

**HOUSE BILL No. 2526**

By Committee on Commerce, Labor and Economic Development

1-21

1 AN ACT concerning home inspectors; enacting the Kansas home  
2 inspectors professional competency and financial responsibility act;  
3 creating a home inspector registry; establishing the home inspectors  
4 registration fee fund.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

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

9 Sec. 2. As used in sections 1 through 18, and amendments thereto:

10 (a) "Act" means the Kansas home inspectors professional competency  
11 and financial responsibility act.

12 (b) "Advisory council" means the Kansas home inspectors advisory  
13 council established to assist the attorney general on matters administering  
14 this act.

15 (c) "Applicant" means an individual who is applying for registration  
16 or registration renewal under this act.

17 (d) "Attorney general" means the attorney general of the state of  
18 Kansas or the attorney general's designee.

19 (e) (1) "Home inspection" means a non-invasive limited visual  
20 examination of a residential dwelling in anticipation of a transfer of  
21 ownership of not more than four attached units, designed to identify  
22 material defects at the time of the inspection of four or more of the  
23 following readily accessible separate systems and components:

24 (A) cooling systems;

25 (B) electrical systems;

26 (C) foundations;

27 (D) exterior and interior components;

28 (E) Heating systems;

29 (F) plumbing systems;

30 (G) roof coverings;

31 (H) structural components; and

32 (I) any other components and systems that are part of the residential  
33 dwelling and included within the standards of practice followed by the  
34 home inspector.

35 (2) The term "home inspection" includes residential property  
36 inspections represented to be a home inspection but described using

1 different or similar terms.

2 (3) The term "home inspection," except as otherwise agreed to or  
3 otherwise required by the standards of practice referenced in the inspection  
4 agreement, does not include:

5 (A) A compliance inspection for any code or governmental  
6 regulation;

7 (B) an examination for the conditions and operation of kitchen-type  
8 appliances, on-site water supplies or wells, private waste systems, the  
9 determination of the presence of wood-destroying organisms or pests, or  
10 the presence of fungi, mold, bacteria, asbestos, lead-based paint, gases or  
11 conditions of air quality; and

12 (C) an examination and evaluation of only three or fewer of the  
13 systems or components and related systems or components listed in  
14 subsection (e)(1).

15 (f) "Home inspection report" means a written or verbal report on the  
16 results of a home inspection that meets all requirements as set forth within  
17 the standards of practice stated in the inspection agreement and includes  
18 the name of the inspection company, name of the inspector conducting the  
19 inspection, the inspector's registration number and the inspection  
20 company's contact information.

21 (g) "Home inspector" means an individual who performs a home  
22 inspection as defined in this act.

23 (h) "Inspection agreement" means the agreement for a home  
24 inspection between the home inspector and the client and contains, at a  
25 minimum, the following information:

26 (1) Description of the scope of the home inspection;

27 (2) identification of the standards of practice the home inspector will  
28 follow when conducting the home inspection; and

29 (3) limitation of liability of the home inspector for any errors or  
30 omissions that may arise during the home inspection.

31 (i) "Material defect" means any condition that significantly affects the  
32 value in the opinion of the inspector, habitability or safety of the dwelling,  
33 except that, cosmetic defects or aesthetics shall not be used in determining  
34 whether a system, structure or component is materially defective.

35 (j) "National" or "Nationally recognized" associations, means  
36 industry, trade or professional member organizations as approved by the  
37 attorney general pursuant to rules and regulations that shall be adopted by  
38 the attorney general.

39 (k) "Readily accessible" means available for visual inspection without  
40 requiring the moving of personal property, dismantling, use of destructive  
41 measures or actions that would likely involve risk to persons or property.

42 (l) "Registrant" means any person registered as a home inspector  
43 under this act.

1       Sec. 3. (a) No person, unless otherwise exempt by this act, shall  
2 engage in the business of or act in the capacity of a home inspector within  
3 the state of Kansas without having properly registered as required by this  
4 act.

