
By: **Delegate Kach**
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Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Home Inspectors - Registration**

3 FOR the purpose of creating a State Board of Home Inspectors; requiring certain
4 home inspectors to register with the Board; establishing the membership of the
5 Board; establishing the powers and duties of the Board; providing for the
6 appointment of an Executive Director of the Board; establishing the duties of the
7 Executive Director; specifying certain requirements for home inspectors;
8 providing for the revocation or suspension of certain registrations; providing
9 certain requirements for home inspection contracts; providing certain penalties;
10 defining terms; and generally relating to the registration of home inspectors.

11 BY adding to
12 Article - Business Occupations and Professions
13 Section 7.5-101 through 7.5-701 to be under the new title "Title 7.5. Home
14 Inspectors"
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

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

19 **Article - Business Occupations and Professions**

20 TITLE 7.5. HOME INSPECTORS.

21 SUBTITLE 1. DEFINITIONS.

22 7.5-101.

23 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

24 (B) "APPLICANT HOME INSPECTOR" MEANS A PERSON WHO:

25 (1) APPLIES TO THE BOARD TO BECOME A PROBATIONARY HOME
26 INSPECTOR;

1 (2) IS APPROVED BY THE BOARD BEFORE PERFORMING SERVICES
2 UNDER THIS TITLE;

3 (3) MAY NOT PERFORM HOME INSPECTIONS FOR COMPENSATION; AND

4 (4) IS LEARNING THE BUSINESS OF HOME INSPECTION UNDER THE
5 DIRECT SUPERVISION OF A REGISTERED HOME INSPECTOR;

6 (C) "BOARD" MEANS THE STATE BOARD OF REGISTERED HOME INSPECTORS.

7 (D) "HOME INSPECTION" MEANS A SERVICE:

8 (1) PERFORMED BY A:

9 (I) REGISTERED HOME INSPECTOR; OR

10 (II) PROBATIONARY HOME INSPECTOR UNDER THE SUPERVISION
11 OF A REGISTERED HOME INSPECTOR;

12 (2) ASSOCIATED WITH EVALUATING AND REPORTING ON EXISTING
13 CONDITIONS OF A RESIDENTIAL PROPERTY BY OBSERVING AND TESTING MAJOR
14 BUILDING SYSTEMS, INCLUDING:

15 (I) DWELLING TYPE;

16 (II) GROUNDS SURROUNDING THE DWELLING;

17 (III) ROOFING;

18 (IV) EXTERIOR FINISHES AND TRIM COMPONENTS;

19 (V) WINDOWS AND DOORS;

20 (VI) ELECTRICAL SYSTEMS;

21 (VII) PLUMBING SYSTEMS;

22 (VIII) FOSSIL FUEL DELIVERY SYSTEMS;

23 (IX) HEATING SYSTEMS;

24 (X) CENTRAL AIR-CONDITIONING SYSTEMS;

25 (XI) STRUCTURAL COMPONENTS;

26 (XII) INTERIOR FINISHES;

27 (XIII) PERMANENTLY INSTALLED APPLIANCES AND DEVICES THAT
28 WOULD REQUIRE TOOLS OR TRADE EXPERTISE TO REMOVE FROM SERVICE; AND

29 (XIV) ANY OTHER ATTACHED RESIDENTIAL HOUSING COMPONENT
30 OR ASSEMBLY;

1 (3) THAT PROVIDES A WRITTEN REPORT PREPARED UNDER
2 REQUIREMENTS ESTABLISHED BY THE BOARD.

3 (E) "PARTIAL HOME INSPECTION" MEANS A SERVICE PERFORMED BY A
4 REGISTERED HOME INSPECTOR, OR PROBATIONARY HOME INSPECTOR UNDER THE
5 SUPERVISION OF A REGISTERED HOME INSPECTOR THAT CONSISTS OF EVALUATING
6 AND REPORTING ON EXISTING CONDITIONS OF A RESIDENTIAL PROPERTY BY
7 OBSERVING AND TESTING SOME BUT NOT ALL MAJOR SYSTEMS SPECIFIED IN
8 SUBSECTION (D)(2) OF THIS SECTION.

9 (F) "PROBATIONARY HOME INSPECTOR" MEANS AN INDIVIDUAL WHO:

10 (1) IS SUPERVISED BY A REGISTERED HOME INSPECTOR;

11 (2) PERFORMS A HOME INSPECTION FOR COMPENSATION;

12 (3) WAS PREVIOUSLY AN APPLICANT HOME INSPECTOR; AND

13 (4) SUCCESSFULLY COMPLETES REQUIREMENTS FOR A PROBATIONARY
14 HOME INSPECTOR BUT HAS NOT COMPLETED REQUIREMENTS FOR A REGISTERED
15 HOME INSPECTOR.

16 (G) "REGISTERED HOME INSPECTOR" MEANS AN INDIVIDUAL WHO:

17 (1) PERFORMS A HOME INSPECTION FOR COMPENSATION;

18 (2) COMPLIES WITH REQUIREMENTS FOR A REGISTERED HOME
19 INSPECTOR; AND

20 (3) REGISTERS WITH THE BOARD.

21 (H) "RESIDENTIAL PROPERTY" MEANS A BUILDING USED PRIMARILY FOR
22 HOUSING AND CONSISTING OF NOT MORE THAN FOUR SINGLE-FAMILY DWELLING
23 UNITS.

24 SUBTITLE 2. STATE BOARD OF HOME INSPECTORS.

25 7.5-201.

26 THERE IS A STATE BOARD OF HOME INSPECTORS IN THE DEPARTMENT.

27 7.5-202.

28 (A) (1) THE BOARD CONSISTS OF NINE MEMBERS.

29 (2) OF THE NINE MEMBERS OF THE BOARD:

30 (I) ONE SHALL BE A CONSUMER MEMBER;

31 (II) SIX SHALL BE REGISTERED HOME INSPECTORS WHO:

1 (2) GRADE ANY EXAMINATION GIVEN BY OR FOR THE BOARD; OR

2 (3) HAVE A HOME INSPECTION PERFORMED BY A PERSON REGULATED
3 BY THE BOARD.

