

26105232D

SENATE BILL NO. 401

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend and reenact §§ 59.1-310.7 and 59.1-310.9 of the Code of Virginia, relating to authorized septic system inspectors; scope of services and requirements.

Patron—Jordan

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-310.7 and 59.1-310.9 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:

"Adverse condition" means a condition, a defect, or damage that could negatively affect the decision of a reasonable person to purchase a property. "Adverse condition" does not include cosmetic conditions, matters of preference, or systems or features that are properly functioning and complied with building code and regulations as of the time of install but would not comply with current building code and regulations if constructed or installed in the present day.

"Authorized septic system inspector" means a person who possesses the qualifications required by the provisions of this chapter an individual who holds 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.

"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 and may include one or more of the following: flow testing, dye testing, camera scoping, inspection of readily accessible system components, sludge or scum measurement, hydraulic load testing, interior inspection of the septic tank, and excavation.

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

"Readily accessible" means approachable, openable, or enterable for inspection by reasonable means without the risk of damage to any property or improvements thereon or alteration of the accessible space, equipment, or opening system components. "Readily accessible" does not include removal of surface material exceeding 24 inches in depth to uncover septic tank access lids, distribution devices, or other inspection ports.

"Septic system" means an onsite 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.

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

A. Only individuals who 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 No person shall perform a septic system inspection in connection with any real estate transaction, including refinancings unless such person is an authorized septic system inspector.

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 review the operation permit, if available, discuss with the client the available testing methods and recommended scope of services, and provide the client or his the client's representative with a written, signed contract that describes for signature. Such contract shall include (i) the agreed upon scope of services and associated costs, obtains, including any digging or excavation deemed reasonably necessary beyond what is readily accessible; (ii) the cost of the inspection; (iii) permission to perform the inspection; (iv) any other terms, conditions, limitations, and exclusions of the work being performed; and states that a complete inspection requires pumping the septic tank (v) the following statement:

PUMPING THE SEPTIC TANK DURING AN INSPECTION IS OPTIONAL. PUMPING CAN HELP THE INSPECTOR SEE INSIDE THE TANK AND UNCOVER ISSUES THAT AREN'T VISIBLE WHEN ITS FULL, BUT IT CAN ALSO TEMPORARILY MASK SYSTEM PROBLEMS UNTIL THE TANK REFILLS AND MAY BE UNNECESSARY OR STRESSFUL ON THE SYSTEM IF IT WAS RECENTLY PUMPED.

The contract shall document the client's decision to authorize or decline pumping, if applicable. Prior to the commencement of work or acceptance of payments, the contract shall be signed by both the client or the client's authorized representative and the authorized septic system inspector or the septic system inspection

59 *company. The authorized septic system inspector shall promptly deliver a fully executed copy of the contract*
60 *to the client or the client's authorized representative before work begins. Any modification to the contract*
61 *that changes the cost, scope of work to be performed, or any other terms shall be in writing and signed by all*
62 *parties.*

63 2. Authorized septic system inspectors shall *make every reasonable effort in consultation with the client to*
64 *inspect and report on all readily accessible and openable components, including septic tanks, pump tanks,*
65 *distribution devices, treatment units, control panels, and dispersal fields using the agreed upon testing*
66 *methods. The inspection shall also include any components specified in the operation permit and any*
67 *vegetation, grading, or signs of harmful water entry that may impact septic system function.*

68 3. The authorized septic system inspector shall submit a written report to the client within 10 business
69 *days of the inspection from the first day the inspection begins, unless otherwise agreed to in writing by the*
70 *parties. The report shall identify all inspected components, specify any components not inspected with*
71 *reasons for their omission, and document adverse conditions such as defective or damaged components.*

72 4. The report shall describe the consequences of any adverse conditions and ~~recommend~~ *state whether the*
73 *conditions reported require repair or subsequent observation or warrant further evaluation or observation by*
74 *additional licensed professionals as necessary.*

75 4. Authorized septic system inspectors shall (i) report the system size or design capacity in gallons per day
76 *and the recommended occupancy or bedroom count based on local health department records, report the*
77 *advertised bedroom count or design capacity as listed in the multiple listing service or written statement by*
78 *the property owner, including the operation permit, and, if such records are not available, provide*
79 *recommendations to determine capacity and (ii) determine if the septic system requires a licensed operator,*
80 *and the authorized septic system inspector shall refer the client to the local health department for operation*
81 *and maintenance reports, if applicable.*

82 5. No authorized septic system inspector shall ~~(i)~~ *be required to provide pass or fail determinations or*
83 *graded assessments of functionality or ~~(ii)~~ perform a hydraulic load test to simulate peak daily flows in lieu of*
84 *an inspection.*

85 6. No authorized septic system inspector shall be required to (i) identify property lines; (ii) offer
86 warranties or guarantees of any kind; (iii) calculate the strength, ~~adequacy,~~ or efficiency of any septic system
87 or component; (iv) operate any system or component that does not respond to normal operating controls; (v)
88 move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that
89 obstructs access to or visibility of the system and any related components; *(vi) report on observed normal*
90 *wear and tear on the system; or ~~(vi)~~ (vii) determine the presence or absence of any suspected adverse*
91 *environmental condition or hazardous substance, including toxins, carcinogens, noise, and contaminants in*
92 *the building or in the soil, water, and air.*

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