

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Water Well and Pump Installation
5 Contractor's License Act is amended by changing Sections 6 and
6 13 as follows:

7 (225 ILCS 345/6) (from Ch. 111, par. 7107)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 6. Board. There is created in the Department the Water
10 Well and Pump Installation Contractors Licensing Board which
11 shall exercise its duties provided in this Act under the
12 supervision of the Department. The Board shall consist of 6
13 members, designated from time to time by the Director. Two
14 members shall be licensed water well contractors, two members
15 shall be licensed water well pump installation contractors, and
16 two members shall be licensed water well and pump installation
17 contractors. In making the appointments to the Board, the
18 Director shall consider the recommendation of the Illinois
19 Association of Groundwater Professionals.

20 The members of the Board shall be reimbursed for necessary
21 traveling expenses in accordance with travel regulations
22 prescribed by the Department of Finance.

23 The Board shall advise and aid the Director in:

1 (a) preparing subject matter for continuing education
2 sessions, examinations to test the knowledge and skills of
3 applicants for certification in the construction,
4 installation, and repair of closed loop wells, and
5 examinations to test the knowledge and skills of applicants
6 for license in the construction, installation and repair of
7 water wells, well pumps, water pressure storage tanks,
8 connecting piping and related appurtenances, including
9 proper sealing of abandoned water wells, and the rules and
10 regulations of the Department promulgated pursuant to the
11 Illinois Pump Installation Code Law and the Illinois Water
12 Well Construction Code Law;

13 (b) promulgating rules to govern the number of hours of
14 continuing education required for a continuing education
15 session, examinations, hearings for suspension or
16 revocation of or refusal to issue or renew a license,
17 clarifying the law as it relates to water well and pump
18 installation contracting;

19 (c) holding examinations of applicants for license at
20 least once a year prior to November 1st in each year;

21 (d) holding hearings for the revocation or suspension
22 of, or refusal to issue, renew or reinstate licenses;

23 (e) submitting recommendations to the Director from
24 time to time for the efficient administration of this Act;

25 (f) grading all tests and examinations for licenses and
26 promptly reporting the results to the Director; and

1 (g) performing such other duties from time to time
2 prescribed by the Director.

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

4 (225 ILCS 345/13) (from Ch. 111, par. 7114)

5 (Section scheduled to be repealed on January 1, 2012)

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

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

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

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

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

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

25 The fee to be paid by an applicant for restoration of a

1 water well contractor's license or water well pump installation
2 contractor's license which has lapsed more than three years is
3 \$150.

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

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

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

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

14 Section 10. The Illinois Water Well Construction Code is
15 amended by changing Sections 3 and 5 and by adding Sections 9.1
16 and 9.2 as follows:

17 (415 ILCS 30/3) (from Ch. 111 1/2, par. 116.113)

18 Sec. 3. Definitions. As used in this Act, unless the
19 context otherwise requires:

20 (a) "Construction" means all acts necessary to obtaining
21 ground water by any method, including without limitation the
22 location of and the excavation for the well, but not including
23 prospecting, surveying or other acts preparatory thereto, nor
24 the installation of pumps and pumping equipment.

1 (b) "Department" means the Department of Public Health.

2 (c) "Director" means the Director of Public Health.

3 (d) "Modification" means any change, replacement or other
4 alteration of any water well which shall be contrary to the
5 rules and regulations regarding the construction of a well.

6 (e) "Water well" means any excavation that is drilled,
7 cored, bored, washed, driven, dug, jetted or otherwise
8 constructed when the intended use of such excavation is for the
9 location, diversion, artificial recharge, or acquisition of
10 ground water, but such term does not include an excavation made
11 for the purpose of obtaining or prospecting for oil, natural
12 gas, minerals or products of mining or quarrying or for
13 inserting media to repressure oil or natural gas bearing
14 formation or for storing petroleum, natural gas or other
15 products or for observation or any other purpose in connection
16 with the development or operation of a gas storage project.

17 (f) "Public water system", "community water system",
18 "non-community water system", "semi-private water system" and
19 "private water system" have the meanings ascribed to them in
20 the Illinois Groundwater Protection Act.

21 (g) "Potential route", "potential primary source" and
22 "potential secondary source" have the meanings ascribed to them
23 in the Environmental Protection Act.

24 (h) "Closed loop well" means a sealed, watertight loop of
25 pipe buried outside of a building foundation intended to
26 recirculate a liquid solution through a heat exchanger.

1 (i) "Monitoring well" means a water well intended for the
2 purpose of determining groundwater quality or quantity.

3 (j) "Closed loop contractor" means any person who installs
4 closed loop wells for another person. "Closed loop contractor"
5 does not include the employee of a closed loop contractor.

6 (k) "Horizontal closed loop well" means a closed loop well
7 constructed to contain horizontal piping and the installation
8 and grouting of the horizontal piping not exceeding 20 feet in
9 depth and the connection to the horizontal header of the closed
10 loop cooling and heating system.

11 (l) "Vertical closed loop well" means a closed loop well
12 constructed to contain vertical piping and the installation and
13 grouting of the vertical piping exceeding 20 feet in depth and
14 the connection to the horizontal header of the closed loop
15 cooling and heating system.