4 (E) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
5 THE OATH REQUIRED UNDER ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

6 (F) (1) OF THE APPOINTED MEMBERS TO THE INITIAL BOARD:

7 (I) THREE SHALL SERVE FOR 1 YEAR;

8 (II) THREE SHALL SERVE FOR 2 YEARS; AND

9 (III) THREE SHALL SERVE FOR 3 YEARS.

10 (2) INITIAL APPOINTMENTS SHALL BE MADE BEFORE OCTOBER 1, 1998.

11 (3) THE TERM OF A MEMBER OF THE BOARD IS 3 YEARS AND BEGINS ON
12 JULY 1.

13 (4) A MEMBER SERVES UNTIL JUNE 30 IN THE YEAR THEIR TERM
14 EXPIRES AND UNTIL A QUALIFIED SUCCESSOR IS APPOINTED.

15 (5) A MEMBER APPOINTED AFTER A TERM BEGINS SERVES FOR THE
16 REMAINDER OF THE TERM AND UNTIL A QUALIFIED SUCCESSOR IS APPOINTED.

17 (6) A MEMBER OF THE BOARD MAY BE REAPPOINTED.

18 (7) A MEMBER OF THE BOARD IS LIMITED TO TWO CONSECUTIVE TERMS
19 IN ADDITION TO A PARTIAL TERM IMMEDIATELY PRIOR TO THE FIRST FULL TERM ON
20 THE BOARD.

21 (G) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE OR
22 MISCONDUCT.

23 7.5-203.

24 (A) (1) THE INITIAL MEETING OF THE BOARD SHALL BE 60 DAYS AFTER THE
25 GOVERNOR APPOINTS THE MEMBERS OF THE BOARD.

26 (2) THE BOARD SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN.

27 (3) (I) THE TERM FOR OFFICERS IS 1 YEAR.

28 (II) AT THE END OF A TERM AN OFFICER MAY NOT BE REELECTED
29 TO THE MOST RECENTLY HELD OFFICE.

30 (B) (1) THE BOARD SHALL MEET AT LEAST FOUR TIMES EACH YEAR.

1 (2) THE BOARD SHALL MEET AT THE TIMES AND PLACES IN THE STATE
2 THAT IT DETERMINES.

3 (3) THE BOARD MAY, WITH A 7-DAY NOTICE, HOLD SPECIAL MEETINGS
4 UPON REQUEST OF THE CHAIRMAN OR ANY FOUR BOARD MEMBERS.

5 (C) A QUORUM CONSISTS OF A MAJORITY OF MEMBERS OF THE BOARD,
6 INCLUDING AT LEAST THREE OF THE REGISTERED HOME INSPECTOR MEMBERS.

7 (D) THE BOARD MAY NOT ACT UNLESS A MAJORITY OF THE MEMBERS
8 CONCUR.

9 (E) EACH MEMBER OF THE BOARD IS ENTITLED TO:

10 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

11 (2) REIMBURSEMENT FOR TRAVEL AND OTHER EXPENSES AS PROVIDED
12 IN THE BUDGET AND IN CONFORMANCE WITH THE STANDARD STATE TRAVEL
13 REGULATIONS.

14 (F) THE BOARD SHALL HAVE ITS OFFICE IN THE CITY OF BALTIMORE.

15 7.5-204.

16 (A) (1) THE SECRETARY SHALL APPOINT AN EXECUTIVE DIRECTOR OF THE
17 BOARD.

18 (2) THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE
19 SECRETARY.

20 (B) THE EXECUTIVE DIRECTOR SHALL:

21 (1) DEVOTE FULL TIME TO THE DUTIES OF THE OFFICE; AND

22 (2) POSSESS A BROAD KNOWLEDGE OF GENERALLY ACCEPTED
23 PRACTICES IN HOME INSPECTION SERVICES IN THE STATE.

24 (C) THE EXECUTIVE DIRECTOR IS ENTITLED TO:

25 (1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

26 (2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE
27 TRAVEL REGULATIONS AS PROVIDED IN THE STATE BUDGET.

28 (D) WHILE EMPLOYED AS EXECUTIVE DIRECTOR, THE EXECUTIVE DIRECTOR
29 SHALL BE COVERED BY A SURETY BOND IN THE FORM AND AMOUNT REQUIRED BY
30 LAW.

31 (E) THE EXECUTIVE DIRECTOR SHALL:

32 (1) ADMINISTER AND OPERATE THE OFFICE OF THE BOARD;

- 1 (2) BE RESPONSIBLE TO THE SECRETARY;
- 2 (3) KEEP THE OFFICIAL RECORDS OF THE BOARD; AND
- 3 (4) KEEP THE SEAL OF THE BOARD.

4 7.5-205.

5 (A) (1) THE EXECUTIVE DIRECTOR MAY EMPLOY STAFF IN ACCORDANCE
6 WITH THE STATE BUDGET.

7 (2) EXCEPT AS OTHERWISE PROVIDED BY LAW, THE STAFF IS IN THE
8 CLASSIFIED SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM.

9 (B) THE EXECUTIVE DIRECTOR, IN ACCORDANCE WITH THE STATE BUDGET,
10 MAY EMPLOY AN INVESTIGATIVE STAFF TO CONDUCT INVESTIGATIONS OF ALLEGED
11 VIOLATIONS OF THIS TITLE.

12 (C) THE EXECUTIVE DIRECTOR MAY EMPLOY AFFILIATED PROFESSIONALS IF
13 THE SERVICES OF AN AFFILIATED PROFESSIONAL IS REQUIRED IN AN
14 INVESTIGATION.

15 (D) THE INVESTIGATIVE STAFF SHALL INVESTIGATE COMPLAINTS
16 CONCERNING A HOME INSPECTION SERVICE.

17 7.5-206.

18 (A) THE BOARD MAY ADOPT AND ENFORCE REGULATIONS TO CARRY OUT
19 THIS TITLE.

