SENATE BILL No. 168

By Committee on Commerce

2-13

AN ACT enacting the Kansas home inspectors professional competency and financial responsibility act; establishing the home inspectors license fee fund.

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Be it enacted by the Legislature of the State of Kansas:

Section 1. This act shall be known and may be cited as the Kansas home inspectors professional competency and financial responsibility act.

- Sec. 2. As used in sections 1 through 14, and amendments thereto:
- (a) "Act" means the Kansas home inspectors professional competency and financial responsibility act.
- (b) "Applicant" means any person who is applying for a license or renewal of a license under this act.
 - (c) "Board" means the Kansas home inspectors licensing board.
- (d) (1) "Home inspection" means a non-invasive limited visual examination of a residential dwelling of not more than four attached units, or any portion thereof, designed to identify material defects at the time of the inspection of three or more of the following readily accessible systems and components:
- (A) Heating systems;
 - (B) cooling systems;
- 21 (C) electrical systems;
 - (D) plumbing systems;
 - (E) structural components;
- 24 (F) foundations;
 - (G) roof coverings;
 - (H) exterior and interior components; and
 - (I) any other components and systems that are part of the residential dwelling and included in the standards of practice followed by the home inspector.
- 30 (2) The term "home inspection" also includes any consultation regarding the property that is represented to be a home inspection or that is described by any similar term.
 - (3) The term "home inspection" does not include:
- 34 (A) A compliance inspection for any code or governmental regulation;
- 36 (B) an examination for the conditions and operation of kitchen-type

appliances, on-site water supplies or wells, private waste systems, the determination of the presence of wood-destroying organisms or pests, or the presence of fungi, mold, bacteria, asbestos, lead-based paint, gases or conditions of air quality; and

- (C) an examination and evaluation of only two or fewer of the components listed in subsection (c)(1).
- (e) "Home inspection report" means a written report on the results of a home inspection issued for a home inspection. The report shall include the following:
- (1) A clear identification and description of those systems, structures or components that were inspected;
- (2) a clear identification and description of those systems, structures or components designated to be inspected under the standards of practice approved by the board but that were not inspected, and the reason why they were not inspected;
- (3) a clear identification and description of any material defects found to be in need of repair, including any recommendations for further evaluation;
 - (4) a completed pre-inspection agreement; and
- (5) the name of the inspection company, name of the inspector conducting the inspection, the inspector's license number and the inspection company's contact information.
- (f) "Home inspector" means an individual who performs a home inspection as defined in this act.
- (g) "Licensee" means any person licensed as a home inspector under the Kansas home inspectors professional competence and financial responsibility act.
- (h) "Material defect" means any condition that significantly affects the value, habitability or safety of the dwelling. Style, cosmetic defects or aesthetics shall not be considered in determining whether a system, structure or component is materially defective.
- (i) (1) "Pre-inspection agreement" means a written contract between a customer and a home inspector to conduct a home inspection. The pre-inspection agreement shall contain, at a minimum, the following information:
 - (A) A clear description of the scope of the home inspection;
- (B) a clear description of any limitations on the liability of the home inspector for any errors and omissions that may arise during the home inspection; and
- (C) an identification of the standards of practice approved by the board that the home inspector will be following during the home inspection.
 - (2) Inspections completed for a bank, financial institution, relocation

 company, or other entity that is purchasing the home as part of a relocation, foreclosure, or commercial investment may forgo the requirement for the pre-inspection agreement, provided that, the inspection report clearly states in bold size, 14-font or larger type that: "This inspection report was created for the exclusive use of the (list commercial client's name) and is not to be used for the transfer of this property to the end-user occupant and should not be used or relied upon by individuals purchasing the property."

