



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB0254

Introduced 2/4/2009, by Sen. Terry Link

#### SYNOPSIS AS INTRODUCED:

225 ILCS 345/6	from Ch. 111, par. 7107
225 ILCS 345/13	from Ch. 111, par. 7114
415 ILCS 30/3	from Ch. 111 1/2, par. 116.113
415 ILCS 30/5	from Ch. 111 1/2, par. 116.115
415 ILCS 30/6	from Ch. 111 1/2, par. 116.116
415 ILCS 30/9.1 new	
415 ILCS 30/9.2 new	

Amends the Illinois Water Well and Pump Installation Contractor's License Act and the Illinois Water Well Construction Code. Requires the Department of Public Health to issue permits for the construction and modification of closed loop well systems. Sets forth the purposes for which water well and closed loop well system construction permit fees shall be used. Provides for the certification and registration of closed loop contractors by the Department. Makes a technical change in the Water Well and Pump Installation Contractor's License Act. Effective immediately.

LRB096 04711 ASK 14774 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Water Well and Pump Installation  
5 Contractor's License Act is amended by changing Sections 6 and  
6 13 as follows:

7 (225 ILCS 345/6) (from Ch. 111, par. 7107)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 6. Board. There is created in the Department the Water  
10 Well and Pump Installation Contractors Licensing Board which  
11 shall exercise its duties provided in this Act under the  
12 supervision of the Department. The Board shall consist of 6  
13 members, designated from time to time by the Director. Two  
14 members shall be licensed water well contractors, two members  
15 shall be licensed water well pump installation contractors, and  
16 two members shall be licensed water well and pump installation  
17 contractors. In making the appointments to the Board, the  
18 Director shall consider the recommendation of the Illinois  
19 Association of Groundwater Professionals.

20 The members of the Board shall be reimbursed for necessary  
21 traveling expenses in accordance with travel regulations  
22 prescribed by the Department of Finance.

23 The Board shall advise and aid the Director in:

1 (a) preparing subject matter for continuing education  
2 sessions, examinations to test the knowledge and skills of  
3 applicants for certification in the construction,  
4 installation, and repair of closed loop wells, and  
5 examinations to test the knowledge and skills of applicants  
6 for license in the construction, installation and repair of  
7 water wells, well pumps, water pressure storage tanks,  
8 connecting piping and related appurtenances, including  
9 proper sealing of abandoned water wells, and the rules and  
10 regulations of the Department promulgated pursuant to the  
11 Illinois Pump Installation Code Law and the Illinois Water  
12 Well Construction Code Law;

13 (b) promulgating rules to govern the number of hours of  
14 continuing education required for a continuing education  
15 session, examinations, hearings for suspension or  
16 revocation of or refusal to issue or renew a license,  
17 clarifying the law as it relates to water well and pump  
18 installation contracting;

19 (c) holding examinations of applicants for license at  
20 least once a year prior to November 1st in each year;

21 (d) holding hearings for the revocation or suspension  
22 of, or refusal to issue, renew or reinstate licenses;

23 (e) submitting recommendations to the Director from  
24 time to time for the efficient administration of this Act;

25 (f) grading all tests and examinations for licenses and  
26 promptly reporting the results to the Director; and

1 (g) performing such other duties from time to time  
2 prescribed by the Director.

3 (Source: P.A. 90-692, eff. 1-1-99.)

4 (225 ILCS 345/13) (from Ch. 111, par. 7114)

5 (Section scheduled to be repealed on January 1, 2012)

6 Sec. 13. The fee to be paid by an applicant for an  
7 examination to determine his fitness to receive a license as a  
8 water well contractor is \$50.

9 The fee to be paid by an applicant for an examination to  
10 determine his fitness to receive a license as a water well pump  
11 installation contractor is \$50.

12 The fee to be paid by an applicant for an examination to  
13 determine his fitness to receive a license as a water well and  
14 pump installation contractor is \$80.

15 The fee to be paid by an applicant for the annual renewal  
16 of a license as a water well contractor or water well pump  
17 installation contractor is \$25.

