



Rep. Michael W. Tryon

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LRB097 05460 CEL 54085 a

1 AMENDMENT TO HOUSE BILL 308

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 308 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Water Well and Pump Installation  
5 Contractor's License Act is amended by changing Sections 2, 6  
6 and 13 as follows:

7 (225 ILCS 345/2) (from Ch. 111, par. 7103)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 2. As used in this Act, unless the context otherwise  
10 requires:

11 (1) "Water well" and "well" mean any excavation that is  
12 drilled, cored, bored, washed, driven, dug, jetted or otherwise  
13 constructed when the intended use of such excavation is for the  
14 location, diversion, artificial recharge, or acquisition of  
15 ground water, but such term does not include an excavation made  
16 for the purpose of obtaining or prospecting for oil, natural

1 gas, minerals or products of mining or quarrying or for  
2 inserting media to repressure oil or natural gas bearing  
3 formation or for storing petroleum, natural gas or other  
4 products, or monitoring wells;

5 (2) "Ground water" means water of under-ground aquifers,  
6 streams, channels, artesian basins, reservoirs, lakes and  
7 other water under the surface of the ground whether percolating  
8 or otherwise;

9 (3) "Drill" and "drilling" mean all acts necessary to the  
10 construction of a water well including the sealing of unused  
11 water well holes;

12 (4) "Water Well Contractor" and "Contractor" mean any  
13 person who contracts to drill, alter or repair any water well;

14 (5) "Water Well Pump Installation" means the selection of  
15 and the procedure employed in the placement and preparation for  
16 operation of equipment and materials utilized in withdrawing or  
17 obtaining water from a well for any use, including all  
18 construction involved in making entrance to the well and  
19 establishing such seals and safeguards as may be necessary to  
20 protect such water from contamination and all construction  
21 involved in connecting such wells and pumping units or pressure  
22 tanks in the water supply systems of buildings served by such  
23 well, including repair to any existing installation;

24 (6) "Water Well Pump Installation Contractor" means any  
25 person engaged in the business of installing or repairing pumps  
26 and pumping equipment owned by others;

1           (7) "Water Well and Pump Installation Contractor" means any  
2 person engaged in both businesses described in subsections 4,  
3 5, and 6 above;

4           (8) "Department" means the Department of Public Health of  
5 this State;

6           (9) "Director" means the Director of the Department of  
7 Public Health;

8           (10) "Board" means the Water Well and Pump Installation  
9 Contractors Licensing Board created by Section 6 of this Act;

10          (11) "Person" includes any natural person, partnership,  
11 association, trust and public or private corporation;

12          (12) "Monitoring well" means a water well intended for the  
13 purpose of determining groundwater quality or quantity; =

14          (13) "Closed loop well" means a sealed, watertight loop of  
15 pipe buried outside of a building foundation intended to  
16 recirculate a liquid solution through a heat exchanger but is  
17 limited to the construction of the bore hole and the grouting  
18 of the bore hole and does not include the piping and  
19 appurtenances used in any other capacity. "Closed loop well"  
20 does not include any horizontal closed loop well systems where  
21 grouting is not necessary by law or standard industry practice;

22          (14) "Closed loop well contractor" means any person who  
23 installs closed loop wells for another person. "Closed loop  
24 well contractor" does not include the employee of a closed loop  
25 contractor.

26          (Source: P.A. 86-843.)

1 (225 ILCS 345/6) (from Ch. 111, par. 7107)

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

3 Sec. 6. Water Well and Pump Installation Contractors  
4 Licensing Board; Closed Loop Well Contractors Certification  
5 Board.

6 (a) There is created in the Department the Water Well and  
7 Pump Installation Contractors Licensing Board which shall  
8 exercise its duties provided in this Act under the supervision  
9 of the Department. The Water Well and Pump Installation  
10 Contractors Licensing Board shall consist of 6 members,  
11 designated from time to time by the Director. Two members shall  
12 be licensed water well contractors, 2 ~~two~~ members shall be  
13 licensed water well pump installation contractors, and 2 ~~two~~  
14 members shall be licensed water well and pump installation  
15 contractors. In making the appointments to the Water Well and  
16 Pump Installation Contractors Licensing Board, the Director  
17 shall consider the recommendation of the Illinois Association  
18 of Groundwater Professionals or its successor organization.