5       (b) (1) Any person, unless otherwise exempt by this act, who fails to  
6 register prior to acting as a home inspector as defined in this act, shall be  
7 liable for a civil penalty as provided in K.S.A. 50-636(a), and amendments  
8 thereto, in addition to any other relief that may be granted or other penalty  
9 prescribed by law. The grant of powers to the attorney general in this act  
10 does not affect remedies available to consumers under other principles of  
11 law or equity.

12       (2) Any person who acts as a home inspector while such person's  
13 registration is suspended or revoked shall be liable for a civil penalty as  
14 provided in K.S.A. 50-636(a), and amendments thereto, in addition to any  
15 other relief that may be granted or other penalty prescribed by law.

16       Sec. 4. (a) There is hereby established the Kansas home inspectors'  
17 advisory council. The purpose of the council is to assist and advise the  
18 attorney general on matters related to industry standards, education, testing  
19 requirements of applicants and rules and regulations.

20       (b) The advisory council shall consist of seven members to be  
21 appointed by the attorney general as follows:

22       (1) Six members who are active and registered Kansas home  
23 inspectors as follows:

24       (A) Two members nominated to serve by a Kansas chapter of the  
25 American society of home inspectors;

26       (B) two members nominated to serve by a Kansas chapter of the  
27 international association of certified home inspectors;

28       (C) one having no affiliation with a national home inspection  
29 association. If no such candidate can be identified, the attorney general  
30 shall appoint an active and registered Kansas home inspector; and

31       (D) one nominated by and having affiliation with either the Kansas  
32 society of professional engineers or the Kansas chapter of the American  
33 institute of architects; and

34       (2) one Kansas resident shall be an at-large member who is  
35 completely unaffiliated to the real estate inspection, sale or finance  
36 industries.

37       (c) Home inspector advisory council members shall have at least  
38 three years' experience and have completed at least 500 fee-paid home  
39 inspections. This provision shall not apply to the home inspector advisory  
40 council member appointed as an at-large member.

41       (d) When applicable, the attorney general shall give preference to  
42 appointing an at-large member from a congressional district without other  
43 representation on the council.

1 (e) The attorney general shall give consideration to proportionately  
2 represent associations with memberships in Kansas to not give any one  
3 national association a numerical advantage.

4 (f) All members shall be appointed to two-year terms with a limit of  
5 two consecutive terms and shall serve not more than six terms.

6 (g) The council shall meet as requested by the attorney general.

7 (i) Members of the council shall be paid subsistence allowances,  
8 mileage and other expenses as provided in K.S.A. 75-3223, and  
9 amendments thereto, from the home inspectors registration fee fund or  
10 other available and appropriate funds by the attorney general.

11 Sec. 5. The attorney general shall have the following duties and  
12 powers under this act:

13 (a) Administer and enforce the provisions of the act;

14 (b) register qualified applicants as home inspectors pursuant to the  
15 act;

16 (c) create any forms necessary for the administration of this act;

17 (d) create, or authorize others to create, and implement provisions of  
18 this act through use of the internet or other technology as deemed  
19 necessary or appropriate. The attorney general shall establish an online  
20 system for the public to confirm registration of home inspectors. Such  
21 system shall include a listing of valid registrations and such other  
22 information collected pursuant to this act as the attorney general may  
23 determine is appropriate;

24 (e) conduct all necessary investigations into the qualifications of or  
25 allegations of misconduct against an applicant or registrant. In connection  
26 with any investigation, the attorney general or its duly authorized agents or  
27 employees shall, at all reasonable times, have access and the right to  
28 examine and copy any document, report, record or other physical evidence  
29 of any registered home inspector or any document, report, record or other  
30 physical evidence maintained by and in the possession of any registered  
31 home inspector;

32 (f) require the attendance and testimony of any registered home  
33 inspector or the production for examination or copying of documents or  
34 any other physical evidence, if such evidence relates to qualifications for  
35 registration or allegation of misconduct of an applicant or registrant;

36 (g) set standards and approve examinations to determine the  
37 qualifications of applicants for registration or registration renewal;

38 (h) establish reciprocity guidelines and set fees for licensed inspectors  
39 from other jurisdictions; and

40 (i) adopt any rules and regulations necessary to carry out the  
41 provisions of the act.

