
By: **Delegates Fulton and Branch**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Home Inspectors**

3 FOR the purpose of establishing a State Board of Home Inspectors in the Department
4 of Labor, Licensing, and Regulation; providing for the membership, powers, and
5 duties of the Board; requiring an individual to be licensed before the individual
6 may engage in the business of performing home inspections in the State or
7 conduct home inspections under the supervision of a licensed home inspector in
8 the State; establishing requirements that must be met to be licensed; providing
9 for the issuance, scope, term, renewal, and reinstatement of licenses;
10 authorizing the Board to deny a license to any applicant, reprimand a licensee,
11 or suspend or revoke a license under certain circumstances; providing for certain
12 hearings under certain circumstances; providing for certain home inspection
13 reports within a certain period of time; prohibiting certain acts and providing for
14 certain penalties; requiring the Board to grant a certain waiver of requirements
15 under certain circumstances; specifying the terms of the initial members of the
16 Board; defining certain terms; providing for the termination of this Act; and
17 generally relating to the licensing and regulation of home inspectors by the
18 State Board of Home Inspectors.

19 BY adding to
20 Article - Business Regulation
21 Section 9B-101 through 9B-602, inclusive, to be under the new title "Title 9B.
22 Home Inspectors"
23 Annotated Code of Maryland
24 (1998 Replacement Volume)

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

27 **Article - Business Regulation**

28 **TITLE 9B. HOME INSPECTORS.**

29 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

1 9B-101.

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

3 (B) "ASSOCIATE HOME INSPECTOR" MEANS AN INDIVIDUAL WHO IS
4 EMPLOYED BY A LICENSED HOME INSPECTOR TO CONDUCT A HOME INSPECTION OF
5 A RESIDENTIAL BUILDING ON BEHALF OF THE LICENSED HOME INSPECTOR.

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

7 (D) "HOME INSPECTION" MEANS A WRITTEN EVALUATION OF ONE OR MORE
8 OF THE COMPONENTS OF A RESIDENTIAL BUILDING, INCLUDING THE HEATING
9 SYSTEM, COOLING SYSTEM, PLUMBING SYSTEM, ELECTRICAL SYSTEM, STRUCTURAL
10 COMPONENTS, FOUNDATION, ROOF, MASONRY STRUCTURE, EXTERIOR AND
11 INTERIOR COMPONENTS, OR ANY OTHER RELATED RESIDENTIAL HOUSING
12 COMPONENT.

13 (E) "HOME INSPECTOR" MEANS AN INDIVIDUAL WHO ENGAGES IN THE
14 BUSINESS OF PERFORMING HOME INSPECTIONS FOR COMPENSATION.

15 (F) (1) "LICENSE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
16 LICENSE ISSUED BY THE BOARD TO ENGAGE IN OR TO ASSIST IN ENGAGING IN THE
17 BUSINESS OF PERFORMING HOME INSPECTIONS.

18 (2) "LICENSE" INCLUDES, UNLESS THE CONTEXT REQUIRES
19 OTHERWISE:

20 (I) A HOME INSPECTOR LICENSE; AND

21 (II) AN ASSOCIATE HOME INSPECTOR LICENSE.

22 (G) "LICENSED ASSOCIATE HOME INSPECTOR" MEANS AN INDIVIDUAL WHO IS
23 LICENSED BY THE BOARD TO CONDUCT HOME INSPECTIONS UNDER THE
24 SUPERVISION OF A LICENSED HOME INSPECTOR.

25 (H) "LICENSED HOME INSPECTOR" MEANS AN INDIVIDUAL WHO IS LICENSED
26 BY THE BOARD TO ENGAGE IN THE BUSINESS OF PERFORMING HOME INSPECTIONS.
27 9B-102.

28 THE PURPOSE OF THIS TITLE IS TO ESTABLISH A LICENSING PROGRAM FOR
29 INDIVIDUALS WHO ENGAGE IN THE BUSINESS OF PERFORMING HOME INSPECTIONS
30 TO:

31 (1) PROTECT THE PUBLIC;

32 (2) PROVIDE AND MAINTAIN EFFICIENT AND SAFE COMPONENTS OF
33 RESIDENTIAL BUILDINGS;

34 (3) PROMOTE HIGH PROFESSIONAL STANDARDS; AND

1 (4) ENSURE THAT QUALIFIED INDIVIDUALS CARRY OUT ITEMS (1), (2),
2 AND (3) OF THIS SECTION.

