

By: Jackson

S.B. No. 1790

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the requirements for receiving approval to provide
3 training to an owner of an on-site sewage disposal system using
4 aerobic 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 Subsections (p) and (q) 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
12 or installer of the system~~] an amount of on-site training specified
13 by commission rule, not to exceed six hours, from an approved
14 trainer under Subsection (p) [~~either at the time of acceptance of
15 the system from the installer or at the time of an on-site
16 maintenance visit by a maintenance company under the initial term
17 of the maintenance contract for the system, if applicable~~]. The
18 training must include instruction regarding the importance to
19 public health and safety of proper maintenance of the system and a
20 demonstration of the procedure for performing a scheduled
21 maintenance. On the owner's completion of the training, the
22 approved trainer [~~manufacturer or installer~~] shall provide the
23 owner with a certificate or letter stating that the owner has
24 received the required training. An owner who elects to maintain the

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

10 (n) A person must be certified by the manufacturer of an
11 on-site sewage disposal system using aerobic treatment to maintain
12 the system under a maintenance contract with the owner of the system
13 [~~or to provide training to the owner in maintenance of the system~~].

14 A manufacturer may not unreasonably withhold certification and,
15 except as otherwise provided by this subsection, must offer the
16 certification to persons who are not employees of the manufacturer
17 on the same terms as the manufacturer offers the certification to
18 the manufacturer's employees. To be certified by a manufacturer, a
19 person who is not an employee must:

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

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

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

27 (B) the highest level of installer recognized by

1 the commission, if the commission recognizes more than one level of
2 installer;

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

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

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

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

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

23 (2) hold a license as an installer and be employed by a
24 maintenance company, or if the person does not hold a license as an
25 installer or is not employed by a maintenance company, meet
26 additional requirements for approval as determined by the
27 commission; and

1 (3) satisfactorily complete any other reasonable
2 requirements imposed by the commission for approval.

3 (g) In this section, "approved trainer" means an
4 administrative entity or individual approved by the commission to
5 provide training under this section.

6 SECTION 2. The Texas Commission on Environmental Quality
7 shall be prepared to accept applications for the approval described
8 by Subsection (p), Section 366.0515, Health and Safety Code, as
9 added by this Act, not later than March 1, 2008.

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