

## **(225 ILCS 345/) Water Well and Pump Installation Contractor's License Act.**

(225 ILCS 345/1) (from Ch. 111, par. 7101)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1. This Act shall be known and may be cited as the "Water Well and Pump Installation Contractor's License Act".

(Source: P.A. 77-1626.)

(225 ILCS 345/1.5) (from Ch. 111, par. 7102)

(Section scheduled to be repealed on January 1, 2022)

Sec. 1.5. It has been established that there is an ever increasing shortage of water in this State and that improperly installed water wells, pumps and related equipment can endanger the public health. Consistent with its duty to protect the public health and welfare of this State, and to insure the development of the natural resource of underground water in an orderly and sanitary manner, the General Assembly hereby declares that the licensing of Water Well Contractors and Water Well Pump Installation Contractors is essential to the protection of the public health.

(Source: P.A. 77-1626.)

(225 ILCS 345/2) (from Ch. 111, par. 7103)

(Section scheduled to be repealed on January 1, 2022)

Sec. 2. As used in this Act, unless the context otherwise requires:

- (1) "Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products, or monitoring wells;
- (2) "Ground water" means water of under-ground aquifers, streams, channels, artesian basins, reservoirs, lakes and other water under the surface of the ground whether percolating or otherwise;
- (3) "Drill" and "drilling" mean all acts necessary to the construction of a water well including the sealing of unused water well holes;
- (4) "Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well;
- (5) "Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, including repair to any existing installation;
- (6) "Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others;
- (7) "Water Well and Pump Installation Contractor" means any person engaged in both businesses described in subsections 4, 5, and 6 above;
- (8) "Department" means the Department of Public Health of this State;
- (9) "Director" means the Director of the Department of Public Health;
- (10) "Board" means the Water Well and Pump Installation Contractors Licensing Board created by Section 6 of this Act;

(11) "Person" includes any natural person, partnership, association, trust and public or private corporation;

(12) "Monitoring well" means a water well intended for the purpose of determining groundwater quality or quantity;

(13) "Closed loop well" means a sealed, watertight loop of pipe buried outside of a building foundation intended to recirculate a liquid solution through a heat exchanger but is limited to the construction of the bore hole and the grouting of the bore hole and does not include the piping and appurtenances used in any other capacity. "Closed loop well" does not include any horizontal closed loop well systems where grouting is not necessary by law or standard industry practice;

(14) "Closed loop well contractor" means any person who installs closed loop wells for another person. "Closed loop well contractor" does not include the employee of a closed loop contractor.

(Source: P.A. 97-363, eff. 8-15-11.)

(225 ILCS 345/2.5) (from Ch. 111, par. 7103.5)

(Section scheduled to be repealed on January 1, 2022)

Sec. 2.5. The Illinois Administrative Procedure Act is hereby expressly adopted and incorporated herein as if all of the provisions of such Act were included in this Act.

(Source: P.A. 80-1170.)

(225 ILCS 345/3) (from Ch. 111, par. 7104)

(Section scheduled to be repealed on January 1, 2022)

Sec. 3. This Act shall not apply:

(1) to an individual who drills a water well or installs a water well pump on land which is owned or leased by him and is used by him for farming purposes or as his place of abode; or

(2) to an individual who performs labor or services for a licensed water well Contractor in connection with the drilling of a water well at the direction and under the personal supervision of a licensed water well Contractor; or

(3) to an individual who performs labor or services for a licensed water well pump installation contractor in connection with the installation or repair of any water well pump or equipment at the direction and under the personal supervision of a licensed water well pump installation contractor; or

(4) to any person, firm or corporation engaged in the installation or repair of water well pumps or equipment in wells drilled or used for observation or any other purpose in connection with the development or operation of a gas storage project; or

(5) to any person, firm, or corporation engaged in the installation of driven point wells.

(Source: P.A. 81-791.)

(225 ILCS 345/4) (from Ch. 111, par. 7105)

(Section scheduled to be repealed on January 1, 2022)

Sec. 4. License requirement. Subject to the provisions of Section 3, no contractor shall drill a water well or engage in the occupation of a water well contractor unless he holds a valid license as a water well contractor issued by the Department under this Act. Subject to the provisions of Section 3, after January 1, 1972, no person shall drill a water well, install or repair a water well pump or equipment, or engage in the occupation of a Water Well and

Pump Installation Contractor unless he holds a valid license as a Water Well and Pump Installation Contractor issued under this Act.

Provided, however, that nothing in this Section or any other statute or regulation of this State prohibits any person from making a water well pump installation or engaging in the business of connecting water pressure tanks to the water supply systems of buildings or to pumps or pumping units, so long as such person possesses either a valid license as a water well pump installation contractor or a water well and pump installation contractor issued under this Act. Any person holding a valid license under the Illinois Plumbing License Act may apply and receive, without examination or fee, a water well pump installation contractor license provided that all other requirements of this Act are met.

(Source: P.A. 90-692, eff. 1-1-99.)

(225 ILCS 345/6) (from Ch. 111, par. 7107)

(Section scheduled to be repealed on January 1, 2022)

Sec. 6. Water Well and Pump Installation Contractors Licensing Board; Closed Loop Well Contractors Certification Board.

