

Amend HB 2510 by striking SECTION 1 of the bill (Senate committee printing page 1, lines 12-53) and substituting the following:

SECTION 1. Section 366.0515, Health and Safety Code, is amended by amending Subsections (a) and (g) and adding Subsections (h), (i), (j), (k), and (l) to read as follows:

(a) An authorized agent or the commission may not condition a permit or the approval of a permit for an on-site sewage disposal system using aerobic treatment for a single-family residence ~~[located in a county with a population of less than 40,000]~~ on the system's owner contracting for the maintenance of the system.

(g) The owner of a single-family residence ~~[located in a county with a population of less than 40,000]~~ shall maintain the system:

(1) directly in accordance with information provided by the installer of the system under Subsection (f); or

(2) through a maintenance contract.

(h) A maintenance company that maintains a system for a single-family residence under a contract as provided by Subsection (g)(2) shall:

(1) inspect the system at intervals specified by the authorized agent or the commission;

(2) submit a report on each inspection to the authorized agent or commission; and

(3) provide a copy of each report submitted under Subdivision (2) to the system's owner.

(i) A maintenance company that violates Subsection (h) is subject to an administrative penalty. The commission may recover the penalty in a proceeding conducted as provided by Subchapter C, Chapter 7, Water Code, or the authorized agent may recover the penalty in a proceeding conducted under an order or resolution of the agent. Notwithstanding Section 7.052, Water Code, the amount of the penalty for the first violation of Subsection (h) is \$200, and the amount of the penalty for each subsequent violation is \$500.

(j) If a maintenance company violates Subsection (h) three or more times, the commission, in the manner provided by Subchapter G, Chapter 7, Water Code, may revoke the license or registration of

the maintenance company or any person employed by the maintenance company issued under:

- (1) Section 26.0301, Water Code;
- (2) Chapter 37, Water Code; or
- (3) Section 366.071 of this code.

(k) A person must be certified by the manufacturer of an on-site sewage disposal system using aerobic treatment to maintain the system under a maintenance contract with the owner of the system or to provide training to the owner in maintenance of the system. A manufacturer may not unreasonably withhold certification and, except as otherwise provided by this subsection, must offer the certification to persons who are not employees of the manufacturer on the same terms as the manufacturer offers the certification to the manufacturer's employees. To be certified by a manufacturer, a person who is not an employee must:

(1) successfully complete a course approved by the commission that provides up to 32 hours of training in maintenance of on-site sewage disposal systems using aerobic treatment;

(2) be employed by a maintenance company at least one employee of which holds a license as:

(A) an installer, if the commission recognizes only one level of installer; or

(B) the highest level of installer recognized by the commission, if the commission recognizes more than one level of installer;

(3) meet all of the manufacturer's criteria and requirements for entering into a business relationship; and

(4) satisfactorily complete any other reasonable requirements imposed by the manufacturer for certification.

(l) Subsection (k) does not allow the commission or an authorized agent to dictate to the manufacturer of on-site sewage disposal systems using aerobic treatment the person who is authorized to maintain the systems or to provide training in maintenance of the systems in a particular area. That subsection merely facilitates the expansion of the pool of persons who are qualified to maintain or to provide training in maintenance of those systems and protects the rights of owners and manufacturers

of those systems. [~~If the owner elects to maintain the system directly, the owner must obtain training in system maintenance from the authorized agent or the installer.~~]