42 Sec. 6. (a) All applications for registration and renewal shall include a  
43 question requiring the applicant to answer under oath whether or not the

1 applicant has been convicted of a felony offense in this state, another state  
2 or any other jurisdiction and the nature of the offense.

3 (b) All applications for registration and renewal shall include a  
4 question requiring the applicant to answer under oath whether or not the  
5 applicant has ever applied for or held a home inspector registration under a  
6 different name and whether that applicant's registration has ever been  
7 suspended or revoked.

8 (c) When deemed appropriate, the attorney general may conduct a  
9 criminal history records search or background check on any applicant or  
10 registered home inspector and may investigate the information submitted  
11 on an application or renewal form, provided no adverse action may be  
12 taken against the person until the person has been notified and given an  
13 opportunity to respond in writing in accordance with the provisions of the  
14 Kansas administrative procedure act.

15 Sec. 7. (a) The attorney general may deny, suspend or revoke a  
16 registration, or may impose probationary conditions on a registrant or  
17 applicant, if the registrant or applicant has engaged in any of the following  
18 conduct:

19 (1) Made a materially false or fraudulent statement in an application  
20 for registration or registration renewal;

21 (2) intentionally falsified a home inspection report;

22 (3) performed any of the following acts as part of a home inspection:

23 (A) Inspected for a fee any property in which the home inspector, or  
24 home inspector's employer, has any personal or financial interest, unless  
25 the interest was disclosed in writing to the client before the home  
26 inspection was performed and the client signed an acknowledgment of  
27 receipt of the disclosure;

28 (B) offered or delivered an inducement of anything of value,  
29 including a commission, referral fee or any portion of an inspection fee for  
30 the referral of any business to the home inspector without the consent of  
31 the client; or

32 (C) accepted an engagement to perform a home inspection or to  
33 prepare a home inspection report in which the employment itself or the fee  
34 payable for the inspection is contingent upon the conclusions of the home  
35 inspection report, preestablished or prescribed findings or the closing of an  
36 underlying real estate transaction;

37 (4) included as a term or condition, in an agreement to conduct a  
38 home inspection, any provision that disclaims or limits the liability of the  
39 registered home inspector to less than \$2,000 in the aggregate for each  
40 home inspection;

41 (5) failed to make a reasonable effort to provide, when possible, an  
42 inspection agreement to a client. Inspections completed for a bank,  
43 financial institution, relocation company or other entity that is purchasing

1 the home as part of a relocation, foreclosure or commercial investment  
2 may forgo the requirement for the inspection agreement, provided that, the  
3 inspection report clearly states in bold size, 14-point font or larger type  
4 that: "This inspection report was created for the exclusive use of a  
5 commercial client and its findings should not be used or relied upon by  
6 individuals purchasing the property.";

7 (6) failed to identify and substantially follow standards of practice  
8 and code of ethics as specified in the inspection agreement;

9 (7) failed to submit evidence, satisfactory to the attorney general, of  
10 completion of not less than 16 hours of continuing education, approved by  
11 the attorney general within the 24 months immediately preceding  
12 registration renewal;

13 (8) failed to respond, as requested by the attorney general, to any  
14 summons for attendance and testimony or to produce documents or any  
15 other physical evidence during an investigation into the qualifications of or  
16 allegations of misconduct of an applicant or registrant; and

17 (9) within the immediately preceding previous five years, been  
18 convicted, pled guilty or pled nolo contendere for any felony under Kansas  
19 law or other jurisdiction that constitutes a felony under Kansas law;

20 (10) within the immediately preceding previous 15 years been  
21 convicted, pled guilty or pled nolo contendere for:

22 (A) An offense under Kansas law that requires the offender to register  
23 pursuant to the Kansas offender registration act; or

24 (B) any offense under the law of another jurisdiction that requires  
25 registration of the offender under the law of the other jurisdiction, or that  
26 would constitute an offense under Kansas law that upon conviction  
27 requires the offender to register pursuant to the Kansas offender  
28 registration act; or

29 (11) violated any provision of the act or the rules and regulations  
30 adopted by the attorney general pursuant to this act.

