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## Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXXXIX. Water Well Contractors (Drillers)

Chapter 1. General Provisions

§101. Authority

A. As announced in the October 1985 issue of the Louisiana Register, the rules, regulations and procedures, stated herein, were prepared by the Louisiana Department of Transportation and Development, Office of Public Works, hereinafter referred to as the "department", in accordance with R.S. 38:3098-38:3098.8.

B. The rules, regulations and procedures stated herein will become effective on November 1, 1985 and supersede the rules, regulations and procedures in effect since April 21, 1983.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098 et seq.

§103. Purpose and Intent of Rules

A. The purpose of the rules, regulations and procedures, stated herein, is to provide for a fair and impartial means for the licensing of and the development of minimum qualifications and standards of conduct for those persons, firms or corporations engaged or desiring to engage in the business of drilling or reworking water wells, drilling monitoring wells, heat pump wells or holes, geotechnical boreholes and/or plugging and abandoning wells or holes, excluding oil and gas wells.

B. The intent of the regulations and procedures is to minimize the chances of contaminating aquifers that are drinking water sources or potential sources, by those who are not qualified to drill or construct wells or holes, and to reduce health and safety hazards associated with drilling and construction of such wells or holes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098 and R.S. 38:3098.2.

§105. Definitions and Glossary of Terms

A. For glossary of terms, refer to LAC 56:I.113.A.

B. Definition of Contractor/Driller. Because the words contractor and driller are used interchangeably in R.S. 38:3098 and because it was the intent of the state legislature to license contractors and not those persons who operate the rig and/or perform labor or services on a rig or site at the direction and under the personal supervision of a licensed contractor [R.S. 38:3098(D)], the word contractor or driller in these regulations is used to refer to the person, firm, or corporation who engages in the business of drilling or reworking water wells, drilling monitoring wells, heat pump wells or holes, geotechnical boreholes and/or plugging and abandoning wells or holes, excluding oil and gas wells.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.

§107. Wells and Holes That Shall Be Drilled by a Licensed Contractor

A. The following wells and holes shall be drilled, or constructed by a licensed contractor (driller) who is duly licensed by the department:

1. all water wells, regardless of use or type;
2. water test holes and pilot holes;
3. monitoring wells;
4. observation wells;
5. heat pump wells and holes;
6. geotechnical boreholes.

B. Additionally, reworking of water wells, as well as plugging and abandoning wells and holes, excluding oil and gas wells, shall also be undertaken by a licensed contractor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.

§109. Exemptions

A. Nothing in this Part shall prevent a person who has not obtained a license pursuant thereto from constructing or plugging a water well on his own or leased property which was intended for use only in a single family house which is his permanent residence, or was intended for use only for watering livestock on his farm; however, that person shall comply with all rules, regulations and standards for constructing and plugging such wells or holes, including registration requirements.

B. If the department finds that compliance with all the requirements of this Part would result in undue hardship, an exemption from any one or more of such requirements may be granted by the department to the extent necessary to ameliorate such undue hardship and to the extent such
exemption can be granted without impairing the intent and purpose of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.

Chapter 3. Advisory Committee

§301. Advisory Committee for the Regulation and Control of Water Well Contractors (Drillers)

A. A 10-member advisory committee shall be appointed, in accordance with R.S. 38:3098.6, to serve in an advisory capacity and to make recommendations for the regulation and control of water well contractors (drillers), as defined in this Part.

B. The advisory committee shall consist of 10 members, as follows:

1. the Secretary of the Department of Transportation and Development, Office of Public Works or his designee;
2. the Secretary of the Department of Natural Resources or his designee;
3. the Secretary of the Department of Health and Human Resources or his designee;
4. the president of the Louisiana Engineering Society or his designee;
5. one representative of the United States Geological Survey;
6. one domestic well driller selected by the governor from a list of three submitted by the Louisiana Water Well Driller's Association;
7. one municipal and industrial well driller selected by the governor from a list of three submitted by the Louisiana Water Well Driller's Association;
8. one irrigation well driller selected by the governor from a list of three submitted by the Louisiana Water Well Driller's Association;
9. two drillers, at large, selected by the secretary of the Department of Transportation and Development, Office of Public Works, from the water-well industry as a whole.