(a) There is created in the Department the Water Well and Pump Installation Contractors Licensing Board which shall exercise its duties provided in this Act under the supervision of the Department. The Water Well and Pump Installation Contractors Licensing Board shall consist of 6 members, designated from time to time by the Director. Two members shall be licensed water well contractors, 2 members shall be licensed water well pump installation contractors, and 2 members shall be licensed water well and pump installation contractors. In making the appointments to the Water Well and Pump Installation Contractors Licensing Board, the Director shall consider the recommendation of the Illinois Association of Groundwater Professionals or its successor organization.

The members of the Water Well and Pump Installation Contractors Licensing Board shall be reimbursed for necessary traveling expenses in accordance with travel regulations prescribed by the Department of Finance.

The Water Well and Pump Installation Contractors Licensing Board shall advise and aid the Director in:

- (1) preparing subject matter for continuing education sessions and examinations to test the knowledge and skills of applicants for license in the construction, installation and repair of water wells, well pumps, water pressure storage tanks, connecting piping and related appurtenances, including proper sealing of abandoned water wells, and the rules and regulations of the Department promulgated pursuant to the Illinois Pump Installation Code Law and the Illinois Water Well Construction Code Law;
- (2) promulgating rules to govern the number of hours of continuing education required for a continuing education session, examinations, hearings for suspension or revocation of or refusal to issue or renew a license, clarifying the law as it relates to water well and pump installation contracting;
- (3) holding examinations of applicants for license at least once a year prior to November 1st in each year;
- (4) holding hearings for the revocation or suspension of, or refusal to issue, renew or reinstate licenses;
- (5) submitting recommendations to the Director from time to time for the efficient administration of this Act;
- (6) grading all tests and examinations for licenses and promptly reporting the results to the Director;
- (7) performing such other duties from time to time prescribed by the Director; and
- (8) consulting and agreeing with the Closed Loop Well Contractors Certification Board regarding:
  - (i) the registering and certification of closed

loop well contractors; and

(ii) the installation of closed loop wells.

For purposes of this item (8), the term "closed loop

well" shall be limited to the construction, installation, repair, and abandonment of the bore hole and the grouting of the bore hole.

(b) There is created in the Department the Closed Loop Well Contractors Certification Board, which shall exercise its duties provided in this Act under the supervision of the Department.

The Closed Loop Well Contractors Certification Board shall consist of 6 members, designated from time to time by the Director. A temporary board shall be appointed by the Department for the sole purpose of assisting with the process of initial certification and registration of closed loop well contractors and shall remain in place until 2 years after the effective date of this amendatory Act of the 97th General Assembly. On the dissolution of the temporary board, the 6 members must be closed loop well contractors who are registered and certified under this Act. In making appointments to the Closed Loop Well Contractors Certification Board, the Director shall consider the recommendations of organizations that are representative of the closed loop well industry in Illinois. Recommendations shall include consideration of statewide geographical representation.

The Closed Loop Well Contractors Certification Board shall advise and aid the Director in:

(1) preparing subject matter for continuing education

sessions relating to closed loop wells and preparing examinations to test the knowledge and skills of applicants for certification relating to the construction, installation, repair, and abandonment of closed loop wells and the rules of the Department adopted under this Act for closed loop wells;

(2) adopting rules relating to (i) closed loop wells,

(ii) continuing education requirements, (iii) examinations, (iv) hearings for suspension or revocation of or refusal to issue or renew a certification, and (v) the construction, installation, repair, and abandonment of closed loop wells;

(3) holding examinations of applicants for

certification at least once a year prior to November 1st in each year;

(4) holding hearings for the revocation or suspension

of, or refusal to issue, renew, or reinstate, certifications;

(5) submitting recommendations to the Director from

time to time for the efficient administration of this Act;

(6) grading all tests and examinations for

certifications, and promptly reporting the results to the Director;

(7) performing such other duties as may be from time

to time prescribed by the Director; and

(8) conferring with the Water Well and Pump

Installation Contractors Licensing Board regarding the construction, installation, repair, and abandonment of closed loop wells.

(Source: P.A. 97-363, eff. 8-15-11.)

(225 ILCS 345/7) (from Ch. 111, par. 7108)

(Section scheduled to be repealed on January 1, 2022)

Sec. 7. Department duties. The Department shall:

(a) Fix and announce dates for examinations;

(b) Prepare forms for application for a water well

Contractor's license, a water well pump installation contractor's license, and a water well drilling and pump installation contractor's license, which application shall state thereon the scope of the examination as set forth in paragraph (a) of Section 6 of this Act;

(c) Prepare and issue license certificates to those entitled thereto;

(d) With the aid of the Board, prescribe rules and

regulations for the conduct of examinations and continuing education sessions;

(e) Prescribe rules for hearings to suspend, revoke or reinstate licenses as provided in this Act;

(f) Maintain and publish annually a roster showing

(1) the names and addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors. The Department may impose a fee for each roster which fee shall be set forth in the rules and regulations.

The Department shall maintain a record in the Springfield office showing (1) the names and addresses of all registrants under this Act, (2) the dates of issuance of the licenses, (3) the date and substance of the charges set forth in any complaint for suspension or revocation of any license, (4) the date and substance of all petitions for reinstatement of licenses and (5) the final order on such complaints and petitions. Upon written request the Department in its discretion shall make this information available to any registrant under this Act.

