

# SENATE BILL 254

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By: **Senator Young**

Introduced and read first time: January 20, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2020

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## 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 ~~finer 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

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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.



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

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

**Article – Environment**

**9–217.2.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Article – Environment

[9-217.1.

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

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

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

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2021.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2020.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.