

HOUSE BILL 407

M3

(11r0572)

ENROLLED BILL

— *Environment and Transportation/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Stein**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
2 Article – Environment
3 Section 9–217.2
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2020 Supplement)

6 BY repealing
7 Article – Environment
8 Section 9–217.1
9 Annotated Code of Maryland
10 (2014 Replacement Volume and 2020 Supplement)

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

13 **Article – Environment**

14 **9–217.2.**

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

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

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

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

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

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

1 1. **IN NEED OF REPLACEMENT OR REPAIR; AND**

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

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

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

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

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

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

13 **(2) EACH ~~DAY THAT AN INDIVIDUAL INSPECTS AN~~ ON-SITE SEWAGE**
14 **DISPOSAL SYSTEM THAT AN INDIVIDUAL KNOWINGLY INSPECTS WITHOUT A VALID**
15 **ON-SITE WASTEWATER PROPERTY TRANSFER INSPECTION LICENSE CONSTITUTES A**
16 **SEPARATE VIOLATION OF THIS SECTION.**

17 **(3) ANY ADMINISTRATIVE PENALTY COLLECTED BY THE**
18 **DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE SEPARATE**
19 **ACCOUNT WITHIN THE BAY RESTORATION FUND ESTABLISHED UNDER §**
20 **9-1605.2(H) OF THIS TITLE.**

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

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

25 **Article – Environment**

26 **[9-217.1.**

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

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

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

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

8 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
9 3 of this Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.