19 The members of the Water Well and Pump Installation  
20 Contractors Licensing Board shall be reimbursed for necessary  
21 traveling expenses in accordance with travel regulations  
22 prescribed by the Department of Finance.

23 The Water Well and Pump Installation Contractors Licensing  
24 Board shall advise and aid the Director in:

25 (1) ~~(a)~~ preparing subject matter for continuing

1 education sessions and examinations to test the knowledge  
2 and skills of applicants for license in the construction,  
3 installation and repair of water wells, well pumps, water  
4 pressure storage tanks, connecting piping and related  
5 appurtenances, including proper sealing of abandoned water  
6 wells, and the rules and regulations of the Department  
7 promulgated pursuant to the Illinois Pump Installation  
8 Code Law and the Illinois Water Well Construction Code Law;

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

15 (3) ~~(c)~~ holding examinations of applicants for license  
16 at least once a year prior to November 1st in each year;

17 (4) ~~(d)~~ holding hearings for the revocation or  
18 suspension of, or refusal to issue, renew or reinstate  
19 licenses;

20 (5) ~~(e)~~ submitting recommendations to the Director  
21 from time to time for the efficient administration of this  
22 Act;

23 (6) ~~(f)~~ grading all tests and examinations for licenses  
24 and promptly reporting the results to the Director; ~~and~~

25 (7) ~~(g)~~ performing such other duties from time to time  
26 prescribed by the Director; and -

1           (8) consulting and agreeing with the Closed Loop Well  
2           Contractors Certification Board regarding:

3           (i) the registering and certification of closed  
4           loop well contractors; and

5           (ii) the installation of closed loop wells.

6           For purposes of this item (8), the term "closed loop well"  
7           shall be limited to the construction, installation,  
8           repair, and abandonment of the bore hole and the grouting  
9           of the bore hole.

10          (b) There is created in the Department the Closed Loop Well  
11          Contractors Certification Board, which shall exercise its  
12          duties provided in this Act under the supervision of the  
13          Department. The Closed Loop Well Contractors Certification  
14          Board shall consist of 6 members, designated from time to time  
15          by the Director. A temporary board shall be appointed by the  
16          Department for the sole purpose of assisting with the process  
17          of initial certification and registration of closed loop well  
18          contractors and shall remain in place until 2 years after the  
19          effective date of this amendatory Act of the 97th General  
20          Assembly. On the dissolution of the temporary board, the 6  
21          members must be closed loop well contractors who are registered  
22          and certified under this Act. In making appointments to the  
23          Closed Loop Well Contractors Certification Board, the Director  
24          shall consider the recommendations of organizations that are  
25          representative of the closed loop well industry in Illinois.  
26          Recommendations shall include consideration of statewide

1 geographical representation.

2 The Closed Loop Well Contractors Certification Board shall  
3 advise and aid the Director in:

4 (1) preparing subject matter for continuing education  
5 sessions relating to closed loop wells and preparing  
6 examinations to test the knowledge and skills of applicants  
7 for certification relating to the construction,  
8 installation, repair, and abandonment of closed loop wells  
9 and the rules of the Department adopted under this Act for  
10 closed loop wells;

11 (2) adopting rules relating to (i) closed loop wells,  
12 (ii) continuing education requirements, (iii)  
13 examinations, (iv) hearings for suspension or revocation  
14 of or refusal to issue or renew a certification, and (v)  
15 the construction, installation, repair, and abandonment of  
16 closed loop wells;

17 (3) holding examinations of applicants for  
18 certification at least once a year prior to November 1st in  
19 each year;

20 (4) holding hearings for the revocation or suspension  
21 of, or refusal to issue, renew, or reinstate,  
22 certifications;

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

25 (6) grading all tests and examinations for  
26 certifications, and promptly reporting the results to the

1        Director;

2            (7) performing such other duties as may be from time to  
3            time prescribed by the Director; and

4            (8) conferring with the Water Well and Pump  
5            Installation Contractors Licensing Board regarding the  
6            construction, installation, repair, and abandonment of  
7            closed loop wells.

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

9            (225 ILCS 345/13) (from Ch. 111, par. 7114)

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

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

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

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

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

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



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

5           The fee to be paid by an applicant for restoration of a  
6 water well contractor's license or water well pump installation  
7 contractor's license which has lapsed more than three years is  
8 \$150.

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

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

15           There shall be no reduction in such fees because a license  
16 when issued may be valid for less time than a full license  
17 year.

