

SB0797/553826/6

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 797  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in its entirety line 3; in line 6, before “providing” insert “prohibiting a certain septic installation or management company owner from being compelled to disclose in certain proceedings certain communications or information received or acquired from a certain customer;”; and in line 12, after “9-124” insert “and 9-125”.

AMENDMENT NO. 2

On page 2, after line 32, insert:

**“9-125.**

**(A) AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY MAY NOT BE COMPELLED TO DISCLOSE, IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING, ANY COMMUNICATION OR INFORMATION THE OWNER RECEIVED OR ACQUIRED FROM A CUSTOMER OF THE OWNER WHILE THE OWNER WAS ACTING IN A PROFESSIONAL CAPACITY.**

**(B) AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY MAY DISCLOSE A COMMUNICATION OR INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS SECTION:**

**(1) TO THE EXTENT NECESSARY TO PREVENT THE COMMISSION OF A CRIME THAT IS LIKELY TO RESULT IN A CLEAR, IMMINENT RISK OF SERIOUS PHYSICAL INJURY TO OR DEATH OF ANOTHER INDIVIDUAL;**

(Over)

(2) TO THE EXTENT THE COMMUNICATION OR INFORMATION CONSTITUTES AN ADMISSION THAT THE CUSTOMER HAS COMMITTED A CRIME;

(3) IN ANY COURT, ADMINISTRATIVE, ARBITRATION, OR OTHER PROCEEDING AGAINST THE OWNER IN THE OWNER'S PERSONAL OR PROFESSIONAL CAPACITY;

(4) IF THE OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE CUSTOMER;

(5) IF THE CUSTOMER IS DECEASED OR HAS BEEN ADJUDICATED INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND THE OWNER HAS OBTAINED THE WRITTEN OR ORAL CONSENT OF THE PERSONAL REPRESENTATIVE OF THE CUSTOMER'S ESTATE OR OF THE CUSTOMER'S GUARDIAN; OR

(6) WHEN REQUIRED BY A COURT ORDER.

(C) AN ADVERSE INFERENCE MAY NOT BE DRAWN BASED ON THE REFUSAL OF AN OWNER OF A SEPTIC INSTALLATION OR MANAGEMENT COMPANY TO DISCLOSE A COMMUNICATION OR ANY INFORMATION UNDER SUBSECTION (B)(3) OF THIS SECTION."