

# SENATE, No. 569

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## STATE OF NEW JERSEY 219th LEGISLATURE

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PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**

**District 4 (Camden and Gloucester)**

**SYNOPSIS**

Requires DEP to establish certification program for septic system inspectors.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   **AN ACT** establishing a certification program for septic system  
2       inspectors, and supplementing Title 45 of the Revised Statutes.

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4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

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7       1. The Department of Environmental Protection shall, within  
8       180 days after the date of enactment of this act, establish a training  
9       and examination program for the certification of persons who  
10      perform septic system inspections.

11

12      2. Beginning 90 days after the establishment of the certification  
13      program by the department, no person who is not certified pursuant  
14      to section 1 of this act shall perform septic system inspections. This  
15      section shall not apply to any person performing an inspection on a  
16      septic system the person owns, or to any person performing an  
17      inspection without remuneration.

18

19      3. No person shall disclose to any person, except to the  
20      department, the address, location, or owner of a property where a  
21      septic system inspection was performed, or the results of any septic  
22      system inspection, unless the owner of the property waives, in  
23      writing, this right of confidentiality. This section shall not apply to  
24      any person performing an inspection on a septic system the person  
25      owns or to instances where disclosure is necessary to contract for  
26      further inspections or to contract for mitigation or protection of the  
27      property. In the case of a prospective sale of a property where the  
28      septic system has been inspected, the seller shall provide the buyer,  
29      at the time the contract of sale is entered into, with a copy of the  
30      results of the inspection, and evidence of any subsequent mitigation  
31      or treatment, and any prospective buyer who contracts for  
32      inspection of the septic system shall have the right to receive the  
33      results of that inspection.

34

35      4. A person certified pursuant to section 1 of this act to  
36      perform septic system inspections shall, within 30 days after  
37      providing these services, disclose to the department the address or  
38      location of a property where the septic system inspection was  
39      performed, the name of the owner of the property, and the results of  
40      the inspection.

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42      5. The department shall establish a fee schedule to cover the  
43      costs of the certification program established pursuant to sections 1  
44      of this act.

45

46      6. The department shall adopt, pursuant to the “Administrative  
47      Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
48      regulations to implement the provisions of this act.



1 septic system inspection, and evidence of any subsequent mitigation  
2 or treatment. Further, prospective buyers who contract for  
3 inspection of the septic system, would have the right to receive the  
4 results of that inspection.

5 This bill would also require certified inspectors to disclose to  
6 the DEP the address or location of a property where a septic system  
7 inspection was performed, the name of the owner of the property,  
8 and the results of the inspection, within 30 days after providing  
9 these services.

10 Furthermore, for the purposes of the “Open Public Records  
11 Act,” data gathered relating to septic system inspections at specific  
12 properties, including residential dwellings, pursuant to the  
13 provisions of the bill, would not become public records or  
14 government records. After five years, the DEP would be required  
15 to destroy all information relating to the names and addresses of  
16 persons and properties where septic system inspections have been  
17 performed.

18 Finally, the bill requires the DEP to establish a fee schedule for  
19 the costs of the certification program, requires the department to  
20 adopt rules and regulations to implement the bill, establishes civil  
21 penalties of up to \$1,000 for violations, and provides for the  
22 revocation of septic system inspector certifications.