3 9B-103.

4 THIS TITLE DOES NOT APPLY TO:

5 (1) AN INDIVIDUAL WHO IS EMPLOYED AS A BUILDING CODE
6 ENFORCEMENT OFFICIAL BY THE STATE OR A POLITICAL SUBDIVISION OF THE
7 STATE, WHILE ACTING WITHIN THE SCOPE OF THAT EMPLOYMENT;

8 (2) AN INDIVIDUAL WHO IS LICENSED AS A PLUMBER UNDER TITLE 12
9 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

10 (3) AN INDIVIDUAL WHO IS LICENSED AS AN ELECTRICIAN UNDER TITLE
11 6 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE;

12 (4) AN INDIVIDUAL WHO IS LICENSED AS A HEATING, VENTILATION,
13 REFRIGERATION, OR AIR-CONDITIONING CONTRACTOR UNDER TITLE 9A OF THIS
14 ARTICLE;

15 (5) AN INDIVIDUAL WHO IS LICENSED AS A REAL ESTATE BROKER
16 UNDER TITLE 16 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; OR

17 (6) AN INDIVIDUAL WHO IS PERFORMING STRUCTURAL PEST CONTROL
18 ACTIVITIES.

19 SUBTITLE 2. STATE BOARD OF HOME INSPECTORS.

20 9B-201.

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

22 9B-202.

23 (A) (1) THE BOARD CONSISTS OF EIGHT MEMBERS.

24 (2) OF THE EIGHT BOARD MEMBERS:

25 (I) ONE SHALL BE THE SECRETARY OR THE SECRETARY'S
26 DESIGNEE;

27 (II) FOUR SHALL BE HOME INSPECTORS;

28 (III) ONE SHALL BE A LICENSED REAL ESTATE BROKER; AND

29 (IV) TWO SHALL BE CONSUMER MEMBERS.

30 (3) THE GOVERNOR SHALL APPOINT THE MEMBERS OF THE BOARD
31 WITH THE ADVICE OF THE SECRETARY AND WITH THE ADVICE AND CONSENT OF THE
32 SENATE.

1 (B) EACH MEMBER OF THE BOARD SHALL BE:

2 (1) A CITIZEN OF THE UNITED STATES; AND

3 (2) A RESIDENT OF THE STATE.

4 (C) EACH CONSUMER MEMBER OF THE BOARD:

5 (1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

6 (2) MAY NOT BE A LICENSEE OR OTHERWISE BE SUBJECT TO THE
7 REGULATION OF THE BOARD; AND

8 (3) MAY NOT HAVE HAD WITHIN 1 YEAR BEFORE APPOINTMENT A
9 FINANCIAL INTEREST IN OR HAVE RECEIVED COMPENSATION FROM A PERSON
10 REGULATED BY THE BOARD.

11 (D) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
12 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE MARYLAND CONSTITUTION.

13 (E) (1) THE TERM OF A MEMBER IS 4 YEARS AND BEGINS ON JULY 1.

14 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
15 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 1999.

16 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
17 SUCCESSOR IS APPOINTED AND QUALIFIES.

18 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
19 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
20 QUALIFIES.

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

23 9B-203.

24 (A) THE BOARD SHALL ELECT A CHAIRMAN AND A VICE CHAIRMAN FROM
25 AMONG ITS MEMBERS.

26 (B) THE MANNER OF ELECTION OF OFFICERS SHALL BE AS THE BOARD
27 DETERMINES.

28 9B-204.

29 (A) (1) THE BOARD SHALL MEET AT LEAST TWICE EACH YEAR IN A
30 LOCATION DETERMINED BY THE BOARD.

31 (2) SPECIAL MEETINGS OF THE BOARD MAY BE HELD IF CALLED BY THE
32 CHAIRMAN OR ANY TWO MEMBERS OF THE BOARD.

1 (B) A MAJORITY OF THE MEMBERS THEN SERVING ON THE BOARD IS A
2 QUORUM.

