed accordingly;

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

21 (8) "Board" means the Rhode Island contractors' registration and licensing board;

22 (9) "Building official" means the local building official authorized in accordance with
23 section 23-27.3-107 or the state building code commissioner authorized in accordance with
24 section 23-27.3-108.2, as applicable;

25 (10) "Construct" means the building, assembly or installation of a new water supply
26 system, water supply treatment systems or the enlargement or alteration of an existing water
27 supply system; and the term "construction" shall be construed accordingly. Water supply
28 treatment system or water supply system shall include "filtration systems";

29 (11) "Domestic well" means the supplying of water to a water supply system for the
30 purpose of drinking, culinary, or household uses in which it is not used as a public water supply;

31 (12) "Electrical" means the installation and service from electrical drop/wall switch
32 supplied by electricians. Electrical components beyond drop/wall switch pertaining to pump
33 equipment, water storage, and filtration system may be serviced by any license holder hereunder.
34 This definition shall not exclude any duly Rhode Island licensed electricians from performing this

1 work;

2 ~~(3)~~(13) "Person" means an individual, partnership, corporation, association, or
3 organization, or any combination thereof;

4 (14) "Plumbing" means plumbing of water systems to the shutoff; plumbing of water
5 treatment systems to be cut into plumbing not extending beyond the installation of an accessory
6 treatment and the water supply. Plumbing components before the shutoff pertaining to pump
7 equipment and water storage filtration systems may be served by a licensed well drilling
8 contractor and licensed pump installer. This definition shall not exclude any Rhode Island
9 licensed plumber to perform this work;

10 (15) "Water supply system" or "water supply treatment system" means apparatus,
11 equipment, water service pipe, water distribution pipes, and the necessary connecting pipes,
12 control valves and all appurtenances adjacent to the structure or premises, including the supply of
13 water to the main water distribution line, and all other water needs that require storage pumping
14 treatment or altering in any way. Water supply treatment system or water supply system shall
15 include "filtration systems" and "pump installation";

16 ~~(4)~~(16) "Well" means an artificial sanitary excavation or opening in the ground, by which
17 groundwater can be obtained or through which it flows under natural pressure or is artificially
18 withdrawn; and for the purposes of this chapter, excepting section 46-13.2-3(c), attached as an
19 appurtenance to a building or structure;

20 ~~(5)~~(17) "Well drilling contractor" or "pump installer" means a person who ~~engages in~~
21 ~~well drilling, including the installation pumps as provided herein~~ is certified to engage in the
22 installation, removal, alteration or repair of water pumps, water supply treatment appurtenances
23 in connection with any water supply system including all connections between well and storage
24 tank licensed by the department of health;

25 ~~(6)~~(18) "Well drilling" means and includes the industry, procedure and all operations
26 engaged in by any person, full-time or part-time, for compensation or otherwise, to obtain water
27 from a well or wells by drilling, or other methods, for any purpose or use.

28 **46-13.2-2. Purpose.** -- The purpose of this act is to promote public health and welfare
29 and protect the environment by providing specifying standards for the installation of a well,
30 pumps and water supply systems and providing a mechanism to ensure that all well drilling
31 contractors conducting business in the state of Rhode Island have the requisite skills, training and
32 experience necessary to safely and adequately install water wells and water supply systems within
33 this state.

34 **46-13.2-3. Regulations.** -- (a) The Rhode Island building standards committee, pursuant

1 to section 23-27.3-100.1.5 shall by no later than December 31, 2013 incorporate in the
2 appropriate portions of the state building codes minimum standards for the location, design,
3 construction and installation of wells, [pumps and water supply systems \(including filtration](#)
4 [systems\), and pump installation](#) that are appurtenances to buildings in consultation with the
5 department of health, the division of statewide planning and the department of environmental
6 management, with due regard for the preservation of public health, and protection of public
7 welfare and the environment.

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

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

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

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

20 (c) To protect public health and the environment, the Rhode Island department of
21 environmental management is authorized to promulgate regulations applicable to the owners of
22 on-site wastewater systems that limit the installation of any type of well, including wells installed
23 for irrigation systems, [water supply systems \(including filtration systems\), and pump installation](#)
24 near the on-site wastewater treatment systems on the owner's property [or water supply systems](#).

25 [\(d\) Any contractor who performs work pursuant to chapter 13.2 of title 46 may perform](#)
26 [the following electrical or plumbing work as defined herein.](#)

27 [\(1\) "Electrical" means the installation and service from electrical drop/wall switch](#)
28 [supplied by electricians. Electrical components beyond drop switch pertaining to pump](#)
29 [equipment, water storage, and filtration system may be serviced by any license holder hereunder.](#)
30 [This definition shall not exclude any duly Rhode Island licensed electrician from performing this](#)
31 [work;](#)

32 [\(2\) "Plumbing" means the practice, materials and fixtures utilized in the installation,](#)
33 [maintenance, extension and alteration of devices, appurtenances, appliances and apparatus](#)
34 [associated with water wells, water well pumps and water supply treatment systems. This](#)

1 [definition shall not exclude any Rhode Island licensed plumber to perform this work;](#)

2 [\(e\) All well drilling contractors, or well pump installers or installers of water supply](#)
3 [systems and treatment \(including filtration systems\) shall be subject to this section.](#)

4 **46-13.2-4. Registration and licensing of well drilling contractors and pump**

5 **installers.** -- (a) No person shall install a well or a pump within a water well [pump and water](#)
6 [supply system](#), unless registered or licensed with the proper authorities in accordance with this
7 chapter, chapter 5-65 and chapter 5-65.2 of the Rhode Island general laws. Well drilling
8 contractors are subject to the jurisdiction of the contractors' registration and licensing board
9 including the registration procedures of the board authorized by chapter 5-65 and in effect at the
10 time of passage of this act.

11 (b) A municipality engaged in well drilling shall be exempt from the registration or
12 license provisions of this chapter if the drilling is done by regular employees of, and with
13 equipment owned by, the municipality, and the work is on wells intended for use by the
14 municipality.

15 (c) This chapter shall not restrict a plumber or electrician from engaging in the trade for
16 which he or she has been licensed. [All domestic well pump installers and water supply system](#)
17 [\(including filtration systems\) installers shall be subject to this section.](#)

18 SECTION 4. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO WATERS AND NAVIGATION -- DRILLING OF DRINKING WATER
WELLS CONTRACTORS LICENSING LAW

1 This act would refine the regulations on the installation of various drinking water wells to
2 include the various types of water supply systems such as filtration systems and pump
3 installation. In addition, it would expand the jurisdiction of the contractors' registration and
4 licensing board to include those persons who are authorized to work on water supply systems.

5 This act would take effect upon passage.

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