

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Fitch**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 17-43-301 TO PERMIT THE
9 REGISTRATION OF CERTAIN PREVIOUSLY EXEMPTED PUMP
10 INSTALLERS WITHOUT EXAMINATION; TO REPEAL THE EXEMPTION
11 FROM REGISTRATION FOR CERTAIN PUMP INSTALLERS FOUND IN
12 SUBSECTION (f) OF ARKANSAS CODE 17-43-108; TO CLARIFY THAT
13 THE WATER WELL CONSTRUCTION COMMISSION MAY ALSO REGISTER
14 AND ISSUE A REGISTRATION CERTIFICATE TO CERTIFIED PUMP
15 INSTALLERS; TO AMEND ARKANSAS CODE 17-43-311 TO PROVIDE
16 AUTHORITY TO THE WATER WELL CONSTRUCTION COMMISSION TO
17 PROVIDE A REGISTRATION CERTIFICATE AND RIG PERMITS AT A
18 REDUCED FEE; TO AMEND ARKANSAS CODE TITLE 17, CHAPTER 43,
19 SUBCHAPTER 3 TO PROVIDE EXEMPTIONS; AND FOR OTHER
20 PURPOSES."

21
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23
24 SECTION 1. Arkansas Code 17-43-301 is amended to read as follows:

25 "17-43-301. Certificate - Applicant qualifications.

26 (a) Upon proper application to the commission, any natural person shall
27 be entitled to be registered and to be issued a certificate of registration as
28 a certified water well driller or certified pump installer who shall furnish
29 to the commission proof that he:

30 (1) Is not less than eighteen (18) years of age;

31 (2) Is a citizen of the United States or has declared his
32 intention to become a citizen;

33 (3) Is of good moral character;

34 (4) Has knowledge of the rules and regulations adopted under this
35 chapter; and

1 (5) Has had no less than two (2) years' experience in the work for
2 which he is applying for a certificate of registration or has completed forty
3 (40) hours of instruction approved by the commission.

4 (b) The commission shall provide examinations and a course of
5 instruction, if required, which each applicant must pass in order to qualify
6 for the certificate of registration.

7 (c) Any person engaged in the business of pump installation shall be
8 registered and issued a certificate of registration for the type of work
9 engaged in without being required to pass an examination if:

10 (1) the applicant has been engaged, for a period of at least two
11 (2) years, in the business of pump installation for domestic wells and wells
12 which produce less than fifty thousand (50,000) gallons per day;

13 (2) the applicant was previously exempted from registration under
14 subsection (f) of Arkansas Code 17-43-108; and

15 (3) the applicant makes application and pays the required fees for
16 registration within one hundred twenty (120) days after July 1, 1991."

17

18 SECTION 2. Arkansas Code 17-43-311 is hereby amended to read as
19 follows:

20 "17-43-311. Fees.

21 (a) The commission shall establish and collect fees not to exceed the
22 maximum amounts as follows:

- 23 (1) Each certificate of registration ... \$ 70.00
- 24 (2) Water well contractor's license
- 25 and annual renewal 200.00
- 26 (3) Each rig permit 80.00

27 (b) Such fees shall not be reduced for any license or rig permit even
28 though it may be valid for less than a full license or permit year.

29 (c) The commission is authorized to establish and receive fees for the
30 cost incurred in rendering services and material, provided the fees reflect
31 the reasonable cost to the commission. The commission shall establish the
32 fees as set forth in the Administrative Procedures Act, as amended, § 25-15-
33 201 et seq.

34 (d) The commission shall have the authority to set fees not to exceed
35 the maximums set in subsection (a) of this section.

1 (e) The commission is authorized to issue, to one (1) registered water
2 well driller or registered pump installer, employed by each licensed water
3 well contractor, a certificate of registration, upon receipt of a water well
4 contractor license fee, without payment of a certificate of registration fee
5 or at a reduced fee.

6 (f) The commission is authorized to provide, to each licensed water well
7 contractor, upon receipt of a water well contractor's license fee, one or more
8 rig permits without payment of a rig permit fee or at a reduced fee. The
9 commission may reduce fees for rig permits for specific types of rigs, based
10 on the use or purpose of the rig.

11 (g) For the license and permit year beginning August 1, 1991 and ending
12 July 31, 1992, the commission shall provide one registration certificate upon
13 receipt of a water well contractor license fee, to one qualified employee,
14 making application, without payment of the registration certificate fee. For
15 each additional registration certificate the fee shall be the amount specified
16 by regulation.

17 (h) For the license and permit year beginning August 1, 1991 and ending
18 July 31, 1992, the commission shall provide one rig permit to each licensed
19 water well contractor making application for a rig permit at a reduced fee.
20 The reduced rig permit fee shall apply only for rigs or pump hoists used for
21 pump installation or repair, and not used to drill, or bore a water well. The
22 reduced rig fee shall be one-half (½) the rig fee specified by regulation."
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24 SECTION 3. Arkansas Code Title 17, Chapter 43, Subchapter 3 is amended
25 to add the following new section:

26 "17-43-312.

27 (a) A person installing pumping equipment in a water well used for
28 domestic single household dwelling purposes is:

- 29 (1) not required to pay a fee for a water well contractor license
30 or rig permits;
- 31 (2) exempted from holding a water well contractor license;
- 32 (3) exempted from obtaining a rig permit; and
- 33 (4) exempted from working under the supervision of a licensed
34 water well contractor.

35 (b) However such a person shall himself hold a pump installer

1 registration certificate or shall work under the direct supervision of a
2 person holding a pump installer registration certificate.

3 (c) The fee for persons exempted under this section shall be
4 established by regulation not to exceed the limits established for a
5 certificate of registration under §17-43-311(a). The fee for registration
6 certificate for the licensing year beginning August 1, 1991 and ending July
7 31, 1992 shall be seventy dollars (\$70.00). Twenty dollars (\$20.00) of each
8 fee remitted by persons exempted by this section may be used for the benefit
9 of the public by the Water Well Construction Commission in lieu of a Water
10 Well Contractor Licensing Bond."

11

12 SECTION 4. Arkansas Code 17-43-304 is amended to add the following new
13 subsection:

14 "(c) A land owner installing pumping equipment in a water well owned by
15 him for his own use is exempted from the licensing requirements of this
16 chapter."

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18 SECTION 5. (a) Subsection (f) of Arkansas Code 17-43-108 is hereby
19 repealed.

20 (b) All other laws and parts of laws in conflict with this act are
21 hereby repealed.

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23 SECTION 6. All provisions of this act of a general and permanent nature
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
25 Revision Commission shall incorporate the same in the Code.

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27 SECTION 7. If any provision of this act or the application thereof to
28 any person or circumstance is held invalid, such invalidity shall not affect
29 other provisions or applications of the act which can be given effect without
30 the invalid provision or application, and to this end the provisions of this
31 act are declared to be severable.

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