

CHAPTER 393a*

SUBSURFACE SEWAGE DISPOSAL SYSTEM INSTALLERS AND CLEANERS

*See Sec. 19a-88b re renewal of certain professional and occupational licenses, certificates, permits or registrations which become void while the holder is on active duty in the armed forces of the United States.

Cited. 207 C. 674.

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Sec. 20-341a. Definitions. As used in this chapter:

(1) “Subsurface sewage disposal system installer” means any person offering to the general public services of construction, installation, repairing, cleaning or servicing subsurface sewage disposal systems and licensed pursuant to section 20-341e;

(2) “Subsurface sewage disposal system cleaner” means any person offering to the general public services of cleaning or servicing subsurface sewage disposal systems and licensed pursuant to section 20-341e;

(3) “Subsurface sewage disposal system” means a septic tank followed by leaching pits, trenches, beds or galleries.

(P.A. 74-341, S. 1, 16; P.A. 82-472, S. 91, 183; P.A. 95-271, S. 16; P.A. 12-197, S. 8.)

History: P.A. 82-472 replaced alphabetic Subdiv. indicators with numeric indicators; P.A. 95-271 added licensure pursuant to Sec. 20-341e to definitions of installers and cleaners; P.A. 12-197 amended Subdivs. (1) and (2) by deleting “regularly” re offered services.

Cited. 186 C. 370.

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Secs. 20-341b and 20-341c. State Board of Subsurface Sewage Disposal System Examiners; duties of Commissioner of Health Services re board. Powers and duties of board, seal, records, annual report, roster of licensees to town clerks. Sections 20-341b and 20-341c are repealed.

(P.A. 74-341, S. 2, 3, 16; P.A. 77-614, S. 460, 610; P.A. 81-473, S. 42, 43.)

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Sec. 20-341d. Department empowered to issue licenses, permits. (a) The Department of Public Health may issue a subsurface sewage disposal system installer license or a subsurface sewage disposal system cleaner license.

(b) An apprentice’s permit shall be issued by said department for the performance of work as a subsurface sewage disposal system installer or cleaner under the supervision of a licensee, upon application of the licensee. Such permit shall be valid for one year and may be renewed for one additional year upon application of the licensee.

(P.A. 74-341, S. 4, 6, 16; P.A. 81-473, S. 22, 43; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; 95-271, S. 17.)

History: P.A. 81-473 replaced board of subsurface sewage disposal system examiners with department of health services as licensing authority; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-271 limited validity of apprentice’s permit to one year with one year renewal.

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Sec. 20-341e. Examinations, frequency, fee. Qualifications. The Department of Public Health shall hold at least four examinations each year, at such times and in such locations as may be convenient. Notice of the time and place of each examination shall be given in writing to each applicant at least ten days prior to the examination. To obtain a license an applicant shall furnish such evidence of competency as said department shall require. The applicant shall satisfy said department that he has the requisite skill to perform the work of a subsurface sewage disposal system installer or cleaner and can comply with all other requirements of this chapter. Upon application to said department for a license, the applicant shall pay to said department a fee of fifty dollars for a subsurface sewage disposal system installer license or twenty dollars for a subsurface sewage disposal system cleaner license. The applicant shall present himself at the next regular examination. The Department of Public Health shall conduct such written, oral and practical examinations as it deems necessary to test the knowledge of the applicant for a subsurface sewage disposal system installer's license on sewage disposal system construction and installation or to test the knowledge of the applicant for a subsurface sewage disposal system cleaner on subsurface sewage disposal system cleaning and servicing. When an applicant has qualified for a license, the department shall issue to such person a license entitling him to engage in the work or occupation of subsurface sewage disposal system installer or subsurface sewage disposal system cleaner until the date for renewal under section 19a-88. All fees collected by said department shall be promptly transmitted to the State Treasurer.

(P.A. 74-341, S. 5, 16; P.A. 77-614, S. 461, 610; P.A. 81-473, S. 23, 43; P.A. 88-357, S. 11; May Sp. Sess. P.A. 92-6, S. 37, 117; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58; 95-271, S. 18; June Sp. Sess. P.A. 09-3, S. 247.)