(Source: P.A. 90-692, eff. 1-1-99.)

(225 ILCS 345/8) (from Ch. 111, par. 7109)

(Section scheduled to be repealed on January 1, 2022)

Sec. 8. If an applicant neglects, fails or refuses to take an examination for license under this Act within 3 years after filing his application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. The Department shall adopt and amend rules and regulations reasonably necessary to effectuate the policy declared by this Act. Such rules and regulations shall:

(a) provide procedures governing the conduct of examination; and

(b) provide for the orderly performance of such other duties as the administration and enforcement of this Act may require.

(Source: P.A. 77-1626.)

(225 ILCS 345/9) (from Ch. 111, par. 7110)

(Section scheduled to be repealed on January 1, 2022)

Sec. 9. Applications for a license, or for renewal thereof, and applications for examination shall be made to the Department in writing and under oath or affirmation, upon forms prescribed and furnished by the Department. Such applications shall contain such information as the Department deems necessary in order to carry out the provisions of this Act.

The Department shall issue a Water Well Contractor's license, a Water Well Pump Installation Contractor's license, or a Water Well and Pump Installation Contractor's license to any applicant therefor who:

(a) is at least 18 years of age,

(b) is a citizen of the United States or has declared his intention to become a citizen of the United States,

(c) possesses a good moral character,

(d) has had the required experience as follows:

(1) an applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor,

(2) an applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor or in the case of those applicants whose experience was gained prior to January 1, 1972, under the supervision of a contractor who was engaged in water well pump installation,

(3) an applicant for a water well and pump installation contractor's license shall have worked

two years for a licensed water well and pump installation contractor and the applicant shall show evidence satisfactory to the Department that he was engaged in both water well contracting and pump installing during the two year period. For those applicants who gained their experience prior to January 1, 1972, it shall be sufficient for them to show that they worked under the supervision of a licensed water well contractor who was engaged in pump installation and that they did work in both fields.

(e) has made a satisfactory grade on the examination for the particular license for which he is applying.

(f) has paid the fee provided by statute.

Such licenses shall be serially numbered, shall be signed by the Director and issued under the seal of the Department.

(Source: P.A. 81-791.)

(225 ILCS 345/10) (from Ch. 111, par. 7111)

(Section scheduled to be repealed on January 1, 2022)

Sec. 10. Any person who has been engaged in the occupation, trade or business of a water well contractor within the State of Illinois prior to June 1, 1959, shall upon application within one year of the effective date of this Act and payment of the required license fee, be issued a water well contractor's license certificate hereunder, without examination. Any person who has been engaged in the occupation, trade or business of Water Well Pump Installation Contractor within the State of Illinois for a period of twelve (12) months in the past ten (10) years prior to January 1, 1972, shall, upon application before December 31, 1972 and payment of the required fee, be issued a Water Well Pump Installation Contractor's license hereunder without examination. The Director may require such applicant to submit satisfactory proof that he was so engaged prior to such time.

(Source: P.A. 77-1626.)

(225 ILCS 345/12) (from Ch. 111, par. 7113)

(Section scheduled to be repealed on January 1, 2022)

Sec. 12. License renewal. All licenses issued under this Act shall expire on January 31, next following the date of issuance, except that a license issued after October 31 and before January 31 shall expire on January 31 next occurring after the license has been in effect for one year. A license may be renewed for an ensuing license year without examination by making application therefor and paying the prescribed fee at least 30 days prior to the expiration date of the current license and such application shall extend the period of validity of the current license until a new license is received or the Department refuses to issue a new license under the provisions of this Act. A license issued under this Act which has expired may be reinstated immediately upon payment of the reinstatement fee, provided, however, not more than 3 years have elapsed since the date of expiration. A license which has expired for more than 3 years may be restored only by payment of the restoration fee and submitting evidence satisfactory to the Department of the current qualifications and fitness of the registrant, and by successfully passing the examination for a Water Well Contractor, Water Well Pump Installation Contractor, or Water Well and Pump Installation Contractor's License.

Beginning January 1, 2000, a contractor seeking a renewal license under this Act shall provide substantial evidence that he or she has attended at least one continuing education session in the preceding 2 years in order to qualify for a renewal license.

(Source: P.A. 90-692, eff. 1-1-99.)

(225 ILCS 345/13) (from Ch. 111, par. 7114)

(Section scheduled to be repealed on January 1, 2022)

Sec. 13. The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well pump installation contractor is \$50.

The fee to be paid by an applicant for an examination to determine his fitness to receive a license as a water well and pump installation contractor is \$80.

The fee to be paid by an applicant for the annual renewal of a license as a water well contractor or water well pump installation contractor is \$25.

The fee to be paid by an applicant for the annual renewal of a license as a water well and pump installation contractor is \$35.

The fee to be paid by an applicant for the reinstatement of a water well contractor license or a water well pump installation contractor license which has lapsed less than 3 years is \$10, plus all lapsed renewal fees.

The fee to be paid by an applicant for restoration of a water well contractor's license or water well pump installation contractor's license which has lapsed more than three years is \$150.

The fee to be paid by an applicant for the reinstatement of a water well and pump installation contractor license which has lapsed less than 3 years is \$15, plus all lapsed renewal fees.