C. All appointments shall be for four-year terms. The chairman and vice-chairman shall be elected by the members of the committee (see §303). The committee members who are public employees shall receive no extra pay or allowances for their attendance at the meetings of the advisory committee; all other members of the advisory committee shall receive no salary or per diem but may be compensated for receipted expenses actually incurred in official activities of the committee, approved by the department, out of funds derived from license fees collected under the provision of this Part and in accordance with policies adopted by the legislative auditor in such matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.6.
Chapter 5. Procedures for Obtaining and Maintaining a License

§501. License Application

A. Every person, firm or corporation desiring to engage in the business of drilling or reworking water wells, drilling monitoring wells, heat pump wells or holes, geotechnical boreholes and/or plugging and abandoning wells or holes, excluding oil and gas wells, in the state of Louisiana, shall file an application (see §1111) with the department for a contractor's (driller's) license, using form provided by the department, setting out qualifications therefore and such other information as may be required by the department.

B. The application must be completed in its entirety, notarized and submitted to the department with the required license fee (see §503). Applications which are not properly completed, notarized, or accompanied with the required license fee or are illegible, will not be accepted by the department.

C. Applications received by the department will be reviewed by the advisory committee during their regular quarterly meetings (see §303). The committee will then recommend to the department, which applications should be accepted or rejected by the department.

D. If an application is approved, the department will notify the applicant of the date, time and place where he may appear for the licensing examination, as required by §505. If the application is rejected, the department will notify the applicant in writing and will return the license fee if requested by the applicant.

E. License Renewal. All licenses issued by the department shall expire on June 30 of each year and shall be renewable annually, without qualifying examination, upon submission of a completed license renewal application (see §1111), using form provided by the department, and upon payment of the required license renewal fee (see §503). Renewal applications, together with the required license renewal fees, must be received by the department no later than June 30 of each year. Such application shall have the effect of extending the validity of the current license until the renewal certificate or the new license is received, or the applicant is notified in writing by the department that the renewal of license has been refused.

F. Contractors (drillers) who fail or refuse to submit their license renewal applications with the applicable annual renewal fees to the department by June 30 of each year or submit their applications with N.S.F. or Account Closed checks, will be considered delinquent and they will be dropped from the roster of licensed drillers. Thereafter, the license may be renewed only upon receipt of the completed renewal application, payment of the applicable renewal fee, plus a penalty of $5 for each month that the contractor (driller) was delinquent.

G. Delinquency in excess of one year may, at the discretion of the advisory committee, be deemed as a waiver of the contractor's right for renewal, and if he should apply thereafter, the department may require that he be considered as a new applicant, including the requirement for examination. Any person whose license has been revoked may, upon application for a new license, be required, at the discretion of the advisory committee, to take the examination and in all other ways be considered as a new applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.


§503. License and Annual Renewal Fees

A. Those persons, firms or corporations who drill or rework water wells, drill monitoring wells, geotechnical boreholes, heat pump wells or holes, and/or plug abandoned wells or holes, excluding oil and gas wells, shall pay a license fee and an annual renewal fee of $100.

B. Those persons, firms or corporations who drill only domestic water wells (as defined in LAC 56:1.113.A) and who drill less than 25 domestic wells annually, shall pay a license fee and an annual renewal fee of $50.

C. Fees shall be paid either by check or money order; cash payments will not be accepted. The department will deposit all fees in a special fund in the office of the state treasurer to be used for the implementation of this Part.

D. A contractor's (driller's) license shall apply to all drillers employed by that contractor. A license fee or an annual renewal fee shall be required for each license issued or renewed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.


§505. Licensing Examination

A. Any applicant who submits an application after June 30, 1981 will be required, upon approval of his application, to successfully pass an examination prepared and administered by the department.

