

Pump Installer Licensing & Continuing Education Law Frequently Asked Questions

Must Be Licensed By January 1, 2011; License Regulated By the Indiana Department of Natural Resources

This year's General Assembly approved SEA356. A part of this bill established a water well driller and pump installer license. It prohibits a person from installing a water well pump unless the person is licensed. It allows persons who meet certain qualifications to be issued a water well pump installer license without taking the examination. It also establishes a continuing education requirement for a water well driller and water pump installer licensee. *(Note: bold type indicates new language in the law.)*

What does the new law say?

IC 25-39-3-1; (READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 1. (a) An individual may not be a water well driller **or water well pump installer** without a license.

What does this mean for licensed water well drillers or licensed plumbing contractors who do well pump work?

Their current drilling contractor's or plumber's license will permit them to install water well pumps. They will not need an additional license.

How is pump installer defined in the law?

IC 25-39-2-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION**

TO READ AS FOLLOWS: **Sec. 15.5. "Water well pump installer" means a person who installs or repairs water well pumps.**

Is the license a corporate or an individual license?

It is an individual license.

Is the license through the Indiana Department of Natural Resources, Division of Water like the current drilling license?

Yes. The regulatory body for this license is the Indiana Department of Natural Resources, Division of Water. This agency will issue the licenses and oversee testing, enforcement and continuing education.

How much is the license?

\$100

How long is the license good for?

One year. Every license expires on December 31 of the year for which it was issued.

Does everyone working on the job have to hold a separate water well pump installer license?

No. The law states that the person must be working under the direction and personal supervision of a person who holds a license.

Is there a 'grandfathering' period?

Yes. Between now and July 1, 2011 the law states that if you are a licensed driller or plumber you can obtain a water well pump installer license from the Department of Natural Resources without taking a competency-examination if you meet the following requirements:

(1) Be at least eighteen (18) years of age; (2) Furnishes evidence that the applicant has installed water well pumps for at least three (3) years. (3) Furnishes evidence from three (3) individuals who are licensed water well drillers, plumbing contractors or pump installers and are familiar with the applicant's experience and competency.

What does the competency exam entail?

The details for the examination are not finalized at this point. The law states: SOURCE: IC 25-39-3-4; Sec. 4. (a) In consultation with the Indiana Well Drilling Contractors Association **and the Indiana Ground Water Association**, the department shall prepare one (1) or more competency examinations to determine if an applicant for a license is qualified to be a water well driller **and water well pump installer**. (b) The competency examination must include questions to determine if the applicant for a license has adequate knowledge and expertise concerning the following:

- (1) Placement of wells.
- (2) Well drilling procedures.
- (3) Operations of well drilling **and water well pump** equipment.
- (4) Contamination precautions.
- (5) Installation of well casing **and water well pumps**.
- (6) Well grouting procedures.
- (7) Well screen design and installation.
- (8) Pitless adapter units.
- (9) Installation of pumping apparatus.
- (10) Well disinfection.
- (11) Sealing abandoned wells.
- (12) Ground water occurrence.
- (13) Aquifer characteristics.
- (14) Drawdown requirements and limitations.
- (15) Depth considerations.
- (16) Methods of measuring well yield.
- (17) The requirements of this chapter and other laws relating to wells.
- (18) Other accepted standards relating to the drilling, operation, and abandonment of wells **and water well pumps**.

What happens after the July 1, 2011 date?

An applicant will be required to be at least eighteen (18) years of age, successfully complete a competency exam, and provide three statements of reference to the Division of Water. At least two of the statements must be from a licensed water well driller, licensed plumbing contractor, or licensed water well pump installer familiar with the applicants work experience and professional competency.

What about continuing education requirements?

When the first annual renewal comes up in 2012, everyone, whether grandfathered in or not, will have to provide continuing education verification as a condition of renewal.

How many hours of continuing education is required?

Six hours every two years.

How much is the competency exam?

It is not known at this time. The law states: (c) The fee to take the competency examination shall be set by the director under IC 25-1-8. This fee is nonrefundable and must be paid each time an applicant applies to take the examination. (The current fee to take the water well drilling competency exam is \$25).

What do I need to keep for continuing education verification?

Sec. 2. A licensee shall retain the following for each continuing education course the individual attends:

- (1) A record of:
 - (A) the number of hours the individual spent in the continuing education course;
 - (B) the name of the person or organization presenting the continuing education course;
 - (C) the date, location, and title of the continuing education course; and
 - (D) the number of hours of continuing education awarded for the course.
- (2) Verification that the individual attended the course.

How long do I have to keep the records?

The records and verification of attendance must be retained for three (3) years after the individual attends a continuing education course.

What type of courses will meet the CE requirement?

The Department of Natural Resources is still working on the list but the law states the:

Department may approve a continuing education course that addresses one (1) of the following topics:

- (1) Water well construction.
- (2) Pump installation and repair.
- (3) Grouting.
- (4) Water sample collection and sampling.
- (5) Contamination of water supplies.
- (6) Other topics the department determines to be relevant for the continued improvement of the knowledge of a license holder.

Will IGWA offer courses?

The Association is working with the IDNR to put together courses that would qualify under the law. If possible we would like to have a course ready in 2010.

Does the law address what happens if I am unable to meet the CE requirements?

Yes. Sec. 6. A licensee may apply in writing to the department for a waiver or modification of the continuing education requirements applying to the licensee under this article if the licensee:

- (1) establishes that an emergency existed during the period for which the continuing education was required;
- (2) has had an incapacitating illness verified by the applicant and a licensed physician; or
- (3) was prevented from completing the continuing education requirement because of active military duty during the period for which the continuing education was required.

Does the new law give the Department of Natural Resources authority for enforcement?

Yes. IC 25-39-4-7; SECTION 87. Sec. 7. (a) Under IC 4-21.5-3-6, the director may suspend or revoke the license of a **licensee** who has done any of the following:

- (1) Acted as a licensee without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.
 - (b) Under IC 4-21.5-3-5, the director may refuse to grant, renew, or restore a license to a person who has done any of the following:

- (1) Acted as a **licensee** without a license in violation of this article.
- (2) Secured a license through error or fraud.
- (3) Failed to comply with any of the requirements of sections 1, 2, 4, 5, and 6 of this chapter.

IC 25-39-4-8:

- (a) The department may initiate injunctive proceedings in the appropriate court against a person who acts as a **licensee** without a license or while the person's license is suspended. The department may not be compelled to give bond in such a cause.
- (b) After an action has been filed and notice has been given, all matters involved in the action shall be held in abeyance until the action has been tried and determined.
- (c) If a defendant continues to violate this article after notice of the action has been given but before trial and determination, the department may, upon a verified showing of those acts of the defendant, obtain a temporary restraining order without notice. The order is effective until the cause has been tried and determined.

Is a city/county ordinance still required?

Yes.

The above Frequently Asked Questions are subject to change and are not to be interpreted as law.

Questions?

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