

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 2510  
1-2 (In the Senate - Received from the House April 22, 2005;  
1-3 April 25, 2005, read first time and referred to Committee on  
1-4 Natural Resources; May 13, 2005, reported favorably by the  
1-5 following vote: Yeas 9, Nays 0; May 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation of on-site sewage disposal systems and  
1-9 the maintenance of those systems; imposing administrative and  
1-10 criminal penalties.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 366.0515, Health and Safety Code, is  
1-13 amended by amending Subsection (g) and adding Subsections (h), (i),  
1-14 and (j) to read as follows:

1-15 (g) The owner of a single-family residence located in a  
1-16 county with a population of less than 40,000 shall maintain the  
1-17 system directly or through a maintenance contract. If the owner  
1-18 elects to maintain the system directly, the owner must obtain  
1-19 training in system maintenance from the authorized agent or the  
1-20 installer. The commission shall adopt rules governing:

1-21 (1) the training in system maintenance to be provided  
1-22 to an owner who elects to maintain the system directly; and

1-23 (2) the maintenance of a system by the owner of the  
1-24 system.

1-25 (h) If, under Subsection (b), an authorized agent or the  
1-26 commission conditions approval of a permit for an on-site sewage  
1-27 disposal system using aerobic treatment on the system's owner  
1-28 contracting for the maintenance of the system, the order,  
1-29 resolution, or rule may require the maintenance company to:

1-30 (1) inspect the system at specified intervals;

1-31 (2) submit a report on each inspection to the  
1-32 authorized agent or commission; and

1-33 (3) provide a copy of each report submitted under  
1-34 Subdivision (2) to the system's owner.

1-35 (i) A maintenance company that violates a provision of an  
1-36 order, resolution, or rule described by Subsection (h) is subject  
1-37 to an administrative penalty. The commission may recover the  
1-38 penalty in a proceeding conducted as provided by Subchapter C,  
1-39 Chapter 7, Water Code, or the authorized agent may recover the  
1-40 penalty in a proceeding conducted under an order or resolution of  
1-41 the agent. Notwithstanding Section 7.052, Water Code, the amount  
1-42 of the penalty for the first violation of that order, resolution, or  
1-43 rule is \$200, and the amount of the penalty for each subsequent  
1-44 violation is \$500.

1-45 (j) If a maintenance company violates an order, resolution,  
1-46 or rule described by Subsection (h) three or more times, the  
1-47 commission, in the manner provided by Subchapter G, Chapter 7,  
1-48 Water Code, may revoke the license or registration of the  
1-49 maintenance company or any person employed by the maintenance  
1-50 company issued under:

1-51 (1) Section 26.0301, Water Code;

1-52 (2) Chapter 37, Water Code; or

1-53 (3) Section 366.071 of this code.

1-54 SECTION 2. Section 366.071(a), Health and Safety Code, is  
1-55 amended to read as follows:

1-56 (a) A person who constructs, installs, alters, extends,  
1-57 services, maintains, or repairs an on-site sewage disposal system  
1-58 or any part of an on-site sewage disposal system for compensation  
1-59 must hold a license or registration issued by the commission under  
1-60 Chapter 37, Water Code.

1-61 SECTION 3. Subchapter E, Chapter 7, Water Code, is amended  
1-62 by adding Section 7.1735 to read as follows:

1-63 Sec. 7.1735. VIOLATION RELATING TO MAINTENANCE OF SEWAGE  
1-64 DISPOSAL SYSTEM. (a) A person commits an offense if the person

2-1 knowingly violates an order or resolution adopted by an authorized  
2-2 agent under Section 366.0515, Health and Safety Code.

2-3 (b) An offense under this section is a Class C misdemeanor.

2-4 SECTION 4. Section 366.071(d), Health and Safety Code, is  
2-5 repealed.

2-6 SECTION 5. (a) The changes in law made by this Act apply  
2-7 only to a violation committed on or after the effective date of this  
2-8 Act. For purposes of this section, a violation is committed before  
2-9 the effective date of this Act if any element of the violation  
2-10 occurs before that date.

2-11 (b) A violation committed before the effective date of this  
2-12 Act is covered by the law in effect when the violation was  
2-13 committed, and the former law is continued in effect for that  
2-14 purpose.

2-15 SECTION 6. The Texas Commission on Environmental Quality  
2-16 shall be prepared to accept applications for licenses or  
2-17 registrations described by Section 366.071(a), Health and Safety  
2-18 Code, as amended by this Act, not later than December 1, 2005.

2-19 SECTION 7. (a) Except as provided by Subsection (b) of this  
2-20 section, this Act takes effect September 1, 2005.

2-21 (b) Section 2 of this Act takes effect March 1, 2006.

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