

2016 -- S 2854

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

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

Introduced By: Senators Goodwin, and Morgan

Date Introduced: March 23, 2016

Referred To: Senate Labor

(Labor & Training/Administration)

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  
5 be cited as the "Rhode Island Well Drilling, Pump Installers, and Water Filtration Contractors  
6 Licensing Law". The purpose of this chapter is to establish a licensing program and minimum  
7 standards for governing and enforcing the installation, construction, repair, development, and  
8 abandonment of wells, well pumps, water supply systems, water treatment systems, and water  
9 filtration systems to insure competency in the field and to safeguard the public health and to  
10 provide an adequate supply of clean and uncontaminated water for all persons in the state.  
11 Nothing in this chapter should be construed as relieving a public water supply system of  
12 complying with relevant statutes or with the rules and regulations pertaining to the certification of  
13 public drinking water supply treatment and public drinking water supply transmission and  
14 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3 ~~withdrawn; and for the purposes of this chapter attached as an appurtenance to a building or~~  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) "Electrical work" means the limited electrical installation, connection, and services  
17 from a drop/wall switch, as supplied by a properly licensed electrician for water supply systems,  
18 water filtration systems, water treatment systems, and pump installations. Contractors as defined  
19 herein may perform this limited electrical work. This definition shall not exclude or prevent any  
20 properly licensed electrician from performing this work.

21 (5) "Person" means an individual, partnership, corporation, association, limited liability  
22 company, joint venture, or organization, or any combination thereof.

23 (6) "Plumbing work" means the limited plumbing necessary for the installation of water  
24 supply systems, pumps, water filtration systems, and water treatment systems. Contractors as  
25 defined herein may perform this limited plumbing work. This definition shall not exclude or  
26 prevent any properly licensed plumber from performing this work.

27 (7) "Pumps and pumping equipment" means any equipment or materials utilized or  
28 intended for use in transferring, pressurizing, withdrawing or obtaining ground water supply  
29 including, but not limited to, seals, tanks, fittings, and controls.

30 (8) "Pump installer" means a person licensed by the contractors' registration and licensing  
31 board who is employed in the placement and preparation for operation of pumps and pumping  
32 equipment and materials utilized in withdrawing or obtaining water for water supply distribution  
33 lines, including all construction involved in making entrance to the well and establishing such  
34 seals and safeguards as may be necessary to protect such water from contamination and all

1 construction involved in connecting such wells and pumping units or pressure tanks in the water  
2 supply systems of structures served by such well, including repair and servicing to any existing  
3 installation.

4 (9) "Residential water filtration/treatment system contractor" means a person licensed by  
5 the contractors' registration and licensing board to engage in the business of the placement and  
6 preparation for operation and service of residential water filtration and water treatment systems,  
7 equipment, devices, materials, and safeguards as may be necessary to protect such water from  
8 contamination and all construction involved in connecting such filtration/treatment systems to  
9 water supply systems, including repair to any existing installation. Licensed residential water  
10 filtration contractors are permitted to work on piping up to one and one-half inches (1.5") in  
11 diameter with a flow rate not to exceed eighty (80) gallons per minute.

12 (10) "Residential water filtration/treatment system installer" means a person licensed by  
13 the contractors' registration and licensing board who is employed by a residential water  
14 filtration/treatment system contractor, as defined in this chapter, in the placement and preparation  
15 for operation of residential water filtration and water treatment systems, equipment, devices,  
16 materials, and safeguards as may be necessary to protect such water from contamination and all  
17 construction involved in connecting such filtration/treatment systems to water supply systems,  
18 including repair or service to any existing installation. Licensed residential water  
19 filtration/treatment system installers are permitted to work on piping up to one and one-half  
20 inches (1.5") in diameter with a flow rate not to exceed eighty (80) gallons per minute.

21 (11) "Water supply system" means and includes any apparatus, equipment, water service  
22 pipes, water distribution pipes, and the necessary connecting pipes, control valves, and all  
23 appurtenances adjacent to the structure or premises, including the supply of water to the main  
24 water distribution line, geothermal, and all other water needs that require storage, pumping,  
25 treatment, filtration, or alteration in any way.

26 (12) "Water filtration system" means any appurtenance, equipment or device for  
27 processing water to modify, enhance, or improve its quality for water supply.

28 (13) "Water treatment system" means any appurtenance, equipment, or device used for  
29 the continuous disinfection, continuous treatment, and removal of contaminants from the water  
30 supply.

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

1 (15) "Well contractor" means well drilling contractors, pump installers, and residential  
2 water filtration/treatment system contractors, or those contractors who engage in the installation,  
3 removal, alteration, servicing or repair of water pumps, appurtenances, water supply systems,  
4 water treatment systems, or residential water filtration systems, including all connections between  
5 wells and storage tanks.

6 (16) "Well drilling contractor" means a person who is licensed by the contractors'  
7 registration and licensing board and engages in well drilling, including the installation, alteration,  
8 removal, or repair of water supply systems.

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

12 **5-65.2-3. Licensing procedure.** -- (a) In addition to the provisions of chapter 5-65, the  
13 contractors' registration and licensing board is authorized to establish a program to license well  
14 drilling contractors, pump installers, water filtration/treatment system contractors, and water  
15 filtration/treatment system installers to ensure persons performing well drilling work, pump  
16 installation, and residential water filtration/treatment system installation as properly qualified to  
17 conduct the work. On or before ~~January 1, 2014~~ January 1, 2017, the board shall promulgate  
18 regulations to establish a licensing program that provides for appropriate categories of ~~well~~  
19 ~~drilling~~ work to ensure proper qualifications pertaining to the use of different equipment and  
20 approaches to construct, install, repair, alter, or remove wells, ~~and~~ well pumps, water supply  
21 systems, residential water treatment/supply systems, and water filtration systems, and that will  
22 allow ~~the~~ well drilling ~~contractor~~ contractors, pump installers, or residential water  
23 filtration/treatment system contractors and residential water filtration/treatment system installers,  
24 as described herein, to fulfill the ~~registration relevant~~ requirements of ~~5-65~~ chapter 65 of title 5  
25 through the licensing program. Upon promulgation of applicable regulations, the license issued  
26 by the board to a ~~well-drilling~~ contractor shall serve to fulfill the contractor registration  
27 requirements of chapter ~~5-65~~ chapter 65 of title 5.