- (j) "Readily accessible" means available for visual inspection without requiring the moving of personal property, dismantling, use of destructive measures or actions that would likely involve risk to persons or property.
- Sec. 3. (a) There is hereby established the Kansas home inspectors licensing board. The purpose of the board is to administer and enforce the provisions of the Kansas home inspectors professional competency and financial responsibility act, promote consumer protection, ensure professional competency and ensure the presence of a viable home inspection industry in this state.
- (b) The board shall consist of five members to be appointed by the governor as follows:
- (1) Three members shall be home inspectors who have actively been engaged in the practice of home inspections for at least five consecutive years immediately preceding their appointment and have completed at least 1,000 fee-paid home inspections; and
- (2) two members shall be at-large members, neither of whom shall be a home inspector.
- (c) Prior to September 1, 2019, the governor shall appoint the initial board members as specified in subsection (b). The board shall hold its first meeting prior to January 1, 2020, and elect a chairperson, vice-chairperson and secretary, meeting the qualification requirements of subsection (f). Following the first meeting of the board, the newly elected chairperson shall serve for a term of three years, the vice-chairperson shall serve for a term of three years, the secretary shall serve for a term of two years, and the remaining board members shall serve for terms of one year. After these initial terms have been completed, the board members shall serve terms as specified in subsection (d). The length of service of any member as an officer shall be one year as provided in subsection (f).
- (d) Board members shall serve three-year terms, with no board member serving more than two consecutive terms of office. Upon the expiration of the term of office of any member, the governor shall appoint a successor, meeting the qualifications under this act. Each board member shall serve until a successor is appointed and qualified. There shall be at least one board member from each congressional district in the state of Kansas. If a suitable and qualified candidate from a district is not readily

available or willing to serve, the governor may make appointments from the other congressional districts. In such case, one member, selected by the governor, shall serve a conditional term until such time as a qualified member from the unrepresented district is appointed.

- (e) In the event of a vacancy in the membership of the board for any reason other than the expiration of a board member's term of office, the governor shall appoint a successor meeting the qualifications of this act to fill the unexpired term.
- (f) At the first board meeting in 2021, and each year thereafter, the board shall elect from its members a chairperson, vice-chairperson and secretary. Officers shall serve for 12 months and until a successor is elected. A member may serve a maximum of two consecutive terms of service as an officer in each respective position. Both the chairperson and the vice-chairperson shall be licensed home inspectors. The officers shall have the following duties:
 - (1) The chairperson shall preside over all meetings.
- (2) The vice-chairperson shall preside over meetings in the absence of the chairperson.
 - (3) The secretary shall:
 - (A) Prepare, publish and maintain the minutes of the board meetings;
- (B) prepare correspondence and provide administrative support as the chairperson may direct or as may be prescribed in the rules and regulations of the board; and
 - (C) maintain the records of the board.
- (g) Subject to appropriation acts, the board may appoint executive staff, who shall be in the unclassified service. Executive staff shall receive an annual salary, which shall be fixed by the board and approved by the governor.
- (h) Subject to appropriation acts, the board may employ other employees, who shall be in the classified service or enter into contracts with organizations, as may be necessary, and make such other expenditures as necessary to properly carry out the provisions of this act.
- (i) Each board member shall be paid compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto.
- (j) The board shall hold meetings in such places and at such times as determined by the board or at the request of two or more of its members. A majority of the membership of the board shall constitute a quorum.
- Sec. 4. The board shall have the following duties and powers under this act:
 - (a) Administer and enforce the provisions of the act;
 - (b) approve and adopt a standard of practice and a code of ethics;
 - (c) license qualified applicants as home inspectors pursuant to the act;

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(d) make all necessary investigations into the qualifications of or allegations of misconduct against an applicant and licensee. In connection with any investigation, the board or its duly authorized agents or employees shall, at all reasonable times, have access and the right to examine and copy any document, report, record or other physical evidence of any licensed home inspector or any document, report, record or other evidence maintained by and in the possession of any licensed home inspector;