3 (C) THE BOARD MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
4 BUDGET.

5 (D) A MEMBER OF THE BOARD:

6 (1) MAY NOT RECEIVE COMPENSATION; BUT

7 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
8 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

9 9B-205.

10 IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE BOARD SHALL:

11 (1) ADOPT REGULATIONS TO CARRY OUT THIS TITLE;

12 (2) ADOPT AND ENFORCE A CODE OF ETHICS AND STANDARD OF
13 PRACTICE FOR INDIVIDUALS LICENSED UNDER THIS TITLE;

14 (3) DETERMINE THE QUALIFICATIONS AND FITNESS OF APPLICANTS
15 FOR LICENSES;

16 (4) ADMINISTER EXAMINATIONS;

17 (5) ISSUE LICENSES;

18 (6) KEEP A LIST OF ALL LICENSEES;

19 (7) KEEP A RECORD OF ITS PROCEEDINGS; AND

20 (8) ADOPT AN OFFICIAL SEAL TO AUTHENTICATE ITS PROCEEDINGS,
21 OFFICIAL RECORDS, AND LICENSES.

22 9B-206.

23 (A) THE BOARD MAY INVESTIGATE ANY COMPLAINT THAT ALLEGES FACTS
24 THAT CONSTITUTE A VIOLATION OF THIS TITLE.

25 (B) ON RECEIPT OF THE RESULTS OF AN INVESTIGATION MADE UNDER THIS
26 SECTION, THE BOARD PROMPTLY SHALL TAKE ACTION THAT IS APPROPRIATE UNDER
27 THIS TITLE TO ENSURE COMPLIANCE WITH THIS TITLE.

28 (C) (1) IF THE BOARD CONCLUDES THAT ANY CONDUCT ALLEGED TO BE IN
29 VIOLATION OF THIS TITLE WILL RESULT IN HARM TO ANY CITIZEN OF THE STATE,
30 THE BOARD MAY SEEK A PERMANENT OR TEMPORARY INJUNCTION WITH RESPECT
31 TO THE CONDUCT FROM THE CIRCUIT COURT OF ANY COUNTY IN WHICH THE
32 ALLEGED VIOLATION OCCURS, OR IN WHICH THE VIOLATOR HAS ITS PRINCIPAL
33 PLACE OF BUSINESS.

1 (2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE BOARD
2 IS NOT REQUIRED TO:

3 (I) POST BOND;

4 (II) ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES
5 NOT EXIST; OR

6 (III) ALLEGE OR PROVE THAT SUBSTANTIAL OR IRREPARABLE
7 DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

8 (D) (1) ANY FIVE MEMBERS OF THE BOARD, OR A HEARING OFFICER
9 DESIGNATED BY THE BOARD, MAY ADMINISTER OATHS, HOLD HEARINGS, AND TAKE
10 TESTIMONY ABOUT ALL MATTERS WITHIN THE JURISDICTION OF THE BOARD.

11 (2) THE BOARD, OR ITS DESIGNEE, MAY TAKE TESTIMONY OF ANY
12 PERSON BY DEPOSITION IN THE SAME MANNER AS IN JUDICIAL PROCEEDINGS IN
13 STATE CIVIL CASES.

14 (3) ANY PARTY TO ANY HEARING BEFORE THE BOARD HAS THE RIGHT
15 TO ATTENDANCE OF WITNESSES, AFTER MAKING A REQUEST TO THE BOARD AND
16 DESIGNATING THE PERSON SOUGHT TO BE SUBPOENAED.

17 (4) A MEMBER OF THE BOARD MAY NOT BE HELD PERSONALLY LIABLE
18 FOR ANY ACTION TAKEN UNDER THIS SECTION.

19 (E) (1) THE BOARD OR ITS DESIGNEE MAY ISSUE A SUBPOENA.

20 (2) THE POLICE DEPARTMENT OF BALTIMORE CITY OR THE SHERIFF OF
21 A COUNTY SHALL SERVE A SUBPOENA ISSUED UNDER THIS SUBSECTION.

22 (3) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
23 THIS SUBSECTION, ON PETITION OF THE BOARD, A COURT OF COMPETENT
24 JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

25 9B-207.