20 (B) (1) THE EXECUTIVE DIRECTOR SHALL COMPILE AND MAKE AVAILABLE
21 A CURRENT COPY OF REGISTRATION STANDARDS AND REGISTRATION REGULATIONS.

22 (2) THE BOARD MAY CHARGE A FEE FOR COSTS ASSOCIATED WITH
23 PROVIDING MATERIAL UNDER PARAGRAPH (1) OF THIS SUBSECTION.

24 7.5-207.

25 (A) THE BOARD SHALL ADMINISTER AND ENFORCE THIS TITLE.

26 (B) (1) THE BOARD MAY ENJOIN VIOLATIONS OF THIS TITLE AND MAY SEEK
27 RESTRAINING ORDERS ON A SHOWING THAT A PERSON HAS WILLFULLY VIOLATED
28 OR IS ABOUT TO WILLFULLY VIOLATE THE PROVISIONS OF THE TITLE.

29 (2) IF THE BOARD CONCLUDES THAT CONTINUING CONDUCT OF A
30 PERSON ALLEGED TO BE IN VIOLATION OF THIS TITLE WILL RESULT IN
31 IRREPARABLE OR SUBSTANTIAL HARM TO A PERSON, THE BOARD MAY SEEK
32 INJUNCTIVE RELIEF OR REFER THE MATTER TO THE ATTORNEY GENERAL.

1 (3) IF THE BOARD SEEKS INJUNCTIVE RELIEF UNDER THIS SUBSECTION
2 AGAINST A PERSON NOT REGISTERED UNDER THIS TITLE, THE BOARD IS NOT
3 REQUIRED TO:

4 (I) POST BOND; OR

5 (II) PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST.

6 (4) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN THE CIRCUIT
7 COURT FOR THE COUNTY WHERE:

8 (I) THE ALLEGED VIOLATION OCCURS; OR

9 (II) THE PRINCIPAL PLACE OF BUSINESS OF THE ALLEGED
10 VIOLATOR IS LOCATED.

11 7.5-208.

12 (A) THE BOARD SHALL MAKE AVAILABLE FOR PUBLIC INSPECTION:

13 (1) CURRENT REGISTRATIONS;

14 (2) EXPIRED, REVOKED, OR SUSPENDED REGISTRATIONS;

15 (3) ACTUAL AND LIKELY ACTIONS AGAINST VIOLATORS OF THIS TITLE;
16 AND

17 (4) INACTIVE REGISTRATIONS.

18 (B) ON THE REQUEST OF ANY PERSON AND ON THE PAYMENT OF A FEE
19 DETERMINED BY THE BOARD, A PERSON MAY RECEIVE A COPY OF A PUBLIC
20 DOCUMENT FILED IN THE OFFICE OF THE BOARD.

21 7.5-209.

22 UPON REQUEST AND PAYMENT OF A FEE DETERMINED BY THE BOARD, THE
23 BOARD SHALL CERTIFY UNDER SEAL THE REGISTRATION STATUS OF A PERSON.

24 7.5-210.

25 THE BOARD MAY:

26 (1) DETERMINE QUALIFICATIONS FOR REGISTRATION, ADVANCEMENT,
27 OR RENEWAL OF A CLASS OF REGISTRATION UNDER THIS TITLE;

28 (2) IN CONSULTATION WITH INDUSTRY MEMBERS AND REGISTERED
29 HOME INSPECTORS, ADOPT, UPDATE, OR PUBLISH STANDARDS OF PRACTICE AND A
30 CODE OF ETHICS FOR ALL PERSONS PERFORMING ACTIVITIES UNDER THIS TITLE;

1 (3) IN CONSULTATION WITH INDUSTRY MEMBERS AND REGISTERED
2 HOME INSPECTORS, ESTABLISH AN EXAMINATION FOR REGISTERED HOME
3 INSPECTORS AND PROBATIONARY HOME INSPECTORS;

4 (4) ISSUE, RENEW, DENY, REVOKE, OR SUSPEND A REGISTRATION OR
5 OTHER DESIGNATION UNDER THIS TITLE;

6 (5) ON RECEIPT OF A WRITTEN COMPLAINT ALLEGING A VIOLATION OF
7 THIS TITLE, AND ON A FORM PROVIDED BY THE BOARD:

8 (I) CONDUCT INVESTIGATIONS RELATING TO A COMPLAINT;

9 (II) SUBPOENA A PERSON AND ASSOCIATED RECORDS RELATING
10 TO A COMPLAINT;

11 (III) CONDUCT INFORMAL HEARINGS ADDRESSING A COMPLAINT;

12 (IV) PERFORM OTHER ACTS NECESSARY TO ENSURE COMPLIANCE
13 WITH THIS TITLE; AND

14 (V) PROVIDE THE PERSON IDENTIFIED IN THE COMPLAINT WITH
15 THE OPPORTUNITY TO RESPOND IN WRITING TO THE ALLEGED VIOLATION;

16 (6) REFER VIOLATIONS OF THIS TITLE TO THE ATTORNEY GENERAL;

17 (7) ESTABLISH REGISTRATION FEES FOR REGISTERED HOME
18 INSPECTORS, PROBATIONARY HOME INSPECTORS, AND APPLICANT HOME
19 INSPECTORS;

20 (8) ESTABLISH STANDARDS FOR CONTINUING EDUCATION
21 REQUIREMENTS;

22 (9) IN CONSULTATION WITH THE INDUSTRY AND REGISTERED HOME
23 INSPECTORS, ADOPT OR AMEND RULES AND REGULATIONS NECESSARY TO
24 IMPLEMENT THIS TITLE;

25 (10) ESTABLISH OTHER REQUIREMENTS NECESSARY FOR DETERMINING
26 PROFESSIONAL QUALIFICATIONS FOR A REGISTERED HOME INSPECTOR, A
27 PROBATIONARY HOME INSPECTOR, OR AN APPLICANT HOME INSPECTOR;

28 (11) ESTABLISH STANDARDS FOR HOME INSPECTION INSTRUCTION THAT
29 PREPARE PERSONS FOR THE CLASSES OF REGISTRATION; AND

30 (12) ESTABLISH FEES FOR LISTING AND CERTIFYING HOME INSPECTION
31 TRAINING COMPANIES AND INDIVIDUALS.

