

# 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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## A BILL ENTITLED

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 for a certain license on or before a certain date; requiring an  
8 applicant for a certain license to submit a certain application and pay a certain fee;  
9 establishing certain penalties for violations of this Act; requiring certain fines to be  
10 paid into a certain fund and used for a certain purpose; providing for the liability of  
11 a certain license holder who conducts an incomplete inspection of an on-site sewage  
12 disposal system; authorizing a local government to establish certain additional  
13 requirements for inspections of on-site sewage disposal systems; repealing certain  
14 provisions of law relating to the inspection of on-site sewage disposal systems;  
15 providing for the application of this Act; providing for a delayed effective date for  
16 certain provisions of this Act; and generally relating to the inspection of on-site  
17 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  
24 Article – Environment  
25 Section 9–217.1  
26 Annotated Code of Maryland  
27 (2014 Replacement Volume and 2019 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 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 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 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 INSPECTION LICENSES.

(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

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 NOT EXCEEDING \$10,000.

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

(3) ANY FINE IMPOSED BY A COURT 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.

(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) 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

1    3 of this Act, this Act shall take effect October 1, 2020.