



HOUSE BILL 761: Clarify Wastewater Permitting Liability.

2019-2020 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	May 1, 2019
Introduced by:	Reps. Yarborough, McElraft, Carney, Corbin	Prepared by:	Kyle Evans
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *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: 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



Legislative Analysis
Division
919-733-2578