B. If the application is approved, the department will notify the applicant of the date, time and place where he may appear for the examination. The examination will be written, and a fee of $10 (check or money order only) will be collected from each applicant taking the exam. Any applicant who fails an examination may apply for a subsequent exam but must pay the examination fee each time he takes the exam.

C. At the discretion of the department, an applicant may be given an oral exam instead of a written exam. Request for oral examination must be sent to the department prior to the exam date so that appropriate arrangements can be made.
§507. Qualifications and Requirements

A. To qualify for a license, the applicant must be at least 18 years of age, of good moral character, have a minimum of two years of drilling experience under the supervision of a licensed water well contractor or other comparable drilling experience acceptable to the department, and demonstrate to the satisfaction of the department, a reasonable knowledge of the Water Well Rules, Regulations and Standards, state of Louisiana. The license application form must state the applicant's work experience and the names and addresses of two licensed contractors (drillers) familiar with the applicant's experience. The advisory committee will review each application received by the department and will then make recommendations as to which applications should be accepted or rejected by the department. The license application must be approved by the department before the applicant can take the licensing examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.1.


§509. Requirements for Maintaining a License

A. In order to maintain a Louisiana drilling license, the contractor shall abide by the rules and regulations stated herein as well as all rules and regulations promulgated by the department for the construction, registration, plugging and abandonment of wells and holes. A drilling license is not transferable and shall only be used by the driller or the contractor who is duly authorized by the department to use such a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.


Chapter 7. Record Keeping; Identification

§701. Record Keeping

A. The contractor (driller) shall keep accurate records on each well or hole drilled or plugged including, but not limited to, its location, depth, character of formations drilled, fluids encountered and such other reasonable information as the department may specify. The contractor shall within 30 calendar days after completion of each well or hole, file a registration or plugging form with the department as per requirements of Chapters 1 and 3, of the Water Well Rules, Regulations and Standards, state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.4.


Chapter 9. Reciprocity and Residency Requirements

§901. Reciprocity

A. The department, upon receipt of an application and the required license fee, will issue a license to any person, firm or corporation who holds a valid driller's license from any other state, provided the standards under which the license was issued are at least equivalent to those of Louisiana and provided that the state which issued the license will accord similar privileges to the licensed Louisiana drillers who may wish to apply for a license from that state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.


§903. Residency

A. Residency requirements for out-of-state applications shall be the same as those required for Louisiana drillers in the applicant's state of residency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.2.


Chapter 11. Revocation; Hearings; Appeals

§1101. Revocation of License

A. The grounds for revoking a well driller's license shall be as follows (R.S. 38:3098.4):
§1103. Violations and Hearings

A. Provisions addressing enforcement of this Part appear in R.S. 38:3098.3, as follows.

1. If the Department of Transportation and Development, Office of Public Works has reasonable grounds for believing that there has been a violation of this Part or any rules or regulations adopted pursuant thereto, the department shall give written notice to the person alleged to be in violation and shall conduct a hearing on such alleged violation, such hearing to be conducted in accordance with the Administrative Procedure Act in Title 49. Such notice shall identify the provisions of this Part or regulation issued hereunder alleged to be violated and the facts alleged related thereto. The notice shall be served in the manner required by law for the service of process upon a person in a civil action, and may be accompanied by an order of the department requiring described remedial action which, if taken within the time specified in such order, will effect compliance with the requirements of this Part and regulations issued thereunder. Such order shall become final within 30 days after the date of the order. The department shall give written notice to the person alleged to have failed or refused to file reports as required under the provisions of this Part; or

2. that he has willfully violated any provisions of this Part; or

3. that he has obtained, or attempted to obtain, such license by fraud or misrepresentation; or

4. that he has been guilty of fraudulent or dishonest practices; or

5. that he has demonstrated lack of competence as a driller of water wells; or

6. that he has failed or refused to file reports as required under the provisions of this Part; or

7. that he has willfully and contumaciously refused to obey reasonable orders, rules and regulations of the department of Transportation and Development, Office of Public Works.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.4.


§1105. Enforcement Actions

A. Penalties that are applicable to drillers who have either failed to obtain a license or who have violated any provisions of this Part appear in R.S. 38:3098.7, as follows.