26 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD MAY SET
27 REASONABLE FEES, INCLUDING APPLICATION FEES, FOR THE ISSUANCE AND
28 RENEWAL OF LICENSES AND ITS OTHER SERVICES.

29 (B) REVENUES GENERATED BY THE BOARD SHALL BE AT LEAST EQUAL TO
30 EXPENSES INCURRED BY THE BOARD.

31 (C) THE BOARD SHALL PAY ALL MONEY COLLECTED UNDER THIS TITLE INTO
32 THE GENERAL FUND OF THE STATE.

SUBTITLE 3. LICENSING.

2 9B-301.

3 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
4 BE LICENSED BY THE BOARD AS A HOME INSPECTOR BEFORE THE INDIVIDUAL
5 ENGAGES IN THE BUSINESS OF PERFORMING HOME INSPECTIONS IN THE STATE.

6 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL SHALL
7 BE LICENSED BY THE BOARD AS AN ASSOCIATE HOME INSPECTOR BEFORE THE
8 INDIVIDUAL CONDUCTS HOME INSPECTIONS UNDER THE SUPERVISION OF A
9 LICENSED HOME INSPECTOR IN THE STATE.

10 9B-302.

11 (A) TO QUALIFY FOR A LICENSE UNDER THIS TITLE, AN APPLICANT MUST BE
12 AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

13 (B) AN APPLICANT FOR A HOME INSPECTOR LICENSE SHALL:

14 (1) MEET ONE OF THE FOLLOWING THREE CONDITIONS:

15 (I) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT, HAVE
16 BEEN ENGAGED AS A LICENSED ASSOCIATE HOME INSPECTOR FOR AT LEAST 1 YEAR,
17 AND HAVE COMPLETED 100 HOME INSPECTIONS FOR COMPENSATION;

18 (II) HAVE EDUCATION AND EXPERIENCE THAT THE BOARD
19 CONSIDERS TO BE EQUIVALENT TO THAT REQUIRED BY ITEM (I) OF THIS ITEM; OR

20 (III) BE LICENSED AS AN ARCHITECT UNDER TITLE 3 OF THE
21 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE OR AS A PROFESSIONAL
22 ENGINEER UNDER TITLE 14 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS
23 ARTICLE;

24 (2) HAVE MINIMUM NET ASSETS OR A BOND IN AN AMOUNT
25 DETERMINED BY THE BOARD, WHICH AMOUNT MAY NOT BE LESS THAN \$5,000 NOR
26 MORE THAN \$10,000; AND

27 (3) PASS THE EXAMINATION REQUIRED BY THE BOARD.

28 (C) AN APPLICANT FOR AN ASSOCIATE HOME INSPECTOR LICENSE SHALL:

29 (1) HAVE A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT;

30 (2) BE AFFILIATED OR INTEND TO BE AFFILIATED WITH A LICENSED
31 HOME INSPECTOR; AND

32 (3) PASS THE EXAMINATION REQUIRED BY THE BOARD.

1 9B-303.

2 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A LICENSE IS ENTITLED
3 TO BE EXAMINED AS PROVIDED IN THIS SECTION.

4 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT THE TIMES
5 AND PLACES THAT THE BOARD DETERMINES.

6 (C) THE BOARD SHALL GIVE EACH QUALIFIED APPLICANT NOTICE OF THE
7 TIME AND PLACE OF EXAMINATION.

8 (D) (1) THE BOARD SHALL DETERMINE THE SUBJECTS, SCOPE, AND FORM
9 OF AND THE PASSING SCORE FOR EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

10 (2) IN DEVELOPING AN EXAMINATION TO DETERMINE THE KNOWLEDGE
11 OF AN APPLICANT, THE BOARD SHALL EMPHASIZE KNOWLEDGE GAINED THROUGH
12 EXPERIENCE.

13 (E) AN APPLICANT FOR EXAMINATION SHALL PAY TO THE BOARD THE
14 EXAMINATION FEE SET BY THE BOARD.

15 9B-304.

16 AN APPLICANT FOR A LICENSE SHALL:

17 (1) SUBMIT TO THE BOARD AN APPLICATION ON THE FORM THAT THE
18 BOARD PROVIDES; AND

19 (2) PAY TO THE BOARD AN APPLICATION FEE SET BY THE BOARD.

