
By: **Delegate Conroy**

Introduced and read first time: February 12, 1999

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Well Drillers - Enforcement and Educational Requirements**

3 FOR the purpose of authorizing the Board of Well Drillers to investigate certain
4 violations; providing that a person who practices well drilling without a license
5 is subject to certain civil penalties under certain circumstances; requiring
6 holders of certain well drilling apprentice licenses to comply with certain
7 continuing education requirements; making stylistic changes; and generally
8 relating to the practice of well drilling.

9 BY repealing and reenacting, with amendments,
10 Article - Environment
11 Section 13-206, 13-308(c) and (d), and 13-505
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1998 Supplement)

14 BY adding to
15 Article - Environment
16 Section 13-506
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1998 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Environment**

22 13-206.

23 (a) In addition to the powers set forth elsewhere in this title, the Board may
24 adopt [rules and] regulations to carry out the provisions of this title.

25 (b) In addition to the duties set forth elsewhere in this title, the Board shall:

26 (1) Carry out the provisions of this title;

1 (2) Review and comment on proposed [rules and] regulations that relate
2 to well system equipment and the construction of wells that are submitted to it before
3 adoption by the Secretary;

4 (3) Collect and account for any funds received under this title;

5 (4) Keep a record of:

6 (i) Each license that it issues; and

7 (ii) Each action it takes under § 13-310 of this title;

8 (5) Require any person who practices well drilling to be covered in
9 accordance with its [rules and] regulations by a reasonable performance bond and
10 reasonable contractor's liability insurance; and

11 (6) Have an official seal.

12 (C) ON COMPLAINT OR ON ITS OWN MOTION, THE BOARD MAY INVESTIGATE
13 ALLEGATIONS OF PRACTICING WELL DRILLING WITHOUT A LICENSE.

14 13-308.

15 (c) Before the license expires, the licensee periodically may renew it for an
16 additional 2-year term if the licensee:

17 (1) Otherwise is entitled to be licensed;

18 (2) Pays to the Board a renewal fee set by the Board; and

19 (3) Submits to the Board:

20 (i) A renewal application on the form that the Board requires;

21 (ii) Satisfactory evidence of compliance with the performance bond
22 and contractor's liability insurance requirements of the Board; and

23 (iii) Satisfactory evidence of compliance with any continuing
24 education requirement established under this subtitle for license renewal[, except
25 licensees designated as apprentice licensees by the Board].

26 (d) (1) Beginning July 1, 1985, within the license renewal period, each
27 licensee shall comply with the continuing education requirements of this section as a
28 precondition for the renewal of that license. [These requirements do not apply to
29 apprentice licensees.]

30 (2) A licensee shall complete 20 hours of approved continuing education
31 instruction covering well drilling subject matter approved by the Board.

32 (3) (i) The Board shall approve the substance and form of each
33 continuing education course, if the course is:

1 1. Offered by qualified instructors experienced in the well
2 drilling industry and approved by the Board; or

3 2. Conducted by educational institutions approved by the
4 Board.

5 (ii) The licensee is responsible for the cost of any continuing
6 education course.

7 (4) The Board may waive the requirements of this subsection if a person
8 can show just cause why that person is not able to meet the requirements.

9 13-505.

10 (a) A person who violates any provision of this title or of any [rule or]
11 regulation adopted under this title is guilty of a misdemeanor and on conviction is
12 subject:

13 (1) To a fine not exceeding \$500 or imprisonment not exceeding 3
14 months, or both; or

15 (2) To a fine not exceeding \$1,000 or imprisonment not exceeding 1 year,
16 or both, for any subsequent violation of this title that occurs within 2 years of an
17 earlier violation of this title.

18 (b) Each day that a person practices well drilling without a license constitutes
19 a separate offense.

20 13-506.

21 (A) A PERSON WHO PRACTICES WELL DRILLING WITHOUT A LICENSE IS
22 SUBJECT TO A CIVIL PENALTY TO BE LEVIED BY THE BOARD NOT EXCEEDING:

23 (1) \$500 PER DAY, UP TO A MAXIMUM OF \$10,000 FOR A FIRST VIOLATION
24 ARISING OUT OF A SINGLE COURSE OF CONDUCT; AND

25 (2) \$1,000 PER DAY FOR A SECOND OR SUBSEQUENT VIOLATION.

26 (B) THE BOARD SHALL CONDUCT A PROCEEDING UNDER THIS SECTION TO
27 LEVY A CIVIL PENALTY IN ACCORDANCE WITH NOTICE AND HEARING
28 REQUIREMENTS OF THE ADMINISTRATIVE PROCEDURE ACT.

29 (C) PENALTIES COLLECTED BY THE BOARD UNDER THIS SECTION SHALL BE
30 PAID INTO THE GENERAL FUND OF THE STATE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1999.