18 The fee to be paid by an applicant for the annual renewal  
19 of a license as a water well and pump installation contractor  
20 is \$35.

21 The fee to be paid by an applicant for the reinstatement of  
22 a water well contractor license or a water well pump  
23 installation contractor license which has lapsed less than 3  
24 years is \$10, plus all lapsed renewal fees.

25 The fee to be paid by an applicant for restoration of a

1 water well contractor's license or water well pump installation  
2 contractor's license which has lapsed more than three years is  
3 \$150.

4 The fee to be paid by an applicant for the reinstatement of  
5 a water well and pump installation contractor license which has  
6 lapsed less than 3 years is \$15, plus all lapsed renewal fees.

7 The fee to be paid by an applicant for the restoration of a  
8 license as a water well and pump installation contractor which  
9 has lapsed more than 3 years is \$175.

10 There shall be no reduction in such fees because a license  
11 when issued may be valid for less time than a full license  
12 year.

13 (Source: P.A. 77-1626.)

14 Section 10. The Illinois Water Well Construction Code is  
15 amended by changing Sections 3, 5, and 6 and by adding Sections  
16 9.1 and 9.2 as follows:

17 (415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

18 Sec. 3. Definitions. As used in this Act, unless the  
19 context otherwise requires:

20 (a) "Construction" means all acts necessary to obtaining  
21 ground water by any method, including without limitation the  
22 location of and the excavation for the well, but not including  
23 prospecting, surveying or other acts preparatory thereto, nor  
24 the installation of pumps and pumping equipment.

1 (b) "Department" means the Department of Public Health.

2 (c) "Director" means the Director of Public Health.

3 (d) "Modification" means any change, replacement or other  
4 alteration of any water well which shall be contrary to the  
5 rules and regulations regarding the construction of a well.

6 (e) "Water well" means any excavation that is drilled,  
7 cored, bored, washed, driven, dug, jetted or otherwise  
8 constructed when the intended use of such excavation is for the  
9 location, diversion, artificial recharge, or acquisition of  
10 ground water, but such term does not include an excavation made  
11 for the purpose of obtaining or prospecting for oil, natural  
12 gas, minerals or products of mining or quarrying or for  
13 inserting media to repressure oil or natural gas bearing  
14 formation or for storing petroleum, natural gas or other  
15 products or for observation or any other purpose in connection  
16 with the development or operation of a gas storage project.

17 (f) "Public water system", "community water system",  
18 "non-community water system", "semi-private water system" and  
19 "private water system" have the meanings ascribed to them in  
20 the Illinois Groundwater Protection Act.

21 (g) "Potential route", "potential primary source" and  
22 "potential secondary source" have the meanings ascribed to them  
23 in the Environmental Protection Act.

24 (h) "Closed loop well" means a sealed, watertight loop of  
25 pipe buried outside of a building foundation intended to  
26 recirculate a liquid solution through a heat exchanger.

1 (i) "Monitoring well" means a water well intended for the  
2 purpose of determining groundwater quality or quantity.

3 (j) "Closed loop contractor" means any person who installs  
4 closed loop wells for another person. "Closed loop contractor"  
5 does not include the employee of a closed loop contractor.

6 (k) "Horizontal closed loop well" means a closed loop well  
7 constructed to contain horizontal piping and the installation  
8 and grouting of the horizontal piping not exceeding 20 feet in  
9 depth and the connection to the horizontal header of the closed  
10 loop cooling and heating system.

11 (l) "Vertical closed loop well" means a closed loop well  
12 constructed to contain vertical piping and the installation and  
13 grouting of the vertical piping exceeding 20 feet in depth and  
14 the connection to the horizontal header of the closed loop  
15 cooling and heating system.

16 (m) "Closed loop well system" means the entire system  
17 containing the horizontal closed loop well or wells, the  
18 vertical closed loop well or wells, the header piping, the  
19 heating and cooling equipment, and the connections to the  
20 heating and cooling equipment.

21 (Source: P.A. 86-843.)