20 9B-305.

21 (A) THE BOARD:

22 (1) SHALL REVIEW EACH APPLICATION FOR A LICENSE SUBMITTED TO
23 IT; AND

24 (2) WITHIN 30 DAYS AFTER RECEIVING THE APPLICATION, SHALL
25 NOTIFY EACH APPLICANT THAT THE APPLICATION IS EITHER ACCEPTED OR
26 REJECTED.

27 (B) IF AN APPLICANT QUALIFIES FOR A HOME INSPECTOR LICENSE UNDER
28 THIS TITLE, THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

29 (1) THE APPLICANT HAS QUALIFIED FOR THE LICENSE; AND

30 (2) THE BOARD WILL ISSUE THE LICENSE TO AN APPLICANT ON RECEIPT
31 OF:

32 (I) PROOF OF NET ASSETS OR A BOND AS REQUIRED BY § 9B-302 OF
33 THIS SUBTITLE; AND

1 (II) A LICENSE FEE ESTABLISHED BY THE BOARD.

2 (C) IF AN APPLICANT QUALIFIES FOR AN ASSOCIATE HOME INSPECTOR
3 LICENSE, THE BOARD SHALL SEND THE APPLICANT A NOTICE THAT STATES:

4 (1) THE APPLICANT HAS QUALIFIED FOR THE LICENSE; AND

5 (2) THE BOARD WILL ISSUE THE LICENSE TO AN APPLICANT ON RECEIPT
6 OF:

7 (I) A SWORN STATEMENT BY THE LICENSED HOME INSPECTOR
8 WITH WHOM THE APPLICANT IS OR INTENDS TO BE AFFILIATED CERTIFYING THAT
9 THE LICENSED HOME INSPECTOR WILL ACTIVELY SUPERVISE AND TRAIN THE
10 APPLICANT; AND

11 (II) A LICENSE FEE ESTABLISHED BY THE BOARD.

12 (D) IF THE BOARD REJECTS AN APPLICATION, THE NOTICE SENT TO THE
13 APPLICANT MUST STATE THE REASONS FOR THE REJECTION.

14 (E) THE BOARD SHALL ISSUE A LICENSE TO EACH APPLICANT WHO MEETS
15 THE REQUIREMENTS OF THIS SUBTITLE.

16 9B-306.

17 (A) WHILE A HOME INSPECTOR LICENSE IS IN EFFECT, IT AUTHORIZES THE
18 LICENSEE TO ENGAGE IN THE BUSINESS OF PERFORMING HOME INSPECTIONS.

19 (B) WHILE AN ASSOCIATE HOME INSPECTOR LICENSE IS IN EFFECT, IT
20 AUTHORIZES THE LICENSEE TO CONDUCT HOME INSPECTIONS UNDER THE
21 SUPERVISION OF A LICENSED HOME INSPECTOR.

22 9B-307.

23 (A) UNLESS A LICENSE IS RENEWED FOR A 1-YEAR TERM AS PROVIDED IN
24 THIS SECTION, THE LICENSE EXPIRES ON THE FIRST OCTOBER 1 THAT COMES AFTER
25 ITS EFFECTIVE DATE.

26 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL MAIL
27 TO THE LICENSEE, AT THE LAST KNOWN ADDRESS OF THE LICENSEE:

28 (1) A RENEWAL APPLICATION FORM; AND

29 (2) A NOTICE THAT STATES:

30 (I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

31 (II) THE DATE BY WHICH THE BOARD MUST RECEIVE THE
32 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE
33 LICENSE EXPIRES; AND

1 (III) THE AMOUNT OF THE RENEWAL FEE.

2 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE MAY RENEW IT FOR AN
3 ADDITIONAL 1-YEAR TERM, IF THE LICENSEE:

4 (1) OTHERWISE IS ENTITLED TO BE LICENSED;

5 (2) PAYS TO THE BOARD A RENEWAL FEE ESTABLISHED BY THE BOARD;
6 AND

7 (3) SUBMITS:

8 (I) PROOF OF ANY CONTINUING EDUCATION REQUIREMENTS SET
9 BY THE BOARD; AND

10 (II) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
11 PROVIDES.

