

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 997  
HOUSE BILL 461

1 AN ACT TO LICENSE AND REGULATE WATER WELL CONTRACTORS.

2  
3 The General Assembly of North Carolina do enact:

4  
5 **Section 1.** This Act shall be known and may be cited as the "Water Well  
6 Contractor's License Act".

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

- 8 (1) "Water well" and "well" mean any excavation that is machine drilled, cored,  
9 bored, washed, driven, jetted when the intended use of such excavation is for  
10 the location, diversion, artificial recharge or acquisition of ground water, but  
11 such term does not include an excavation made for the purpose of obtaining  
12 or prospecting for oil, natural gas, minerals or products of mining or  
13 quarrying or for inserting media to repressure oil or natural gas bearing  
14 formation or for storing petroleum, natural gas or other products.  
15 (2) "Ground water" means water of underground streams, channels, artesian  
16 basins, reservoirs, lakes and other water under the surface of the ground  
17 whether percolating or otherwise.  
18 (3) "Drill" and "drilling" mean all acts necessary to the construction of a water  
19 well with power equipment including the sealing of unused water well holes.  
20 (4) "Water well contractor" and "contractor" means any person who contracts to  
21 machine drill, alter or repair any water well.  
22 (5) "Water well drilling rig" means the power machinery used in drilling a water  
23 well.  
24 (6) "Board" means the Board of Water Well Contractor Examiners created by  
25 this Act.  
26 (7) "Person" includes any natural person, partnership, association, trust and  
27 public or private corporation.  
28 (8) "License" means a water well contractor's license required by this Act.  
29 (9) "Rig permit" and "permit" mean a permit to operate a water well drilling rig  
30 required by this Act.

31 **Sec. 3.** This Act shall not apply:

- 32 (1) To an individual who drills a water well on land which is owned or leased by  
33 him and is used by him for farming purposes or as his place of abode; or  
34 (2) To an individual who performs labor or services for a licensed water well  
35 contractor in connection with the drilling of a water well at the direction and  
36 under the personal supervision of a licensed water well contractor.  
37 (3) To an individual who hand digs, bores, washes, drives, jets, cores or repairs  
38 or cleans wells without the use of power equipment.

39 **Sec. 4.** Subject to the provisions of Section 3, after the effective date of this Act, no  
40 contractor shall drill a water well or engage in the occupation of a water well contractor unless  
41 he holds a valid license as a water well contractor issued by the board under this Act. Nothing  
42 contained herein shall prevent or preclude any person not licensed under this Act or his  
43 employee from installing or servicing water well pumps, water pumps, water well pumping

1 units, pumping units, pressure tanks and connections thereto after any water well has been  
2 drilled.

3 **Sec. 5.** After the effective date of this Act no water well contractor shall operate a  
4 water well drilling rig or permit a well drilling rig owned by him to be operated by any  
5 employee unless he holds a valid permit to operate such drilling rig issued by the board under  
6 this Act. A separate rate permit shall be obtained for each water well drilling rig operated by a  
7 licensed water well contractor during the permit year.

8 **Sec. 6.** There is hereby created a State Board of Water Well Contractor Examiners  
9 consisting of seven persons to be appointed by the Governor. Four members of said board are  
10 to be water well contractors; one is to be an employee of the State Department of Water  
11 Resources; one is to be an employee of the State Board of Health; and, one is to be a person to  
12 represent the interests of the public at large, and such appointee shall not be a water well  
13 contractor or an employee thereof or a member or employee of any State Department. Prior to  
14 January 1, 1962, the Governor shall appoint two water well contractors for a term of one year;  
15 an employee of the State Board of Health and a person representing the public at large for a  
16 term of two years; and, two water well contractors and an employee of the State Department of  
17 Water Resources for a term of three years. Thereafter, as the term of an appointed member  
18 expires, or as a vacancy in the appointed membership occurs for any reason, the Governor shall  
19 appoint a successor for a term of three years, or for the remainder of the unexpired term, as the  
20 case may be.

21 The water well contractors appointed by the Governor must be licensed under the  
22 provisions of this Act; provided, however, that this requirement shall not apply to members of  
23 the original board during their initial terms of office.

24 **Sec. 7.** Members of the board shall receive ten dollars (\$10.00) per day for each day  
25 actually spent in the performance of duties required by this Act, plus actual travel expense. The  
26 board may employ necessary personnel for the performance of its functions, and fix the  
27 compensation therefor, within the limits of funds available to the board. The total expense of  
28 the administration of this Act shall not exceed the total income therefrom; and none of the  
29 expenses of said board or the compensation or expenses of any officer thereof or any employee  
30 shall ever be paid or payable out of the treasury of the State of North Carolina; and neither the  
31 board nor any officer or employee thereof shall have any power or authority to make or incur  
32 any expense, debt, or other financial obligation binding upon the State of North Carolina.

33 **Sec. 8.** The board shall annually elect a chairman from among its membership. The  
34 board shall meet annually in the City of Raleigh, at a time set by the board, and it may hold  
35 additional meetings and conduct business at any place in the State. Four members of the board  
36 shall constitute a quorum to do business. The board may designate any member to conduct any  
37 proceeding, hearing, or investigation necessary to its purposes, but any final action requires a  
38 quorum of the board. The board is authorized to adopt such rules and regulations as may be  
39 necessary for the efficient operation of the board. The board shall have an official seal and each  
40 member shall be empowered to administer oaths in the taking of testimony upon any matters  
41 pertaining to the functions of the board. Membership on the board of any public employee shall  
42 not constitute dual office holding but merely additional duties of such employee.

43 **Sec. 9.** The board shall file such reports as are required by Chapter 93B of the  
44 General Statutes of North Carolina.

