

Amendment to SB 210-FN

1 Amend RSA 310-A:203, III as inserted by section 2 of the bill by replacing it with the following:

2
3 III. "Code of ethics" means the code of ethics described in RSA 310-A:205 that is followed by
4 septic system evaluators who are licensed as septic system evaluators by the board.

5
6 Amend RSA 310-A:205, V as inserted by section 2 of the bill by deleting subparagraph (f).

7
8 Amend RSA 310-A:206, I(e) as inserted by section 2 of the bill by replacing it with the following:

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10 (e) An employee of the department of environmental services, appointed by the
11 commissioner of the department of environmental services.

12
13 Amend RSA 310-A:206, V as inserted by section 2 of the bill by replacing it with the following:

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15 V. Members shall be appointed for 5-year terms. Appointments for terms of less than 5
16 years may be made in order to stagger the appointments. No member shall be eligible to serve more
17 than 2 full consecutive terms, provided that for this purpose only a period actually served which
18 exceeds 1/2 of the 5-year term shall be deemed a full term. Upon expiration of a member's term, the
19 member shall serve until a successor is qualified and appointed. Vacancies occurring prior to the
20 expiration of a specific term shall be filled by appointment for the unexpired term. Appointees to
21 the unexpired portion of a full term shall become members of the board on the day following such
22 appointment. A board member may be removed for cause by the governor and council under
23 RSA 4:1.

24
25 Amend RSA 310-A:206, VIII and IX as inserted by section 2 of the bill by replacing them with the
26 following:

27
28 VIII.(a) The board shall keep a record of its proceedings and a register of all applications for
29 licensure, which shall show:

- 30 (1) The name, age, and residence of each applicant.
31 (2) The date of application.

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- (3) The place of business of such applicant.
- (4) The applicant's educational and other qualifications.
- (5) Proof of passing the septic system evaluator exam.
- (6) Whether the applicant was rejected and the reasons for such rejection.
- (7) Whether a license was granted.
- (8) The date of the action of the board.
- (9) Such other information as may be deemed necessary by the board.

(b) The records of the board shall be prima facie evidence of the proceedings of the board, and a transcript of such records certified by the secretary of the board under seal shall be admissible in evidence with the same force and effect as if the original were produced. Biennially, as of December 31, the board shall submit to the executive director of the office of professional licensing and certification a report of the transactions of the preceding biennium, and a complete statement of the receipts and expenditures of the board.

IX. The secretary of the board shall maintain and regularly update a roster listing the names and addresses of all septic system evaluators certified under this subdivision by the board on the board's website. The board may include in such roster any other information it deems appropriate.

Amend RSA 310-A:210 as inserted by section 2 of the bill by replacing it with the following:

310-A:210 Eligibility Requirements for Licensure as a Septic System Evaluator.

I. Each applicant for licensure as a septic system evaluator shall meet the following minimum requirements:

- (a) Completion of classroom and field training at a board-approved evaluator course.
- (b) Proof of passing the board-adopted examination required for licensure.
- (c) Be at least 18 years of age.

II. A person who currently holds a Granite State Septic System Certified Evaluator designation or other recognized designation determined to be acceptable by the board shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a) or I(b). An applicant under this paragraph shall be issued a license by providing evidence satisfactory to the board of such designation.

III. A person who was actively engaged in the business of septic system evaluation in this state as a means of his or her livelihood for at least 5 years and who provides the board with a sworn affidavit that he or she has performed a minimum of 25 septic evaluations preceding the effective date of this subdivision shall be eligible for licensure by the board without completion of the requirements of subparagraph I(a) or I(b). An application for licensure under this paragraph shall be made within one year following the effective date of this subdivision. The applicant shall be

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1 issued a license by providing evidence satisfactory to the board of the knowledge and experience
2 equivalent to the requirements of subparagraphs I(a) and I(b).

3 IV. A person who currently holds a New Hampshire septic designer permit and who
4 provides the board with a sworn affidavit that he or she has performed a minimum of 25 septic
5 evaluations preceding the effective date of this subdivision shall be issued a license by the board
6 without completion of the requirements of subparagraph I(a) or I(b) upon request of the applicant.
7 An application for licensure under this paragraph shall be made within one year following the
8 effective date of this subdivision.

9 V. All applicants shall meet the requirements of subparagraphs I(c) and (d), pay an initial
10 fee, and fulfill all other license application requirements.

11 VI. The board shall approve all education programs under subparagraph I(a) of
12 organizations or education institutions providing acceptable education and training.