- (e) require the attendance and testimony of any licensed home inspector or the production for examination or copying of documents or any other physical evidence, if such evidence relates to qualifications for licensure or allegation of misconduct of an applicant or licensee;
- (f) set standards and approve examinations to determine the qualifications of applicants for a license or license renewal;
- (g) adopt any rules and regulations necessary to carry out the provisions of the act;
- (h) set standards for approval and approve or disapprove courses of study, educational providers and providers of continuing education and continuing education courses:
- (i) contract with agencies or consultants as necessary to assist the board in obtaining information about educational providers;
- (i) establish guidelines for reciprocal licensing for inspectors from other jurisdictions with licensing requirements deemed by the board to be equal to or more stringent than the requirements of this act; and
- (k) set fees for licenses, renewal licenses and licenses granted on the basis of reciprocity.
- Sec. 5. (a) Applications for original licenses and renewals of licenses shall be made in writing or submitted electronically, as approved by the board, to the board on forms approved by the board and shall be accompanied by the appropriate fees prescribed by the board.
- (b) The board may deny, suspend or revoke a license, or may impose probationary conditions on a licensee or applicant, if the licensee or applicant has engaged in any of the following conduct:
- (1) Made a materially false or fraudulent statement in an application for a license or license renewal:
- (2) been convicted of or plead guilty or nolo contendere in a court of competent jurisdiction to any misdemeanor involving dishonesty;
 - (3) intentionally falsified a home inspection report;
 - (4) perform any of the following acts as part of a home inspection:
- (A) Inspect, for a fee, any property in which the home inspector has any personal or financial interest, unless the interest is disclosed in writing to the client before the home inspection is performed and the client signs an acknowledgment of receipt of the disclosure;

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(B) offer or deliver any commission, referral fee or any portion of an inspection fee for the referral of any business to the home inspector; and

- (C) accept an engagement to perform a home inspection or to prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions of the home inspection report, pre-established or prescribed findings or the closing of an underlying real estate transaction;
- (5) include as a term or condition, in an agreement to conduct a home inspection, any provision that disclaims or limits the liability of the licensed home inspector to less than \$2,000 in the aggregate for each home inspection;
- (6) fail to provide, when possible, a pre-inspection agreement to a client;
- (7) fail to substantially follow the standards of practice and code of ethics established by the board;
- (8) fail to respond, as requested by the board, to any summons for attendance and testimony or to produce documents or any other physical evidence during an investigation into the qualifications of or allegations of misconduct of an applicant or licensee; and
- (9) violate any provision of the act or the rules and regulations adopted by the board pursuant to this act.
- (c) (1) Except as provided in paragraph (2), the board shall refuse to issue a license to an applicant or licensee if the applicant or licensee has entered a plea of guilty or nolo contendere to, or has been convicted of:
- (A) (i) An offense that upon conviction requires registration of the offender pursuant to the Kansas offender registration act; or
- (ii) any offense under the law of another jurisdiction that upon conviction requires registration of the offender as a sexual offender under the law of the other jurisdiction, or that would constitute an offense under Kansas law that upon conviction requires the offender to register pursuant to the Kansas offender registration act; or
 - (B) (i) Any felony under Kansas law; or
- (ii) any offense under the law of any other jurisdiction that would constitute a felony under Kansas law.
- (2) The board may grant an original license pursuant to subsection (d) if the applicant's or licensee's application is received at least:
- (A) 15 years after the date of the applicant's or licensee's discharge from postrelease supervision, completion of any nonprison sanction or suspension of the imposition of the sentence resulting from any plea of guilty or nolo contendere to or conviction of any offense specified in subsection (c)(1)(A); or
- (B) five years after the date of the applicant's discharge from postrelease supervision, completion of any nonprison sanction or

 suspension of the imposition of the sentence resulting from any plea of guilty or nolo contendere to or conviction of any offense specified in subsection (c)(1)(B), whichever is applicable.

- (3) For the purposes of this subsection, "postrelease supervision" shall have the meaning ascribed to it in K.S.A. 2018 Supp. 21-6803, and amendments thereto.
- (4) For the purposes of this subsection, "nonprison sanction" shall have the meaning ascribed to it in K.S.A. 2018 Supp. 21-6803, and amendments thereto.
- (d) (1) The board may renew or grant an original license to an applicant or licensee who has entered a plea of guilty or nolo contendere to, or has been convicted of any crime listed in subsection (c)(1) if the applicant or licensee presents to the board satisfactory proof that the applicant or licensee now bears a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a licensed home inspector in such a manner as to safeguard the interest of the public. The burden of proof shall be on the applicant or licensee to present such evidence to the board.
- (2) In determining whether the applicant or licensee presently has a good reputation as required by paragraph (1), the board shall consider the following factors:
- (A) The extent and nature of the applicant's or licensee's past criminal activity;
- (B) the age of the applicant or licensee at the time of the commission of the crime or crimes;
- (C) the amount of time elapsed since the applicant's or licensee's last criminal activity;
- (D) the conduct and work activity of the applicant or licensee prior to and following the criminal activity;
- (E) evidence of the applicant's or licensee's rehabilitation or rehabilitative effort; and
- (F) any other evidence offered by the applicant of the applicant's or licensee's present fitness for a license.
- (e) In addition to, or in lieu of any other administrative, civil or criminal remedy provided by law, if the board determines after notice, and an opportunity for a hearing in accordance with the Kansas administrative procedures act, that a licensee has violated any provision of this act or any rule and regulation adopted hereunder, the board may impose on such licensee a civil fine not to exceed \$500 for each violation.
- (f) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Persons aggrieved by a final order of the board may appeal pursuant to the provisions of the Kansas judicial review act.

