SENATE BILL 254

M3 0lr1685

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

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On-Site Sewage Disposal Systems - Inspection - Licensing

3 FOR the purpose of prohibiting an individual from engaging in the business of inspecting an on-site sewage disposal system unless the individual holds a certain license 4 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 paid into a certain fund and used for a certain purpose; providing for the liability of 10 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,



1 That the Laws of Maryland read as follows:

2 Article – Environment

- 3 **9–217.2.**
- 4 (A) IN THIS SECTION, "LICENSE HOLDER" MEANS AN INDIVIDUAL WHO
- 5 HOLDS A VALID SEPTIC INSPECTION LICENSE ISSUED BY THE DEPARTMENT UNDER
- 6 THIS SECTION.
- 7 (B) THIS SECTION DOES NOT APPLY TO AN INDIVIDUAL WHO INSPECTS AN
- 8 ON-SITE SEWAGE DISPOSAL SYSTEM AS A PART OF THE INDIVIDUAL'S DUTIES AS AN
- 9 EMPLOYEE OF THE FEDERAL GOVERNMENT, THE STATE, OR ANY LOCAL
- 10 GOVERNMENT OF THE STATE.
- 11 (C) ON OR AFTER MAY 1, 2021, AN INDIVIDUAL MAY NOT ENGAGE IN THE
- 12 BUSINESS OF INSPECTING AN ON-SITE SEWAGE DISPOSAL SYSTEM UNLESS THE
- 13 INDIVIDUAL HOLDS A VALID SEPTIC INSPECTION LICENSE ISSUED BY THE
- 14 **DEPARTMENT.**
- 15 (D) (1) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL
- 16 ADOPT REGULATIONS ESTABLISHING ELIGIBILITY CRITERIA AND MINIMUM
- 17 TRAINING STANDARDS FOR SEPTIC INSPECTION LICENSES.
- 18 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL
- 19 **REQUIRE THAT:**

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- 20 (I) THE TRAINING INCLUDE INSTRUCTION ON DETERMINING
- 21 WHETHER AN ON-SITE SEWAGE DISPOSAL SYSTEM IS:
- 22 1. IN NEED OF REPLACEMENT OR REPAIR; OR
- 23 2. Not in compliance with statutory or
- 24 REGULATORY REQUIREMENTS; AND
- 25 (II) EACH INSPECTION PERFORMED BY A LICENSE HOLDER
- 26 FOLLOWS THE INSPECTION FORMAT PROVIDED BY THE DEPARTMENT.
- 27 (E) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL:
- 28 (1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM
- 29 THE DEPARTMENT PROVIDES; AND
 - (2) PAY AN APPLICATION FEE SET BY THE DEPARTMENT.

- 1 (F) (1) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SECTION OR 2 ANY REGULATION ADOPTED UNDER THIS SECTION IS GUILTY OF A MISDEMEANOR 3 AND, ON CONVICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.
- 4 (2) EACH DAY THAT AN INDIVIDUAL INSPECTS AN ON-SITE SEWAGE 5 DISPOSAL SYSTEM WITHOUT A VALID SEPTIC INSPECTION LICENSE CONSTITUTES A 6 SEPARATE VIOLATION OF THIS SECTION.
- 7 (3) ANY FINE IMPOSED BY A COURT UNDER THIS SUBSECTION SHALL 8 BE PAID INTO THE MARYLAND CLEAN WATER FUND AND USED TO SUPPORT THE 9 COSTS ASSOCIATED WITH IMPLEMENTING THE REQUIREMENTS OF THIS SECTION.
- 10 (G) IN ADDITION TO THE PENALTIES PROVIDED IN SUBSECTION (F) OF THIS
 11 SECTION, A LICENSE HOLDER WHO CONDUCTS AN INCOMPLETE INSPECTION OF AN
 12 ON-SITE SEWAGE DISPOSAL SYSTEM SHALL BE LIABLE FOR THE COST OF REPAIRING
 13 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) A LOCAL GOVERNMENT MAY ESTABLISH ADDITIONAL REQUIREMENTS 16 FOR INSPECTIONS OF ON–SITE SEWAGE DISPOSAL SYSTEMS.
- 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 26 system for a transfer of property shall make available to persons contracting for the 27 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 31 effect January 1, 2021.
- 32 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section

 $1\quad 3$ of this Act, this Act shall take effect October 1, 2020.