

By: Cook of Colorado

H.B. No. 2482

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the requirements for certification to provide training  
3 to an owner of an on-site sewage disposal system using aerobic  
4 treatment in maintaining the system.

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 amending Subsections (h), (n), and (o) and adding  
8 Subsection (p) to read as follows:

9 (h) If the owner of an on-site sewage disposal system using  
10 aerobic treatment for a single-family residence elects to maintain  
11 the system directly, the owner must obtain from the manufacturer or  
12 installer of the system an amount of on-site training specified by  
13 commission rule not to exceed six hours, either at the time of  
14 acceptance of the system from the installer or at the time of an  
15 on-site maintenance visit by a maintenance company under the  
16 initial term of the maintenance contract for the system, if  
17 applicable. The training must include instruction regarding the  
18 importance to public health and safety of proper maintenance of the  
19 system and a demonstration of the procedure for performing a  
20 scheduled maintenance. On the owner's completion of the training,  
21 the manufacturer or installer shall provide the owner with a  
22 certificate or letter stating that the owner has received the  
23 required training. An owner who elects to maintain the owner's  
24 system is subject to any inspection and reporting requirements

1 imposed by an authorized agent or the commission under Subsection  
2 (k) applicable to a maintenance company that contracts to maintain  
3 a system. If the residence is sold, the new owner, not later than  
4 the 30th day after the date the owner takes possession of the  
5 property, must obtain the training required by this subsection from  
6 an installer [~~certified by the manufacturer of the system under~~  
7 ~~Subsection (n)~~] or contract with a maintenance company for the  
8 maintenance of the system.

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

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

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

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

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

1 installer;

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

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

6 (o) Subsection (n) does not allow the commission or an  
7 authorized agent to dictate to the manufacturer of on-site sewage  
8 disposal systems using aerobic treatment the person who is  
9 authorized to maintain the systems [~~or to provide training in~~  
10 ~~maintenance of the systems~~] in a particular area. That subsection  
11 merely facilitates the expansion of the pool of persons who are  
12 qualified to maintain [~~or to provide training in maintenance of~~]  
13 those systems and protects the rights of owners and manufacturers  
14 of those systems.

15 (p) A person must be certified by the commission to provide  
16 training to the owner of an on-site sewage disposal system using  
17 aerobic treatment in maintenance of the system. To be certified by  
18 the commission, a person must:

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

22 (2) hold a license as an installer;

23 (3) be employed by a maintenance company; and

24 (4) satisfactorily complete any other reasonable  
25 requirements imposed by the commission for certification.

26 SECTION 2. The Texas Commission on Environmental Quality  
27 shall be prepared to accept applications for certifications

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1 described by Section 366.0515(p), Health and Safety Code, as added  
2 by this Act, not later than March 1, 2008.

3 SECTION 3. This Act takes effect September 1, 2007.