

HB195 INTRODUCED



1 HB195
2 11YU73L-1
3 By Representative Hammett
4 RFD: State Government
5 First Read: 13-Jan-26



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4 SYNOPSIS:

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

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

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

15 This bill would further require continuing
16 education of licensees.

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

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23 A BILL
24 TO BE ENTITLED
25 AN ACT

26
27 Relating to the Alabama Department of Environmental
28 Management and well driller licenses; to amend Sections



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29 22-24-1, 22-24-2, 22-24-3, 22-24-4, 22-24-5, 22-24-7, 22-24-8,
30 and 22-24-11 of the Code of Alabama 1975; to further provide
31 for the licensing of well drillers and other persons doing
32 related activity; to increase the fees for licensure and
33 provide a two-year licensure period; to require continuing
34 education of licensees; and to authorize the Environmental
35 Management Commission to adopt rules.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1. Sections 22-24-1, 22-24-2, 22-24-3, 22-24-4,
38 22-24-5, 22-24-7, 22-24-8, and 22-24-11 of the Code of Alabama
39 1975, are amended to read as follows:

40 "§22-24-1

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

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

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

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

53 ~~(3)~~ (4) DRILL. To ~~drill or~~ redrill, bore, auger, dig, or
54 otherwise construct a ~~water~~ well.

55 ~~(4)~~ (5) DRILLER. Any person who manages or supervises
56 the drilling of a ~~water~~ well.



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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



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

87 (b) This chapter has no application to wells or holes
88 drilled, augered, coredL or dug for quarry blast holes or
89 mineral prospectingor any purpose other than water
90 production."

91 "§22-24-3

92 (a) The board is authorized and directed to make,
93 promulgate and publish such commission shall adopt rules
94 pursuant to the Alabama Administrative Procedure Act, Chapter
95 22 of Title 41, and Section 22-22A-8 of the Environmental
96 Management Act and regulations as it deems reasonable and
97 necessary to effectuate and carry out the purpose and
98 provisions of this chapter, and a true copy of such rules and
99 regulations shall be kept on file with the Secretary of State
100 and copies thereof shall be made available for public
101 distribution.

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

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

111 "§22-24-4

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



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

120 "§22-24-5

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

139 (b) The department shall issue two types of licenses as
140 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



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

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

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

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

186 "§22-24-7

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

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

196 (2) Has intentionally made a material misstatement in



197 the application for ~~such a~~ license;

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

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

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

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

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



225 registered or certified mail to the applicant or licensee
226 concerned.

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

237 "§22-24-8

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

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

245 ~~(2) (1) The driller shall, at At~~ all times during the
246 drilling of a ~~water~~ well, keep posted in a conspicuous
247 location, ~~at or near the well being drilled or on his person,~~
248 ~~the appropriate license certificate as furnished on the~~
249 ~~drilling equipment a current sticker issued by the department~~
250 ~~indicating licensure by the board.~~

251 ~~(3) (2) Before the commencement of the drilling~~
252 ~~operation starting the construction of a well, the driller~~



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

255 ~~(4) (3) The driller of the well, within~~ Within 30 days
256 after ~~completion of~~ completing ~~the drilling of each water a~~
257 well, ~~shall~~ deliver to the ~~board~~ department a well completion
258 certification form, ~~upon forms to be supplied by the board, a~~
259 ~~"report of well drilled."~~. The ~~board~~ department shall notify
260 the local health authorities within seven days of ~~the receipt~~
261 ~~thereof~~ receiving the certification for potable and
262 agricultural water wells only.

263 ~~(5) (4) The driller shall furnish~~ Furnish a log and a
264 set of samples to the State Geological Survey from wells
265 specifically designated by the ~~board~~ department or State
266 Geologist. The samples shall be collected during the drilling
267 at intervals of not more than 10 feet.

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

280 "§22-24-11



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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.