31 (b) Any proceedings pursuant to this section shall be conducted in  
32 accordance with the provisions of the Kansas administrative procedure act.  
33 Persons aggrieved by a final decision or order of the attorney general may  
34 appeal pursuant to the provisions of the Kansas judicial review act.

35 Sec. 8. (a) The attorney general shall set reasonable fees as provided  
36 for by this act that shall not exceed:

37 (1) Application for an original registration, \$200;

38 (2) biannual renewal of registration, \$200;

39 (3) late renewal; additional amount not to exceed \$50;

40 (4) reinstatement of expired or revoked registration, \$300;

41 (5) duplicate copy of a license registration certificate, \$25; and

42 (6) inactive status, \$50.

43 Sec. 9. (a) Whenever any person has engaged in any act or practice

1 that constitutes a violation of this act or the rules and regulations adopted  
2 pursuant to this act, the attorney general may institute an action in the  
3 district court of the county in which the person resides or in the district  
4 court in the county in which such act or practice occurred for an injunction  
5 to enforce compliance with this act or the rules and regulations adopted  
6 pursuant to this act. The attorney general shall not be required to give any  
7 bond or pay any filing fee for initiating the action. Upon a showing that the  
8 person has engaged in any act or practice in violation of this act or the  
9 rules and regulations adopted pursuant to this act, the court may enjoin  
10 such acts or practices and may make any orders necessary to conserve,  
11 protect and disburse any funds involved.

12 (b) The attorney general may hire independent counsel. All fees and  
13 expenses, when possible, shall be paid out of the home inspectors  
14 registration fee fund.

15 Sec. 10. The attorney general shall remit all moneys received from  
16 fees, charges or penalties to the state treasurer in accordance with the  
17 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
18 each such remittance, the state treasurer shall deposit the entire amount in  
19 the state treasury to the credit of the home inspectors registration fee fund,  
20 which is hereby established. All expenditures from the home inspectors  
21 registration fee fund shall be made in accordance with appropriation acts  
22 upon warrants of the director of accounts and reports issued pursuant to  
23 vouchers approved by the attorney general or persons designated by the  
24 attorney general.

25 Sec. 11. (a) On and after January 1, 2023, any individual performing  
26 home inspections as defined in this act shall hold a current and valid  
27 registration issued under the provisions of this act, and meet the following  
28 requirements:

29 (1) Be at least 18 years of age;

30 (2) have general liability insurance coverage in an amount of  
31 \$250,000 or more;

32 (3) maintain proof of financial responsibility by securing one of the  
33 following:

34 (A) A policy of errors and omissions insurance coverage of no less  
35 than \$10,000;

36 (B) a surety bond in an amount not less than \$10,000. Such bond  
37 shall be issued by a corporate surety authorized to do business in this state.  
38 The surety bond shall state the effective date and the expiration date, if  
39 available. The applicant shall be named as principal. The bond shall be to  
40 the state of Kansas and shall be conditioned upon the applicant faithfully  
41 performing all contracts entered into by the applicant, complying with all  
42 provisions of this act and following all rules and regulations adopted  
43 pursuant to this act. Regardless of the number of claims made against the

1 bond or the number of years the bond remains in force, the aggregate  
2 liability of the surety shall in no event exceed the amount of the bond. The  
3 bond may be terminated at any time by the surety upon sending 30 days'  
4 notice in writing to the principal, the obligee and the attorney general;