32 7.5-211.

33 THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO THE
34 GENERAL FUND OF THE STATE.

SUBTITLE 3. REGISTRATION.

2 7.5-301.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A PERSON
4 REPRESENTING TO THE PUBLIC THAT THE PERSON IS A REGISTERED HOME
5 INSPECTOR OR A PROBATIONARY HOME INSPECTOR, OR WHO PERFORMS HOME
6 INSPECTIONS FOR COMPENSATION ON OR AFTER OCTOBER 1, 1998, MUST BE
7 REGISTERED BY THE BOARD.

8 (B) THIS SECTION DOES NOT APPLY TO:

9 (1) A STATE OR LOCAL CODE ENFORCEMENT OFFICIAL ACTING WITHIN
10 THEIR SCOPE OF DUTIES;

11 (2) A FEDERAL OR STATE INSPECTOR ACTING WITHIN THE SCOPE OF
12 THE PERSON'S DUTIES;

13 (3) A TRADE PERSON WHO:

14 (I) DOES NOT CLAIM TO BE A REGISTERED HOME INSPECTOR OR A
15 PROBATIONARY HOME INSPECTOR;

16 (II) DOES NOT PERFORM HOME INSPECTION SERVICES; AND

17 (III) IS CURRENTLY LICENSED, REGISTERED, OR CERTIFIED AS:

18 1. A MASTER PLUMBER;

19 2. A MASTER ELECTRICIAN;

20 3. A MASTER HEATING, VENTILATION, AIR-CONDITIONING
21 PROFESSIONAL;

22 4. A GENERAL CONTRACTOR;

23 5. AN APPRAISER;

24 6. A REAL ESTATE BROKER OR AGENT;

25 7. A PEST CONTROL SPECIALIST;

26 8. AN ENGINEER;

27 9. AN ARCHITECT; OR

28 10. ANY OTHER LICENSED, TRADE, OR REGISTERED
29 PROFESSIONAL WHOSE SERVICES MAY BE REQUIRED IN THE BUILDING, REPAIR,
30 REMODELING, RENOVATION, OR EVALUATION OF REAL PROPERTY; OR

1 (4) A PERSON LICENSED TO PERFORM TRADES REGULATED BY THE
2 STATE AND WHO PERFORMS INSPECTIONS WITHIN THE SCOPE OF THE PERSON'S
3 LICENSE.

4 7.5-302.

5 AN APPLICANT FOR A REGISTERED HOME INSPECTOR POSITION SHALL:

6 (1) SUBMIT TO THE BOARD A COMPLETED APPLICATION ON A FORM
7 PROVIDED BY THE BOARD;

8 (2) PASS A WRITTEN EXAMINATION GIVEN BY THE BOARD;

9 (3) SUBMIT TO THE BOARD PROOF THAT THE APPLICANT COMPLETED A
10 BOARD CERTIFIED TRAINING COURSE THAT INCLUDES 90 HOURS OF CLASS TIME;

11 (4) SUBMIT TO THE BOARD NOTARIZED DOCUMENTATION THAT THE
12 APPLICANT OBSERVED 25 HOME INSPECTIONS PERFORMED BY A REGISTERED HOME
13 INSPECTOR;

14 (5) TRAIN AS AN APPLICANT HOME INSPECTOR AND A PROBATIONARY
15 HOME INSPECTOR FOR 12 MONTHS BEFORE APPLYING FOR A REGISTERED HOME
16 INSPECTOR DESIGNATION;

17 (6) COMPLETE 250 HOME INSPECTIONS AS A PROBATIONARY HOME
18 INSPECTOR;

19 (7) PAY THE EXAMINATION AND REGISTRATION FEES;

20 (8) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR HAVE
21 EDUCATION EXPERIENCE THE BOARD CONSIDERS EQUIVALENT TO A HIGH SCHOOL
22 DIPLOMA; AND

23 (9) COMPLY WITH OTHER REGISTRATION REQUIREMENTS ADOPTED BY
24 THE BOARD.

25 7.5-303.

26 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
27 ANY REQUIREMENTS OF THIS SUBTITLE FOR AN APPLICANT WHO HOLDS
28 COMPARABLE EXPERIENCE.

29 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION IF THE
30 APPLICANT:

31 (1) IS A MEMBER OF A RECOGNIZED NATIONAL NOT FOR PROFIT TRADE
32 ASSOCIATION WHOSE:

33 (I) STANDARDS OF PRACTICE AND CODE OF ETHICS ARE
34 APPROVED BY THE BOARD; AND

1 (II) MEMBERSHIP REQUIREMENTS MEET BOARD REQUIREMENTS
2 FOR A REGISTERED HOME INSPECTOR; AND

3 (2) PERFORMS HOME INSPECTION SERVICES ON A FULL-TIME BASIS
4 AND:

5 (I) HAS BEEN EMPLOYED AS A BUSINESS ENTITY OR HAS BEEN
6 AFFILIATED WITH A BUSINESS ENTITY FOR 5 YEARS;

7 (II) COMPLETES 250 FEE-PAID HOME INSPECTIONS WITHOUT A
8 COMPLAINT OR A CIVIL ACTION FILED AGAINST THE APPLICANT; AND

9 (III) SUCCESSFULLY COMPLETED THE EXAMINATION REQUIRED
10 FOR REGISTERED HOME INSPECTORS.

11 (C) PERSONS WHO QUALIFY UNDER § 7.5-304(B) OF THIS SUBTITLE MAY
12 RECEIVE CREDIT FOR THE FOLLOWING:

13 (1) 1 YEAR AS AN APPLICANT HOME INSPECTOR AND A PROBATIONARY
14 HOME INSPECTOR;

15 (2) COMPLETING 250 HOME INSPECTIONS AS A PROBATIONARY HOME
16 INSPECTOR;

17 (3) COMPLETING THE BOARD CERTIFIED TRAINING COURSE;

18 (4) OBSERVING AND DOCUMENTING AS AN APPLICANT HOME
19 INSPECTOR OR PROBATIONARY HOME INSPECTOR 25 HOME INSPECTIONS
20 PERFORMED BY A REGISTERED HOME INSPECTOR; OR

21 (5) SUCCESSFULLY COMPLETING THE EXAM FOR REGISTERED HOME
22 INSPECTORS.

