

SECOND REGULAR SESSION

HOUSE BILL NO. 2228

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILSON (130) (Sponsor),
McGHEE AND FUNDERBURK (Co-sponsors).

Read 1st time February 21, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4933L.01I

AN ACT

To amend chapter 339, RSMo, by adding thereto eight new sections relating to registration of home inspectors, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 339, RSMo, is amended by adding thereto eight new sections, to
2 be known as sections 339.980, 339.982, 339.984, 339.986, 339.988, 339.990, 339.992, and
3 339.994, to read as follows:

**339.980. As used in sections 339.980 to 339.994, unless the context otherwise
2 requires, the following terms shall mean:**

3 (1) "Client or customer", a person or entity that engages or seeks to engage the
4 services of a home inspector for a residential building;

5 (2) "Home inspection", the process by which a home inspector performs a
6 noninvasive and visual examination for compensation of one or more of the readily
7 accessible systems or components of a residential building. These systems and/or
8 components may include mechanical, electrical, plumbing, structural, roofing, or other
9 essential systems of a residential building. The term does not include an examination of
10 items that are concealed, not readily accessible, items that cannot be activated through
11 normal user controls, or any system or component whose utilities are shut off or not
12 available at the time of inspection;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (3) "Home inspector", an individual registered under sections 339.980 to 339.994,
14 to conduct a residential building inspection for compensation;

15 (4) "Home inspection report", a written report prepared for a client or customer,
16 performed for compensation and issued within an agreed upon time frame after the
17 residential building inspection is completed;

18 (5) "Registrar", the Missouri secretary of state;

19 (6) "Residential building", a structure consisting of one to four single-family
20 dwelling units.

 339.982. 1. The registrar shall issue and renew registrations to home inspectors
2 under sections 339.980 to 339.994.

3 2. An individual may not perform a home inspection for compensation unless
4 registered under this chapter.

5 3. An individual who violates this chapter is guilty of a class B misdemeanor.

 339.984. 1. An applicant for a registration as a home inspector shall file a written
2 application in the form prescribed by the registrar.

3 2. An applicant:

4 (1) Must be at least eighteen years of age;

5 (2) Shall submit proof on satisfactory completion of an examination on home
6 inspection offered by the American Society of Home Inspectors (ASHI), the International
7 Code Council (ICC), the National Association of Certified Home Inspectors (NACHI), the
8 National Association of Home Inspectors (NAHI), or the National Home Inspectors Exam
9 (NHIE). The exam may have been taken prior to the enactment of sections 339.980 to
10 339.994;

11 (3) Shall submit proof of current general liability insurance coverage in the amount
12 of at least two hundred fifty thousand dollars covering home inspection activities; and

13 (4) Shall pay an initial registration fee of two hundred dollars.

14 3. A person shall not work as a home inspector unless he or she has evidence of
15 membership in and adherence to the standards of practice and code of ethics of a not-for-
16 profit association of home inspectors operated on a national level with members in more
17 than ten states. The national association:

18 (1) May not be operated as a franchise;

19 (2) Requires that a person may not become a full member unless they have
20 performed or participated in more than one hundred home inspections; and

21 (3) Requires that its members attend continuing educational classes as a condition
22 of membership.

- 339.986. The registration requirements of sections 339.980 to 339.994, do not apply
2 to:
- 3 (1) An individual employed as a code enforcement official by the state or a political
4 subdivision when acting within the scope of that employment;
 - 5 (2) An individual licensed by the state as an architect, professional engineer, real
6 estate appraiser, or real estate agent when acting within the scope of that license or
7 profession;
 - 8 (3) An individual regulated by the state as an insurance adjuster acting within the
9 scope of that profession;
 - 10 (4) Any person regulated by the state as a pesticide applicator or inspector;
 - 11 (5) Any person regulated by the state as a septic system installer or inspector;
 - 12 (6) An individual licensed and regulated by the state or a political subdivision as
13 a residential or general contractor, electrician, plumber, or mechanical contractor when
14 acting within the scope of that license or regulation;
 - 15 (7) An individual employed by a federal, state, or local agency when performing
16 inspections exclusively for that agency; and
 - 17 (8) An individual performing inspections on property owned by himself or herself
18 or his or her employer.

339.988. A person who is not registered as a home inspector under sections 339.980
2 to 339.994, may assist a state-registered home inspector in the performance of an inspection
3 provided that the person is supervised at the inspection site by a state registered home
4 inspector and provided any inspection report rendered in connection with the inspection
5 is reviewed and signed by the state-registered home inspector.

339.990. A person that has not yet met all qualifications for full membership in one
2 of the national home inspection associations described in this act may:

- 3 (1) Work as an apprentice with a state-registered home inspector in the
4 performance of a minimum of one hundred fee paid inspections to obtain the necessary
5 amount of home inspections required for full membership in the applicable national home
6 inspection association; or
- 7 (2) If the person has not yet met all qualifications for full membership in one of the
8 national home inspection associations described in sections 339.980 to 339.994, that person
9 may become registered by completing a home inspector training course of at least one
10 hundred hours in duration that has been approved by one or more of the national home
11 inspection associations approved by sections 339.980 to 339.994; and
- 12 (3) Meeting all other requirements of sections 339.980 to 339.994.

339.992. 1. A home inspector is prohibited from:

2 (1) Disclosing any information concerning the results of the home inspection
3 without the approval of a client or customer;

4 (2) Accepting compensation from more than one interested party for the same
5 service without the consent of all interested parties;

6 (3) Accepting commissions or allowances, directly or indirectly, from other parties
7 dealing with their client or customer in connection with work for which the registrant is
8 responsible; or

9 (4) Repairing, remodeling, or providing other types of remedial work on any
10 building covered by sections 339.980 to 339.994, for a period of twelve months after the
11 inspection without the client's or customer's expressed consent.

12 2. No person shall provide, call, nor represent himself or herself as able to provide
13 a home inspection for compensation unless doing so within the provisions of sections
14 339.980 to 339.994, and failure to do so constitutes an unfair trade practice and is
15 punishable by applicable laws.

 339.994. A registration issued under sections 339.990 to 339.994, expires on June
2 thirtieth of every other calendar year and may be renewed upon submission of a renewal
3 fee of fifty dollars and provision of proof of continuous insurance coverage as required for
4 registration. The application for renewal must be postmarked before July first of the
5 renewal year. The registrar shall cancel the registration of an individual who fails to file
6 a timely application for the renewal of registration. The cancellation shall be without
7 notice or opportunity for hearing. An individual whose registration has been canceled and
8 who desires to reregister shall file an initial application, pay the initial application fee, and
9 provide proof of current general liability insurance. An individual registered under
10 sections 339.980 to 339.994, may not engage in any activity under sections 339.980 to
11 339.994, after June thirtieth of the renewal year unless that individual has a valid
12 registration.

✓