



SYNOPSIS:

Under existing law, a water well contractor is required to be licensed by the Alabama Department of Environmental Management.

This bill would further provide for an unrestricted well driller's license and for a restricted license for engaging in drilling specific wells or pump installation, repair, and related activity.

This bill would increase the fee for licensure and provide for a two-year licensure period.

This bill would further require continuing education of licensees.

This bill would also authorize the Environmental Management Commission to adopt rules to implement this act, including fees for filing water well completion certifications.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Department of Environmental Management and well driller licenses; to amend Sections



22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama 1975; to further provide for the licensing of well drillers and other persons doing related activity; to increase the fees for licensure and provide a two-year licensure period; to require continuing education of licensees; and to authorize the Environmental Management Commission to adopt rules.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama 1975, are amended to read as follows:

"§22-24-1

For the purpose of this chapter, the following terms ~~shall~~ have the following meanings ~~respectively ascribed to them by this section~~:

(1) ~~BOARD. The Alabama Department of Environmental Management.~~ CATHODIC PROTECTION WELL. A borehole drilled for the purpose of installing equipment or a system for the electrical protection of metallic structures from corrosion.

(2) ~~DIRECTOR. The Director of the Alabama Department of Environmental Management.~~ COMMISSION. The Environmental Management Commission.

(3) DEPARTMENT. The Alabama Department of Environmental Management.

~~(3)~~ (4) DRILL. To ~~drill or~~ redrill, bore, auger, dig, or otherwise construct a ~~water~~ well.

~~(4)~~ (5) DRILLER. Any person who manages or supervises the drilling of a ~~water~~ well.



57 (6) GEOTHERMAL WELL. A borehole drilled for the purpose
58 of obtaining or exchanging geothermal energy for use with
59 geothermal air conditioning or heat pump systems. The term
60 does not include any offshore well.

61 ~~(5)~~ (7) LOG. A record of the type of material or rock
62 penetrated in the drilling of a ~~water~~ well.

63 (8) MONITORING WELL. A borehole drilled for the purpose
64 of locating and sampling for engineering or geological data.

65 ~~(6)~~ (9) PERSON. Any individual, ~~organization, group,~~
66 ~~association,~~ partnership, corporation, or any ~~combination of~~
67 ~~them~~ other business entity operating ~~a business~~ to drill ~~water~~
68 wells.

69 (10) PUMP. All machinery, parts, and fittings installed
70 on or attached to a well.

71 (11) RELATED ACTIVITY. Any activity reasonably related
72 to drilling, maintaining, or repairing a well or pump,
73 including grouting, plugging, abandoning, and decommissioning
74 a well or borehole.

75 ~~(7)~~ (12) SAMPLE. Cuttings or other fragments of rock or
76 soil materials removed from ~~the~~ a well.

77 ~~(8)~~ (13) WATER WELL. A ~~hole~~ borehole drilled for the
78 production of water.

79 (14) WELL. A water well, monitoring well, geothermal
80 well, or cathodic protection well."

81 "§22-24-2

82 (a) It is the intent of the Legislature that this
83 chapter applies solely to ~~wells drilled for the production of~~
84 ~~water and~~ water wells, monitoring wells, geothermal wells, and



cathodic protection wells; pump installation, maintenance, and repair; and any related activity.

(b) This chapter has no application to wells or holes drilled, augered, cored, or dug for quarry blast holes or mineral prospecting ~~or any purpose other than water production.~~"

"§22-24-3

(a) The ~~board is authorized and directed to make, promulgate and publish such~~ commission shall adopt rules pursuant to the Alabama Administrative Procedure Act, Chapter 22 of Title 41, and Section 22-22A-8 of the Environmental Management Act ~~and regulations as it deems reasonable and necessary to effectuate and carry out the purpose and provisions of this chapter, and a true copy of such rules and regulations shall be kept on file with the Secretary of State and copies thereof shall be made available for public distribution.~~

(b) Prior to any rule change being proposed by the commission, the department shall consult with the Alabama Ground Water Association and other affected parties, as determined by the department, not less than 60 days prior to any proposed rule change being filed with the Legislative Services Agency, Legal Division.

(c) The ~~board~~ department shall ~~cause~~ administer and enforce this chapter and all rules ~~and regulations it promulgates to be enforced~~ adopted pursuant to this chapter."

