

Senate File 261 - Introduced

SENATE FILE _____
BY COMMITTEE ON NATURAL
RESOURCES AND ENVIRONMENT

(SUCCESSOR TO SSB 1066)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring certain private sewage disposal system-related
2 inspections to be conducted when certain property is sold or
3 transferred and including an effective date provision.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1427SV 82
6 tm/gg/14

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1 1 Section 1. Section 455B.172, Code 2007, is amended by
1 2 adding the following new subsection:
1 3 NEW SUBSECTION. 11. a. A building where a person
1 4 resides, congregates, or is employed that is served by a
1 5 private sewage disposal system shall have the sewage disposal
1 6 system serving the building inspected prior to any transfer of
1 7 ownership of the building. The requirements of this
1 8 subsection shall be applied to all types of ownership transfer
1 9 including at the time a seller financed real estate contract
1 10 is signed. The county recorder shall not record a deed or any
1 11 other property transfer or conveyance document until either a
1 12 certified inspector's report is provided which documents the
1 13 condition of the private sewage disposal system and whether
1 14 any modifications are required to conform to standards adopted
1 15 by the department or, in the event that weather or other
1 16 temporary physical conditions prevent the certified inspection
1 17 from being conducted, the buyer has executed and submitted a
1 18 binding acknowledgement with the county board of health to
1 19 conduct a certified inspection of the private sewage disposal
1 20 system at the earliest practicable time and to be responsible
1 21 for any required modifications to the private sewage disposal
1 22 system as identified by the certified inspection. Any type of
1 23 on-site treatment unit or private sewage disposal system must
1 24 be inspected according to rules developed by the department.
1 25 For purposes of this subsection, "transfer" means the same as
1 26 defined in section 558A.1.
1 27 b. At the time of inspection, any septic tank existing as
1 28 part of the sewage disposal system shall be opened and have
1 29 the contents pumped out and disposed of as provided for by
1 30 rule. In the alternative, the owner may provide evidence of
1 31 the septic tank being properly pumped out within one year
1 32 prior to the inspection by a commercial septic tank cleaner
1 33 licensed by the department which shall include documentation
1 34 of the size and condition of the tank and its components at
1 35 the time of such occurrence.
2 1 c. If a private sewage disposal system is failing to
2 2 ensure effective wastewater treatment or is otherwise
2 3 improperly functioning, the private sewage disposal system
2 4 shall be renovated to meet current construction standards, as
2 5 adopted by the department, either by the seller or, by
2 6 agreement, within a reasonable time period as determined by
2 7 the county or the department, by the buyer. If the private
2 8 sewage disposal system is properly treating the wastewater and
2 9 not creating an unsanitary condition in the environment at the
2 10 time of inspection, the system is not required to meet current
2 11 construction standards.
2 12 d. Inspections shall be conducted by an inspector
2 13 certified by the department.
2 14 e. Pursuant to chapter 17A, the department shall adopt
2 15 certification requirements for inspectors including training,
2 16 testing, and fees, and shall establish uniform statewide

2 17 inspection criteria and an inspection form. The inspector
2 18 certification training shall include use of the criteria and
2 19 form. The department shall maintain a list of certified
2 20 inspectors.
2 21 f. County personnel are eligible to become certified
2 22 inspectors. A county may set an inspection fee for
2 23 inspections conducted by certified county personnel. A county
2 24 shall allow any department certified inspector to provide
2 25 inspection services under this subsection within the county's
2 26 jurisdiction.
2 27 g. Following an inspection, the inspection form and any
2 28 related reports shall be provided to the county for
2 29 enforcement of any follow-up mandatory system improvement and
2 30 to the department for record.
2 31 h. An inspection is valid for a period of two years for
2 32 any ownership transfers during that period. Title abstracts
2 33 to property with private sewage disposal systems shall include
2 34 documentation of the requirements in this subsection.
2 35 Sec. 2. EFFECTIVE DATE. This Act takes effect July 1,
3 1 2008.

3 2 EXPLANATION

3 3 This bill relates to certain water treatment and
3 4 supply-related inspections conducted when certain property is
3 5 sold or otherwise transferred.

3 6 The bill requires a building where a person resides,
3 7 congregates, or is employed that is served by a private sewage
3 8 disposal system to have the sewage disposal system serving the
3 9 building inspected prior to any transfer of ownership of the
3 10 building. The bill provides that, at the time of inspection,
3 11 any septic tank existing as part of the sewage disposal system
3 12 shall be opened and have the contents pumped out and disposed
3 13 of as provided for by rule. In the alternative, the owner may
3 14 provide evidence of the septic tank being properly pumped out
3 15 within one year prior to the inspection by a licensed
3 16 commercial septic tank cleaner.

3 17 The bill provides that, if a private sewage disposal system
3 18 is failing to ensure effective wastewater treatment or is
3 19 otherwise improperly functioning, the private sewage disposal
3 20 system shall be renovated to meet current construction
3 21 standards. The bill provides that, if the private sewage
3 22 disposal system is properly treating the wastewater and not
3 23 creating an unsanitary condition in the environment at the
3 24 time of inspection, the system is not required to meet current
3 25 construction standards. The bill requires inspections to be
3 26 conducted by an inspector certified by the department.

3 27 The bill requires the department to adopt certification
3 28 requirements for inspectors and to maintain a list of
3 29 certified inspectors.

3 30 The bill allows county personnel to be eligible to become
3 31 certified inspectors. The bill allows a county to set an
3 32 inspection fee for inspections conducted by certified county
3 33 personnel. The bill requires a county to allow any department
3 34 certified inspector to provide inspection services within the
3 35 county's jurisdiction.

4 1 The bill includes reporting requirements following
4 2 inspections.

4 3 The bill provides that an inspection will be valid for a
4 4 period of two years for any property transfers during that
4 5 period and that title abstracts to property with private
4 6 sewage disposal systems shall include documentation of the
4 7 bill's requirements.

4 8 The bill takes effect July 1, 2008.

4 9 LSB 1427SV 82

4 10 tm:nh/gg/14