The fee to be paid by an applicant for the restoration of a license as a water well and pump installation contractor which has lapsed more than 3 years is \$175.

There shall be no reduction in such fees because a license when issued may be valid for less time than a full license year.

(Source: P.A. 97-363, eff. 8-15-11.)

(225 ILCS 345/14) (from Ch. 111, par. 7115)

(Section scheduled to be repealed on January 1, 2022)

Sec. 14. The licensee shall conspicuously display his license at his principal place of business.

(Source: P.A. 77-1626.)

(225 ILCS 345/15) (from Ch. 111, par. 7116)

(Section scheduled to be repealed on January 1, 2022)

Sec. 15. The Department may refuse to issue or renew, may suspend or may revoke a license on any one or more of the following grounds:

- (1) Material misstatement in the application for license;
- (2) Failure to have or retain the qualifications required by Section 9 of this Act;
- (3) Wilful disregard or violation of this Act or of any rule or regulation promulgated by the Department pursuant thereto; or disregard or violation of any law of the state of Illinois or of any rule or regulation promulgated pursuant thereto relating to water well drilling or the installation of water pumps and equipment or any rule or regulation adopted pursuant thereto;
- (4) Wilfully aiding or abetting another in the violation of this Act or any rule or regulation promulgated by the Department pursuant thereto;
- (5) Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;
- (6) Allowing the use of a license by someone other than the person in whose name it was issued;
- (7) Conviction of any crime an essential element of which is misstatement, fraud or dishonesty, conviction in this or another State of any crime which is a felony under the laws of this State or the conviction in a federal court of any felony.
- (8) Making substantial misrepresentations or false promises of a character likely to influence,

persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor.  
(Source: P.A. 77-1626.)

(225 ILCS 345/16) (from Ch. 111, par. 7117)  
(Section scheduled to be repealed on January 1, 2022)

Sec. 16. The Department may upon its own motion and shall upon the verified complaint in writing of any person, setting forth facts which, if proved, would constitute grounds for refusal, suspension or revocation under this Act, investigate the actions of any applicant or any person or persons holding or claiming to hold a license. The Department shall, before refusing to issue or renew, and before suspension or revocation of a license, at least 10 days prior to the date set for the hearing, notify in writing the applicant for or holder of a license, hereinafter called the respondent, that a hearing will be held on the date designated to determine whether the respondent is privileged to hold such license, and shall afford the respondent an opportunity to be heard in person or by counsel with reference thereto. Such written notice may be served by delivery of the same personally to the respondent, or by mailing the same by registered or certified mail to the place of business last theretofore specified by the respondent in the last notification to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and both the respondent and the complainant shall be accorded ample opportunity to present in person or by counsel such statements, testimony, evidence and argument as may be pertinent to the charges or to any defense thereto. At such hearing, the Director or the person designated by the Director of the Department may administer oaths.  
(Source: P.A. 80-670.)

(225 ILCS 345/17) (from Ch. 111, par. 7118)  
(Section scheduled to be repealed on January 1, 2022)

Sec. 17. The Department, over the signature of the Director, Assistant Director or the person designated by the Director, is authorized to subpoena and bring before the Department any person or persons in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State.  
(Source: P.A. 83-338.)

(225 ILCS 345/18) (from Ch. 111, par. 7119)  
(Section scheduled to be repealed on January 1, 2022)

Sec. 18. The Department, at its expense, shall provide a stenographer to take down the testimony and preserve a record of all proceedings at the hearing of any case involving the refusal to issue or renew or the suspension or revocation of a license. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony and the orders of the Department shall be the record of such proceedings. The Department shall furnish a transcript of such record to any person or persons interested in such hearing upon payment therefor of one dollar per page for each original transcript and fifty cents per page for each carbon copy thereof ordered with the original. Provided, that the charge for any part of such transcript ordered and paid for previous to the writing of the original record thereof shall be fifty cents per page for each carbon copy.  
(Source: P.A. 77-420.)



(225 ILCS 345/19) (from Ch. 111, par. 7120)

(Section scheduled to be repealed on January 1, 2022)

Sec. 19. In any case involving the refusal to issue or renew or the suspension or revocation of license the Director of the Department after the hearing, or, if the respondent failed to appear, on the date set for the hearing, shall enter an order of suspension, revocation or refusal, as the case may require, or dismiss the case, a copy of which order shall be served upon the respondent by the Department, either personally or by registered or certified mail as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a re-hearing, which written motion shall specify the particular grounds therefor. If no motion for re-hearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the original order of the Director shall become final. No more than one rehearing shall be allowed. If the respondent shall order and pay for a transcript of the record within the time for filing a motion for rehearing, then the 20 day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

(Source: Laws 1959, p. 1786.)

(225 ILCS 345/20) (from Ch. 111, par. 7121)

(Section scheduled to be repealed on January 1, 2022)

Sec. 20. Any circuit court may, upon application of the Director of the Department or of the applicant or licensee against whom proceedings under this Act are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing in any proceedings under this Act. The Court may compel obedience to its order by proceedings for contempt.

(Source: P.A. 83-334.)