Sec. 6. (a) The board shall set reasonable fees as provided for by this act, except for limitations on the amounts of certain fees as follows:

- (1) For an application for an original license, \$200;
- (2) for renewal of a license, \$200;
- (3) for late renewal, an additional amount not to exceed \$50;
- (4) for reinstatement of an expired or revoked license, \$300; and
- (5) for a duplicate copy of a license certificate, \$25.
- (b) The board may charge a fee not to exceed \$500 to review an application packet submitted for approval by an education provider for pre-license courses or a fee not to exceed \$50 to review an application packet for an education provider for continuing education classes.
- Sec. 7. (a) Whenever any person has engaged in any act or practice that constitutes a violation of this act or the rules and regulations of the board, the board may institute an action in the district court of the county in which the person resides or in the district court in the county in which such act or practice occurred for an injunction to enforce compliance with this act or the rules and regulations. The board shall not be required to give any bond or pay any filing fee for initiating the action. Upon a showing that the person has engaged in any act or practice in violation of this act or the rules and regulations, the court may enjoin such acts or practices and may make any orders necessary to conserve, protect and disburse any funds involved. In addition to any other civil penalties or remedies, a conviction of a violation of this act shall constitute a class A misdemeanor.
- Sec. 8. The attorney general shall represent the board in all actions and proceedings brought by or against the board, except that the board may hire independent counsel in addition to, or in lieu of, representation by the attorney general. All fees and expenses of any independent counsel shall be paid out of the home inspectors license fee fund.
- Sec. 9. The board shall remit all moneys received by the board from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the home inspectors license fee fund, which is hereby established. All expenditures from the home inspectors license fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the board or by a person or persons designated by the board.
- Sec. 10. (a) On and after January 1, 2020, any individual performing home inspections as defined in this act shall hold a current and valid license issued by the board.
 - (b) An applicant for a license or license renewal must:
 - (1) Be at least 18 years of age;

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(2) submit proof of current general liability insurance coverage in an amount of \$100,000 or more to the board;

- (3) demonstrate proof of financial responsibility to the board by the submission of one of the following:
 - (A) A policy of errors and omissions insurance coverage;
- a surety bond in an amount not less than \$10,000. Each applicant (B) for a license or license renewal electing to provide the board a surety bond as a condition of license, shall file with the board a surety bond in the amount of not less than \$10,000 per year. Such bond shall be issued by a corporate surety authorized to do business in this state. The surety bond shall state the effective date and the expiration date, if available. The applicant shall be named as principal. The bond shall be to the state of Kansas and shall be conditioned upon the applicant faithfully performing all contracts entered into by the applicant, complying with all provisions of this act and following all rules and regulations of the board. Regardless of the number of claims made against the bond or the number of years the bond remains in force, the aggregate liability of the surety shall in no event exceed the amount of the bond. The bond may be terminated at any time by the surety upon sending 30 days' notice in writing to the principal, the obligee and the board;
- (C) an irrevocable letter of credit not less than \$10,000, issued by a bank that is insured by the federal deposit insurance corporation or its successor, initially issued for a term of at least one year and that by its terms is automatically renewed at each expiration date for at least an additional one-year term, unless at least 30 days prior written notice of intention not to renew is provided to the board; or
- (D) proof of the maintenance of a minimum balance of \$10,000 in an escrow account in a Kansas financial institution, as defined in K.S.A. 16-117, and amendments thereto, provided that the escrow account shall maintain the minimum balance through the term of the licensee's license as a home inspector. The board shall be notified in writing by the financial institution within 10 days if the amount in the escrow account falls below the \$10,000 minimum balance. Upon notification, the board shall suspend the licensee's license as a home inspector until the escrow account minimum balance is restored to \$10,000;
- (4) have successfully completed and passed a proctored written or electronic exam that has been approved by the board and psychometrically evaluated, unless the applicant was previously registered by the state of Kansas as a home inspector under the provisions of K.S.A. 58-4501 through 58-4514, as in effect prior to July 1, 2013.
- (5) annually, obtain a minimum of 16 hours of continuing education through courses approved by the board. No continuing education is required for initial applicants applying after July 1 of any year for that

year;