16 (m) "Closed loop well system" means the entire system
17 containing the horizontal closed loop well or wells, the
18 vertical closed loop well or wells, the header piping, the
19 heating and cooling equipment, and the connections to the
20 heating and cooling equipment.

21 (Source: P.A. 86-843.)

22 (415 ILCS 30/5) (from Ch. 111 1/2, par. 116.115)

23 Sec. 5. Department powers and duties.

24 The Department has general supervision and authority over
25 the location, construction and modification of water wells,

1 closed loop wells and monitoring wells and for the
2 administration of this Act. With respect thereto it shall:

3 (a) Adopt and publish, and from time to time amend rules
4 and regulations as hereinafter provided;

5 (b) Commencing no later than January 1, 1988, issue permits
6 for the construction or change in depth of any water well other
7 than community public water systems and monitoring wells; ~~and~~

8 (b-5) Commencing no later than January 1, 2009, issue
9 permits for the construction and modification of closed loop
10 well systems; and

11 (c) Exercise such other powers as are practical and
12 reasonably necessary to carry out and enforce the provisions of
13 this Act.

14 (Source: P.A. 86-843.)

15 (415 ILCS 30/9.1 new)

16 Sec. 9.1. Closed loop contractor certification. On or
17 before January 1, 2009, the Department shall issue closed loop
18 contractor certificates to those applicants who are qualified
19 and have successfully passed the Department's closed loop
20 contractor's certification exam. Applications for
21 certification as a closed loop contractor must be made to the
22 Department in writing and under oath or affirmation upon forms
23 prescribed and furnished by the Department. Applications may
24 require any information the Department deems necessary in order
25 to carry out the provisions of this Act. The Department shall

1 collect a \$50 fee for the closed loop contractor's
2 qualification exam. The Water Well and Pump Installation
3 Contractor Licensing Board, established under the Water Well
4 and Pump Installation Contractor's License Act, shall advise
5 and aid the Department in preparing subject matter for the
6 closed loop contractor's certification exam.

7 Any person holding a valid water well contractor's license
8 issued under the Water Well and Pump Installation Contractor's
9 License Act may apply and receive, without examination or fee,
10 a closed loop contractor's certification, provided that all
11 other requirements of this Act are met.

12 Notwithstanding any other rulemaking authority that may
13 exist, neither the Governor nor any agency or agency head under
14 the jurisdiction of the Governor has any authority to make or
15 promulgate rules to implement or enforce the provisions of this
16 amendatory Act of the 95th General Assembly. If, however, the
17 Governor believes that rules are necessary to implement or
18 enforce the provisions of this amendatory Act of the 95th
19 General Assembly, the Governor may suggest rules to the General
20 Assembly by filing them with the Clerk of the House and the
21 Secretary of the Senate and by requesting that the General
22 Assembly authorize such rulemaking by law, enact those
23 suggested rules into law, or take any other appropriate action
24 in the General Assembly's discretion. Nothing contained in this
25 amendatory Act of the 95th General Assembly shall be
26 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor.

10 (415 ILCS 30/9.2 new)

11 Sec. 9.2. Closed loop contractor registration. Beginning
12 on January 1, 2009, no person may engage in the occupation of a
13 closed loop contractor unless he or she holds a valid
14 certificate of registration as a closed loop contractor issued
15 by the Department. All closed loop contractors doing business
16 in this State must annually file an application for
17 registration with the Department. All applications filed for
18 registration under this Section before November 1, 2010 must be
19 accompanied by verification of the certification of the
20 applicant by the International Ground Source Heat Pump
21 Association or a successor organization as a closed loop
22 contractor and the applicant must submit proof of certification
23 under Section 9.1 of this Act before November 1, 2010. All
24 applications filed for registration under this Section on or
25 after November 1, 2010 must be accompanied by verification of

1 the certification of the applicant by the International Ground
2 Source Heat Pump Association or a successor organization as a
3 closed loop contractor and proof of certification under Section
4 9.1 of this Act. Certificates of registration issued under this
5 Section shall expire and must be renewed on an annual basis.
6 The Department shall collect an annual registration fee of \$25.
7 Notwithstanding any other rulemaking authority that may exist,
8 neither the Governor nor any agency or agency head under the
9 jurisdiction of the Governor has any authority to make or
10 promulgate rules to implement or enforce the provisions of this
11 amendatory Act of the 95th General Assembly. If, however, the
12 Governor believes that rules are necessary to implement or
13 enforce the provisions of this amendatory Act of the 95th
14 General Assembly, the Governor may suggest rules to the General
15 Assembly by filing them with the Clerk of the House and the
16 Secretary of the Senate and by requesting that the General
17 Assembly authorize such rulemaking by law, enact those
18 suggested rules into law, or take any other appropriate action
19 in the General Assembly's discretion. Nothing contained in this
20 amendatory Act of the 95th General Assembly shall be
21 interpreted to grant rulemaking authority under any other
22 Illinois statute where such authority is not otherwise
23 explicitly given. For the purposes of this amendatory Act of
24 the 95th General Assembly, "rules" is given the meaning
25 contained in Section 1-70 of the Illinois Administrative
26 Procedure Act, and "agency" and "agency head" are given the

1 meanings contained in Sections 1-20 and 1-25 of the Illinois
2 Administrative Procedure Act to the extent that such
3 definitions apply to agencies or agency heads under the
4 jurisdiction of the Governor.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.