

Present Title 8, Subtitle 6 of the Natural Resources Article, which is the basis for this title, was amended by Ch. 27, Acts of 1980 to transfer those provisions that relate to the Board of Well Drillers to the exclusive jurisdiction of the Department of Health and Mental Hygiene. The provisions of Title 8, Subtitle 6 of the Natural Resources Article that relate to well drilling in general are retained in the Natural Resources Article for later allocation to the Health - Environmental Article.

Business of Well Drilling; Practice of Well Drilling

In revising this title, the Commission to Revise the Annotated Code recognizes that there is both a practice of well drilling, which relates to individuals, and a business of well drilling, which relates to the companies that employ well drillers. The provisions of this title primarily concern the procedures and requirements for licensing individuals, and, in practice, the Board currently licenses only individuals. However, both the present law and this title -- e.g., § 21-301 of this title -- use the term "person" when describing whom the Board may license. Therefore, arguably, there is a legislative grant of authority to the Board to license corporations and other "nonindividuals". Currently, the Board is considering licensing corporations.

Performance Bond

In regard to the bonding requirement of § 21-206 of this title, the present law is contradictory. The bond statutorily is labelled a "performance bond", which implies an intent to protect well owners from monetary damages on a job by job basis. However, in present NR § 8-610(d), the bond and insurance are described as conditions precedent to the issuance or renewal of a license, which, in effect, has resulted in a bond that is only a requisite for licensing but not clearly a protection for well owners.

This revision attempts to resolve the contradictory statutory requirements by clarifying that the Board may adopt rules and regulations that specify insurance and performance bond requirements. See § 21-206(b)(5) of this title. This avoids the conflict between the nature of a performance bond and certain contradictory provisions, such as a provision that the bond be issued annually instead of issued by the job. Also while present NR § 8-610(d) implies that the bond is issued to individuals who are already covered by the bond, in practice, certain licensees, -- i.e., journeymen and apprentices, who work under the direct supervision of a master well driller -- are not required by the Board to carry bonds and insurance. In effect, the work of journeymen and apprentices is covered by the bond and insurance covering the master well driller, or, more correctly, covering the particular well drilling job. The revision leaves these bonding and insurance requirements to the rules and regulations adopted by the Board.