- (6) shall retain a copy of each of the following documents, pertaining to each home inspection performed by or at the direction of the home inspector, for a period of 24 months commencing on the first day of the month in which the document is issued or on the expiration date of the written agreement for the home inspection, whichever is later:
 - (A) The home inspection agreement;
 - (B) the home inspection report; and
- (C) any other information prescribed by the rules and regulations of the board; and
 - (7) have satisfied one of the following requirements:
- (A) Have successfully completed and passed a course of study of at least 90 hours of training to include: (i) A minimum of 60 hours of classroom and field training approved by the board; and (ii) up to 30 hours, which may be through distance learning, offered by an educational provider approved by the board; or
- (B) have been actively and continually engaged in the practice of conducting home inspections for not less than two years prior to July 1, 2019, and have completed not fewer than 250 fee-paid home inspections.
- (c) The board, by rules and regulations, shall establish the date for license renewals, which may be on an annual or biennial basis. A licensee that has not renewed the licensee's license by the expiration date may not conduct home inspections until the license is renewed.
- (d) The board may grant inactive status to a licensee who meets all the requirements for renewal except for completion of continuing education upon written request of the licensee and the payment of an inactive status fee not to exceed \$50. The license shall become active upon approval of the board following completion of all continuing education requirements and payment of the renewal fee. A licensee whose license is inactive shall not conduct home inspections during the time the license is in inactive status.
- (e) The board may reinstate a license that has been expired or revoked upon application on a form provided by the board and payment of any required fees established by the board. The board may establish standards for reinstatement, including a requirement that an applicant, whose license was revoked or that has been expired for more than one year, successfully completes an approved examination.
- (f) (1) As part of an application for an original license or in connection with any investigation of any licensee, the board shall require an applicant or a licensee to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdiction. The board shall

submit the fingerprints to the Kansas bureau of investigation or the federal bureau of investigation, as necessary, for the state and national criminal history record check. The commission shall use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license.

- (2) Local and state law enforcement officers or an authorized third-party vendor shall assist the board in taking and processing fingerprints.
- (3) The board may fix and collect a nonrefundable fee from an applicant or licensee in an amount set by the board as necessary to reimburse the board or local or state law enforcement for the cost of fingerprinting, the criminal history record check and administrative costs.
- (4) Employees of a licensed home inspector who will be on site during an inspection must be under the direct control and supervision of the licensed inspector, must provide fingerprints and submit to a criminal history record check pursuant to this subsection and must meet the requirements regarding criminal history for a licensee pursuant to section 5, and amendments thereto. Tradesmen or contractors performing a single component or single system evaluation, or a combination of any two systems or components, as provided by the rules and regulations of the board, and while acting within the scope of that occupation and as an independent contractor on behalf of the licensed home inspector, shall be exempt from the criminal history record check requirement.
- (5) License renewals shall not require a criminal history record check pursuant to this subsection, however applicants shall be required, as part of the renewal process, to sign an affirmation that they have not been convicted of a crime described in section 5, and amendments thereto, since the initial application.
- Sec. 11. This act shall apply to all individuals who conduct home inspections for compensation, but shall not apply to the following individuals who are exempted from the provisions of the act:
- (a) A tradesman or contractor performing a single component or system evaluation, or a combination of any two components or systems as identified in the rules and regulations of the board, while acting within the scope of that occupation;
- (b) an individual employed by the state of Kansas or a political subdivision of the state who, within the scope of such employment and in the discharge of such public duties, inspects property or buildings for compliance with requirements safeguarding life, health or property;
- (c) an individual licensed by the state of Kansas as an architect while acting within the scope of that license;
 - (d) an individual licensed by the state of Kansas as a professional

 engineer while acting within the scope of that license;