23 7.5-304.

24 A PROBATIONARY HOME INSPECTOR SHALL:

25 (1) SUBMIT TO THE BOARD A COMPLETED APPLICATION ON A FORM
26 PROVIDED BY THE BOARD;

27 (2) PASS A WRITTEN EXAMINATION FOR A PROBATIONARY HOME
28 INSPECTOR GIVEN BY THE BOARD;

29 (3) SUBMIT TO THE BOARD DOCUMENTATION OF HAVING
30 SUCCESSFULLY COMPLETED A BOARD CERTIFIED HOME INSPECTOR TRAINING
31 COURSE CONSISTING OF 90 HOURS OF INSTRUCTION WITH BOARD CERTIFIED
32 INSTRUCTORS;

33 (4) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR HAVE
34 EDUCATION EXPERIENCE THE BOARD CONSIDERS TO BE EQUIVALENT TO A HIGH
35 SCHOOL DIPLOMA;

1 (5) SUBMIT TO THE BOARD NOTARIZED AND SWORN DOCUMENTATION
2 ON A FORM PROVIDED BY THE BOARD, INDICATING THE NAME AND REGISTRATION
3 SEAL OR NUMBER OF THE REGISTERED HOME INSPECTOR WHO WILL SUPERVISE
4 AND TRAIN THE PROBATIONARY HOME INSPECTOR;

5 (6) SUBMIT TO THE BOARD NOTARIZED DOCUMENTATION OF HAVING
6 OBSERVED 25 HOME INSPECTIONS PERFORMED BY A REGISTERED HOME INSPECTOR;
7 AND

8 (7) PAY THE EXAMINATION AND REGISTRATION FEES.

9 7.5-305.

10 AN APPLICANT HOME INSPECTOR SHALL:

11 (1) SUBMIT TO THE BOARD AN APPLICATION ON A FORM PROVIDED BY
12 THE BOARD;

13 (2) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT OR HAVE
14 EDUCATION EXPERIENCE THE BOARD CONSIDERS TO BE EQUIVALENT TO A HIGH
15 SCHOOL DIPLOMA;

16 (3) SUBMIT NOTARIZED AND SWORN DOCUMENTATION ON A FORM
17 PROVIDED BY THE BOARD INDICATING THE NAME AND REGISTRATION NUMBER OF
18 THE REGISTERED HOME INSPECTOR WHO WILL DIRECTLY SUPERVISE AND TRAIN
19 THE APPLICANT HOME INSPECTOR;

20 (4) SUBMIT TO THE BOARD DOCUMENTATION ON A FORM PROVIDED BY
21 THE BOARD OF ENROLLMENT IN A BOARD CERTIFIED HOME INSPECTOR TRAINING
22 COURSE; AND

23 (5) PAY THE APPLICABLE FEES.

24 7.5-306.

25 (A) (1) THE BOARD SHALL ACCEPT FOR REGISTRATION EACH PERSON
26 WHOSE APPLICATION HAS BEEN SUBMITTED AS REQUIRED BY THIS SUBTITLE AND
27 WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

28 (2) THE BOARD SHALL NOTIFY, IN WRITING, AN APPLICANT UNDER
29 PARAGRAPH (1) OF THIS SUBSECTION, WITHIN 60 DAYS OF A DECISION.

30 (3) THE BOARD SHALL PROVIDE, IN WRITING, TO A REJECTED
31 APPLICANT UNDER PARAGRAPH (1) OF THIS SUBSECTION THE REASONS FOR
32 REJECTING THE APPLICANT.

33 (B) (1) THE BOARD MAY RETURN AN INCOMPLETE APPLICATION TO THE
34 APPLICANT AND ALLOW THE APPLICANT 30 DAYS TO COMPLETE THE APPLICATION.

35 (2) THE BOARD MAY NOT REQUIRE AN APPLICANT UNDER PARAGRAPH
36 (1) OF THIS SUBSECTION TO PAY AN ADDITIONAL APPLICATION FEE.

1 7.5-307.

2 A PERSON WHO INTENDS TO PERFORM HOME INSPECTION SERVICES FOR
3 COMPENSATION IN THE STATE MUST REGISTER WITH THE BOARD.

4 7.5-308.

5 (A) (1) A REGISTRATION DOCUMENT ISSUED BY THE BOARD IS THE
6 PROPERTY OF THE BOARD.

7 (2) A PERSON REGISTERED WITH THE BOARD AND WHOSE
8 REGISTRATION IS SUSPENDED, REVOKED, OR NOT RENEWED SHALL IMMEDIATELY
9 RETURN ALL ORIGINAL REGISTRATION DOCUMENTATION TO THE BOARD.

10 (B) A PERSON REGISTERED BY THE BOARD:

11 (1) SHALL DISPLAY THE REGISTRATION CERTIFICATE PROMINENTLY IN
12 A MANNER DIRECTED BY THE BOARD; AND

13 (2) PROVIDE PROOF OF REGISTRATION ON REQUEST.

14 (C) A WRITTEN REPORT ISSUED FOR A HOME INSPECTION BY A REGISTERED
15 HOME INSPECTOR SHALL INCLUDE:

16 (1) THE SEAL OR NUMBER OF THE REGISTERED HOME INSPECTOR ; AND

17 (2) ON THE WRITTEN REPORT AND ON ANY CONTRACT, THE
18 STATEMENT: "ONLY REGISTERED HOME INSPECTORS MAY PERFORM HOME
19 INSPECTIONS WITHOUT SUPERVISION".