5 (C) an irrevocable letter of credit not less than \$10,000, issued by a  
6 bank that is insured by the federal deposit insurance corporation or its  
7 successor, initially issued for a term of at least one year and that by its  
8 terms is automatically renewed at each expiration date for at least an  
9 additional one-year term, unless at least 30 days prior written notice of  
10 intention not to renew is provided to the attorney general; or

11 (D) proof of the maintenance of a minimum balance of \$10,000 in an  
12 escrow account in a Kansas financial institution, as defined in K.S.A. 16-  
13 117, and amendments thereto, except that the escrow account shall  
14 maintain the minimum balance through the term of the registrant's  
15 registration. The attorney general shall be notified in writing by the  
16 financial institution within 10 days if the amount in the escrow account  
17 falls below the \$10,000 minimum balance. Upon notification, the home  
18 inspector registration shall be suspended until the escrow account  
19 minimum balance is restored to \$10,000 or the registrant otherwise meets  
20 the minimum financial obligations of this act;

21 (4) submit evidence, satisfactory to the attorney general, of meeting  
22 the requirements of section 12, and amendments thereto.

23 Sec. 12. (a) Applicants previously licensed by the state of Kansas as a  
24 home inspector under the provisions of K.S.A. 58-4501 through 58-4514,  
25 prior to their expiration, shall be determined to have met all testing and  
26 education requirements of this act, if they have been actively engaged in  
27 the practice of conducting home inspections for at least two of previous  
28 three years immediately prior to the license application date.

29 (b) (1) Applicants not previously registered under K.S.A. 58-4501  
30 and 58-4514, prior to their expiration, but have been actively and  
31 continually engaged in the practice of conducting home inspections for not  
32 less than two years prior to the license application date and have  
33 completed no fewer than 200 fee-paid home inspections shall be  
34 determined to have met the education and testing requirements of this  
35 section.

36 (2) Applicants who were not previously licensed and fail to meet the  
37 work and experience requirements of paragraph (1) shall successfully  
38 complete a proctored nationally recognized home inspector examination as  
39 approved by the attorney general on home or building components,  
40 inspections or codes. The exam may have been taken and passed prior to  
41 the date of this act. In addition, such applicants shall:

42 (A) Submit evidence of successfully completing an approved course  
43 of study not less than 120 hours of instruction, approved by the attorney



1 general, consisting of no more than 60 hours of distance education  
2 provided online or in other computer-assisted formats or by  
3 correspondence, audiotape, videotape or other media. For the purposes of  
4 this section, attendance of one hour of instruction means 50 minutes of  
5 classroom instruction or the equivalent thereof in distance education study  
6 as determined by the attorney general. In addition to meeting the hours of  
7 instruction, applicants shall provide evidence of completion of 20  
8 supervised inspections conducted under an approved supervising  
9 registered home inspector who has been in the business at least five years  
10 and completed at least 1,000 fee-paid inspections.

11 (B) Submit evidence of successfully completing an approved course  
12 of study of not less than 40 hours of classroom instruction, approved by  
13 the attorney general and assist in a minimum of 80 supervised inspections  
14 conducted under a supervising registered home inspector who has been in  
15 the business at least five years and completed at least 1,000 fee-paid  
16 inspections.

17 (c) The training described in subsection (b) shall be approved by one  
18 of the following:

19 (1) American society of home inspectors;  
20 (2) international code council;  
21 (3) international association of certified home inspectors; or  
22 (4) a recognized home inspector education and training program  
23 approved by the attorney general.

24 (d) An applicant completing supervised inspections, as required in  
25 subsection (b), shall retain a written log of supervised inspections for three  
26 years from the date of the inspection.

27 (e) An applicant shall retain certificates of completion or other proof  
28 that the applicant has met the experience, educational and testing  
29 requirements for a period not less than three years from initial application.

30 (f) An applicant shall retain a copy of each of the following  
31 documents for each home inspection performed by or at the direction of  
32 the home inspector for a period of two years from the date of the  
33 inspection:

34 (1) The home inspection agreement;  
35 (2) the home inspection report; and  
36 (3) any other information prescribed by the rules and regulations  
37 adopted pursuant to this act.