13 VII. The board shall have the discretion to reject an applicant who is not of good
14 professional character, as evidenced by:

15 (a) Misstatement of facts by the applicant in connection with the application;

16 (b) Violation of any of the standards of practice or code of ethics as they are set forth in
17 this subdivision or in rules adopted by the board; or

18 (c) Practicing septic system evaluations without being licensed in violation of laws of
19 the jurisdiction in which the practice took place.

20
21 Amend RSA 310-A:215, II as inserted by section 2 of the bill by replacing it with the following:
22

23 II. All licenses issued by the board shall expire on the last day of the license holder's month
24 of birth in the second year following the year of issuance, or upon such other biennial date as the
25 board may adopt. If the renewal fee is not submitted within 12 months after the expiration date,
26 the license holder's name shall be removed from current status, and application for reinstatement
27 shall be required to return to current status provided that the license holder provides satisfactory
28 proof that all required continuing education requirements have been met. The board shall charge a
29 20 percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in
30 addition to the renewal fee. Any renewal application received 12 months after the expiration date
31 shall be rejected, unless accompanied by proof of successful completion of the examination required
32 by the board. If a license holder fails to renew such license within the 12 months after the date of
33 expiration, it shall become null and void and the license holder shall be required to reapply and to
34 be re-examined for licensure.

35
36 Amend RSA 310-A:216 as inserted by section 2 of the bill by replacing it with the following:
37

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1 310-A:216 Disciplinary Action.

2 I. The board may undertake disciplinary proceedings upon written complaint of any person
3 which charges that a person certified by the board has committed misconduct under paragraph II
4 and which specifies the grounds therefor.

5 II. Misconduct sufficient to support disciplinary proceedings under this section shall
6 include:

7 (a) The practice of fraud or deceit in procuring or attempting to procure a license to
8 practice under this subdivision.

9 (b) Any unprofessional conduct, or dishonorable conduct unworthy of, and affecting the
10 practice of, the profession.

11 (c) Unfitness or incompetence by reason of negligence or other causes; or negligent or
12 willful acts performed in a manner inconsistent with the interests of persons relying on the
13 expertise of the license holder.

14 (d) Mental or physical incompetence to practice under this subdivision.

15 (e) Willful or repeated violation of the provisions of this subdivision.

16 (f) Suspension or revocation of a license, similar to one issued under this subdivision, in
17 another jurisdiction and not reinstated.

18 (g) Violations of the code of ethics for septic system evaluators, or any other rule
19 adopted by the board.

20 (h) Providing false testimony before the board.

21 (i) Failure to provide, within 30 calendar days of receipt of notice by certified mail,
22 return receipt requested, information requested by the board as a result of any formal complaint to
23 the board alleging a violation of this subdivision.

24 (j) Knowingly making or signing any false statement, license, or affidavit in connection
25 with the practice of septic system evaluations.

26
27 Amend RSA 310-A:217, II as inserted by section 2 of the bill by replacing it with the following:
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29 II.(a) The board shall have the power to administer oaths or affirmations and preserve
30 testimony.

31 (b) The board may subpoena witnesses, and compel, by subpoena duces tecum, the
32 production of all books, records, files and documents, whether originals, copies, or in electronic or
33 other form, and other materials, relevant to its investigation of any grievance, complaint, or
34 disciplinary proceeding before the board with the approval of the office of the attorney general.

35 (c) A minimum of 10 business days' notice shall be given for compliance with a
36 subpoena under this subdivision.

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1 Amend RSA 310-A:219 - RSA 310-A:221 as inserted by section 2 of the bill by replacing them with
2 the following:

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4 310-A:219 Violations; Penalty.

5 I. It shall be a class B misdemeanor, for the first offense, and a Class A misdemeanor for
6 the second and any subsequent offense, for any natural person to:

7 (a) Present or attempt to use the license of another as one's own;

8 (b) Give any false or forged evidence of any kind to the board or to any board member in
9 obtaining a license;

10 (c) Attempt to use a revoked license;

11 (d) Beginning January 1, 2017, practice septic system evaluations or to offer, advertise,
12 or hold oneself out to the public as being in the practice of septic system evaluation in this state
13 without a license; or

14 (e) Violate any of the provisions of this subdivision.

15 II. It shall be a violation for any natural person to attempt to use an expired license.

16 310-A:220 Restraint of Violations. The superior court shall have jurisdiction in equity to
17 restrain violations of RSA 310-A:219 on proceedings brought by the attorney general, or the board.

18 310-A:221 Exemptions. Nothing in this subdivision shall be construed to prevent or affect the
19 following persons from evaluating septic systems:

20 I. A person who is employed by a governmental entity if the inspection is within official
21 duties and responsibilities.

22 II. A septic system designer holding a current valid permit issued under RSA 485-A:35.