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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - RHODE ISLAND WELL DRILLING
CONTRACTORS LICENSING LAW

Introduced By: Senators McCaffrey, Morgan, and Sheehan

Date Introduced: February 12, 2015

Referred To: Senate Labor

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 and purpose.** -- This chapter shall be known and may be cited as
5 the "Rhode Island Well Drilling Contractors Licensing Law". The purpose of this chapter is to
6 establish a licensing program and minimum standards for governing and enforcing the
7 installation, construction, repair, development, and abandonment of wells, well pumps, water
8 supply systems, water treatment systems, and water filtration systems to insure competency in the
9 field and to safeguard the public health and to provide an adequate supply of clean and
10 uncontaminated water for all persons in the state. Nothing in this chapter should be construed as
11 relieving a public water supply system of complying with relevant statutes or with the rules and
12 regulations pertaining to public drinking water (R46-13-DWQ) or with the rules and regulations
13 pertaining to the certification of public drinking water supply treatment and public drinking water
14 supply transmission and distribution operators (R23-65-DWQ).

15 **5-65.2-2. Definitions.** -- When used in this chapter:

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

17 ~~(2) "Person" means an individual, partnership, corporation, association, or organization,~~
18 ~~or any combination thereof.~~

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3 ~~withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or~~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

5 ~~(4) "Well drilling contractor" means a person who engages in well drilling; including the~~
6 ~~installation of pumps as provided herein.~~

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

10 (1) "Alter" means the replacing, changing, or repairing of any portion of the existing
11 wells, water supply systems, water treatment systems, water filtration systems, or pumps and the
12 terms "alteration" and "altering" shall be construed accordingly.

13 (2) "Appurtenance" means and includes wells, pumps, filtration or treatment systems, or
14 other devices installed therewith.

15 (3) "Board" means the contractors' registration and licensing board.

16 (4) "Contractor" means well drilling contractors, pump installers, water treatment system
17 contractors, water filtration system contractors, or those contractors who engage in the
18 installation, removal, alteration, or repair of water pumps, appurtenances, water supply systems,
19 water treatment systems, or water filtration system, including all connections between well and
20 storage tanks.

21 (5) "Electrical work" as used in this chapter means the limited electrical installation,
22 connection, and service from a drop/wall switch, as supplied by a licensed electrician for water
23 supply systems, water filtration systems, water treatment systems, and pump installations.
24 Contractors as defined herein may perform this limited electrical work. This definition shall not
25 exclude or prevent any duly licensed Rhode Island electricians from performing this work.

26 (6) "Installation of pumps and pumping equipment" means the procedure employed in the
27 placement and preparation for operation of pumps and pumping equipment for the water well,
28 including connecting all wiring to the first control and all construction or repair involved in
29 making entrance to the water well, which involves the breaking of the well seal.

30 (7) "Person" means an individual, partnership, corporation, association, limited liability
31 company, joint venture, or organization, or any combination thereof.

32 (8) "Plumbing work" as used in this chapter means the limited plumbing necessary for the
33 installation of water supply systems, pumps, water filtration systems, and water treatment
34 systems. Contractors as defined herein may perform this limited plumbing work. This definition

1 shall not exclude or prevent any duly licensed Rhode Island plumber from performing this work.

2 (9) "Pumps and pumping equipment" means any equipment or materials utilized or
3 intended for use in withdrawing or obtaining ground water including, but not limited to, seals,
4 tanks, fittings, and controls

5 (10) "Pump installer" means a person licensed by the contractors' registration and
6 licensing board who is employed in the placement and preparation for operation of pumps and
7 pumping equipment and materials utilized in withdrawing or obtaining water from a well for
8 water supplies, including all construction involved in making entrance to the well and
9 establishing such seals and safeguards as may be necessary to protect such water from
10 contamination and all construction involved in connecting such wells and pumping units or
11 pressure tanks in the water supply systems of structures served by such well, including repair to
12 any existing installation.