(225 ILCS 345/21) (from Ch. 111, par. 7122)

(Section scheduled to be repealed on January 1, 2022)

Sec. 21. Any person affected by a final administrative decision of the Department may have such decision reviewed judicially by the circuit court of the county wherein such person resides. If the plaintiff in the review proceedings is not a resident of this State, the venue shall be in Sangamon County. The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the Department hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a Judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record which costs shall be computed at the rate of 20 cents per page of such record. Exhibit shall be certified without cost. Failure on the part of the Plaintiff to file such receipt in court shall be grounds for dismissal of the action.

(Source: P.A. 82-783.)

(225 ILCS 345/23) (from Ch. 111, par. 7124)

(Section scheduled to be repealed on January 1, 2022)

Sec. 23. Upon the revocation or suspension of any license, the licensee shall forthwith surrender the license to the Department, and if the licensee fails to do so, the Department shall have the right to seize the same.

(Source: Laws 1959, p. 1786.)

(225 ILCS 345/24) (from Ch. 111, par. 7125)

(Section scheduled to be repealed on January 1, 2022)

Sec. 24. The Department may issue regulations, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms which shall be used in connection therewith.

(Source: Laws 1959, p. 1786.)

(225 ILCS 345/25) (from Ch. 111, par. 7126)

(Section scheduled to be repealed on January 1, 2022)

Sec. 25. No action or counterclaim shall be maintained by any contractor in any court in this state with respect to any agreement, work, labor or materials for which a license is required by this Act or to recover the agreed price or any compensation under any such agreement, or for any such work, labor or materials for which a license is required by this Act without alleging and proving that such contractor had a valid license at the time of making such agreement and of supplying such labor, work or materials.

(Source: Laws 1959, p. 1786.)

(225 ILCS 345/26) (from Ch. 111, par. 7127)

(Section scheduled to be repealed on January 1, 2022)

Sec. 26. If any person has violated or is violating this Act, the Director of the Department may, in the name of the people of the State of Illinois, through the Attorney General of the State of Illinois, or the State's Attorney of any county in the State of Illinois, apply, in the circuit court, for an order enjoining such violation or for an order enforcing compliance with this Act. Upon the filing of a verified complaint in such court, the court, if satisfied by affidavit or otherwise that such person has violated this Act, may enter a temporary restraining order or preliminary injunction, without notice or bond, enjoining such violation. The proceedings shall thereafter be conducted as in other civil cases. If it is established that such person has violated or is violating this Act, the Court, may enter an order perpetually enjoining such violation or enforcing compliance with this Act. In case of violation of any order entered under this Section, the Court may summarily try and punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(Source: P.A. 83-334.)

(225 ILCS 345/27) (from Ch. 111, par. 7128)

(Section scheduled to be repealed on January 1, 2022)

Sec. 27. Whoever violates any provision of this Act shall be guilty of a petty offense and shall be fined a sum not less than \$100. Any fine imposed shall be in addition to any other action that may be taken under this Act. Each day that a violation continues shall constitute a separate offense. The State's Attorney of the County in which the violation occurred, or the

Attorney General shall bring such actions in the name of the People of the State of Illinois, or may, in addition to other remedies provided in this Act, bring action for an injunction to restrain such violation.

(Source: P.A. 80-670.)

(225 ILCS 345/28) (from Ch. 111, par. 7129)

(Section scheduled to be repealed on January 1, 2022)

Sec. 28. If, for any reason, any part of this Act is found to be unconstitutional or invalid, such finding shall not affect the validity of the remaining parts of the Act.

(Source: Laws 1959, p. 1786.)

(225 ILCS 345/29) (from Ch. 111, par. 7130)

(Section scheduled to be repealed on January 1, 2022)

Sec. 29. Public Policy.

It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

(Source: P.A. 78-1231.)

TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER r: WATER AND SEWAGE

PART 915  
WATER WELL AND PUMP INSTALLATION  
CONTRACTOR'S LICENSE CODE

Section	
915.5	Definitions
915.6	Referenced Materials
915.10	Applications
915.20	Examination Requirements
915.25	Expiration, Renewal, Reinstatement and Restoration of Licenses
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915.70	Continuing Education Requirements for Licensed Water Well Contractors and Licensed Water Well Pump Installation Contractors
915.80	Continuing Education Sessions
915.90	Record of Completion
915.100	Plumbers Licensed as Water Well Pump Installation Contractors
915.110	Revocation or Suspension of a License
915.130	Administrative Hearings
915.140	Names and Addresses of Licensed Contractors

AUTHORITY: Implementing and authorized by the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

SOURCE: Emergency rules adopted at 2 Ill. Reg. 9, p. 30, effective February 22, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 10, p. 123, effective March 5, 1979; codified at 8 Ill. Reg. 8926; amended at 17 Ill. Reg. 4425, effective March 23, 1993; amended at 22 Ill. Reg. 4111, effective February 10, 1998; amended at 24 Ill. Reg. 12057, effective August 1, 2000; amended at 36 Ill. Reg. 9395, effective June 13, 2012.

**Section 915.5 Definitions**

"Act" means the Water Well and Pump Installation Contractor's License Act [225 ILCS 345].

