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By: **Delegate Conroy**  
Introduced and read first time: February 12, 1999  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 22, 1999

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CHAPTER \_\_\_\_\_

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; providing for  
6 administrative review of certain penalties; providing for judicial review of  
7 certain penalties; requiring holders of certain well drilling apprentice licenses to  
8 comply with certain continuing education requirements; making stylistic  
9 changes; and generally relating to the practice of well drilling.

10 BY repealing and reenacting, with amendments,  
11 Article - Environment  
12 Section 13-206, 13-308(c) and (d), 13-311(a), 13-312, and 13-505  
13 Annotated Code of Maryland  
14 (1996 Replacement Volume and 1998 Supplement)

15 BY adding to  
16 Article - Environment  
17 Section 13-506  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1998 Supplement)

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

1 **Article - Environment**

2 13-206.

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

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

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

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

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

11 (4) Keep a record of:

12 (i) Each license that it issues; and

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

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

17 (6) Have an official seal.

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

20 13-308.

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

23 (1) Otherwise is entitled to be licensed;

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

25 (3) Submits to the Board:

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

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

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

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

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

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

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

11 2. Conducted by educational institutions approved by the  
12 Board.

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

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

17 13-311.

18 (a) Except as otherwise provided in the Administrative Procedure Act, before  
19 the Board takes any action under § 13-310 OR § 13-506 of this [subtitle] TITLE, it  
20 shall give the person against whom the action is contemplated an opportunity for a  
21 hearing before the Board.

22 13-312.

23 [Except as provided in this section for an action under § 13-310 of this subtitle,  
24 any] ANY person aggrieved by a final decision of the Board in a contested case, as  
25 defined in § 10-202 of the State Government Article, may take an appeal as allowed  
26 in §§ 10-222 and 10-223 of the State Government Article.

27 13-505.

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

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

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

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

3 13-506.

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

6 (1) ~~\$500 PER DAY, UP TO A MAXIMUM OF \$10,000 FOR A FIRST VIOLATION~~  
7 ~~ARISING OUT OF A SINGLE COURSE OF CONDUCT; AND~~

8 (2) ~~\$1,000 PER DAY FOR A SECOND OR SUBSEQUENT VIOLATION.~~

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

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

14 (A) INSTEAD OF OR IN ADDITION TO ANY OTHER PENALTIES UNDER THIS  
15 TITLE, THE BOARD MAY IMPOSE A CIVIL PENALTY ON A PERSON WHO VIOLATES §  
16 13-501 OR § 13-502 OF THIS SUBTITLE IN AN AMOUNT NOT EXCEEDING \$1,000 PER DAY  
17 FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

18 (B) IN SETTING THE AMOUNT OF THE CIVIL PENALTY, THE BOARD SHALL  
19 CONSIDER:

20 (1) THE SERIOUSNESS OF THE VIOLATION;

21 (2) THE HARM CAUSED BY THE VIOLATION;

22 (3) THE GOOD FAITH OF THE VIOLATOR;

23 (4) HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR; AND

24 (5) OTHER RELEVANT FACTORS.

25 (C) IF A VIOLATOR FAILS TO PAY A CIVIL PENALTY WITHIN 30 DAYS OF ITS  
26 IMPOSITION BY THE BOARD, THE MATTERS SHALL BE FORWARDED TO THE CENTRAL  
27 COLLECTION UNIT IN THE DEPARTMENT OF BUDGET AND MANAGEMENT FOR THE  
28 COLLECTION OF THE CIVIL PENALTY.

29 (D) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
30 SUBSECTION 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.