"§22-24-4

~~It shall be unlawful for any~~ No person ~~to operate any~~



~~equipment or machinery in the drilling~~ may drill or repair ~~of~~
a water well, monitoring well, geothermal well, or cathodic
protection well; install, maintain, or repair a pump; or
perform any related activity unless the ~~overall~~ operation is,
at all times, performed by or under the supervision ~~and~~
~~management~~ of a person licensed ~~water well driller as provided~~
~~for in~~ pursuant to this chapter."

"§22-24-5

~~Every person who intends to drill water wells within~~
~~the State of Alabama shall annually obtain from the board a~~
~~water well driller's license and, in order to obtain said~~
~~license, shall file with the board, in accordance with rules~~
~~and regulations as established by the board, an application~~
~~form, to be made available by the board. Any person, upon~~
~~filing said application and receiving approval of the board,~~
~~shall pay an annual fee of \$200.00 to the board, and the~~
~~payment of said fee shall entitle said person to the full and~~
~~complete privileges of drilling water wells, as provided in~~
~~this chapter, and the board shall issue a license for a period~~
~~not to exceed one year. Said annual fee paid to the board~~
~~shall not exempt a person from additional state or county~~
~~privilege taxes.~~ (a) A person who manages or supervises the
drilling or repair of a water well, monitoring well,
geothermal well, or cathodic protection well; installs,
maintains, or repairs a pump; or performs any related activity
shall be licensed under this chapter.

(b) The department shall issue two types of licenses as
follows:



141 (1) An Unrestricted Well Driller's License. A license
142 that authorizes a person to engage in the business of: (i)
143 drilling and repairing water wells, monitoring wells,
144 geothermal wells, and cathodic protection wells; (ii)
145 installing, maintaining, and repairing pumps; and (iii) any
146 related activity.

147 (2) A Restricted License. A license that authorizes a
148 person to engage in only one or more of the following
149 activities as specified in the conditions of the license:

150 a. Drilling of and related activity for a specific type
151 of well.

152 b. Installation, maintenance, and repair of pumps.

153 (c) A license may be issued to an individual or to a
154 business entity. A license may only be issued to a business
155 entity if a principal employee who is individually licensed is
156 listed on the business entity's license.

157 (d) Commencing October 1, 2026, all licenses issued by
158 the department shall be valid for a two-year license period.

159 (e) (1) The department shall charge a fee to issue a
160 license as follows:

161 a. An unrestricted license fee shall be one thousand
162 dollars (\$1,000).

163 b. A restricted license fee shall be five hundred
164 dollars (\$500).

165 (2) An additional fee of five hundred dollars (\$500)
166 shall be charged for the issuance of a business license.

167 (f) A license shall be renewed on October 1 and shall
168 be delinquent if not paid by December 31 of each renewal



period. Any renewal that is delinquent may be renewed by the payment of an additional delinquency fee of twenty dollars (\$20) per month of delinquency, for up to one year.

(g) An applicant for an initial individual license shall be subject to examination and shall satisfy all requirements as provided by rule of the commission. The license fee for a new licensee shall be prorated on a monthly basis for the balance of the license period.

(h) (1) Commencing on the renewal of each license for the license period beginning on October 1, 2028, each individual licensee shall submit proof of completing eight hours of continuing education approved by the department according to license type to renew a license.

(2) A licensee who fails to submit proof of completing the required continuing education shall be given a grace period to complete the continuing education until March 31 after the commencement of the new license period."

"§22-24-7

(a) ~~A license may be refused or~~ The department may refuse to issue a license, ~~a~~ suspend or revoke an issued license ~~duly issued may be suspended or revoked, or the~~ refuse to renew a license ~~renewal thereof refused by the board,~~ if, after notice and hearing as provided in this section, ~~it~~ the department finds that the applicant for, or holder of, ~~such a~~ license:

(1) Is unable to present evidence of his or her qualifications suitable to the ~~board~~ department;

(2) Has intentionally made a material misstatement in



the application for ~~such~~ a license;

(3) Has willfully violated any provision of this chapter;

(4) Has obtained, or attempted to obtain, ~~such~~ a license by fraud or misrepresentation;

(5) Has been guilty of fraudulent or dishonest practices; or

(6) Has demonstrated lack of competence as a driller of ~~water~~ wells.