- (e) an individual licensed by the state of Kansas as a real estate appraiser while acting within the scope of that license;
- (f) an individual licensed by the state of Kansas as a real estate broker or salesperson while acting within the scope of that license;
- (g) an individual employed as an insurance adjuster while acting within the scope of that occupation;
- (h) an individual licensed as a manufactured home manufacturer while acting within the scope of that license;
- (i) an individual employed by a manufactured home manufacturer while acting within the scope of that occupation;
- (j) a modular home manufacturer or modular home manufacturer's representative reviewing a residential dwelling built by the manufacturer for the purpose of evaluating the residential dwelling;
- (k) an individual licensed as a manufactured home dealer while acting within the scope of that license;
- (l) an individual employed as a manufactured home installer while acting within the scope of that occupation;
- (m) an individual licensed by the state of Kansas as an insurance agent while acting within the scope of that license;
- (n) a homebuilder or homebuilder's representative reviewing a residential dwelling built by the homebuilder for the purpose of evaluating the residential dwelling;
- (o) an individual providing services as a pest exterminator or chemical applicator while acting within the scope of that occupation and not providing services that would constitute a home inspection under this act; and
- (p) an individual who is not licensed as a home inspector, may assist a licensed home inspector in the performance of an inspection provided that the person is supervised at the inspection site by a licensed home inspector, and any home inspection report rendered in connection with the home inspection is reviewed and signed by the licensed home inspector. An individual who is an employee or an independent contractor of the licensed home inspector shall submit to a criminal history record check as provided in section 10, and amendments thereto, and meet the requirements regarding criminal history applicable to a licensee, as provided by section 5, and amendments thereto, except as provided in section 10(f)(4), and amendments thereto.
- Sec. 12. (a) It shall be unlawful for an individual to perform a home inspection as defined in section 2, and amendments thereto, without being licensed under the Kansas home inspectors professional competency and financial responsibility act.
 - (b) Violation of this section is a class A nonperson misdemeanor.

 Sec. 13. (a) It is the duty of all home inspectors licensed under this act to conduct home inspections with the degree of care that a reasonably prudent home inspector would exercise under the circumstances.

- (b) All home inspections shall be conducted according to a standard of practice and a code of ethics approved by the board.
- (c) No licensed home inspector may include, as a term or condition in an agreement to conduct a home inspection, any provision that disclaims the liability for any errors and omissions that may arise during a home inspection, or limits the amount of damages for liability for any errors and omissions that may arise during a home inspection to less than \$2,000 in the aggregate for each home inspection. Any term or condition or limitation setting the amount of damages for liability for any errors and omissions that may arise during a home inspection at an amount greater than \$2,000 must be provided to the customer in writing to be in effect.
- (d) An action to recover damages for any act or omission of a licensed home inspector relating to a home inspection or a home inspection report must be brought not more than 12 months from the date the home inspection was performed and may be initiated only by the client for whom the home inspection or the home inspection report was made.
- (e) In any action to recover damages for any error or omission of a licensed home inspector relating to a home inspection or home inspection report, a licensed home inspector is liable for any errors and omissions that may arise during a home inspection in an amount not to exceed \$2,000 in the aggregate for each home inspection, or to the amount in the preinspection agreement to conduct a home inspection, if greater than \$2,000 in the aggregate for each home inspection, provided that a licensed home inspector provides the client with a clear written description in the preinspection agreement of any greater limitations on the liability of the licensed home inspector for any errors and omissions that may arise during the home inspection.
- (f) All licensed home inspectors shall make every effort to provide the client with a written pre-inspection agreement prior to the home inspection.
- Sec. 14. (a) No individual shall present themselves as a home inspector unless the individual has complied with the provisions of this act. Individuals who are exempt from licensure under this act, or whose actions are considered to be a home inspection under this act, may not present themselves as home inspectors or use words or titles that may reasonably be confused with the title of "home inspector" or "house inspector," unless they are licensed as a home inspector pursuant to the act.
- (b) All contracts, correspondence, reports and other documents prepared by an individual performing home inspections under this act shall indicate the home inspector's license number, name and contact

- 1 information, as licensed with the board.
- 2 Sec. 15. This act shall take effect and be in force from and after its
- 3 publication in the statute book.