1. Any person, firm or corporation who engages in or follows the business or occupation, or advertises, holds itself out, or acts temporarily or otherwise as a well driller without having first secured the required license or renewal thereof, or who otherwise violates any provisions of this Part shall be guilty of a misdemeanor and upon conviction shall be fined not less than $100 and not more than $1000 within the discretion of the court; and each day in which such violation exists or continues shall constitute a separate offense.

2. In addition to the penalties prescribed herein, any person who violates any order of the department requiring described remedial action as set out elsewhere in this Part, which shall specify a time requirement for compliance with such order, shall be subject to a penalty not to exceed $100 for each day such noncompliance continues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.7 and R.S. 38:3098.2.


§1107. Falsification of Documents

A. Falsification of documents to evade regulations, as well as penalties for said falsifications, appear in R.S. 38:3095, as follows.

1. No person shall, for the purpose of evading this Part or any rules, regulations or order made thereunder:
   a. make or cause to be made any false entry or statement of fact in any report required to be made by this Part or by any rule, regulation or order made thereunder; or
   b. make or cause to be made any false entry in any account, record, or memorandum kept by any person in connection with the provisions of this Part or of any rules, regulation or order made thereunder; or
   c. remove out of the jurisdiction of the state, or destroy or mutilate, alter, or by any other means, falsify any book, record or other paper, pertaining to the matters regulated by this Part or by any rule, regulation or order made thereunder.

2. Whoever violates this Part shall be fined not more than $5,000 or imprisoned not more than six months, or both.
3. The penalty provision for falsification of documents required under the provisions of this Part are therefore criminal in nature and must be enforced through the district attorney having jurisdiction where said violation occurs.

4. It should also be noted that utilization of the United States Mail in the falsification of documents constitutes a violation of Title 18 of the United States Code (Mail Fraud) and such violations will be referred to the appropriate United States attorney.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.7 and R.S. 38:3098.2.


§1109. Appeals

A. Appeals. An alleged violator may appeal any order of the department by requesting a hearing. The hearing request must be made to the department, in writing, within 30 calendar days of the original order and must be sent by "Certified Mail—Return Receipt Requested". After receiving the request, the department will arrange a hearing to determine what other remedial action will serve to effect compliance with the rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098-38:3098.8.

§1111. Forms

A. Application for Louisiana Water-Well Contractor's (Driller's) License

Editor's Note: The telephone number listed in §1111.A has been changed to (225) 274-4172.*

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
WATER RESOURCES SECTION
P.O. BOX 94245 BATON ROUGE, LA. 70804-9245
Phone (225) 379-1434 For Office Use Only
License No. WAC_____

APPLICATION FOR LOUISIANA WATER WELL CONTRACTOR’S (DRILLER’S) LICENSE

PLEASE PRINT IN INK OR TYPE WHEN COMPLETING THIS FORM

APPLICANT: Name_____________________________________________ Birthdate:_______________________
Mailing Address____________________________________________________________________
City, State, Zip___________________________________________________________________
Social Security Number_____________________________________________________________
Telephone No. and Area Code________________________________________________________

BUSINESS: Firm's Name (to appear on license)
Located at_________________________________________________________________________
City, State, Zip___________________________________________________________________
Telephone No. and Area Code________________________________________________________

TYPE OF BUSINESS: ____________ Water Well ______, Monitoring Well ______, Heat Pump Well or Hole ________,
(Check one or more)  Geotechnical Borehole_______, Plugging Well or Hole______, Other_________

EXPERIENCE RECORD:
(a) Date started drilling:_____________________________________________________________
(b) Approximate number of wells or holes drilled during the last calendar year:_____________
(c) Depth of deepest well or hole actually drilled during career, in feet:_______________
(d) Largest well or hole drilled during career, in inches:___________________________
(e) Are you presently licensed by another state? Yes___ No___. If yes, name State______
(f) If previously licensed, has your drilling license ever been revoked or suspended by
any State? Yes___, No___, Not Applicable______. If yes, please explain the
details on separate sheet.

