

SENATE BILL 353

M3

9lr1883

By: **Senator Young**

Introduced and read first time: January 31, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **On-Site Sewage Disposal Systems – Construction and Inspection Licenses**

3 FOR the purpose of repealing certain provisions of law requiring a person engaged in the
4 business of inspecting an on-site sewage disposal system for a transfer of property
5 to make a certain certification to the Department of the Environment and make
6 certain information available to a person contracting for the inspecting services;
7 prohibiting a person from engaging in the business of constructing or installing an
8 on-site sewage disposal system unless the person holds a certain license issued by
9 the Department; prohibiting a person from engaging in the business of inspecting an
10 on-site sewage disposal system unless the person holds a certain license issued by
11 the Department; requiring the Department to establish by regulation certain
12 eligibility criteria and training requirements; requiring an applicant for a certain
13 license to submit a certain application and pay a certain fee to the Department;
14 providing for the interpretation of this Act; and generally relating to on-site sewage
15 disposal systems.

16 BY repealing

17 Article – Environment

18 Section 9-217.1

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2018 Supplement)

21 BY adding to

22 Article – Environment

23 Section 9-217.1

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2018 Supplement)

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

27 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Environment**2 **[9–217.1.**

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

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

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

12 **9–217.1.**

13 **(A) (1) A PERSON MAY NOT ENGAGE IN THE BUSINESS OF CONSTRUCTING**
14 **OR INSTALLING AN ON–SITE SEWAGE DISPOSAL SYSTEM UNLESS THE PERSON HOLDS**
15 **A VALID SEPTIC CONSTRUCTION LICENSE ISSUED BY THE DEPARTMENT.**

16 **(2) A PERSON MAY NOT ENGAGE IN THE BUSINESS OF INSPECTING AN**
17 **ON–SITE SEWAGE DISPOSAL SYSTEM UNLESS THE PERSON HOLDS A VALID SEPTIC**
18 **INSPECTION LICENSE ISSUED BY THE DEPARTMENT.**

19 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
20 **DEPARTMENT SHALL ESTABLISH BY REGULATION ELIGIBILITY CRITERIA AND**
21 **MINIMUM TRAINING REQUIREMENTS FOR SEPTIC CONSTRUCTION AND INSPECTION**
22 **LICENSES.**

23 **(2) THE TRAINING REQUIREMENTS FOR A SEPTIC INSPECTION**
24 **LICENSE SHALL INCLUDE INSTRUCTION ON DETERMINING WHETHER AN ON–SITE**
25 **SEWAGE DISPOSAL SYSTEM:**

26 **(I) IS IN NEED OF REPLACEMENT OR REPAIR; OR**

27 **(II) IS INCONSISTENT WITH STATUTORY OR REGULATORY**
28 **REQUIREMENTS.**

29 **(C) AN APPLICANT FOR A LICENSE UNDER THIS SECTION SHALL:**

30 **(1) SUBMIT AN APPLICATION TO THE DEPARTMENT ON THE FORM**
31 **THE DEPARTMENT PROVIDES; AND**

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

2 **(D) NOTHING IN THIS SECTION MAY BE INTERPRETED TO PREEMPT OR**
3 **SUPERSEDE ANY PROVISION OF LOCAL LAW.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2019.