"Board" means the Water Well and Pump Installation Contractors Licensing Board created by Section 6 of the Act. (Section 2(10) of the Act)

"Department" means the Department of Public Health. (Section 2(8) of the Act)

*"Drill" and "Drilling" mean all acts necessary to the construction of a water well, including the sealing of unused water well holes. (Section 2(3) of the Act)*

*"Person" includes any natural person, partnership, association, trust and public or private corporation. (Section 2(11) of the Act)*

*"Water well" and "well" mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, diversion, artificial recharge, or acquisition of ground water, but such term does not include an excavation made for the purpose of obtaining or prospecting for oil, natural gas, minerals or products of mining or quarrying or for inserting media to repressure oil or natural gas bearing formation or for storing petroleum, natural gas or other products, or monitoring wells. (Section 2(1) of the Act)*

*"Water Well Contractor" and "Contractor" mean any person who contracts to drill, alter or repair any water well. (Section 2(4) of the Act)*

*"Water Well Pump Installation" means the selection of and the procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for any use, including all construction involved in making entrance to the well and establishing such seals and safeguards as may be necessary to protect such water from contamination and all construction involved in connecting such wells and pumping units or pressure tanks in the water supply systems of buildings served by such well, including repair to any existing installation. (Section 2(5) of the Act)*

*"Water Well Pump Installation Contractor" means any person engaged in the business of installing or repairing pumps and pumping equipment owned by others. (Section 2(6) of the Act)*

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)

## **Section 915.6 Referenced Materials**

The following materials are referenced in this Part:

- a) Illinois Statutes
  - 1) Water Well and Pump Installation Contractor's License Act [225 ILCS 245]
  - 2) Illinois Plumbing License Law [225 ILCS 320]
- b) Illinois Administrative Rules

- 1) Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- 2) Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- 3) Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.10 Applications**

- a) An application for examination for registration as a licensed water well contractor or water well pump installation contractor must be received in the office of the Department of Public Health, Springfield, Illinois, at least 45 days prior to the date of examination. Applications shall be made on forms provided by the Department and shall include the following information:
  - 1) Name and address of the applicant;
  - 2) Age of the applicant;
  - 3) A statement that the applicant is a citizen of the United States or has declared his or her intention to become a citizen of the United States; and
  - 4) Employment records, W-2s, copies of paychecks, or other evidence that the applicant has been employed in water well construction or water well pump installation for a minimum of 420 working days in a maximum of two years.
- b) A recent photograph shall be submitted with the application form and be made a permanent record.
- c) Affidavits from previous and current licensed contractor employers shall accompany the application, indicating the dates that the applicant was employed and the locations of previous jobs that the applicant performed, and verifying that the applicant was engaged in water well or water pump installation work and that he or she performed this work under the supervision of a licensed contractor. Beginning July 1, 2014, an applicant for a water well contractor license shall submit copies of at least 10 water well construction reports that identify the applicant as the driller. To identify himself or herself as the driller, the applicant, along with the licensed driller performing the supervision, shall sign and date each of the water well construction reports. An applicant for a water well pump installation contractor license shall submit copies of at least 10 water well pump installation reports that identify the applicant as the pump installer. To identify himself or herself as the pump installer, the applicant, along with the licensed

pump installer performing supervision, shall sign and date the water well construction report or the water well pump installation report. The names and addresses of previous licensed contractor employers shall be included. These affidavits shall be submitted with the application form and become a permanent record.

- d) Qualifications. The Department will approve an application, provided the applicant has the following qualifications:
- 1) *Is at least 18 years of age;*
  - 2) *Is a citizen of the United States or has declared his or her intention to become a citizen of the United States;*
  - 3) *Possesses good moral character on the basis of documentation provided by the applicant's employers' affidavits as required in subsection (c) of this Section, and that the applicant has no criminal record as described in Section 915.110(g);*
  - 4) Has the following experience as documented according to subsections (a)(4) and (d) of this Section:
    - A) *An applicant for a water well contractor's license shall have worked two years under the supervision of a licensed water well contractor;*
    - B) *An applicant for a water well pump installation contractor's license shall have worked two years under the supervision of a licensed water well pump installation contractor;*
    - C) *An applicant for a water well and pump installation contractor's license shall have worked two years for a licensed water well contractor and pump installation contractor; and*
  - 5) *Has paid the required fee in accordance with Section 13 of the Act. (Section 9 of the Act)*

(Source: Amended at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.20 Examination Requirements**

- a) Photograph. The applicant shall personally present a recent photograph of himself or herself at the time of the examination.
- b) Examination. The examination shall be written and consist of four parts prepared by the Board. The four parts shall be the following:

- 1) Illinois Water Well Construction Code and the Act;
  - 2) Illinois Water Well Pump Installation Code and the Act;
  - 3) Experience in the construction of water wells; and
  - 4) Experience in the installation of water well pumps.
- c) **Passing Grade.** Applicants desiring a water well contractor license shall be required to successfully pass parts 1 and 3 as described in subsection (b). Applicants desiring a water well pump installation contractor license shall be required to successfully pass parts 2 and 4 as described in subsection (b). Applicants desiring licensure for both shall be required to successfully pass all parts. The examination shall consist of questions with a combined grade value of 100 points in each part. To successfully pass the examination, the applicant shall obtain a grade of not less than 70 in each part of the examination.
- d) **Failure to Pass.** An applicant who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with Section 13 of the Act.
- e) **Refusal to Take an Examination.** If an applicant neglects, fails or refuses to take an examination for a license under the Act within three years after filing his or her application, the examination fee paid by the applicant shall be forfeited to the Department and the application denied. However, after that time, the applicant may make a new application for examination, accompanied by the required fee.
- f) **Review of Examinations.** Individuals may not review the examinations once they have been taken.