20 (D) A WRITTEN REPORT ISSUED FOR A HOME INSPECTION PERFORMED BY A
21 PROBATIONARY HOME INSPECTOR SHALL INCLUDE:

22 (1) THE NAME AND SEAL OR NUMBER OF THE PROBATIONARY HOME
23 INSPECTOR;

24 (2) THE BUSINESS ADDRESS AND TELEPHONE NUMBER OF THE
25 PROBATIONARY HOME INSPECTOR;

26 (3) THE SEAL OR NUMBER OF THE SUPERVISING REGISTERED HOME
27 INSPECTOR; AND

28 (4) CONTACT INFORMATION FOR THE SUPERVISING REGISTERED HOME
29 INSPECTOR.

30 (E) (1) ONLY REGISTERED HOME INSPECTORS OR PROBATIONARY HOME
31 INSPECTORS MAY SOLICIT AND ADVERTISE HOME INSPECTION SERVICES TO THE
32 PUBLIC.

33 (2) ADVERTISEMENT OF HOME INSPECTION SERVICES SHALL BE
34 SUBJECT TO THE REQUIREMENTS OF THE BOARD.

SUBTITLE 4. CONTINUING EDUCATION.

2 7.5-401.

3 (A) A REGISTERED HOME INSPECTOR WHO FAILS TO COMPLETE REQUIRED
4 CONTINUING EDUCATION CREDITS DURING A REGISTRATION PERIOD MAY NOT
5 RENEW THE REGISTRATION EXCEPT AS PROVIDED UNDER THIS TITLE.

6 (B) A REGISTERED HOME INSPECTOR WHOSE REGISTRATION IS NOT
7 RENEWED DUE TO FAILURE TO COMPLETE THE CONTINUING EDUCATION CREDIT
8 REQUIREMENTS:

9 (1) MAY COMPLETE THE MINIMUM CONTINUING EDUCATION CREDIT
10 REQUIREMENTS FOR RENEWAL 60 DAYS FROM THE DATE THE REGISTRATION
11 EXPIRES;

12 (2) MAY NOT PERFORM A HOME INSPECTION;

13 (3) MAY NOT REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A
14 REGISTERED HOME INSPECTOR; OR

15 (4) MAY NOT SUPERVISE A PROBATIONARY HOME INSPECTOR.

16 (C) THE BOARD MAY PLACE THE REGISTRATION OF A HOME INSPECTOR ON
17 INACTIVE STATUS IF THE HOME INSPECTOR DOES NOT COMPLETE CONTINUING
18 EDUCATION CREDIT REQUIREMENTS WITHIN 60 DAYS FROM THE DATE THE
19 REGISTRATION EXPIRES.

20 (D) THE BOARD MAY REACTIVATE A REGISTRATION THAT IS INACTIVE DUE TO
21 FAILURE TO COMPLETE REQUIRED CONTINUING EDUCATION CREDITS IF THE
22 INDIVIDUAL:

23 (1) FULFILLS THE EDUCATION REQUIREMENTS FOR THE EXPIRED
24 TERM;

25 (2) FULFILLS THE EDUCATION REQUIREMENTS PRORATED INTO THE
26 PERIOD OF THE RENEWAL TERM;

27 (3) RETAKES AND PASSES THE EXAMINATION FOR REGISTERED HOME
28 INSPECTORS; AND

29 (4) PAYS ANY REQUIRED LATE CHARGES OR RENEWAL, REACTIVATION,
30 OR EXAMINATION FEES.

31 7.5-402.

32 (A) A PROBATIONARY HOME INSPECTOR WHO FAILS TO COMPLETE THE
33 REQUIRED CONTINUING EDUCATION CREDITS DURING A REGISTRATION PERIOD
34 MAY NOT RENEW A REGISTRATION EXCEPT AS PROVIDED UNDER THIS TITLE.

1 (B) A PROBATIONARY HOME INSPECTOR WHOSE REGISTRATION IS NOT
2 RENEWED DUE TO FAILURE TO COMPLETE THE REQUIRED CONTINUING EDUCATION
3 CREDITS UNDER THIS TITLE:

4 (1) MAY COMPLETE THE MINIMUM EDUCATION CREDIT REQUIREMENTS
5 FOR RENEWAL WITHIN 60 DAYS FROM THE DATE THE REGISTRATION EXPIRES; AND

6 (2) MAY NOT PERFORM A HOME INSPECTION SERVICE.

7 (C) THE BOARD MAY PLACE THE REGISTRATION OF A PROBATIONARY HOME
8 INSPECTOR ON INACTIVE STATUS IF THE PROBATIONARY HOME INSPECTOR DOES
9 NOT COMPLETE CONTINUING EDUCATION CREDIT REQUIREMENTS WITHIN 60 DAYS
10 FROM THE DATE THE REGISTRATION EXPIRES.

11 (D) THE BOARD MAY REACTIVATE A REGISTRATION THAT IS INACTIVE DUE TO
12 FAILURE TO COMPLETE REQUIRED CONTINUING EDUCATION CREDITS IF THE
13 PERSON:

14 (1) FULFILLS THE EDUCATION REQUIREMENT FOR THE EXPIRED TERM;

15 (2) FULFILLS THE EDUCATION REQUIREMENT PRORATED FOR THE
16 PERIOD INTO THE RENEWAL TERM;

17 (3) RETAKES AND PASSES THE EXAMINATION FOR PROBATIONARY
18 HOME INSPECTORS;

19 (4) PAYS ANY REQUIRED LATE CHARGES OR RENEWAL, REACTIVATION,
20 OR EXAMINATION FEES; AND

21 (5) SERVES AS A PROBATIONARY HOME INSPECTOR FOR 1 YEAR AFTER
22 REINSTATEMENT.

23 SUBTITLE 5. RENEWAL.

24 7.5-501.

25 (A) REGISTRATION SHALL EXPIRE EVERY 2 YEARS ON JUNE 30.

26 (B) REGISTRATION MAY BE RENEWED BY FILING AN APPLICATION WITH THE
27 BOARD ON A FORM PROVIDED BY THE BOARD AND SHALL INCLUDE:

28 (1) ORIGINAL DOCUMENTS CERTIFYING ANY CONTINUING EDUCATION
29 CREDITS TO BE EARNED IN THE PREVIOUS REGISTRATION TERM; AND

30 (2) PAYMENT OF A RENEWAL FEE.