45 **Sec. 10.** (a) The board shall issue a certificate as a licensed water well contractor to  
46 any applicant who pays a fee set by the board but not to exceed the amount specified in this  
47 Act, who passes an examination to the satisfaction of the board, and who submits evidence  
48 verified by oath and satisfactory to the board that he:

- 49 (1) is at least twenty-one years of age;  
50 (2) is of good moral character;

1 (3) is a citizen of the United States, or has legally declared his intentions of  
2 becoming one; and,

3 (b) The examination required by Subsection (a) of this Section shall be in such  
4 manner or form as the board in the exercise of its discretion may determine, and such  
5 examination may be either oral or written. The examination for unlicensed applicants shall be  
6 held annually, or more frequently as the board may by rule prescribe, at a time and place to be  
7 determined by the board. Persons failing to pass the examination shall be refunded one half of  
8 the examination fee. Failure to pass an examination shall not prohibit such person from being  
9 examined at a subsequent time.

10 (c) The board is to issue rig permits where the applicant therefor has a valid  
11 license issued pursuant to this Act, has made a proper application, and has paid the required  
12 fee.

13 **Sec. 11.** Any person who, within six months after the effective date of this Act,  
14 submits to the board under oath evidence satisfactory to the board that he was performing  
15 functions as a water well contractor (as denned in Section 1 of this Act) on the effective date of  
16 this Act shall be licensed as a water well contractor upon the payment of the fee required by  
17 this Act.

18 **Sec. 12.** All licenses and permits issued under this Act shall expire on the last day  
19 of January next following the date of issuance. A license may be renewed for an ensuing  
20 license year without examination by making application therefor and paying the prescribed fee  
21 at least thirty (30) days prior to the expiration date of the current license and such application  
22 shall extend the period of validity of the current license until a new license is received or the  
23 board refuses to issue a new license under the provisions of this Act.

24 **Sec. 13.** A fee to be determined by the board, but not to exceed the amount  
25 specified herein, shall be paid to the board at the time an application is made:

26	for original license.....	\$50.00
27	for renewal of license.....	25.00
28	for each rig permit.....	15.00

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

31 **Sec. 14.** The licensee shall conspicuously display his license at his principal place  
32 of business. Each rig permit shall be made of weatherproof material and shall be firmly  
33 attached to the drilling rig for which it was issued.

34 **Sec. 15.** The board may refuse to issue or renew or may suspend or revoke a license  
35 on any one or more of the following grounds:

- 36 (1) Material misstatement in the application for license;
- 37 (2) Failure to have or retain the qualifications required by Section 10 of this Act;
- 38 (3) Willful disregard or violation of this Act or of any rule or regulation  
39 promulgated by the board pursuant thereto; or of any law of the State of  
40 North Carolina relating to water wells;
- 41 (4) Willfully aiding or abetting another in the violation of this Act or any rule or  
42 regulation promulgated by the board pursuant thereto;
- 43 (5) Incompetence in the performance of the work of a water well contractor;
- 44 (6) Allowing the use of his license by an unlicensed person;
- 45 (7) Conviction of any crime an essential element of which is misstatement, fraud  
46 or dishonesty or conviction of any felony; and,
- 47 (8) Making substantial misrepresentations or false promises of a character likely  
48 to influence, persuade or induce in connection with the occupation of a water  
49 well contractor.

50 **Sec. 16.** The procedure to be followed by the board when it contemplates refusing  
51 to allow an applicant to take an examination, or to revoke or suspend a certificate issued under

1 the provisions of this Act, shall be in accordance with the provisions of Chapter 150 of the  
2 General Statutes of North Carolina.

3 **Sec. 17.** Any person violating any of the provisions of this Act shall be guilty of a  
4 misdemeanor and punishable in the discretion of the court. The board is authorized to apply to  
5 any judge of the Superior Court for an injunction in order to prevent any violation or threatened  
6 violation of the provisions of this Act.

7 **Sec. 18.** If any part of this Act is adjudged by any court of competent jurisdiction to  
8 be invalid, such judgment shall not affect, impair, or invalidate the remaining portions of the  
9 Act.

10 **Sec. 18 1/2.** This Act shall not apply to the following counties: Pender, Onslow,  
11 Robeson, Jackson, New Hanover, Harnett, Camden, Ashe, Hyde, Person, Craven, Gaston,  
12 Gates, Caswell, Orange, Dare, Haywood, Cleveland, Bladen, Macon, Chowan, Rockingham,  
13 Rutherford, Alexander, Washington, Tyrrell, Madison, Lincoln, Green, Catawba, Chatham,  
14 Johnston, Caldwell, Yancey, Forsyth, Davie, Stanly, Clay, Cabarrus, Wilson, McDowell,  
15 Beaufort, Pamlico, Carteret, Perquimans, Granville, Pasquotank, Cherokee, Halifax, Wayne,  
16 Union, Anson, Alamance, Henderson, Cumberland, Columbus, Sampson, Watauga, Stokes,  
17 Iredell, Scotland, Pitt, Randolph, Burke, Edgecombe, Hoke, Nash, Lee, Duplin, Polk, Wake,  
18 Davidson, Franklin, Jones, Rowan, Graham and Swain.

19 **Sec. 18 3/4.** The exclusion of the foregoing counties in the operation of this Act  
20 applies to the operations of residents of the foregoing counties in every county of this State to  
21 the end that they can practice their profession notwithstanding a local resident may be required  
22 to have a license.

23 **Sec. 19.** All laws and clauses of laws in conflict with this Act are hereby repealed.

24 **Sec. 20.** This Act shall be in full force and effect from and after January 1, 1962.

25 In the General Assembly read three times and ratified, this the 17th day of June,  
26 1961.