(Source: Amended at 36 Ill. Reg. 9395, effective June 13, 2012)

#### **Section 915.25 Expiration, Renewal, Reinstatement and Restoration of Licenses**

- a) **Expiration.** All licenses expire on January 31 following the date of issuance, with the exception that a license issued after October 31 and before January 31 shall expire on the January 31 occurring after the license has been in effect for one year.
- b) **Renewal.** All license renewals shall be made on forms prescribed by the Department and shall include documentation that the licensed contractor has attended at least one approved continuing education session in the preceding two years. All completed license renewal applications and fees are due December 31. Licenses renewed after December 31 will be assessed a late fee charge.



- c) Reinstatement. The Department will reinstate a license that has expired for three or fewer years upon receiving the completed renewal application and required fee.
- d) Restoration. A person whose license has been expired for more than three years may have the license restored, provided that a completed application for licensure and the required restoration fee are submitted to the Department according to Section 915.10 and that the applicant successfully passes the examination.
- e) Fees. The fee to renew, reinstate or restore a license shall be paid according to Section 13 of the Act.

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.30 Statutory Authority (Repealed)**

(Source: Repealed at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.40 Supervision**

An applicant for a water well pump installation contractor's license, a water well contractor's license, or a water well and pump installation contractor's license shall have worked at the trade for two years at the direction and under the supervision of an Illinois licensed water well pump installation contractor, a water well contractor, or a water well and pump installation contractor, respectively. The Department shall consider two years to mean a minimum of 420 working days in a maximum of two years. Credit for experience and work performed under the supervision of individuals licensed by another state shall only be allowed when the Department has determined that the requirements for licensure in that other state are equal to those of the Department. The Department shall establish and publish a list of those states. Supervision shall be performed by licensed contractors in accordance with Section 915.50.

(Source: Amended at 22 Ill. Reg. 4111, effective February 10, 1998)

### **Section 915.50 Licensed Contractor Responsibility**

- a) Water Well Construction. An individual who is not licensed under the Act may perform labor and services in connection with the drilling of a water well, provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, he must visit the work site at least once, and as often as necessary, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Construction Code (77 Ill. Adm. Code 920). The licensed contractor shall visit the work site when requested by the Department. The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work that is not in compliance with the Illinois Water Well Construction Code. Where such

work is performed by an unlicensed individual, under the supervision of a licensed contractor, the licensed contractor shall sign the water well construction report and indicate that he has personally supervised the work and indicate the name of the unlicensed person supervised.

- b) **Water Well Pump Installation.** An individual who is not licensed under the Act may perform labor and services in connection with the installation or repair of any water well pump or equipment, provided such labor and services are performed at the direction and under the personal supervision of a licensed Water Well Pump Installation Contractor or a licensed Water Well and Pump Installation Contractor. In order for the licensed contractor to perform personal supervision, the contractor must be present on the site at least once, and as often as necessary, when the pitless adapter and pump are installed in a new water well, or when a pump of a different capacity is installed in an existing water well, to assure that the unlicensed individual is performing work in compliance with the Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925). The licensed contractor shall visit the work site when requested by the Department. The Department may make such a request when previous inspections have shown that the unlicensed individual has performed work which is not in compliance with the Illinois Water Well Pump Installation Code.

(Source: Added at 17 Ill. Reg. 4425, effective March 23, 1993)

### **Section 915.60 Renewal of Expired License**

- a) A license that has been expired for 3 years or less may be restored upon payment of the lapsed license fees and a reinstatement fee as specified in the Act. In addition, proof must be provided that the contractor has attended in the preceding 2 years before the date of license application a continuing education session approved under Section 915.80.
- b) A license that has been expired for more than 3 years may be reinstated if the contractor pays the lapsed fees, pays a reinstatement fee, submits an application for examination, and passes the examination for the license desired.

(Source: Added at 24 Ill. Reg. 12057, effective August 1, 2000)

### **Section 915.70 Continuing Education Requirements for Licensed Water Well Contractors and Licensed Water Well Pump Installation Contractors**

- a) **Frequency of Continuing Education.**
  - 1) Contractors licensed under the Act who seek a renewal license shall provide proof of attendance at an approved continuing education session within the 2 years preceding any requested renewal. It is the responsibility

of the licensed contractor to attend an approved continuing education session.

- 2) Contractors issued a license under the Act must attend an approved continuing education session within 2 years after their licensure. When these contractors seek a renewal license, they shall provide proof of attendance at an approved continuing education session within the 2 years preceding the requested renewal. It is the responsibility of the licensed contractor to attend an approved continuing education session.
- b) Length of Continuing Education Sessions. Each continuing education session shall consist of 6 classroom contact hours and shall be approved by the Department.

