

SENATE BILL 254

M3

0lr1685

By: **Senator Young**

Introduced and read first time: January 20, 2020

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2020

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 ~~and~~
7 training requirements, renewal procedures, and fees for a certain license on or before
8 a 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 ~~fees~~ penalties to be paid into a certain account in a certain
11 fund and used for a certain purpose; providing for the liability of a certain license
12 ~~holder who conducts an incomplete inspection of an on-site sewage disposal system;~~
13 authorizing a local government to establish certain additional requirements for
14 inspections of on-site sewage disposal systems; repealing certain provisions of law
15 relating to the inspection of on-site sewage disposal systems; providing for the
16 application of this Act; providing for a delayed effective date for certain provisions of
17 this Act; and generally relating to the inspection of on-site 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

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.



1 Article – Environment
 2 Section 9–217.1
 3 Annotated Code of Maryland
 4 (2014 Replacement Volume and 2019 Supplement)

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

7 **Article – Environment**

8 **9–217.2.**

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

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

16 (C) ON OR AFTER ~~MAY~~ JULY 1, 2021, AN INDIVIDUAL MAY NOT ENGAGE IN
 17 THE BUSINESS OF INSPECTING AN ON-SITE SEWAGE DISPOSAL SYSTEM UNLESS THE
 18 INDIVIDUAL HOLDS A VALID ~~SEPTIC~~ ON-SITE WASTEWATER PROPERTY TRANSFER
 19 INSPECTION LICENSE ISSUED BY THE DEPARTMENT.

20 (D) (1) ON OR BEFORE JANUARY 1, 2021, THE DEPARTMENT SHALL
 21 ADOPT REGULATIONS ESTABLISHING ELIGIBILITY CRITERIA ~~AND~~, MINIMUM
 22 TRAINING STANDARDS FOR ~~SEPTIC~~ ON-SITE WASTEWATER PROPERTY TRANSFER
 23 INSPECTION LICENSES, THE FREQUENCY WITH WHICH LICENSES MUST BE
 24 RENEWED, AND THE FEES FOR LICENSE APPLICATIONS AND RENEWALS.

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

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

29 1. IN NEED OF REPLACEMENT OR REPAIR; ~~OR~~ AND

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

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

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

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

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

5 (F) (1) AN INDIVIDUAL WHO VIOLATES A PROVISION OF THIS SECTION OR
6 ANY REGULATION ADOPTED UNDER THIS SECTION IS ~~GUilty OF A MISDEMEANOR~~
7 ~~AND, ON CONVICTION, IS SUBJECT TO A FINE~~ SUBJECT TO A CIVIL PENALTY NOT
8 EXCEEDING \$10,000.

9 (2) EACH DAY THAT AN INDIVIDUAL INSPECTS AN ON-SITE SEWAGE
10 DISPOSAL SYSTEM WITHOUT A VALID ~~SEPTIC~~ ON-SITE WASTEWATER PROPERTY
11 TRANSFER INSPECTION LICENSE CONSTITUTES A SEPARATE VIOLATION OF THIS
12 SECTION.

13 (3) ANY ~~FINE IMPOSED BY A COURT~~ CIVIL PENALTY COLLECTED BY
14 THE DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE MARYLAND
15 ~~CLEAN WATER FUND AND USED TO SUPPORT THE COSTS ASSOCIATED WITH~~
16 ~~IMPLEMENTING THE REQUIREMENTS OF THIS SECTION~~ SEPARATE ACCOUNT WITHIN
17 THE BAY RESTORATION FUND ESTABLISHED UNDER § 9-1605.2(H) OF THIS TITLE.

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

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

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

27 **Article – Environment**

28 [9-217.1.

29 (a) After July 1, 1999, every person engaged in the business of inspecting an
30 on-site sewage disposal system for a transfer of property must certify to the Department
31 of the Environment that the person has completed a course of instruction, approved by the
32 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, 2021.

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, 2020.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.