History: P.A. 77-614 transferred responsibility for actually administering of examinations from board to department of health services, effective January 1, 1979; P.A. 81-473 amended section to delete all references to board, which was terminated, effective July 1, 1981; P.A. 88-357 made technical changes and removed obsolete language; May Sp. Sess. P.A. 92-6 raised examination fee to \$50; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-271 changed \$50 examination fee to a license fee of \$25 for installers and \$10 for cleaners, deleted the exemption for plumbers, required payment upon application for, rather than receipt of, the license and deleted reference to failure of the examination; June Sp. Sess. P.A. 09-3 increased license fees from \$25 to \$50 and from \$10 to \$20.

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Sec. 20-341f. License or permit, when required. Roster. Disciplinary action. (a) No person shall engage in, practice or offer to perform the work of a subsurface sewage disposal system installer, as defined in section 20-341a, or the work of a subsurface sewage disposal system cleaner, as defined in said section, unless he has first obtained an apprentice's permit under subsection (b) of section 20-341d or a license under section 20-341e.

(b) The department shall furnish to each person who meets the requirements of this chapter, a license indicating that the holder is entitled to engage in the work or occupation of subsurface sewage disposal

system installer or cleaner, and the holder of such license shall carry it on his person while engaging in such work or occupation. Such license shall be shown to any properly interested person on request. No license shall be transferred to or used by any person other than the person to whom the license was issued. A licensee shall display his state license number on all commercial vehicles used in his business. Each licensee shall inform customers in writing that his work is subject to regulation by the Department of Public Health and that inquiries and complaints concerning such work may be directed to the department.

(c) The department shall keep a register containing the names of all persons to whom such licenses are issued which shall be open to public inspection.

(d) The department may take action under section 19a-17 for any of the following reasons: (1) The license holder has employed or knowingly cooperated in fraud or material deception in order to obtain his license or has engaged in fraud or material deception in the course of professional services or activities; (2) illegal, incompetent or negligent conduct by a license holder in his work; or (3) violation of any provision of this chapter or any regulation adopted hereunder. The Commissioner of Public Health may petition the superior court for the judicial district of Hartford to enforce any action taken pursuant to section 19a-17.

(P.A. 74-341, S. 7, 16; P.A. 75-383; P.A. 77-614, S. 462, 610; P.A. 80-475; P.A. 81-473, S. 24, 43; P.A. 88-230, S. 1, 12; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; 93-381, S. 9, 39; P.A. 95-220, S. 4-6; 95-257, S. 12, 21, 58; 95-271, S. 19.)

History: P.A. 75-383 amended Subsec. (a) to add proviso re plumbers licensed as P-1, P-2, P-3, P-4, W-8 or W-9 and to delete previous provision which had exempted persons "licensed prior to October 1, 1974, as a plumber or a septic system installer under chapter 393" from payment of requisite license fee; P.A. 77-614 amended Subsec. (d) to replace public health council regulations with those of commissioner of health services and to replace previous notice and hearing provision with statement that notice and hearing shall be in accordance with regulations of health services commissioner, effective January 1, 1979; P.A. 80-475 made no change; P.A. 81-473 amended section to delete all references to board, to eliminate automatic licensure of plumbers, to require licensees to inform customers that inquiries and complaints may be directed to the department of health services and to conform grounds for disciplinary action and remedies to those introduced for other health related professions under sunset review process begun in 1980; P.A. 88-230 replaced "judicial district of Hartford-New Britain" with "judicial district of Hartford", effective September 1, 1991; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 93-381 replaced department and commissioner of health services with department and commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-271 deleted the examination exemption for installers and cleaners engaged in such work prior to October 1, 1974.

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Sec. 20-341g. Licenses, fees, expiration date, renewal. All licenses shall be renewed annually in accordance with the provisions of section 19a-88. The fee shall be fifty dollars for subsurface sewage

disposal system installer license renewal and twenty dollars for subsurface sewage disposal system cleaner license renewal.

(P.A. 74-341, S. 8, 16; P.A. 81-473, S. 25, 43; P.A. 88-357, S. 12; May Sp. Sess. P.A. 92-6, S. 38, 117; P.A. 93-381, S. 9, 39; P.A. 95-271, S. 20; Sept. Sp. Sess. P.A. 09-8, S. 23.)

