GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 761
Committee Substitute Favorable 4/30/19

Short Title: Clarify Wastewater Permitting Liability. (Public)

Sponsors:

Referred to:

April 16, 2019

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ITS AUTHORIZED AGENTS, AND LOCAL HEALTH DEPARTMENTS SHALL HAVE NO LIABILITY FOR WASTEWATER SYSTEMS FAILURES THAT ARE A DIRECT RESULT OF CERTAIN EVALUATIONS CONDUCTED BY LICENSED SOIL SCIENTISTS AND LICENSED GEOLOGISTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-335(a2) reads as rewritten:

"(a2) Evaluations conducted by a licensed soil scientist or a licensed geologist pursuant to subsection (a1) of this section to produce design and construction features for a new proposed wastewater system or a proposed repair project for an existing wastewater system, including the addressing of any special hydrologic conditions that may be required under the applicable rules for an authorization to construct or for permitting, shall be approved by the applicable permitting authorities under G.S. 130A-336 and G.S. 130A-336.1, provided both of the following conditions are met:

(1) The ~~evalutation~~ evaluation of soil conditions, site features, or geologic and hydrogeologic conditions satisfies all requirements of this Article. The evaluation shall not cover areas outside the scope of the applicable license.

(2) The licensed soil scientist or licensed geologist conducting the evaluation maintains an errors and omissions liability insurance policy issued by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with the risk.

The Department, the Department's authorized agents, or local health departments shall have no liability for wastewater systems failures that are a direct result of evaluations conducted by a licensed soil scientist or a licensed geologist pursuant to this subsection."

SECTION 2. This act is effective when it becomes law.