

HOUSE BILL 1435

C2, E4

3lr3129

By: **Delegate Holmes**

Introduced and read first time: February 18, 2013

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Licensed Home Inspectors – Home Inspection Reports – Presence of Yellow**
3 **Corrugated Stainless Steel Tubing**

4 FOR the purpose of requiring licensed home inspectors to include in a home inspection
5 report certain information and a certain disclosure relating to the presence of
6 flexible gas piping composed of yellow corrugated stainless steel tubing (CSST)
7 observed during a home inspection; and generally relating to reports by home
8 inspectors.

9 BY repealing and reenacting, with amendments,
10 Article – Business Occupations and Professions
11 Section 16–4A–01
12 Annotated Code of Maryland
13 (2010 Replacement Volume and 2012 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Business Occupations and Professions**

17 16–4A–01.

18 (a) A licensed home inspector shall give to each person for whom the licensee
19 performs a home inspection for compensation or to the person's representative, a
20 written report that states:

21 (1) the scope and the exclusions of the inspection;

22 (2) the conditions observed during the home inspection that are
23 subject to the adopted standards of practice and code of ethics approved by the
24 Commission;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) WHETHER THE PRESENCE OF FLEXIBLE GAS PIPING**
2 **COMPOSED OF ANY SHADE OF YELLOW CORRUGATED STAINLESS STEEL TUBING**
3 **(CSST) WAS OBSERVED DURING THE HOME INSPECTION;**

4 ~~[(3)]~~ **(4)** the license number of the licensee; ~~[and]~~

5 ~~[(4)]~~ **(5)** a disclosure in 14–point bold type that includes the following
6 statements:

7 (i) “An inspection is intended to assist in the evaluation of the
8 overall condition of a building. The inspection is based on observation of the visible
9 and apparent condition of the building and its components on the date of the
10 inspection”;

11 (ii) “The results of this home inspection are not intended to
12 make any representation regarding latent or concealed defects that may exist, and no
13 warranty or guaranty is expressed or implied”;

14 (iii) “If your home inspector is not a licensed structural engineer
15 or other professional whose license authorizes the rendering of an opinion as to
16 structural integrity of a building or the condition of its components or systems, you
17 may wish to seek the professional opinion of a licensed structural engineer or other
18 professional regarding any possible defects or other observations set forth in this
19 report”; and

20 (iv) “Only home inspections performed by Maryland licensed
21 home inspectors will be recognized as a valid home inspection under a real estate
22 contract”; **AND**

23 **(6) IF THE PRESENCE OF FLEXIBLE GAS PIPING COMPOSED OF**
24 **ANY SHADE OF YELLOW CORRUGATED STAINLESS STEEL TUBING (CSST) WAS**
25 **OBSERVED DURING THE HOME INSPECTION, A DISCLOSURE IN 14–POINT BOLD**
26 **TYPE THAT STATES:**

27 **“MANUFACTURERS BELIEVE THAT YELLOW CORRUGATED STAINLESS**
28 **STEEL TUBING (CSST) IS SAFER IF PROPERLY BONDED AND GROUNDED AS**
29 **REQUIRED BY THE MANUFACTURER’S INSTALLATION INSTRUCTIONS. PROPER**
30 **BONDING AND GROUNDING OF CSST CAN BE DETERMINED ONLY BY A LICENSED**
31 **MASTER ELECTRICIAN.”.**

32 (b) The licensee shall give the person or the person’s representative the
33 report:

34 (1) by the date set in a written agreement by the parties to the home
35 inspection; or

1 (2) within 7 business days after the home inspection was performed, if
2 no date was set in a written agreement by the parties to the home inspection.

3 (c) Any limitation of the liability of the licensee for any damages resulting
4 from the report on the home inspection shall be agreed to in writing by the parties to
5 the home inspection prior to the performance of the home inspection.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2013.