History: P.A. 81-473 amended section to provide for renewal of licenses in accordance with provisions of Sec. 19-45 on and after January 1, 1982, deleted exemption from license fee formerly granted to plumbers and reduced from one year to 90 days the period after expiration when compliance with Sec. 20-341d(a) is not necessary for reinstatement; P.A. 88-357 replaced references to licensing board with references to health services department; May Sp. Sess. P.A. 92-6 increased license and renewal fees for subsurface sewage disposal system installers from \$12.50 to \$25 and reduced fees for cleaners to \$10 and deleted the exception from renewal for licensed plumbers; P.A. 93-381 replaced department of health services with department of public health and addiction services, effective July 1, 1993; P.A. 95-271 replaced the prior section on renewal with a requirement that renewal be in accordance with Sec. 19a-88; Sept. Sp. Sess. P.A. 09-8 increased renewal fees, effective October 5, 2009, and applicable to the renewal of a license that expires on or after October 1, 2009.

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Sec. 20-341h. Appeals from department actions. Any person aggrieved by any action of the department may appeal therefrom in the manner provided in chapter 54.

(P.A. 74-341, S. 10, 16; P.A. 81-473, S. 26, 43.)

History: P.A. 81-473 required that appeals be made to department rather than to board of subsurface sewage disposal system examiners.

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Sec. 20-341i. Unlicensed person as owner of business. Nothing in this chapter shall require that the ownership or control of a business engaged in providing the work or services licensed under the provisions of this chapter be vested in a licensed person, but all the work and service covered by the definitions set forth in section 20-341a shall be performed by persons licensed for such work or occupation under this chapter.

(P.A. 74-341, S. 9, 16.)

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Sec. 20-341j. License valid in any municipality. Any person licensed under this chapter shall be permitted to perform the work or occupation covered by such license in any town or municipality of this state without further examination or licensing by any town or municipality.

(P.A. 74-341, S. 13, 16.)

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Sec. 20-341k. Exceptions from licensing requirements. The provisions of this chapter shall not apply to (1) persons employed by any federal, state or municipal agency; (2) employees of any public service company regulated by the Public Utilities Regulatory Authority or any corporate affiliate of any such company when the work performed by such affiliate is on behalf of a public service company, and in either case only if the work performed is in connection with the rendition of public utility service; (3) employees of any municipal corporation specially chartered by the state of Connecticut; (4) employees of any contractor while said contractor is performing work for or subject to inspection by any federal, state or municipal agency or corporation other than a municipal building department, or any public service company.

(P.A. 74-341, S. 12, 16; P.A. 75-486, S. 1, 69; P.A. 77-614, S. 162, 610; P.A. 80-482, S. 177, 348; P.A. 11-80, S. 1.)

History: P.A. 75-486 replaced public utilities commission with public utilities control authority; P.A. 77-614 replaced public utilities control authority with division of public utility control within the department of business regulation, effective January 1, 1979; P.A. 80-482 made division of public utility control an independent department and deleted reference to abolished department of business regulation; pursuant to P.A. 11-80, "Department of Public Utility Control" was changed editorially by the Revisors to "Public Utilities Regulatory Authority" in Subdiv. (2), effective July 1, 2011.

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Sec. 20-341l. Penalty. Any person who engages in or practices the work or occupation of subsurface sewage disposal system installer or subsurface sewage disposal system cleaner without having first obtained a license for such work, or who wilfully employs a person who does not have a license for such work, or who wilfully and falsely pretends to qualify to engage in or practice such work or occupation, or who violates any other provision of this chapter, unless the penalty is otherwise specifically prescribed, shall be fined not more than ten thousand dollars for each such violation.

(P.A. 74-341, S. 14, 16; P.A. 89-100, S. 1, 2; P.A. 12-197, S. 9.)

History: P.A. 89-100 included subsurface sewage disposal system cleaner in this section; P.A. 12-197 changed maximum fine from \$100 to \$10,000 for each violation.

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Sec. 20-341m. Regulations. The Commissioner of Public Health shall adopt regulations, in accordance with the provisions of chapter 54, to assure that persons licensed under this chapter adhere to all applicable public health laws and regulations and high standards of sanitary protection. Such regulations

shall include the method of handling and transportation of material removed from all subsurface sewage disposal systems, public or private.

(P.A. 74-341, S. 11, 16; P.A. 77-614, S. 463, 610; P.A. 81-473, S. 27, 43; P.A. 93-381, S. 9, 39; P.A. 95-257, S. 12, 21, 58.)

History: P.A. 77-614 transferred power to make regulations from public health council to commissioner of health services, added board of examiners in advisory capacity and deleted enforcement power, effective January 1, 1979; P.A. 81-473 deleted reference to board's advisory role in adoption of regulations; P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995.

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Secs. 20-341n to 20-341r. Reserved for future use.

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