

By: Kitzman

H.B. No. 3128

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of on-site sewage disposal systems,  
including requiring a license for on-site sewage disposal system  
pumping technicians.

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

SECTION 1. Section 366.001, Health and Safety Code, is  
amended to read as follows:

Sec. 366.001. POLICY AND PURPOSE. It is the public policy  
of this state and the purpose of this chapter to:

(1) eliminate and prevent health hazards by regulating  
and properly planning the location, design, construction,  
installation, operation, pumping, and maintenance of on-site  
sewage disposal systems;

(2) authorize the commission or authorized agent to  
impose and collect a permit fee for:

(A) construction, installation, alteration,  
repair, or extension of on-site sewage disposal systems; and

(B) tests, designs, and inspections of those  
systems;

(3) authorize the commission or authorized agent to  
impose a penalty for a violation of this chapter or a rule adopted  
under this chapter;

(4) authorize the commission to license or register  
certain persons; and

(5) allow the individual owner of a disposal system to install and repair the system in accordance with this chapter.

SECTION 2. Section 366.052(a), Health and Safety Code, is amended to read as follows:

(a) Sections 366.051, 366.053, 366.054, and 366.057 do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is:

(1) 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line; and

(2) in a county with a population of less than 40,000.

SECTION 3. Sections 366.071(a) and (d), Health and Safety Code, are amended to read as follows:

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

(d) The commission may implement a program under Chapter 37, Water Code, to register persons who service, pump, or maintain on-site sewage disposal systems for compensation.

SECTION 4. Section 366.052(a), Health and Safety Code, as amended by this Act, applies only to a residence for which construction begins on or after the effective date of this Act. A residence for which construction began before the effective date of this Act is governed by the law in effect when construction began, and the former law is continued in effect for that purpose.

1           SECTION 5. Not later than September 1, 2024, the Texas  
2 Commission on Environmental Quality shall adopt rules implementing  
3 Section 366.071(a), Health and Safety Code, as amended by this Act.  
4 The rules must provide for the creation of an on-site sewage  
5 disposal system pumping technician license or registration and the  
6 requirements and qualifications to obtain the license or  
7 registration.

8           SECTION 6. (a) Except as provided by Subsection (b) of this  
9 section, this Act takes effect September 1, 2023.

10           (b) Section 366.071(a), Health and Safety Code, as amended  
11 by this Act, takes effect September 1, 2024.