**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 52 TO TITLE 27 SO AS TO DEFINE AN ONSITE WASTEWATER TREATMENT SYSTEM, TO PROHIBIT THE SALE OF REAL PROPERTY WITH THIS SYSTEM UNTIL SPECIFIC CONDITIONS ARE SATISFIED, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO ESTABLISH REQUIREMENTS FOR CERTIFYING COMPLIANCE WITH CERTAIN APPLICABLE PROVISIONS OF LAW, AND TO PROVIDE EXEMPTIONS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 27 of the 1976 Code is amended by adding:

“CHAPTER 52

Limits on Conveyances Involving Onsite Wastewater Treatment Systems

Section 27‑52‑10. For the purposes of this section:

(1) ‘Department’ means the Department of Health and Environmental Control.

(2) ‘Onsite Wastewater Treatment System’ or ‘OWTS’ means a system such as a septic tank system designed to treat, dispose, or store sewage.

Section 27‑52‑20. Except as otherwise provided in this chapter, a person may not convey a parcel of real property situated in this State and containing an OWTS unless:

(1) a certified inspector evaluates the system;

(2) the inspector certifies in a written report to the department that the system complies with applicable law;

(3) the department issues a letter authorizing the conveyance of the parcel; and

(4) the conveyance occurs within twelve months after the date on which the department issues its letter of authorization and the department receives from the person to whom the parcel is conveyed written notice of the conveyance within seven days after the conveyance.

Section 27‑52‑30. The department shall establish criteria for certifying a person to inspect an OWTS as required in this chapter and determine whether a person applying to the department for this certification may be certified to inspect an OWTS for the purposes of this chapter.

Section 27‑52‑40. (A) A conveyance of a parcel of real property is exempt from the requirements of this chapter if:

(1) the conveyance:

(a) is between a person and his spouse;

(b) is made solely to exclude the conveyor’s spouse;

(c) is subject to a life estate;

(d) effectuates a foreclosure of a mortgage secured by the parcel;

(e) effectuates a forfeiture of the parcel;

(f) transfers title of the parcel to a trust where the settlor or his spouse conveys the property’s title to the trust and where the settlor or his spouse is the sole beneficiary of the trust;

(g) creates or ends joint ownership of the parcel if at least on party to the conveyance is an original owner of the parcel or the spouse of an original owner of the parcel; or

(h) establishes or releases a mortgage or other security interest in the parcel; or

(2) the parcel has:

(a) situated on it an OWTS permitted under the provisions of Article 9, Chapter 55, Title 44 of the 1976 Code; or

(b) no structure situated on it.

(B) The provisions of this chapter do not apply to the refinancing of a mortgage.”

SECTION 2. This act takes effect upon approval by the Governor.

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