

HOUSE BILL 1224

M3
HB 189/16 – ENV

7lr2781

By: **Delegate Rosenberg**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Liquid Waste Hauler – Vehicle License and Inspection**

3 FOR the purpose of prohibiting a person from engaging in business as a liquid waste hauler
4 in the State unless the vehicle used by the person to haul liquid waste is licensed
5 annually by the Department of the Environment; establishing certain requirements
6 for applying for a certain vehicle license; prohibiting the Department from issuing a
7 certain vehicle license unless the vehicle is annually inspected and approved by the
8 Department; requiring the Department to set certain fees for the licensing and
9 inspection of certain vehicles in a certain manner; authorizing the Department to
10 delegate to a local health department certain vehicle inspection authority;
11 authorizing a local health department to set certain inspection fees under certain
12 circumstances; requiring the Department to adopt certain regulations; providing for
13 certain criminal penalties; defining certain terms; and generally relating to the
14 licensing and inspection of vehicles used to haul liquid waste.

15 BY adding to

16 Article – Environment

17 Section 9–11A–01 through 9–11A–07 to be under the new subtitle “Subtitle 11A.

18 Liquid Waste Haulers”

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2016 Supplement)

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

22 That the Laws of Maryland read as follows:

23 **Article – Environment**

24 **SUBTITLE 11A. LIQUID WASTE HAULERS.**

25 **9–11A–01.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) "LIQUID WASTE" INCLUDES SEPTAGE AND GREASE TRAP WASTE.

(2) "LIQUID WASTE" DOES NOT INCLUDE:

(I) WASTES GENERATED FROM OIL AND GAS EXPLORATION OR PRODUCTION; OR

(II) CONTROLLED HAZARDOUS SUBSTANCES REGULATED UNDER TITLE 7, SUBTITLE 2 OF THIS ARTICLE.

(C) "LIQUID WASTE HAULER" MEANS A PERSON ENGAGED IN THE BUSINESS OF CLEANING AND EMPTYING SEPTIC TANKS, HOLDING TANKS, SEEPAGE PITS, PRIVIES, OR ANY OTHER ON-SITE DISPOSAL SYSTEM.

(D) "SEPTAGE" MEANS THE LIQUID AND SOLID MATERIAL PUMPED OR REMOVED FROM AN ON-SITE SEWAGE DISPOSAL SYSTEM WHEN THE SYSTEM IS CLEANED OR MAINTAINED, INCLUDING MATERIAL PUMPED OR REMOVED FROM A CESSPOOL, CHEMICAL TOILET, COMPOSTING TOILET, HOLDING TANK, PRIVY, PORTABLE TOILET, SEEPAGE PIT, OR SEPTIC TANK.

9-11A-02.

A PERSON MAY NOT ENGAGE IN BUSINESS AS A LIQUID WASTE HAULER IN THE STATE UNLESS THE VEHICLE USED BY THE PERSON TO HAUL LIQUID WASTE IS LICENSED ANNUALLY BY THE DEPARTMENT.

9-11A-03.

(A) TO APPLY FOR A VEHICLE LICENSE UNDER THIS SUBTITLE, AN APPLICANT SHALL:

(1) SUBMIT TO THE DEPARTMENT AN APPLICATION ON THE FORM THAT THE DEPARTMENT REQUIRES; AND

(2) PAY TO THE DEPARTMENT THE ANNUAL LICENSING AND INSPECTION FEES SET BY THE DEPARTMENT.

(B) AN APPLICATION FOR A VEHICLE LICENSE SHALL INCLUDE:

1 (1) THE APPLICANT’S NAME, ADDRESS, AND TELEPHONE NUMBER;

2 (2) THE BUSINESS’S NAME, ADDRESS, AND TELEPHONE NUMBER;

3 (3) THE MAKE, MODEL, LICENSE NUMBER, AND VEHICLE
4 IDENTIFICATION NUMBER OF EACH VEHICLE THAT WILL BE USED TO HAUL LIQUID
5 WASTE;

6 (4) DOCUMENTATION OF:

7 (I) PROPERTY DAMAGE INSURANCE IN AN AMOUNT OF AT
8 LEAST \$100,000; AND

9 (II) GENERAL LIABILITY INSURANCE IN AN AMOUNT OF AT
10 LEAST \$300,000; AND

11 (5) ANY OTHER INFORMATION THE DEPARTMENT REQUIRES.

12 **9–11A–04.**

13 (A) THE DEPARTMENT MAY NOT ISSUE A VEHICLE LICENSE UNDER THIS
14 SUBTITLE UNLESS THE VEHICLE IS INSPECTED ANNUALLY AND APPROVED BY THE
15 DEPARTMENT.

16 (B) THE DEPARTMENT MAY DELEGATE TO A LOCAL HEALTH DEPARTMENT
17 THE AUTHORITY TO INSPECT VEHICLES UNDER THIS SUBTITLE.

18 **9–11A–05.**

19 (A) (1) THE DEPARTMENT SHALL SET REASONABLE FEES FOR THE
20 LICENSING AND INSPECTION OF VEHICLES UNDER THIS SUBTITLE.

21 (2) THE FEES CHARGED BY THE DEPARTMENT SHALL BE SET TO
22 PRODUCE FUNDS TO APPROXIMATE THE COST OF LICENSING AND VEHICLE
23 INSPECTION SERVICES.

24 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IF THE
25 DEPARTMENT DELEGATES TO A LOCAL HEALTH DEPARTMENT THE AUTHORITY TO
26 INSPECT VEHICLES UNDER THIS SUBTITLE, THE LOCAL HEALTH DEPARTMENT MAY
27 SET REASONABLE FEES FOR THE INSPECTION OF VEHICLES.

(2) THE INSPECTION FEES CHARGED BY A LOCAL HEALTH DEPARTMENT SHALL BE SET TO PRODUCE FUNDS TO APPROXIMATE THE COSTS OF VEHICLE INSPECTION SERVICES.

9-11A-06.

THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS THAT ESTABLISH REQUIREMENTS FOR VEHICLES AND EQUIPMENT USED TO HAUL LIQUID WASTE.

9-11A-07.

(A) A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING \$1,000; AND

(2) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE NOT EXCEEDING \$2,000.

(B) ANY FINES COLLECTED UNDER THIS SECTION SHALL BE PAID INTO THE GENERAL FUND OF THE STATE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.