31 (C) AT LEAST 60 DAYS BEFORE A REGISTRATION EXPIRES THE BOARD SHALL
32 NOTIFY THE REGISTRATION HOLDER IN WRITING THAT THE REGISTRATION IS
33 ABOUT TO EXPIRE.

1 7.5-502.

2 A PERSON MAY RENEW A LATE REGISTRATION RENEWAL IF THE PERSON PAYS
3 TO THE BOARD AN ADDITIONAL LATE CHARGE.

4 7.5-503.

5 (A) THE BOARD SHALL PLACE THE REGISTRATION OF A REGISTERED HOME
6 INSPECTOR ON INACTIVE STATUS IF THE REGISTERED HOME INSPECTOR REQUESTS
7 THAT THE REGISTRATION OF THE HOME INSPECTOR BE PLACED ON INACTIVE
8 STATUS.

9 (B) (1) A REGISTERED HOME INSPECTOR WHO IS ON INACTIVE STATUS MAY
10 NOT PROVIDE HOME INSPECTION SERVICES.

11 (2) A REGISTERED HOME INSPECTOR WHO IS ON INACTIVE STATUS IS
12 NOT REQUIRED TO COMPLETE CONTINUING EDUCATION CREDITS.

13 (C) UNLESS A REGISTRATION ON INACTIVE STATUS IS REACTIVATED, THE
14 TERM FOR INACTIVE STATUS IS 4 YEARS.

15 (D) SUBJECT TO THE 4-YEAR LIMITATION UNDER SUBSECTION (C) OF THIS
16 SECTION, A REGISTERED HOME INSPECTOR MAY RENEW A REGISTRATION WHILE IT
17 IS ON INACTIVE STATUS.

18 (E) THE BOARD SHALL REACTIVATE THE REGISTRATION OF A REGISTERED
19 HOME INSPECTOR IF THE PERSON:

20 (1) REQUESTS THAT THE REGISTRATION BE REACTIVATED;

21 (2) PAYS TO THE BOARD A REISSUANCE FEE; AND

22 (3) SUBMITS TO THE BOARD ADEQUATE EVIDENCE THAT THE
23 REGISTERED HOME INSPECTOR MEETS THE CONTINUING EDUCATION CREDIT
24 REQUIREMENTS THAT WOULD HAVE BEEN REQUIRED UNDER SUBTITLE 4 OF THIS
25 TITLE.

26 7.5-504.

27 (A) THE BOARD SHALL PLACE THE REGISTRATION OF A PROBATIONARY HOME
28 INSPECTOR ON INACTIVE STATUS IF THE PROBATIONARY HOME INSPECTOR
29 REQUESTS THAT THE REGISTRATION OF THE PROBATIONARY HOME INSPECTOR BE
30 PLACED ON INACTIVE STATUS.

31 (B) (1) A PROBATIONARY HOME INSPECTOR WHO IS ON INACTIVE STATUS
32 MAY NOT PROVIDE HOME INSPECTION SERVICES.

33 (2) A PROBATIONARY HOME INSPECTOR WHO IS ON INACTIVE STATUS IS
34 NOT REQUIRED TO COMPLETE CONTINUING EDUCATION CREDITS.

1 (C) UNLESS A REGISTRATION ON INACTIVE STATUS IS REACTIVATED, THE
2 TERM FOR INACTIVE STATUS IS 2 YEARS.

3 (D) SUBJECT TO THE 2-YEAR LIMITATION UNDER SUBSECTION (C) OF THIS
4 SECTION, A PROBATIONARY HOME INSPECTOR MAY RENEW A REGISTRATION WHILE
5 IT IS ON INACTIVE STATUS.

6 (E) THE BOARD SHALL REACTIVATE THE REGISTRATION OF A PROBATIONARY
7 HOME INSPECTOR IF THE PERSON:

8 (1) REQUESTS THAT THE REGISTRATION BE REACTIVATED;

9 (2) PAYS TO THE BOARD A REISSUANCE FEE;

10 (3) SUBMITS TO THE BOARD ADEQUATE EVIDENCE THAT THE
11 REGISTERED HOME INSPECTOR MEETS THE CONTINUING EDUCATION CREDIT
12 REQUIREMENTS THAT WOULD HAVE BEEN REQUIRED UNDER SUBTITLE 4 OF THIS
13 TITLE;

14 (4) SUBMITS TO THE BOARD A NOTARIZED AND SWORN AFFIDAVIT
15 FROM THE REGISTERED HOME INSPECTOR WHO WILL SUPERVISE THE
16 PROBATIONARY HOME INSPECTOR;

17 (5) RETAKES AND PASSES THE EXAMINATION FOR PROBATIONARY
18 HOME INSPECTORS; AND

19 (6) SUBMITS TO THE BOARD ADEQUATE EVIDENCE THAT THE
20 PROBATIONARY HOME INSPECTOR COMPLETED THE BOARD CERTIFIED HOME
21 INSPECTOR TRAINING COURSE.

22 7.5-505.

23 (A) AN APPLICANT HOME INSPECTOR MAY NOT BE PLACED ON INACTIVE
24 STATUS.

25 (B) AN APPLICANT HOME INSPECTOR WHO TERMINATES AN ACTIVE STATUS
26 AUTOMATICALLY TERMINATES THE REGISTRATION.

27 (C) THE BOARD SHALL REACTIVATE THE STATUS OF AN APPLICANT HOME
28 INSPECTOR IF THE PERSON:

29 (1) COMPLIES WITH THE APPLICABLE CONTINUING EDUCATION CREDIT
30 REQUIREMENTS FOR THE PERIOD THE APPLICANT HOME INSPECTOR WAS INACTIVE;

31 (2) REAPPLIES TO THE BOARD; AND

32 (3) PAYS THE APPLICATION FEE.

1 7.5-506.