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

- 33 (1) The name of the applicant;
- 34 (2) The business address of the applicant;

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

8 (c) To be eligible for licensure as a well drilling contractor, pump installer, residential

9 water filtration/treatment system contractor, or residential water filtration/treatment system

10 installer an applicant shall also fulfill the following requirements:

- 11 (1) Be of good moral character;
- 12 (2) Pass appropriate examinations approved or administered by the contractors'
- 13 registration and licensing board unless otherwise exempted in accordance with subsection 5-65-
- 14 3(g) and has met all the requirements of the rules and regulations established by the board;
- 15 (3) Be in good standing with the contractors' registration and licensing board;
- 16 (4) Take ~~ten (10)~~ five (5) hours continuing education per year as set forth and recognized
- 17 by the contractors' registration and licensing board;

18 (d) The contractors' registration and licensing board is authorized to adopt rules and

19 regulations pursuant to the Administrative Procedures Act, chapter 35 of title 42, necessary to

20 effectuate the purpose of this chapter. Rules and regulations shall provide a fine schedule, which

21 will establish grounds for discipline for license holders or non-licensed contractors. Fines shall be

22 structured not to exceed five thousand (\$5,000) dollars per day per offense for conduct injurious

23 to the welfare of the public as well as those required pursuant to § 5-65-10.

24 (e) Any person applying for a license or registration and making any material

25 misstatement as to his or her experience or other qualifications, or any person, firm, or

26 corporation subscribing to or vouching for any misstatement shall be subject to the discipline and

27 penalties provided in § 5-65-10.

28 (f) No corporation, firm, association, or partnership shall engage in the business of well

29 drilling, pump installation, water filtration/treatment system contracting, or represent itself as a

30 well drilling contractor, pump installer, or water filtration/treatment system contractor, unless a

31 licensed ~~commercial~~ well drilling ~~professional~~ contractor, pump installer, or water

32 filtration/treatment system contractor as provided in this chapter is continuously engaged in the

33 supervision of its well drilling, pump installing, or water filtration/treatment system contracting

34 work, ~~provided that the well drilling professional is a general partner or an officer and~~

1 ~~shareholder in the firm or corporation~~. If the license holder dies or otherwise becomes  
2 incapacitated, the corporation, firm, or association shall be allowed to continue to operate until  
3 the next examination shall be given or such times as the board shall see fit. In no event, shall the  
4 corporation, firm, association, or partnership continue to operate longer than twelve (12) months  
5 or in accordance with the board's established rules and regulations without satisfying the license  
6 requirements of this chapter.

7 (g) Those well drilling contractors who were previously registered with the department  
8 of environmental management, and remain in good standing as of December 31, 2012, and that  
9 were previously exempted from fulfilling the testing requirements required for registration by the  
10 department shall also be exempt from the testing requirements set forth in this chapter.

11 (h) Prior to January 1, 2018, the authority shall, without examination, upon receipt of the  
12 fees required in this chapter, issue through the contractors' registration and licensing board a  
13 residential water filtration/treatment system installer's license to any applicant who shall present  
14 satisfactory evidence that they have the qualifications for the type of license applied for. After  
15 January 1, 2018, in order to qualify for a residential water filtration/treatment installer's license  
16 the eligible individual shall be required to pass a written examination and show proof as required  
17 by the contractors' registration and licensing board of their eligibility.

18 (i) Satisfactory evidence shall be any of the following that is applicable:

19 (1) The applicant must have been employed by a contractor registered with the  
20 contractors' registration and licensing board to do business designating water filtration/treatment  
21 system installation and/or service as a service provided for the previous one year and have been  
22 actively engaged in the installation and servicing of water filtration/treatment systems during that  
23 time period; or

24 (2) Notarized confirmation by three (3) water filtration/treatment system contractors that  
25 the applicant has the requisite training and experience to be licensed under this act.

26 (j) Prior to January 1, 2018, the authority shall, without examination, upon receipt of the  
27 fees required in this chapter, issue through the contractors' registration and licensing board a  
28 residential water filtration/treatment system contractors' license to any applicant who shall present  
29 satisfactory evidence that they have the qualifications for the type of license applied for. After  
30 January 1, 2018, in order to qualify for a residential water filtration/treatment contractors' license  
31 the eligible contractor shall be required to pass a written examination and show proof as required  
32 by the contractors' registration and licensing board of their eligibility.

33 (k) Satisfactory evidence shall be any of the following that is applicable:

34 (1) The owner or owners of an enterprise must have been active in water filtration for the

1 previous two (2) years; or

2 (2) The contractor has been previously registered with the contractors' registration and  
3 licensing board to do business designating water filtration/treatment system installation and/or  
4 service as a provided service; or

5 (3) Notarized confirmation by three (3) water filtration/treatment system contractors that  
6 the applicant has the requisite training and experience to be licensed under this act.

7 SECTION 2. This act shall take effect on January 1, 2017.

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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

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- 1           This act would give the contractor's registration and licensing board jurisdiction over
- 2 pump installers and residential water filtration/treatment system contractors.
- 3           This act would take effect on January 1, 2017.

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