(Source: Added at 24 Ill. Reg. 12057, effective August 1, 2000)

### **Section 915.80 Continuing Education Sessions**

- a) Approval of Continuing Education Sessions. Each entity that has established or proposes to present a continuing education session under the Act shall request Department approval by submitting its continuing education program to the Department. Requests shall be submitted to the Department no later than 60 days before the date the program begins. Continuing education sessions shall not be presented until at least 30 days after Department approval. A list of approved continuing education sessions will be available from the Department. The Department will approve sessions that address at least one of the following topics:
- 1) Water well construction and pump installation in general;
  - 2) Grouting;
  - 3) Water sample collection and sampling;
  - 4) Contamination of water supplies and grouting;
  - 5) Safety hazards associated with the water well construction and pump installation industry; or
  - 6) Other relevant information necessary for the continued improvement of knowledge of a water well and pump installation contractor.
- b) Minimum Classroom Hours for Continuing Education Sessions. For a continuing education session to be approved as fulfilling the requirement of continuing education for a licensed water well contractor, the session shall have a minimum of four classroom contact hours of water well topics. For a continuing education session to be approved as fulfilling the requirement of continuing education for a

licensed water well pump installation contractor, the session shall have a minimum of four classroom contact hours of water well pump topics.

- c) Requests for Approval. \_When requesting approval, the entities shall submit the following information to the Department:
  - 1) Title of session;
  - 2) Type of audience (water well contractors or water well pump installation contractors);
  - 3) Location of session;
  - 4) Names and qualifications of instructors or presenters;
  - 5) Brief description of each topic, amount of time for each topic, and type of licensed contractor each topic is intended to educate; and
  - 6) Total classroom contact hours, excluding breaks (a classroom contact hour is 60 minutes).
- d) Attendance. The entity shall provide, upon request, the methodology used to verify attendance. Attendance records shall be retained for three years after the continuing education session.
- e) Notification.  
Each entity approved to conduct sessions shall be responsible for notifying all licensed contractors of continuing education session dates and locations.

(Source: Amended at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.90 Record of Completion**

- a) Responsibility of entity offering continuing education. Each entity approved by the Department to offer a continuing education session under this Part shall issue as proof of attendance a letter or certificate of completion to each licensed contractor attending the session. The letter or certificate shall certify that the licensed contractor has attended the required number of hours and shall include all of the following information:
  - 1) Name and license number of contractor.
  - 2) Name and organization conducting the session.
  - 3) Date, location, and title of the session.

- 4) Number of classroom hours.
- b) Attendance notification. Each entity approved to offer continuing education under this Part shall submit to the Department a typed listing of contractors who attended the continuing education session. The information provided shall include the information in subsection (a) and shall be submitted to the Department no later than 45 days after the date of the session.
- c) Submittal of proof of attendance. It is the responsibility of each licensed contractor to submit to the Department proof of attendance at a continuing education session for the contractor's license to be renewed. The licensed contractor shall submit with the license renewal the certificate or letter provided by the instructing entity under subsection (a).

(Source: Added at 24 Ill. Reg. 12057, effective August 1, 2000)

#### **Section 915.100 Plumbers Licensed as Water Well Pump Installation Contractors**

- a) Licensed Plumbers. A licensed plumber who installs or repairs water well pumps and pumping equipment must obtain a license as a water well pump installation contractor.
- b) Licensed Apprentice Plumbers. An apprentice plumber licensed under the Illinois Plumbing License Law may obtain a water well pump installation contractor's license provided the sponsor of the apprentice plumber is also a licensed water well pump installation contractor. Proof of the sponsor's name and water well pump installation contractor license number shall be provided to the Department.
- c) Persons licensed under the Illinois Plumbing License Law are not required to pay an application fee or annual license fee or take an examination; however, they must attend a continuing education session as described in Section 915.70. Licensed or apprentice plumbers who have not renewed their water well pump installation contractor's license must pay a reinstatement fee and meet all requirements of Section 915.70.

(Source: Added at 24 Ill. Reg. 12057, effective August 1, 2000)

#### **Section 915.110 Revocation or Suspension of a License**

*The Department may refuse to renew, may suspend or may revoke a license on any one or more of the following grounds:*

- a) *Material misstatement in the application for license;*
- b) *Failure to have or retain the qualifications required by Section 9 of the Act;*

- c) *Violation of the Act or this Part or disregard or violation of any law of the State of Illinois or of any Illinois administrative rule relating to water drilling or the installation of water pumps and equipment;*
- d) *Willfully aiding or abetting another in the violation of the Act or this Part;*
- e) *Incompetence in the performance of the work of a water well contractor or of a water well pump installation contractor;*
- f) *Allowing the use of a license by someone other than the person in whose name it was issued;*
- g) *Conviction of any crime an essential element of which is misstatement, fraud or dishonesty; conviction in this or another State of a felony; and*
- h) *Making substantial misrepresentations or false promises of a character likely to influence, persuade or induce in connection with the occupation of a water well contractor or a water well pump installation contractor, based upon documentation. (Section 15 of the Act)*

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.130 Administrative Hearings**

All administrative hearings shall be conducted in accordance with the Department's Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)

### **Section 915.140 Names and Addresses of Licensed Contractors**

The Department will maintain the names and business addresses of licensed water well contractors, water well pump installation contractors, and water well and pump installation contractors on the Department's website, in accordance with Section 7(f) of the Act.

(Source: Added at 36 Ill. Reg. 9395, effective June 13, 2012)