12 (D) THE BOARD SHALL RENEW THE LICENSE OF AND ISSUE A RENEWAL
13 CERTIFICATE TO EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS
14 SECTION.

15 9B-308.

16 (A) AT THE TIME OF RENEWAL, A LICENSEE WHO HOLDS A VALID LICENSE
17 MAY APPLY TO THE BOARD FOR INACTIVE STATUS.

18 (B) A LICENSE HOLDER ON INACTIVE STATUS IS NOT SUBJECT TO LICENSE
19 RENEWAL REQUIREMENTS DURING THE PERIOD THE LICENSE HOLDER REMAINS ON
20 INACTIVE STATUS.

21 (C) TO RETURN TO ACTIVE STATUS, THE LICENSEE MUST MEET THE
22 REQUIREMENTS SET BY THE BOARD.

23 9B-309.

24 (A) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS
25 FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

26 (1) APPLIES TO THE BOARD FOR REINSTATEMENT WITHIN 5 YEARS
27 AFTER THE LICENSE EXPIRES;

28 (2) MEETS THE RENEWAL REQUIREMENTS FOR THE APPROPRIATE
29 LICENSE UNDER § 9B-307 OF THIS SUBTITLE; AND

30 (3) PAYS TO THE BOARD A LATE FEE SET BY THE BOARD.

31 (B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL WHO
32 FOR ANY REASON FAILS TO APPLY FOR REINSTATEMENT WITHIN 5 YEARS AFTER THE
33 LICENSE HAS EXPIRED.

1 9B-310.

2 (A) EACH LICENSEE SHALL DISPLAY THE LICENSE CERTIFICATE IN THE
3 MANNER REQUIRED BY THE BOARD.

4 (B) A LICENSEE WHOSE ADDRESS CHANGES MUST REPORT THE CHANGE TO
5 THE BOARD.

6 9B-311.

7 SUBJECT TO THE HEARING PROVISIONS OF § 9B-312 OF THIS SUBTITLE, THE
8 BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, OR
9 SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

10 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
11 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

12 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

13 (3) COMMITS AN ACT OF MALPRACTICE, GROSS NEGLIGENCE, OR
14 INCOMPETENCE IN THE PRACTICE OF HOME INSPECTIONS;

15 (4) WITHOUT HAVING A CURRENT LICENSE, EITHER PERFORMS HOME
16 INSPECTIONS FOR COMPENSATION OR CLAIMS TO BE LICENSED;

17 (5) ENGAGES IN CONDUCT THAT COULD RESULT IN HARM OR INJURY TO
18 THE PUBLIC;

19 (6) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, HAS
20 BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO:

21 (I) A FELONY; OR

22 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
23 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE LICENSED AS A HOME
24 INSPECTOR;

25 (7) HAS BEEN ADJUDICATED INSANE OR INCOMPETENT AND HAS NOT
26 PRESENTED PROOF OF RECOVERY FROM THE CONDITION; OR

27 (8) VIOLATES ANY PROVISION OF THIS TITLE OR ANY REGULATION
28 ADOPTED UNDER THIS TITLE OR AIDS, ABETS, OR ASSISTS ANY PERSON IN
29 VIOLATING ANY PROVISION OF THIS TITLE OR ANY REGULATION ADOPTED UNDER
30 THIS TITLE.

31 9B-312.

32 (A) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE
33 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER §
34 9B-311 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
35 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

1 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
2 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

3 (C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY
4 PROCEEDING UNDER THIS SECTION.

5 (D) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
6 CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY
7 HEAR AND DETERMINE THE MATTER.

8 9B-313.

9 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A
10 CONTESTED CASE, AS DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE,
11 MAY TAKE AN APPEAL AS ALLOWED IN §§ 10-222 AND 10-223 OF THE STATE
12 GOVERNMENT ARTICLE.

13 9B-314.

14 AN APPLICATION MAY BE MADE TO THE BOARD FOR REINSTATEMENT OF A
15 REVOKED LICENSE IF THE REVOCATION HAS BEEN IN EFFECT FOR AT LEAST 1 YEAR.

16 SUBTITLE 4. MISCELLANEOUS PROVISIONS.

17 9B-401.