2 THE BOARD MAY:

3 (1) DENY OR REFUSE TO ISSUE OR RENEW A REGISTRATION;

4 (2) SUSPEND OR REVOKE A REGISTRATION; OR

5 (3) IMPOSE PROBATIONARY CONDITIONS ON A REGISTERED HOME
6 INSPECTOR OR A PROBATIONARY HOME INSPECTOR IF THE PERSON HAS:

7 (I) USED FRAUD, DECEIT, OR WILLFUL MISREPRESENTATION IN
8 OBTAINING, ATTEMPTING TO OBTAIN, OR RENEWING A REGISTRATION;

9 (II) PERFORMED HOME INSPECTION SERVICES FOR
10 COMPENSATION WITHOUT RECEIVING APPROVAL FROM THE BOARD;

11 (III) ACTED NEGLIGENTLY OR INCOMPETENTLY TRAINING AN
12 APPLICANT HOME INSPECTOR OR A PROBATIONARY HOME INSPECTOR;

13 (IV) BEEN CONVICTED OF A CRIME OF MORAL TURPITUDE; OR

14 (V) WILLFULLY VIOLATED THIS TITLE OR A REGULATION ADOPTED
15 BY THE BOARD.

16 SUBTITLE 6. SCOPE OF HOME INSPECTION SERVICES.

17 7.5-601.

18 IN ADDITION TO THE REQUIREMENTS OF § 7.5-309(C) OF THIS TITLE, A
19 REGISTERED HOME INSPECTOR SHALL PROVIDE, TO THE PERSON WHO RECEIVES A
20 HOME INSPECTION OR THE PARTIAL HOME INSPECTION, A WRITTEN REPORT ON THE
21 HOME INSPECTION THAT INCLUDES:

22 (1) A DESCRIPTION OF THE CONDITION OF BUILDING SYSTEMS AND
23 COMPONENTS INSPECTED;

24 (2) A DESCRIPTION OF THE EXTENT AND SEVERITY OF DEFECTS FOUND
25 IN THE PROPERTY;

26 (3) A DESCRIPTION OF BUILDING SYSTEMS OR COMPONENTS THAT
27 COULD NOT BE OBSERVED OR TESTED;

28 (4) A REPORT THAT MEETS THE MINIMUM STANDARDS OF PRACTICE
29 AND CODE OF ETHICS ADOPTED BY THE BOARD;

30 (5) INFORMATION, IN A FORMAT ESTABLISHED BY THE BOARD, THAT
31 ADVISES THE RECIPIENT THAT THERE IS A STATE BOARD OF REGISTERED HOME
32 INSPECTORS AND THAT PROVIDES CONTACT INFORMATION FOR THE BOARD;

1 (6) THE SEAL OR NUMBER OF THE REGISTERED HOME INSPECTOR WHO
2 PERFORMED THE INSPECTION OR WHO SUPERVISED THE PROBATIONARY HOME
3 INSPECTOR;

4 (7) CONTACT AND REGISTRATION INFORMATION CONTAINED IN
5 OFFICIAL RECORDS OF THE BOARD, IDENTIFYING THE PERSON CONDUCTING THE
6 HOME INSPECTION AND DRAFTING THE WRITTEN REPORT;

7 (8) THE PAGES CLEARLY NUMBERED IN THE REPORT; AND

8 (9) THE DATE OF THE HOME INSPECTION, THE DATE OF THE REPORT,
9 AND A LIST OF ATTENDEES AT THE HOME INSPECTION.

10 7.5-602.

11 A REGISTERED HOME INSPECTOR SHALL PROVIDE A WRITTEN CONTRACT THAT
12 INCLUDES:

13 (1) INSPECTION SPECIFICATIONS AND TERMS AND CONDITIONS;

14 (2) THE REGISTERED HOME INSPECTOR'S SEAL OR NUMBER, OR THE
15 PROBATIONARY HOME INSPECTOR'S NUMBER, AND CURRENT CONTACT
16 INFORMATION FOR THE REGISTERED HOME INSPECTOR, PROBATIONARY HOME
17 INSPECTOR, OR THE HOME INSPECTOR COMPANY;

18 (3) THE FOLLOWING STATEMENT: "ALL HOME INSPECTIONS
19 PERFORMED IN THE STATE MUST BE PERFORMED BY A REGISTERED HOME
20 INSPECTOR OR A REGISTERED PROBATIONARY HOME INSPECTOR";

21 (4) A STATEMENT THAT THE HOME INSPECTION SHALL MEET THE
22 STANDARDS OF PRACTICE AND CODE OF ETHICS ADOPTED BY THE BOARD;

23 (5) A LIST OF THE REGISTERED HOME INSPECTOR'S PAST EMPLOYMENT
24 AND QUALIFICATIONS;

25 (6) A STATEMENT REGARDING LIMITATIONS OR EXCLUSIONS OF THE
26 HOME INSPECTION;

27 (7) THE NAME AND SIGNATURE OF PARTIES TO THE CONTRACT AND THE
28 DATE OF THE CONTRACT;

29 (8) THE COST OF THE HOME INSPECTION; AND

30 (9) THE ADDRESS, DATE, AND ATTENDEES OF THE HOME INSPECTION.

31 SUBTITLE 7. PENALTIES.

32 7.5-701.

33 (A) EXCEPT AS PROVIDED UNDER SUBSECTION (B) OF THIS SECTION, A
34 PERSON WHO WILLFULLY AND KNOWINGLY VIOLATES THE REGISTRATION

1 PROVISIONS UNDER THIS TITLE SHALL BE GUILTY OF A MISDEMEANOR AND
2 SUBJECT TO DISCIPLINARY ACTION BY THE BOARD.

3 (B) A PERSON CONDUCTING HOME INSPECTIONS FOR COMPENSATION IN THE
4 STATE, WITHOUT REGISTERING WITH THE BOARD, AND WHO CANNOT
5 DEMONSTRATE MINIMUM PROFICIENCY REQUIRED FOR A REGISTERED HOME
6 INSPECTOR UNDER THIS TITLE, SHALL BE GUILTY OF A FELONY AND IS SUBJECT TO
7 A FINE OF NOT MORE THAN \$5,000.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1998.