38 (g) Registration expiration and renewal dates shall be established on a  
39 biennial basis by the attorney general by rules and regulations that shall be  
40 adopted pursuant to this act. A registrant that has not renewed the  
41 registrant's registration by the expiration date may not conduct home  
42 inspections until the registration is renewed.

43 (h) The attorney general may grant inactive status to a registrant who

1 meets all the requirements for renewal except for completion of continuing  
2 education upon written request of the registrant and the payment of an  
3 inactive status fee not to exceed \$50. A registrant whose registration is  
4 inactive shall not conduct home inspections during the time the  
5 registration is in inactive status.

6 (i) The attorney general may reinstate a registration that has been  
7 expired or revoked upon application on a form provided by the attorney  
8 general and payment of any required fees. The attorney general may  
9 establish standards for reinstatement, including a requirement that an  
10 applicant whose registration was revoked or that has been expired for more  
11 than one year successfully completes an approved examination and meets  
12 their minimum continuing education requirements.

13 Sec. 13. This act shall apply to all individuals who conduct home  
14 inspections for compensation but shall not apply to the following  
15 individuals who are exempted from the provisions of this act:

16 (a) A tradesman or contractor performing an evaluation and licensed  
17 by a federal, state, local governmental agency or a political subdivision  
18 thereof while acting within the scope of that occupation and license;

19 (b) an individual employed by a federal, state or local governmental  
20 agency or a political subdivision thereof who, within the scope of such  
21 employment and in the discharge of such public duties, inspects property  
22 or buildings for compliance with requirements safeguarding life, health or  
23 property or administration of government programs;

24 (c) an individual licensed by the state of Kansas as an architect while  
25 acting within the scope of that license;

26 (d) an individual licensed by the state of Kansas as a professional  
27 engineer while acting within the scope of that license;

28 (e) an individual licensed by the state of Kansas as a real estate  
29 appraiser while acting within the scope of that license;

30 (f) an individual licensed by the state of Kansas as a real estate broker  
31 or salesperson while acting within the scope of that license;

32 (g) an individual employed as an insurance adjuster while acting  
33 within the scope of that occupation;

34 (h) an individual licensed as a manufactured home manufacturer  
35 while acting within the scope of that license;

36 (i) an individual employed by a manufactured home manufacturer  
37 while acting within the scope of that occupation;

38 (j) a modular home manufacturer or modular home manufacturer's  
39 representative reviewing a residential dwelling built by the manufacturer  
40 for the purpose of evaluating the residential dwelling;

41 (k) an individual licensed as a manufactured home dealer while acting  
42 within the scope of that license;

43 (l) an individual employed as a manufactured home installer while

1 acting within the scope of that occupation;

2 (m) an individual licensed by the state of Kansas as an insurance  
3 agent while acting within the scope of that license;

4 (n) a homebuilder or homebuilder's representative reviewing a  
5 residential dwelling built by the homebuilder for the purpose of evaluating  
6 the residential dwelling;

7 (o) an individual providing services as a pest exterminator or  
8 chemical applicator while acting within the scope of that occupation and  
9 not providing services that would constitute a home inspection under this  
10 act;

11 (p) an individual certified or approved by the federal housing  
12 administration or the veterans administration while consulting or  
13 performing compliance or rehabilitation reviews for work required or  
14 needed to conform to either United States department of housing and  
15 urban development, veterans administration, fannie mae or other minimum  
16 property standards to meet loan requirements;

17 (q) an individual conducting a weatherization pre-inspection or post-  
18 inspection under the Kansas weatherization program, provided that the  
19 individual meets the certification requirements for weatherization  
20 inspectors set forth by the United States department of energy; and

21 (r) an individual who is not registered as a home inspector when  
22 assisting a registered home inspector in the performance of an inspection,  
23 except that the person shall be supervised at the inspection site by a  
24 registered home inspector, and any home inspection report rendered in  
25 connection with the home inspection shall not be signed by such  
26 individual.

