



HOUSE BILL 761: Clarify Wastewater Permitting Liability.

2019-2020 General Assembly

Committee:	House Environment. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 30, 2019
Introduced by:	Reps. Yarborough, McElraft, Carney, Corbin	Prepared by:	Kyle Evans
Analysis of:	PCS to First Edition H761-CSBR-10		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute for House Bill 761 would provide that the Department of Health and Human Services, its authorized agents, and local health departments bear no liability for wastewater systems failures that are a direct result of certain wastewater system evaluations conducted by licensed soil scientists or licensed geologists.*

CURRENT LAW: S.L. 2018-114 directed the applicable permitting authorities to approve wastewater system evaluations conducted by a licensed soil scientist or a licensed geologist to produce design and construction features for a new proposed wastewater system or a proposed repair project for an existing wastewater system if:

- The evaluation of soil conditions, site features, or geologic and hydrogeologic conditions satisfies all requirements of the wastewater system laws, and
- The licensed soil scientist or licensed geologist conducting the evaluation maintains an errors and omissions liability insurance policy issued by a licensed insurer in an amount commensurate with the risk.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 761 would provide that the Department of Health and Human Services, the Department's authorized agents, and local health departments are not liable for wastewater systems failures that are a direct result of evaluations conducted by a licensed soil scientist or licensed geologist.

EFFECTIVE DATE: This act would be effective when it becomes law.

Karen Cochrane-Brown
Director



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Legislative Analysis
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