18           (Source: P.A. 77-1626.)

19           Section 10. The Illinois Water Well Construction Code is  
20 amended by changing Sections 3, 5, and 6 and by adding Sections  
21 9.1 and 9.2 as follows:

22           (415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

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

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

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

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

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

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

22           (f) "Public water system", "community water system",  
23 "non-community water system", "semi-private water system" and  
24 "private water system" have the meanings ascribed to them in  
25 the Illinois Groundwater Protection Act.

26           (g) "Potential route", "potential primary source" and

1 "potential secondary source" have the meanings ascribed to them  
2 in the Environmental Protection Act.

3 (h) "Closed loop well" means a sealed, watertight loop of  
4 pipe buried outside of a building foundation intended to  
5 recirculate a liquid solution through a heat exchanger but is  
6 limited to the construction of the bore hole and the grouting  
7 of the bore hole and does not include the piping and  
8 appurtenances used in any other capacity. "Closed loop well"  
9 does not include any horizontal closed loop well systems where  
10 grouting is not necessary by law or standard industry practice.

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

13 (j) "Closed loop well contractor" means any person who  
14 installs closed loop wells for another person. "Closed loop  
15 well contractor" does not include the employee of a closed loop  
16 contractor.

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

18 (415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

19 Sec. 5. Department powers and duties.

20 The Department has general supervision and authority over  
21 the location, construction and modification of water wells,  
22 closed loop wells and monitoring wells and for the  
23 administration of this Act. With respect thereto it shall:

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

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

4 (b-5) Commencing no later than one year after the effective  
5 date of this amendatory Act of the 97th General Assembly, issue  
6 permits for the construction, modification, and abandonment of  
7 closed loop wells; and

8 (c) Exercise such other powers as are practical and  
9 reasonably necessary to carry out and enforce the provisions of  
10 this Act.

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

12 (415 ILCS 30/6) (from Ch. 111 1/2, par. 116.116)

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

1 wells. ~~issued under the authority of this Act.~~

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

3 (415 ILCS 30/9.1 new)

4 Sec. 9.1. Closed loop well contractor certification.

5 (a) Within 2 years after the effective date of this  
6 amendatory Act of the 97th General Assembly, all closed loop  
7 contractors, shall be certified by the Department. The  
8 Department shall issue closed loop well contractor  
9 certificates to those applicants who are qualified and have  
10 successfully passed the Department's closed loop well  
11 contractor's certification exam. Application for certification  
12 as a closed loop well contractor must be made to the Department  
13 in writing and under oath or affirmation on forms prescribed  
14 and furnished by the Department. Applications may require any  
15 information the Department deems necessary in order to carry  
16 out the provisions of this Act. The Department shall collect a  
17 fee for the closed loop well contractor's qualification exam.

18 (b) Any person holding a valid water well contractor's  
19 license issued under the Water Well and Pump Installation  
20 Contractor's License Act may apply and receive, without  
21 examination or fee, a closed loop well contractor's  
22 certification, provided that all other requirements of this Act  
23 are met.

24 (c) Any person who only installs horizontal closed loop  
25 wells using the open trench method shall be exempt from

1 certification under this Section.

2 (415 ILCS 30/9.2 new)

3 Sec. 9.2. Closed loop well contractor registration.

4 (a) Beginning one year after the effective date of this  
5 amendatory Act of the 97th General Assembly, no person may  
6 engage in the occupation of a closed loop well contractor  
7 unless he or she holds a valid certificate of registration as a  
8 closed loop well contractor issued by the Department.

9 (b) All closed loop well contractors doing business in this  
10 State must annually file an application for registration with  
11 the Department.

12 (c) One year after the effective date of this amendatory  
13 Act of the 97th General Assembly, all applications filed for  
14 registration under this Section must be accompanied by  
15 verification of the certification of the applicant by an  
16 organization approved by the Department for its  
17 appropriateness in determining the knowledge and expertise as a  
18 closed loop well contractor, and the applicant must submit  
19 proof of certification under Section 9.1 of this Act, unless  
20 specifically exempt from certification in subsection (c) of  
21 Section 9.1 of this Act.

22 (d) Certificates of registration issued under this Section  
23 shall expire and must be renewed on an annual basis.

24 (e) The Department shall collect an annual fee for  
25 registration of a closed loop well contractor.

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