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HOUSE BILL NO. 2671

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Labor and Commerce
on _____)

(Patron Prior to Substitute—Delegate Phillips)

A *BILL to amend and reenact §§ 59.1-310.7 through 59.1-310.10 of the Code of Virginia, relating to authorized septic system inspectors; minimum requirements.*

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-310.7 through 59.1-310.10 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-310.7. Definitions.

As used in this chapter unless the context requires otherwise:

"~~Accredited~~ Authorized septic system inspector" means a person who possesses the qualifications required by the provisions of this chapter.

"*Inspection*" means an examination of a septic system that is requested by a lending institution, real estate licensee, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title and that meets the minimum requirements in subsection B of § 59.1-310.9.

"Person" means an individual, partnership, corporation, association, or other entity.

"*Readily accessible*" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.

"Septic system" means an onsite method of disposing of sewage when sewers or sewerage facilities are not available and includes septic tanks, septic tank lines and drainage fields or other onsite, residential sewage systems sewage treatment and disposal system designed to manage, treat, and dispose of wastewater, which may consist of septic tanks, collection piping, distribution devices, treatment units, pumps, and either a dispersal field or an authorized discharge point.

§ 59.1-310.8. Exceptions.

This chapter shall not be construed to prohibit:

1. The work of an employee or a subordinate of an ~~accredited~~ authorized septic system inspector;
2. The practice of any profession or occupation that is regulated by a regulatory board within the Department of Professional and Occupational Regulation or other state agency; or
3. The work of employees of the Department of Health in carrying out their regulatory duties under Chapter 6 (§ 32.1-163 et seq.) of Title 32.1.

§ 59.1-310.9. Requirements for authorized septic system inspectors and minimum requirements for performance of septic system inspections.

A. In order to use the title of "~~accredited~~ septic system inspector" in connection with any real estate transaction, including refinancings, an applicant shall be ~~accredited~~ by the National Sanitation Foundation or an equivalent national accrediting organization, which accreditation shall include the passage of both a written and practical examination on the principles and practice of septic system inspections.

In addition, the applicant shall satisfy the following requirements:

1. Hold a high school diploma or equivalent; and
2. Have evidence of at least one year of active field experience conducting onsite septic systems inspections or completion of a nationally approved training course.

~~B. Any individual~~ Only individuals who holds hold a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 shall be authorized to perform a septic system inspection in connection with any real estate transaction, including refinancings.

B. Minimum requirements for septic system inspections shall include the following:

1. Prior to conducting an onsite septic system inspection, the authorized septic system inspector shall provide the client or his representative with a written, signed contract that describes the scope of services and associated costs, obtains permission to perform the inspection, and states that a complete inspection requires pumping the septic tank. The contract shall document the client's decision to decline pumping, if applicable.

2. Authorized septic system inspectors shall inspect and report on all readily accessible and openable components, including septic tanks, pump tanks, distribution devices, treatment units, control panels, and dispersal fields. The inspection shall also include any components specified in the operation permit and any vegetation, grading, or signs of harmful water entry that may impact septic system function.

3. The authorized septic system inspector shall submit a written report to the client within 10 business days of the inspection. The report shall identify all inspected components, specify any components not inspected with reasons for their omission, and document adverse conditions such as defective or damaged

60 components.

61 4. The report shall describe the consequences of any adverse conditions and recommend further
62 evaluation or observation by licensed professionals as necessary. Authorized septic system inspectors shall
63 (i) report the system size or design capacity in gallons per day or bedroom count based on local health
64 department records, report the advertised bedroom count or design capacity as listed in the multiple listing s
65 ervice or written statement by the property owner, and, if such records are not available, provide
66 recommendations to determine capacity and (ii) determine if the septic system requires a licensed operator,
67 and the authorized septic system inspector shall refer the client to the local health department for operation
68 and maintenance reports, if applicable.

69 5. No authorized septic system inspector shall (i) provide pass or fail determinations or graded
70 assessments of functionality or (ii) perform a hydraulic load test to simulate peak daily flows.

71 6. No authorized septic system inspector shall be required to (i) identify property lines; (ii) offer
72 warranties or guarantees of any kind; (iii) calculate the strength, adequacy, or efficiency of any septic system
73 or component; (iv) operate any system or component that does not respond to normal operating controls; (v)
74 move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that
75 obstructs access to or visibility of the system and any related components; or (vi) determine the presence or
76 absence of any suspected adverse environmental condition or hazardous substance, including toxins,
77 carcinogens, noise, and contaminants in the building or in the soil, water, and air.

78 C. An inspection conducted pursuant to this section shall not constitute an evaluation of soil suitability.
79 Observations related to the soil condition at the dispersal field shall be limited to visible signs of saturation,
80 surfacing, or ponding.

81 **§ 59.1-310.10. Penalty for violation.**

82 No person shall use the title "~~accredited~~ authorized septic system inspector" or perform a septic system
83 inspection in connection with any real estate transaction unless he meets the requirements of this chapter.
84 Any person who violates the provisions of this chapter is guilty of a Class 3 misdemeanor.