22 (415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

23 Sec. 5. Department powers and duties.

24 The Department has general supervision and authority over  
25 the location, construction and modification of water wells,

1 closed loop wells and monitoring wells and for the  
2 administration of this Act. With respect thereto it shall:

3 (a) Adopt and publish, and from time to time amend rules  
4 and regulations as hereinafter provided;

5 (b) Commencing no later than January 1, 1988, issue permits  
6 for the construction or change in depth of any water well other  
7 than community public water systems and monitoring wells; ~~and~~

8 (b-5) Commencing no later than January 1, 2010, issue  
9 permits for the construction and modification of closed loop  
10 well systems; and

11 (c) Exercise such other powers as are practical and  
12 reasonably necessary to carry out and enforce the provisions of  
13 this Act.

14 (Source: P.A. 86-843.)

15 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

16 Sec. 6. Rules and regulations. The Department shall adopt  
17 and amend rules and regulations reasonably necessary to  
18 effectuate the policy declared by this Act. Such rules and  
19 regulations shall provide criteria for the proper location and  
20 construction of any water well, closed loop well or monitoring  
21 well and shall, no later than January 1, 1988, provide for the  
22 issuance of permits for the construction and operation of water  
23 wells other than community public water systems, ~~closed loop~~  
24 ~~wells~~ and monitoring wells. The Department shall by regulation  
25 require a one time fee, not to exceed \$100, for permits for



1 construction of water wells and for permits for the  
2 construction of closed loop well systems. Water well and closed  
3 loop well system construction permit fees shall be for the  
4 purpose of reviewing the water well or closed loop well system  
5 permit application and for the issuance of the permit ~~issued~~  
6 ~~under the authority of this Act.~~

7 (Source: P.A. 86-843.)

8 (415 ILCS 30/9.1 new)

9 Sec. 9.1. Closed loop contractor certification. On or  
10 before January 1, 2010, the Department shall issue closed loop  
11 contractor certificates to those applicants who are qualified  
12 and have successfully passed the Department's closed loop  
13 contractor's certification exam. Applications for  
14 certification as a closed loop contractor must be made to the  
15 Department in writing and under oath or affirmation upon forms  
16 prescribed and furnished by the Department. Applications may  
17 require any information the Department deems necessary in order  
18 to carry out the provisions of this Act. The Department shall  
19 collect a \$50 fee for the closed loop contractor's  
20 qualification exam. The Water Well and Pump Installation  
21 Contractor Licensing Board, established under the Water Well  
22 and Pump Installation Contractor's License Act, shall advise  
23 and aid the Department in preparing subject matter for the  
24 closed loop contractor's certification exam.

25 Any person holding a valid water well contractor's license

1 issued under the Water Well and Pump Installation Contractor's  
2 License Act may apply and receive, without examination or fee,  
3 a closed loop contractor's certification, provided that all  
4 other requirements of this Act are met.

5 (415 ILCS 30/9.2 new)

6 Sec. 9.2. Closed loop contractor registration. Beginning  
7 on January 1, 2010, no person may engage in the occupation of a  
8 closed loop contractor unless he or she holds a valid  
9 certificate of registration as a closed loop contractor issued  
10 by the Department. All closed loop contractors doing business  
11 in this State must annually file an application for  
12 registration with the Department. All applications filed for  
13 registration under this Section before November 1, 2010 must be  
14 accompanied by verification of the certification of the  
15 applicant by the International Ground Source Heat Pump  
16 Association or a successor organization as a closed loop  
17 contractor and the applicant must submit proof of certification  
18 under Section 9.1 of this Act before November 1, 2010. All  
19 applications filed for registration under this Section on or  
20 after November 1, 2010 must be accompanied by verification of  
21 the certification of the applicant by the International Ground  
22 Source Heat Pump Association or a successor organization as a  
23 closed loop contractor and proof of certification under Section  
24 9.1 of this Act. Certificates of registration issued under this  
25 Section shall expire and must be renewed on an annual basis.

1 The Department shall collect an annual registration fee of \$25.

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.