

HOUSE BILL 407

M3

(PRE-FILED)

11r0572
CF SB 22

By: **Delegate Stein**

Requested: August 25, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 16, 2021

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.

16 BY adding to

17 Article – Environment

18 Section 9-217.2

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2020 Supplement)

21 BY repealing

22 Article – Environment

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 Section 9–217.1
2 Annotated Code of Maryland
3 (2014 Replacement Volume and 2020 Supplement)

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

6 **Article – Environment**

7 **9–217.2.**

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

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

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

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

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

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

28 1. IN NEED OF REPLACEMENT OR REPAIR; AND

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

31 (II) EACH INSPECTION PERFORMED BY A LICENSE HOLDER
32 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 SUBJECT TO AN
7 ADMINISTRATIVE PENALTY NOT EXCEEDING \$10,000.

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

12 (3) ANY ADMINISTRATIVE PENALTY COLLECTED BY THE
13 DEPARTMENT UNDER THIS SUBSECTION SHALL BE PAID INTO THE SEPARATE
14 ACCOUNT WITHIN THE BAY RESTORATION FUND ESTABLISHED UNDER §
15 9-1605.2(H) OF THIS TITLE.

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

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

20 **Article – Environment**

21 [9-217.1.

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

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

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

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
2 3 of this Act, this Act shall take effect October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.