

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/19/01

A Bill

Act 1184 of 2001
HOUSE BILL 2296

5 By: Representative Haak
6 By: Senator Horn
7

For An Act To Be Entitled

10 AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS
11 WATER WELL CONSTRUCTION ACT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO AMEND VARIOUS SECTIONS OF THE
16 ARKANSAS WATER WELL CONSTRUCTION ACT.
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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code 17-50-103 is amended to read as follows:
22 17-50-103. Definitions.

23 As used in this chapter, unless the context otherwise requires:

24 (1) "Commission" means the Commission on Water Well Construction, as
25 created by § 17-50-201;

26 (2) "Person" includes any natural person, partnership, association,
27 business trust, and public or private corporation;

28 (3) "Repair" means any action which results in a breaking, opening, or
29 replacement of a well seal or cap;

30 (4) "Rig" means the machinery used in the construction or repair of
31 water wells or the installation or repair of pumping equipment, which has a
32 lift or pulling capacity of greater than one thousand pounds (1,000 lbs.);

33 (5) "Water well" means any excavation that is drilled, redrilled,
34 cored, bored, washed, driven, dug, jetted, or otherwise artificially
35 constructed for the purpose of locating, acquiring, diverting, or
36 artificially recharging ground water. This term shall include excavations

1 made for the purpose of exchanging the geothermal energy found in the earth
2 as defined in subdivision (8) of this section as heatpump wells but shall not
3 include an excavation made for the purpose of obtaining or prospecting for
4 oil, natural gas, minerals, or products of mining or quarrying or for
5 inserting media to repressure oil or natural gas-bearing formations or for
6 storing petroleum, natural gas, or other products;

7 (6) "Water well contractor" means any person who engages in the
8 business of ~~constructing, altering, or repairing any water well, or the~~
9 ~~installation or repair of pumping equipment~~ well construction or pump
10 installation or repair, exclusive of surveying or other acts preparatory to
11 the construction of a water well;

12 (7) "Water well driller" means any natural person, whether or not
13 connected with a firm, partnership, corporation, or other public or private
14 association, who engages for compensation in ~~the construction, alteration, or~~
15 ~~repair of any water well~~ construction in this state;

16 (8) "Heat pump wells" means any excavation that is drilled, redrilled,
17 cored, bored, washed, driven, dug, jetted, or otherwise artificially
18 constructed for the purpose of obtaining or exchanging geothermal energy for
19 use with ground water source air conditioning or heat pump systems. The
20 excavation may have pipes installed inside the excavation to circulate or
21 discharge various fluids for the use and purpose set out above, and the well
22 may or may not be backfilled after excavation;

23 (9) "Pumping equipment" means all machinery and parts of pumps such as
24 deep well turbine pumps with right angle gear drive, vertical hollow shaft
25 motors, jet pumps and motors, submersible pumps and motors, and other parts
26 and fittings installed or attached to the well, but shall exclude cooling
27 units, horizontal electric motors, heat pump circulating pipe, and stationary
28 diesel or gas engines;

29 (10)(A) "Pump installer" means any natural person, whether or not
30 connected with a firm, partnership, corporation, or public or private
31 association, who engages for compensation in ~~the alteration or repair of a~~
32 ~~water well and who installs or repairs pumping equipment~~ pump installation or
33 repair.

34 (B) Registered pump installers who have demonstrated, in a
35 manner set forth in the commission's rules, a knowledge of the applicable
36 rules and required skills which are authorized to plug abandoned water wells;

1 and

2 (11) "Heat pump circulating pipe" means pipes that circulate fluid in
3 heat pump wells and are a part of heat pump well construction, but are not
4 considered pumping equipment;

5 (12) "Abandoned water well" means a well whose use has been
6 permanently discontinued or which is in such a state of disrepair that
7 continued use for the purpose of obtaining ground water is impractical; and

8 (13) "Well construction" means the act of setting up the rig for and
9 engaging in the excavation of water well, the modification of the borehole,
10 and the setting or removal of casing, up to the point of installing or
11 repairing pump equipment, and plugging abandoned water wells.

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13 SECTION 2. Arkansas Code 17-50-104 is amended to read as follows:

14 17-50-104. Violations.

15 (a) It shall be unlawful and a violation of this chapter, unless
16 exempted under the provisions of §§ 17-50-107(b) and 17-50-108(b), for:

17 (1) Any person to engage in ~~the well~~ construction, ~~alteration,~~
18 ~~repair,~~ or pump installation ~~of a pump or water well,~~ unless the work is
19 performed under the supervision of an individual licensed or certified by the
20 Commission on Water Well Construction in the ~~construction, alteration,~~
21 ~~repair, or installation of water wells and pump equipment~~ type of work done;

22 (2) Any water well contractor to fail to deliver a report on
23 water well construction to the commission within ninety (90) days after
24 completion of ~~the well~~ construction ~~of a water well.~~ The report on water well
25 construction shall contain such information as may be requested by
26 appropriate rules and regulations of the commission and shall be upon forms
27 supplied by the commission;

28 (3) Any person to install, construct, repair, or alter a water
29 well or water well pumping equipment which is not in compliance with
30 appropriate rules and regulations or is a health hazard;

31 (4) A person to operate a rig without a permit as prescribed in
32 § 17-50-310; or

33 (5) A person to enter into a contract for ~~the well~~ construction
34 ~~of a water well~~ or pump installation or hold himself out in the business as a
35 water well contractor without posting bond or bond fee and holding a license
36 as provided in §§ 17-50-304 - 17-50-309.

1 (b) Every day or any part of a day in which a violation occurs shall
2 constitute a separate offense.

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4 SECTION 3. Arkansas Code 17-50-301 is amended to read as follows:
5 17-50-301. Certificate - Applicant qualifications.

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

- 10 (1) Is not less than eighteen (18) years of age;
- 11 (2) Is of good moral character;
- 12 (3) Has knowledge of the rules and regulations adopted under
13 this chapter; and

14 (4) Has had no less than two (2) years' experience in the work
15 for which he is applying for a certificate of registration, ~~or has completed~~
16 ~~forty (40) hours of instruction approved by the commission though applicants~~
17 for pump installer certification may substitute forty (40) hours of
18 instruction approved by the commission for the experience requirement.

19 (b) The commission shall provide examinations and a course of
20 instruction, when required, which each applicant must pass in order to
21 qualify for the certificate of registration.

22 (c) Any person engaged in the business of pump installation shall be
23 registered and issued a certificate of registration after passing an
24 examination if:

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

28 (2) The applicant makes application and pays the required fees
29 for registration ~~within one hundred twenty (120) days after July 1, 1993.~~

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31 SECTION 4. Arkansas Code 17-50-302 is amended to read as follows:
32 17-50-302. Certificate - Reciprocity.

33 Upon application for a certificate and ~~upon~~ the payment of the proper
34 registration ~~fee~~ and testing fees and upon passing the applicable test, the
35 commission may issue a certificate of registration ~~as a registered water well~~
36 ~~driller~~ to any person who holds a certificate of qualification or

1 registration issued to him by proper authority in any state or territory or
2 possession of the United States, or of any other country, if:

3 (1) The registration standard under which the certificate was
4 issued is of a standard not lower than that specified by the provisions of
5 this chapter and the rules of the commission promulgated pursuant to the
6 provisions hereof; and

7 (2) That particular state, territory, or possession of the
8 United States, or other country, extends similar privileges to the persons
9 registered under the provisions of this chapter.

10 /s/ Haak

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APPROVED: 3/29/2001

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