

SENATE BILL 254

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By: **Senator Young**

Introduced and read first time: January 20, 2020

Assigned to: Education, Health, and Environmental Affairs

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 and 7 training requirements for a certain
license on or before a certain date; requiring an 8 applicant for a certain license to submit a
certain application and pay a certain fee;

9 establishing certain penalties for violations of this Act; requiring certain fines to be 10 paid
into a certain fund and used for a certain purpose; providing for the liability of 11 a certain
license holder who conducts an incomplete inspection of an on-site sewage 12 disposal system;
authorizing a local government to establish certain additional 13 requirements for inspections
of on-site sewage disposal systems; repealing certain 14 provisions of law relating to the
inspection of on-site sewage disposal systems; 15 providing for the application of this Act;
providing for a delayed effective date for 16 certain provisions of this Act; and generally relating
to the inspection of on-site 17 sewage disposal systems.

18 BY adding to
19 Article – Environment
20 Section 9–217.2
21 Annotated Code of Maryland
22 (2014 Replacement Volume and 2019 Supplement)

23 BY repealing
24 Article – Environment
25 Section 9–217.1
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2019 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

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1 That the Laws of Maryland read as follows:

2 **Article – Environment**

3 **9–217.2.**

6 **(A) IN THIS SECTION, “LICENSE HOLDER” MEANS AN INDIVIDUAL WHO HOLDS A VALID ONSITE SEWAGE WASTEWATER PROPERTY TRANSFER SEPTIC INSPECTION LICENSE ISSUED BY THE DEPARTMENT UNDER THIS SECTION.**

10 **(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.**

11 **(C) ON OR AFTER ~~MAY~~ JULY 1, 2021, 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 SEPTIC INSPECTION LICENSE ISSUED BY THE DEPARTMENT.**

15 **(D) (1) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING ELIGIBILITY CRITERIA AND MINIMUM TRAINING STANDARDS FOR SEPTIC INSPECTION LICENSES.**

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

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

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- 18 1. IN NEED OF REPLACEMENT OR REPAIR; ~~OR~~ AND
- 19 2. NOT IN COMPLIANCE WITH STATUTORY OR
REGULATORY REQUIREMENTS; AND
- 20 (II) EACH INSPECTION PERFORMED BY A LICENSE
HOLDER FOLLOWS THE INSPECTION FORMAT PROVIDED BY
THE DEPARTMENT.
- 21 (E) AN APPLICANT FOR A LICENSE UNDER THIS SECTION
SHALL:
- 22 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON
THE FORM THE DEPARTMENT PROVIDES; AND
- 23 (2) PAY AN APPLICATION FEE SET BY THE
DEPARTMENT.

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1 (F) (1) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SECTION OR ANY
REGULATION ADOPTED UNDER THIS SECTION IS ~~GUILTY OF A MISDEMEANOR AND, ON
CONVICTION,~~ IS SUBJECT TO ~~A~~ AN ADMINISTRATIVE FINE NOT EXCEEDING \$10,000.

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

9 (3) ANY ADMINISTRATIVE FINE IMPOSED BY A COURT COLLECTED BY THE
DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE ~~MARYLAND
CLEAN WATER~~ ON-SITE SEWAGE DISPOSAL SYSTEM ACCOUNT OF THE BAY
RESTORATION FUND ESTABLISHED UNDER §9-1605.2(H) OF THIS ARTICLE AND USED
TO SUPPORT THE COSTS ASSOCIATED WITH IMPLEMENTING THE REQUIREMENTS OF
THIS SECTION.

10 (G) ~~IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION (F) OF THIS SECTION,
A LICENSE HOLDER WHO CONDUCTS AN INCOMPLETE INSPECTION OF AN ON-SITE
SEWAGE DISPOSAL SYSTEM SHALL BE LIABLE FOR THE COST OF REPAIRING OR
REPLACING THE ON-SITE SEWAGE DISPOSAL SYSTEM IF THE SYSTEM FAILS
14 WITHIN 6 MONTHS AFTER THE DATE OF THE INCOMPLETE INSPECTION.~~

15 (H) (G) A LOCAL GOVERNMENT MAY ESTABLISH ADDITIONAL REQUIREMENTS

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16 FOR INSPECTIONS OF ON-SITE SEWAGE DISPOSAL SYSTEMS.

(H) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

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

19 **Article – Environment**

20 [9-217.1.

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

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

28 (c) The Department shall adopt regulations to implement the provisions of this 29 section.]

30 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021.

32 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 1 of this Act, this Act shall take effect October 1, 2020.