



28 drilling, jetting, driving, or any other artificial method for utilizing or monitoring underground  
29 waters.

30 (2) "Well driller" means any person that constructs a well for compensation or  
31 otherwise.

32 (3) "Well drilling" means the act of drilling, constructing, repairing, [~~or~~] renovating,  
33 deepening, cleaning, developing, or abandoning a well[~~, including all incidental work~~].

34 Section 2. Section **73-3-25** is amended to read:

35 **73-3-25. Wells driller's license -- Bond -- Revocation or suspension for**  
36 **noncompliance.**

37 (1) (a) Every person that constructs a well in the state shall obtain a license from the  
38 state engineer.

39 (b) The state engineer shall enact rules defining the form, the expiration date, and the  
40 renewal cycle of the application for a license.

41 (c) [~~All well~~] Well drillers' licenses [~~expire on the 31st day of December following~~  
42 ~~their issuance and~~] are not transferable. The state engineer shall enact rules for well  
43 construction according to the procedures and requirements of Title 63, Chapter 46a, Utah  
44 Administrative Rulemaking Act.

45 (2) (a) (i) [~~No~~] A person [~~may construct~~] who constructs a well in this state [~~without~~]  
46 must first [~~obtaining~~] obtain a license as provided in this section.

47 (ii) [~~No~~] Before a well driller's license will be issued [~~without~~], the applicant [~~filing a~~  
48 ~~\$5,000 penal~~] must file a well driller bond with the state engineer.

49 (iii) The bond shall be made payable to the Office of the State Engineer.

50 (iv) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
51 the state engineer may make rules to set the amount, form, and general administrative  
52 requirements of a well driller bond. Proper compliance with the provisions of this section and  
53 the rules enacted under the authority of this section are required to obtain or renew a license.

54 (b) (i) Well drillers shall comply with the rules enacted by the state engineer under this  
55 chapter.

56 (ii) If the state engineer determines, following an investigation, that the licensee has  
57 failed to comply with these rules, the state engineer may revoke or suspend the license, and  
58 exact the bond and deposit the money as a nonlapsing dedicated credit.

59            (iii) The state engineer may expend the funds to investigate or correct any deficiencies  
60 which could adversely affect the public interest resulting from noncompliance with the rules  
61 promulgated under this chapter by any well driller.

62            (iv) The state engineer may refuse to issue a license to a well driller if it appears that  
63 there has been a violation of the rules or a failure to comply with Section 73-3-22.

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**Legislative Review Note**

as of 1-16-04 3:11 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0232**

**Water Well Amendments**

*23-Jan-04*

*10:31 AM*

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**State Impact**

No fiscal impact.

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**Individual and Business Impact**

Applicants for a well driller's license may be impacted by the provision replacing a required \$5,000 bond payment with an amount to be determined by rule. Presently it is unknown whether the rule would set a higher or lower amount.

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**Office of the Legislative Fiscal Analyst**