18 (A) A LICENSED HOME INSPECTOR OR LICENSED ASSOCIATE HOME
19 INSPECTOR SHALL GIVE TO EACH PERSON FOR WHOM THE LICENSEE PERFORMS A
20 HOME INSPECTION FOR COMPENSATION A WRITTEN REPORT OF THE HOME
21 INSPECTION.

22 (B) THE LICENSEE SHALL GIVE THE PERSON THE REPORT:

23 (1) BY THE DATE SET IN A WRITTEN AGREEMENT BY THE PARTIES TO
24 THE HOME INSPECTION; OR

25 (2) WITHIN 3 BUSINESS DAYS AFTER THE HOME INSPECTION WAS
26 PERFORMED, IF NO DATE WAS SET IN A WRITTEN AGREEMENT BY THE PARTIES TO
27 THE HOME INSPECTION.

28 SUBTITLE 5. PROHIBITED ACTS; PENALTIES.

29 9B-501.

30 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
31 NOT ENGAGE IN, ATTEMPT TO ENGAGE IN, OR OFFER TO ENGAGE IN THE BUSINESS
32 OF PERFORMING HOME INSPECTIONS UNLESS THE INDIVIDUAL HOLDS A HOME
33 INSPECTOR LICENSE ISSUED BY THE BOARD.

1 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY
2 NOT CONDUCT, ATTEMPT TO CONDUCT, OR OFFER TO CONDUCT HOME INSPECTIONS
3 UNDER THE SUPERVISION OF A HOME INSPECTOR UNLESS THE INDIVIDUAL HOLDS
4 AN ASSOCIATE HOME INSPECTOR LICENSE ISSUED BY THE BOARD.

5 9B-502.

6 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, A LICENSED HOME
7 INSPECTOR MAY NOT EMPLOY AN INDIVIDUAL TO CONDUCT OR ASSIST IN
8 CONDUCTING A HOME INSPECTION UNDER THE SUPERVISION OF THE HOME
9 INSPECTOR UNLESS THE INDIVIDUAL IS LICENSED BY THE BOARD.

10 9B-503.

11 (A) UNLESS LICENSED AS A HOME INSPECTOR UNDER THIS TITLE, A PERSON
12 MAY NOT REPRESENT TO THE PUBLIC BY USE OF THE TITLE "LICENSED HOME
13 INSPECTOR", BY OTHER TITLE, OR BY DESCRIPTION OF SERVICES, METHODS, OR
14 PROCEDURES, OR OTHERWISE, THAT THE PERSON IS LICENSED TO ENGAGE IN THE
15 BUSINESS OF PERFORMING HOME INSPECTIONS.

16 (B) UNLESS LICENSED AS AN ASSOCIATE HOME INSPECTOR UNDER THIS
17 TITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC BY USE OF THE TITLE
18 "LICENSED ASSOCIATE HOME INSPECTOR", BY OTHER TITLE, OR BY DESCRIPTION OF
19 SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE PERSON IS
20 LICENSED TO CONDUCT HOME INSPECTIONS UNDER THE SUPERVISION OF A
21 LICENSED HOME INSPECTOR.

22 9B-504.

23 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
24 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
25 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

26 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

27 9B-601.

28 THIS TITLE MAY BE CITED AS THE "MARYLAND HOME INSPECTORS ACT".

29 9B-602.

30 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
31 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
32 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY
33 1, 2008.

34 SECTION 2. AND BE IT FURTHER ENACTED, That an applicant for licensure
35 as a home inspector who, prior to the date of this Act, has been engaged in the
36 business of performing home inspections for compensation for at least 1 year and has
37 conducted at least 100 home inspections for compensation, need not be licensed as an

1 associate home inspector before applying for a license as a home inspector. However,
2 all other requirements for licensure as a home inspector, including passing an
3 examination, apply to an applicant who is exempted by this Section from the
4 requirement of prior licensure as an associate home inspector.

5 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
6 members of the State Board of Home Inspectors, except for the Secretary or the
7 Secretary's designee, shall expire as follows:

- 8 (1) two members in 2001;
- 9 (2) two members in 2002;
- 10 (3) two members in 2003; and
- 11 (4) one member in 2004.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.