

HOUSE BILL 407

M3

(PRE-FILED)

1r0572
CF SB 22

By: **Delegate Stein**

Requested: August 25, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems – Inspection – Licensing**

3 FOR the purpose of prohibiting an individual from engaging in the business of inspecting
4 an on-site sewage disposal system unless the individual holds a certain license
5 issued by the Department of the Environment on or after a certain date; requiring
6 the Department to adopt regulations establishing certain eligibility criteria, training
7 requirements, renewal procedures, and fees for a certain license on or before a
8 certain date; requiring an applicant for a certain license to submit a certain
9 application and pay a certain fee; establishing certain penalties for violations of this
10 Act; requiring certain penalties to be paid into a certain account in a certain fund;
11 authorizing a local government to establish certain additional requirements for
12 inspections of on-site sewage disposal systems; repealing certain provisions of law
13 relating to the inspection of on-site sewage disposal systems; providing for the
14 application of this Act; providing for a delayed effective date for certain provisions of
15 this Act; and generally relating to the inspection of on-site sewage disposal systems.

16 BY adding to

17 Article – Environment

18 Section 9–217.2

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2020 Supplement)

21 BY repealing

22 Article – Environment

23 Section 9–217.1

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2020 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Environment

9-217.2.

(A) IN THIS SECTION, “LICENSE HOLDER” MEANS AN INDIVIDUAL WHO HOLDS A VALID ON-SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSE ISSUED BY THE DEPARTMENT UNDER THIS SECTION.

(B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO INSPECTS AN ON-SITE SEWAGE DISPOSAL SYSTEM AS A PART OF THE INDIVIDUAL’S DUTIES AS AN EMPLOYEE OF THE FEDERAL GOVERNMENT, THE STATE, OR ANY LOCAL GOVERNMENT OF THE STATE.

(C) ON OR AFTER JULY 1, 2022, AN INDIVIDUAL MAY NOT ENGAGE IN THE BUSINESS OF INSPECTING AN ON-SITE SEWAGE DISPOSAL SYSTEM UNLESS THE INDIVIDUAL HOLDS A VALID ON-SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSE ISSUED BY THE DEPARTMENT.

(D) (1) ON OR BEFORE JANUARY 1, 2022, THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING ELIGIBILITY CRITERIA, MINIMUM TRAINING STANDARDS FOR ON-SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSES, THE FREQUENCY WITH WHICH LICENSES MUST BE RENEWED, AND THE FEES FOR LICENSE APPLICATIONS AND RENEWALS.

(2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL REQUIRE THAT:

(I) THE TRAINING INCLUDE INSTRUCTION ON DETERMINING WHETHER AN ON-SITE SEWAGE DISPOSAL SYSTEM IS:

1. IN NEED OF REPLACEMENT OR REPAIR; AND

2. NOT IN COMPLIANCE WITH STATUTORY OR REGULATORY REQUIREMENTS; AND

(II) EACH INSPECTION PERFORMED BY A LICENSE HOLDER FOLLOWS THE INSPECTION FORMAT PROVIDED BY THE DEPARTMENT.

(E) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL:

(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM THE DEPARTMENT PROVIDES; AND

1 (2) PAY AN APPLICATION FEE SET BY THE DEPARTMENT.

2 (F) (1) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SECTION OR
3 ANY REGULATION ADOPTED UNDER THIS SECTION IS SUBJECT TO AN
4 ADMINISTRATIVE PENALTY NOT EXCEEDING \$10,000.

5 (2) EACH DAY THAT AN INDIVIDUAL INSPECTS AN ON-SITE SEWAGE
6 DISPOSAL SYSTEM WITHOUT A VALID ON-SITE WASTEWATER PROPERTY TRANSFER
7 INSPECTION LICENSE CONSTITUTES A SEPARATE VIOLATION OF THIS SECTION.

8 (3) ANY ADMINISTRATIVE PENALTY COLLECTED BY THE
9 DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE SEPARATE
10 ACCOUNT WITHIN THE BAY RESTORATION FUND ESTABLISHED UNDER §
11 9-1605.2(H) OF THIS TITLE.

12 (G) A LOCAL GOVERNMENT MAY ESTABLISH ADDITIONAL REQUIREMENTS
13 FOR INSPECTIONS OF ON-SITE SEWAGE DISPOSAL SYSTEMS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
15 as follows:

16 Article – Environment

17 [9-217.1.

18 (a) After July 1, 1999, every person engaged in the business of inspecting an
19 on-site sewage disposal system for a transfer of property must certify to the Department
20 of the Environment that the person has completed a course of instruction, approved by the
21 Department, in the proper inspection of on-site sewage disposal systems.

22 (b) Every person engaged in the business of inspecting an on-site sewage disposal
23 system for a transfer of property shall make available to persons contracting for the
24 inspection service evidence of completion of the course of instruction.

25 (c) The Department shall adopt regulations to implement the provisions of this
26 section.]

27 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
28 effect January 1, 2022.

29 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
30 3 of this Act, this Act shall take effect October 1, 2021.