

By: Bonnen

H.B. No. 2510

Substitute the following for H.B. No. 2510:

By: Homer

C.S.H.B. No. 2510

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the regulation of on-site sewage disposal systems and
3 the maintenance of those systems; imposing administrative and
4 criminal penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 366.0515, Health and Safety Code, is
7 amended by adding Subsections (h), (i), and (j) to read as follows:

8 (h) If, under Subsection (b), an authorized agent or the
9 commission conditions approval of a permit for an on-site sewage
10 disposal system using aerobic treatment on the system's owner
11 contracting for the maintenance of the system, the order,
12 resolution, or rule may require the maintenance company to:

13 (1) inspect the system at specified intervals;

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

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

18 (i) A maintenance company that violates a provision of an
19 order, resolution, or rule described by Subsection (h) is subject
20 to an administrative penalty. The commission may recover the
21 penalty in a proceeding conducted as provided by Subchapter C,
22 Chapter 7, Water Code, or the authorized agent may recover the
23 penalty in a proceeding conducted under an order or resolution of
24 the agent. Notwithstanding Section 7.052, Water Code, the amount

1 of the penalty for the first violation of that order, resolution, or
2 rule is \$200, and the amount of the penalty for each subsequent
3 violation is \$500.

4 (j) If a maintenance company violates an order, resolution,
5 or rule described by Subsection (h) three or more times, the
6 commission, in the manner provided by Subchapter G, Chapter 7,
7 Water Code, may revoke the license or registration of the
8 maintenance company or any person employed by the maintenance
9 company issued under:

10 (1) Section 26.0301, Water Code;

11 (2) Chapter 37, Water Code; or

12 (3) Section 366.071 of this code.

13 SECTION 2. Section 366.071(a), Health and Safety Code, is
14 amended to read as follows:

15 (a) A person who constructs, installs, alters, extends,
16 services, maintains, or repairs an on-site sewage disposal system
17 or any part of an on-site sewage disposal system for compensation
18 must hold a license or registration issued by the commission under
19 Chapter 37, Water Code.

20 SECTION 3. Subchapter E, Chapter 7, Water Code, is amended
21 by adding Section 7.1735 to read as follows:

22 Sec. 7.1735. VIOLATION RELATING TO MAINTENANCE OF SEWAGE
23 DISPOSAL SYSTEM. (a) A person commits an offense if the person
24 knowingly violates an order or resolution adopted by an authorized
25 agent under Section 366.0515, Health and Safety Code.

26 (b) An offense under this section is a Class C misdemeanor.

27 SECTION 4. Section 366.071(d), Health and Safety Code, is

1 repealed.

2 SECTION 5. (a) The changes in law made by this Act apply
3 only to a violation committed on or after the effective date of this
4 Act. For purposes of this section, a violation is committed before
5 the effective date of this Act if any element of the violation
6 occurs before that date.

7 (b) A violation committed before the effective date of this
8 Act is covered by the law in effect when the violation was
9 committed, and the former law is continued in effect for that
10 purpose.

11 SECTION 6. The Texas Commission on Environmental Quality
12 shall be prepared to accept applications for licenses or
13 registrations described by Section 366.071(a), Health and Safety
14 Code, as amended by this Act, not later than December 1, 2005.

15 SECTION 7. (a) Except as provided by Subsection (b) of this
16 section, this Act takes effect September 1, 2005.

17 (b) Section 2 of this Act takes effect March 1, 2006.