

CHAPTER 90-02-02 CERTIFICATION

Section

90-02-02-01	Certification - How Obtained
90-02-02-01.1	Purpose of Certification [Repealed]
90-02-02-01.2	Certificate - How Obtained - Fee - Bond
90-02-02-01.3	Bond Required
90-02-02-02	Qualified Applicants - How Determined - Initial Certification
90-02-02-02.1	One-year Apprenticeship or Experience Requirements
90-02-02-02.2	Certification by Examination - Time Limit
90-02-02-02.3	Conviction Not Bar to Certification - Exceptions
90-02-02-02.4	Renewal of Certificate - Continuing Education
90-02-02-03	Qualified Applicants - How Determined - Renewal
90-02-02-04	Renewal Application - Time Limit
90-02-02-05	Willful Violation - Penalty [Repealed]
90-02-02-06	Expiration of Grandfather Clause [Repealed]
90-02-02-07	Certification by Reciprocity - How Obtained [Repealed]

90-02-02-01. Certification - How obtained.

The board secretary-treasurer shall furnish certificates and decals to qualified applicants who have passed the examination upon receipt of a board-approved application and submission of the proper fee and bond.

History: Amended effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-16, 43-35-17

90-02-02-01.1. Purpose of certification.

Repealed effective October 1, 2024.

90-02-02-01.2. Certificate - How obtained - Fee - Bond.

1. A person who takes the examination to become a certified water well contractor first shall complete a minimum of one-year apprenticeship or experience in water well drilling and construction under the direct supervision of a certified water well contractor or have completed a career and technical education program of at least one year in water well construction and shall make application to the board.
2. A person who takes the examination to become a certified water well pump and pitless unit installer first shall complete a minimum of one-year apprenticeship or experience in water well pump and pitless unit installation under the direct supervision of a certified water well pump and pitless unit installer or have completed a career and technical education program of at least one year in water well pump and pitless unit installation.
3. A person who takes the examination to become a certified monitoring well contractor first shall complete a minimum of one-year apprenticeship or experience in monitoring well construction under the direct supervision of a certified water well contractor or a certified monitoring well contractor or have completed a career and technical education program of at least one year in water well construction or hold a bachelor's degree in engineering or geology from an approved school and shall make application to the board.
4. A person who takes the examination to become a certified geothermal system driller first shall complete a minimum of one year of apprenticeship under the direct supervision of a certified

geothermal system driller or have a minimum of two thousand forty installation hours of experience in geothermal system drilling working under the direct supervision of a certified geothermal system driller or, first shall complete career and technical education relating to geothermal system drilling lasting at least one school year.

5. A person applying to take a certification examination shall pay to the board treasurer a nonrefundable examination fee in the amount of one hundred dollars. If upon examination the applicant is found to be qualified as a water well contractor, a water well pump and pitless unit installer, a monitoring well contractor, or a geothermal system driller, the board shall issue to that person an appropriate certificate upon the applicant's executing and filing with the board a bond as required in this chapter. The board may offer a combined examination for certification of a person as a water well contractor and a water well pump and pitless unit installer and may issue a single certificate for successful completion of the combined examination. Certificates issued under this chapter are not transferable.

History: Effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-01.3. Bond required.

Before receiving a certificate under North Dakota Century Code chapter 43-35, a qualified applicant shall execute and deposit with the board a surety bond conditioned for the faithful performance of all water well, monitoring well, pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with North Dakota Century Code chapter 43-35. The required amount of a surety bond is fifteen thousand dollars for a water well contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or geothermal system installation contractor.

History: Effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-14

90-02-02-02. Qualified applicants - How determined - Initial certification.

The board must approve a party's certification application if an applicant has complied with North Dakota Century Code sections 43-35-13 and 43-35-14. Upon board approval, the applicant is to be regarded as qualified and must be issued the proper certificate and decals.

History: Amended effective May 1, 2002; October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-14, 43-35-16

90-02-02-02.1. One-year apprenticeship or experience requirements.

The one-year apprenticeship or experience required by North Dakota Century Code section 43-35-13 must have occurred during the three years immediately preceding the application date. Suitable vocational training may substitute for the one-year apprenticeship or experience requirement with board approval and at the board's sole discretion. If the experience was obtained in another state under a noncertificate holder water well contractor, pump and pitless unit installer, geothermal system installer, or monitoring well contractor, the board may approve equivalent experience if the board is satisfied in its sole discretion that the experience was equivalent to working under the direct supervision of a certificate holder in North Dakota.

History: Effective March 1, 1984; amended effective May 1, 2002; October 1, 2024.

General Authority: NDCC 43-35-10, 43-35-21

Law Implemented: NDCC 43-35-13

90-02-02-02.2. Certification by examination - Time limit.

Any applicant who passes the examination shall complete the other certification requirements within six months of examination result notification or the examination score must be nullified and the applicant shall be required to initiate a new application and be reexamined to obtain a certificate.

History: Effective March 1, 1984; amended effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13

90-02-02-02.3. Conviction not bar to certification - Exceptions.

Conviction of an offense does not disqualify a person from certification under this chapter unless the board determines that the offense has a direct bearing upon a person's ability to serve the public as a certificate holder, or that, following the conviction of any offense, the person is not sufficiently rehabilitated under North Dakota Century Code section 12.1-33-02.1.

History: Effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-11.1

90-02-02-02.4. Renewal of certificate - Continuing education.

1. A certificate issued under North Dakota Century Code chapter 43-35 is valid for up to one year and expires on the thirty-first day of December in the year of issuance. To renew a certificate, a certificate holder shall submit to the board a completed renewal application. The completed renewal application must be:
 - a. Submitted to the board before April first in the year following the certificate's expiration;
 - b. Accompanied by a fee in an amount set by the board not to exceed two hundred dollars;
 - c. Accompanied by any continuing education reporting information required under this section; and
 - d. Accompanied by a bond as provided in section 90-02-02-01.3.
2. Except as provided under subsection 3, every two years the renewal application must include reporting information verifying the applicant completed six hours of board-approved continuing education during the two-year reporting cycle.
3. A renewal application for certification as a water well pump and pitless unit installer must include reporting information verifying the applicant completed two hours of board-approved continuing education during the two-year reporting cycle.

History: Effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-17

90-02-02-03. Qualified applicants - How determined - Renewal.

A certificate holder must be issued a renewal upon the receipt of a board-approved renewal application and submission of the proper fee and bond. The secretary-treasurer may issue the certificates and decals for a renewal without board action.

History: Amended effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-13, 43-35-17

90-02-02-04. Renewal application - Time limit.

If a renewal application has not been received prior to April first following certificate expiration, the previous certificate holder is no longer be eligible for renewal.

History: Amended effective October 1, 2024.

General Authority: NDCC 43-35-10

Law Implemented: NDCC 43-35-17

90-02-02-05. Willful violation - Penalty.

Repealed effective October 1, 2024.

90-02-02-06. Expiration of grandfather clause.

Repealed effective October 1, 2024.

90-02-02-07. Certification by reciprocity - How obtained.

Repealed effective October 1, 2024.