13 (11) "Water supply system" means and includes any apparatus, equipment, water service
14 pipes, water distribution pipes, and the necessary connecting pipes, control valves, and all
15 appurtenances adjacent to the structure or premises, including the supply of water to the main
16 water distribution line, geo-thermo, and all other water needs that require storage pumping
17 treatment, filtration, or alteration in any way.

18 (12) "Water filtration system" means any appurtenance, equipment, or device for
19 processing water to modify, enhance, or improve its quality for water supply by removing
20 particulate matter.

21 (13) "Water treatment system" means any appurtenance, equipment, or device used for
22 the continuous disinfection, continuous filtration, and removal of chemical contaminants from the
23 water supply.

24 (14) "Water filtration/treatment system contractor" means a person licensed by the
25 contractors' registration and licensing board who is employed in the placement and preparation
26 for operation of water filtration and water treatment systems, equipment, devices, materials, and
27 safeguards as may be necessary to protect such water from contamination and all construction
28 involved in connecting such filtration/treatment systems to water supply systems, including repair
29 to any existing installation.

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

34 (16) "Well drilling contractor" means a person who is licensed by the contractors'

1 registration and licensing board engages in well drilling, including the installation,
2 alteration, removal, or repair of water supply systems.

3 (17) "Well drilling" means all acts necessary for the construction, installation, or
4 alteration of a water supply well or to obtain water from a well or wells by drilling, or by
5 excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed.

6 **5-65.2-3. Licensing procedure.** -- (a) In addition to the provisions of chapter 5-65, the
7 contractors' registration and licensing board is authorized to establish a program to license well
8 drilling contractors, pump installers, and water filtration/treatment system contractors to ensure
9 persons performing well drilling work, pump installation, and water filtration/treatment system
10 installation as are properly qualified to conduct the work. On or before January 1, ~~2014~~ 2016, the
11 board shall promulgate regulations to establish a licensing program that provides for appropriate
12 categories of well drilling work to ensure proper qualifications pertaining to the use of different
13 equipment and approaches to construct, install, repair, alter, or remove wells, ~~and~~ well pumps,
14 water supply systems, water treatment systems and water filtration system, and that will allow ~~the~~
15 well drilling ~~contractor~~ contractors, pump installers, or water filtration/treatment system
16 contractors, as described herein, to fulfill the ~~registration~~ relevant requirements of 5-65 through
17 the licensing program. Upon promulgation of applicable regulations, the license issued by the
18 board to a well drilling contractor shall serve to fulfill the ~~contractor registration~~ relevant
19 requirements of chapter 5-65.

20 (b) Pursuant to board regulations, all persons seeking to be ~~qualified as a~~ licensed as a
21 well drilling ~~professional~~ contractor, pump installer, or water filtration/treatment system
22 contractor, as defined herein, shall submit an application to the contractors' registration and
23 licensing board on the form or forms that the board requires. As specified by the board, the
24 application shall include the following information:

- 25 (1) The name of the applicant;
- 26 (2) The business address of the applicant;
- 27 (3) The mailing address of the applicant;
- 28 (4) The telephone number of the applicant;
- 29 (5) Any registration number and/or other license numbers issued by the state, or any city
30 or town;
- 31 (6) A statement of the skills, training and experience of the applicant sufficient to ensure
32 public safety, health and welfare; and
- 33 (7) Agent of service for out-of-state contractors.

34 (c) To be eligible for licensure as a well drilling contractor an applicant shall also fulfill

1 the following requirements:

2 (1) Be of good moral character;

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

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

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

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

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

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

32 (g) Those well drilling contractors or pump installers who were previously registered
33 with the department of environmental management, and remain in good standing as of December
34 31, 2012, and that were previously exempted from fulfilling the testing requirements required for

1 registration by the department shall also be exempt ~~from~~ from the testing requirements set forth in
2 this chapter.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS - RHODE ISLAND WELL DRILLING
CONTRACTORS LICENSING LAW

- 1 This act would give the contractor's registration and licensing board jurisdiction over
- 2 pump installers, and/or water filtration/treatment system contractors.
- 3 This act would take effect upon passage.

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