(b) Before any license ~~shall be~~ is refused, ~~or~~ suspended, or revoked, or the renewal ~~thereof~~ of a license is refused, ~~under this section,~~ the ~~board~~ department shall give notice of its intention to do so by registered or certified mail to the applicant for, or holder of, ~~such~~ a license and shall set a date not less than 20 days from the date of mailing ~~such~~ the notice when the applicant or licensee may appear to be heard and produce evidence. ~~In the conduct of such~~ During the hearing, the ~~board~~ department, or an authorized representative specially designated by ~~it~~ the department for ~~such~~ that purpose, ~~shall have power to~~ may administer oaths, ~~to~~ and require the appearance of and examine any person under oath, ~~to~~ and require the production of books, records, or papers relevant to the inquiry upon its own initiative or upon the request of the applicant or licensee. Upon ~~termination of such~~ the conclusion of the hearing, the findings shall be reduced to writing and, upon approval by the ~~board~~ department, ~~shall be filed in its office and~~ notice of the findings and resulting decision shall be sent by



registered or certified mail to the applicant or licensee concerned.

(c) No licensee whose license has been revoked under this section shall be entitled to file another application for a license ~~as a water well driller~~ under this chapter within one year from the effective date of ~~such~~ the revocation or, if judicial review of ~~such~~ the revocation is sought, within one year from the date of final court order or judgment affirming ~~such~~ the revocation. ~~Such~~ The application, when filed, may be refused by the ~~board~~ department unless the applicant shows good cause why revocation of his or her license shall not be deemed a bar to the issuance of a new license."

"§22-24-8

~~It shall be unlawful and a violation of this chapter to drill a water well within the State of Alabama unless the following provisions are complied with:~~ (a) A licensee shall do all of the following while performing an activity for which a license is required by this chapter:

~~(1) The driller of the water well shall be licensed as provided in Section 22-24-5.~~

~~(2) (1) The driller shall, at~~ At all times during the drilling of a ~~water~~ well, keep posted in a conspicuous location, ~~at or near the well being drilled or on his person,~~ the appropriate license certificate as furnished on the drilling equipment a current sticker issued by the department indicating licensure ~~by the board.~~

~~(3) (2) Before the commencement of the drilling operation~~ starting the construction of a well, ~~the driller~~



shall file an application of intent to drill a ~~water~~ well, as directed by the ~~board~~ department.

~~(4) (3) The driller of the well, within~~ Within 30 days after ~~completion of completing the drilling of each water a~~ well, ~~shall~~ deliver to the ~~board~~ department a well completion certification form, ~~upon forms to be supplied by the board, a~~ "report of well drilled.". The ~~board~~ department shall notify the local health authorities within seven days of ~~the receipt thereof~~ receiving the certification for potable and agricultural water wells only.

~~(5) (4) The driller shall furnish~~ Furnish a log and a set of samples to the State Geological Survey from wells specifically designated by the ~~board~~ department or State Geologist. The samples shall be collected during the drilling at intervals of not more than 10 feet.

(b) The commission, by rule, may adopt a schedule of fees due for the filing of a well completion certification form pursuant to subdivision (a) (3). A fee may not exceed one thousand dollars (\$1,000) and shall be in an amount according to whether the well is used for an industrial, commercial, or domestic purpose or other criteria as determined by rule of the commission. The fee for a single-family residence or duplex may not exceed two hundred fifty dollars (\$250). The fees may be paid electronically. All fees shall be deposited into the Environmental Management Fund and used for the administration of this chapter and shall not revert to the State General Fund at the end of each fiscal year."

"§22-24-11



281 Any person ~~guilty of violating any of the provisions of~~
282 who violates this chapter or any rule adopted pursuant to this
283 chapter ~~or the rules and regulations adopted thereunder shall~~
284 ~~be guilty of a misdemeanor and may be punished by a fine of~~
285 ~~not less than \$100.00 nor more than \$500.00 for each~~
286 ~~violation. Each day the violation continues shall be~~
287 ~~considered a separate violation. Any and all funds derived~~
288 ~~from such fines shall be deposited with the State Treasurer in~~
289 ~~the Alabama Department of Environmental Management Fund~~ is
290 subject to Section 22-22A-5 of the Alabama Environmental
291 Management Act."

292 Section 2. All rules of the Alabama Department of
293 Environmental Management in Division 9 of Title 335 of the
294 Alabama Administrative Code shall continue as rules of the
295 Environmental Management Commission until amended or repealed.

296 Section 3. This act shall become effective on October
297 1, 2026.