27 Sec. 14. Unless otherwise exempted under section 13 or 15, and  
28 amendments thereto, it shall be unlawful for an individual to perform a  
29 home inspection as defined in section 2, and amendments thereto, without  
30 being registered under the Kansas home inspectors professional  
31 competency and financial responsibility act. Violation of this section shall  
32 be a class C nonperson misdemeanor.

33 Sec. 15. (a) Individuals licensed by the state of Kansas as an architect  
34 or professional engineer as defined in K.S.A. 74-7003, and amendments  
35 thereto, may register as a home inspector if performing the duties of a  
36 home inspector but shall not be required to meet the requirements of  
37 sections 11 and 12, and amendments thereto.

38 (b) All complaints against a licensed architect or professional  
39 engineer, as defined by K.S.A. 74-7003, and amendments thereto, received  
40 by the attorney general pursuant to this act shall be referred to the Kansas  
41 board of technical professions for investigation.

42 Sec. 16. (a) It is the duty of all home inspectors registered under this  
43 act to conduct home inspections with the degree of care that a reasonably

1 prudent home inspector would exercise under the circumstances.

2 (b) All home inspectors shall perform a home inspection in  
3 accordance with one of the following standards of practice that shall be  
4 identified in the inspection agreement, along with any additional code of  
5 ethics followed by the home inspector:

6 (1) American society of home inspectors;

7 (2) international association of certified home inspectors;

8 (3) national academy of building inspection engineers; or

9 (4) any other recognized standard of practice approved by the  
10 attorney general after consultation with the advisory council.

11 (c) No registered home inspector may include, as a term or condition  
12 in an agreement to conduct a home inspection, any provision that  
13 disclaims the liability for any errors and omissions that may arise during a  
14 home inspection, or limits the amount of damages for liability for any  
15 errors and omissions that may arise during a home inspection to less than  
16 \$2,000 in the aggregate for each home inspection. Any term or condition  
17 or limitation setting the amount of damages for liability for any errors and  
18 omissions that may arise during a home inspection at an amount greater  
19 than \$2,000 shall be provided to the customer in writing to be in effect.

20 (d) An action to recover damages for any act or omission of a  
21 registered home inspector relating to a home inspection or a home  
22 inspection report shall be brought not more than 12 months from the date  
23 the home inspection was performed and may be initiated only by the client  
24 for whom the home inspection or the home inspection report was made.

25 (e) In any action to recover damages for any error or omission of a  
26 registered home inspector relating to a home inspection or home  
27 inspection report, a registered home inspector is liable for any errors and  
28 omissions that may arise during a home inspection in an amount not to  
29 exceed \$2,000 in the aggregate for each home inspection. A registered  
30 home inspector shall be liable in the amount in the inspection agreement to  
31 conduct a home inspection, if greater than \$2,000 in the aggregate for each  
32 home inspection, if the registered home inspector provides the client with  
33 a clear written description in the inspection agreement of any such  
34 limitation on the liability of the licensed home inspector for any errors and  
35 omissions that may arise during the home inspection.

36 Sec. 17. (a) No individual, except an individual licensed by the state  
37 of Kansas as an architect or professional engineer as defined in K.S.A. 74-  
38 7003, and amendments thereto, shall present themselves as a Kansas  
39 registered home inspector unless the individual has complied with the  
40 provisions of this act. This requirement in no other way limits or infringes  
41 upon exempt licensed architects and professional engineers from the  
42 practice of home inspections as within the scope or as authorized by their  
43 professional license.

1 (b) All agreements, contracts and reports prepared by an individual  
2 performing home inspections under this act shall contain the home  
3 inspector's registration number, name of the home inspector, name of the  
4 home inspector's company and contact information.

5 Sec. 18. The provisions of this act shall expire on July 1, 2028.

6 Sec. 19. This act shall take effect and be in force from and after its  
7 publication in the statute book.