

JAN 26 2006
ENVIRONMENTAL PROTECTION

HOUSE FILE 2143
BY HUSER

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

A BILL FOR

1 An Act relating to certain water treatment and supply-related
2 inspections conducted by licensed commercial septic tank
3 cleaners when certain property is sold or transferred.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2143

1 Section 1. NEW SECTION. 455B.196 SEWAGE DISPOSAL SYSTEM
2 INSPECTIONS.

3 A building where a person resides, congregates, or is
4 employed that is not connected to a public sewage disposal
5 system shall have the sewage disposal system inspected at the
6 time of sale or transfer of ownership of the building to
7 ensure that all wastewater is properly treated. The septic
8 tank shall be opened and pumped at the time of inspection or
9 shall have been pumped and the pumping documented within the
10 previous three years. Any secondary treatment system shall be
11 inspected. Failing or improperly functioning systems shall be
12 renovated to meet current standards either by the seller or,
13 by agreement, within a reasonable time period by the buyer. A
14 septic tank inspection shall be conducted by a commercial
15 septic tank cleaner licensed by the department. A septic tank
16 inspection form shall be submitted with each declaration of
17 value submitted to a county recorder. A county recorder shall
18 refuse to record any deed, instrument, or writing for which a
19 declaration of value is required under chapter 428A unless the
20 form required by this section has been submitted to the county
21 recorder. If a declaration of value is not required, a septic
22 tank inspection form shall be submitted to the county recorder
23 separately. The director shall prescribe the forms to be used
24 as required by this section. A county recorder shall transmit
25 copies of all forms submitted pursuant to this section to the
26 department as directed by the department. An agent of an
27 owner shall not be liable for any inaccuracy in forms
28 submitted pursuant to this section. This section shall not
29 limit any liability imposed under a contract or under any
30 other law.

31 EXPLANATION

32 This bill relates to certain water treatment and supply-
33 related inspections conducted by licensed commercial septic
34 tank cleaners when certain property is sold or transferred.

35 The bill provides that a building where a person resides,

1 congregates, or is employed that is not connected to a public
2 sewage disposal system shall have the sewage disposal system
3 inspected at the time of sale or transfer of ownership of the
4 building to ensure that all wastewater is properly treated.
5 The bill provides that a septic tank shall be opened and
6 pumped at the time of inspection or shall have been pumped and
7 the pumping documented within the previous three years and
8 that any secondary treatment system shall be inspected. The
9 bill provides that failing or improperly functioning systems
10 shall be renovated to meet current standards either by the
11 seller or, by agreement, within a reasonable time period by
12 the buyer. The bill requires a septic tank inspection to be
13 conducted by a licensed commercial septic tank cleaner. The
14 bill requires a septic tank inspection form to be submitted
15 with each declaration of value submitted to a county recorder.
16 The bill requires a county recorder to transmit copies of all
17 forms submitted to the department of natural resources.

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