DESCRIPTION OF DRILLING EQUIPMENT:
Drilling Rig Make   Capacity (depth in feet)  Owned or Leased
_________________________________________________________________________________
_________________________________________________________________________________

REFERENCE: List two licensed drillers familiar with your work experience.
(1)________________________________________________________________________________
(Name)   (Mailing Address)  (License No.)
(2)________________________________________________________________________________
(Name)   (Mailing Address)  (License No.)

Do you or your company have liability insurance?  Yes _____ No _____. If yes, what amount?

§1111. Forms

I affirm that I have two years of drilling experience under the supervision of a licensed water well
contractor or other comparable drilling experience acceptable to the Department. My drilling experience
was with ____________________________________________
from the time period__________ to _____________. (Additional experience may be listed on the reverse
side of this form.)

I hereby grant my reference and insurer the authority to provide the Louisiana Department of
Transportation and Development with information necessary to establish my qualification for a driller's
license. Yes ___ No ___.

I also affirm that I meet qualifications for a license as spelled out in R.S. 38:3098 through 38:3098.8
and that I will fully comply with all rules and regulations for wells and holes promulgated and to be
promulgated by the Louisiana Department of Transportation and Development, Office of Public Works.
Yes ___ No ___.

Enclosed is check or money order no. ______________ dated ___________ in the amount of
$_____________ for license fee, made payable to the Department of Transportation and Development.

CERTIFICATE:

STATE OF LOUISIANA
PARISH OF _____________________

BEFORE ME, the undersigned authority, a Notary Public duly commissioned and qualified within and for the
State and Parish aforesaid, personally came and appeared__________
who being by me first duly sworn, did depose and say: That the information contained and set forth in the
above and foregoing APPLICATION FOR LOUISIANA WATER WELL CONTRACTOR’S LICENSE is true and correct, to the
best of my knowledge, as stated herein.

_________________________________________________________________________________

APPLICANT

Sworn to and subscribed to before me this ____ day of ______________________, 20___
at __________________________________, Louisiana.

NOTARY PUBLIC
B. Application for Renewal of Louisiana Water-Well Contractor's (Driller's) License

Editor's Note: The telephone number listed in §1111.B has been changed to (225) 274-4172.*

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
WATER RESOURCES SECTION
P.O. BOX 94245 BATON ROUGE, LA. 70804-9245
Telephone (225) 379-1434

APPLICATION FOR RENEWAL OF
LOUISIANA WATER WELL CONTRACTOR'S (DRILLER'S) LICENSE

PLEASE PRINT IN INK OR TYPE WHEN COMPLETING THIS FORM

APPLICANT:
NAME_______________________________________________________________________
MAILING ADDRESS____________________________________________________________
CITY, STATE, ZIP___________________________________________________________
SOCIAL SECURITY NO.________________________________________________________
TELEPHONE NO. AND AREA CODE________________________________________________

BUSINESS:
FIRM'S NAME________________________________________________________________
LOCATED AT_________________________________________________________________
CITY, STATE, ZIP___________________________________________________________
LICENSE No. WWC-___________________________________________________________
TELEPHONE NO. AND AREA CODE________________________________________________

DRILLING RECORD:
For categories listed below, indicate the total number of wells or holes which you (your company) drilled and/or plugged during the past twelve months:

<table>
<thead>
<tr>
<th>Category</th>
<th>No. Drilled</th>
<th>No. Plugged</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Domestic water wells</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) All other types of water wells</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Monitoring wells</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Heat pump holes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Geotechnical boreholes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RENEWAL FEES:
Enclosed is check or money order number ______________________________ in the amount of $_____________ for my annual renewal fee.

NOTE:
Your annual renewal fee is $100.00, unless you drill only domestic water wells (as defined in LAC 70:XIII.111) and you drill less than 25 domestic wells annually, in which case the renewal fee is $50.00

I certify that the information contained and set forth in the above and foregoing application for renewal of Louisiana water well contractor's license is true and correct, to the best of my knowledge, as stated herein.

________________________________
Signature

________________________________
Date

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3098.8.