

AN ACT

1 Regulating home inspectors; providing for funds, for licensure,
2 for disciplinary action, for remedies and for penalties; and
3 making a related repeal.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

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17 CHAPTER 1.

18 PRELIMINARY PROVISIONS

19 Section 101. Short title.

20 This act shall be known and may be cited as the Home
21 Inspector Licensing Act.

22 Section 102. Declaration of policy.

23 The General Assembly finds and declares as follows:

24 (1) The inspection of homes may cause safety issues if
25 the practice is not subject to responsible regulation.

26 (2) Reasonable regulation is in the furtherance of
27 public health, safety and welfare interests.

28 (3) Regulation is necessary to set educational standards
29 within the profession and to protect the public from
30 unqualified home inspectors and unscrupulous individuals.

1 (4) Consumer protection with respect to both health and
2 economic matters will be afforded the public through the
3 regulation and associated legal remedies provided for in this
4 act.

5 Section 103. Definitions.

6 The following words and phrases when used in this act shall
7 have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Account." The Professional Licensure Augmentation Account.

10 "Applicant." An individual who applies for a license as a
11 home inspector.

12 "Bureau." The Bureau of Occupational and Industrial Safety
13 in the Department of Labor and Industry.

14 "Client." An individual or agent who contracts with a
15 licensee to obtain a home inspection and subsequent typewritten
16 home inspection report.

17 "Department." The Department of Labor and Industry of the
18 Commonwealth.

19 "Home inspection." A noninvasive visual examination of some
20 combination of the mechanical, electrical or plumbing systems or
21 the structural and essential components of a residential
22 dwelling designed to identify material defects in those systems
23 and components and performed for a fee in connection with or
24 preparation for a proposed or possible residential real estate
25 transfer.

26 (1) The term includes a consultation regarding the
27 property that is represented to be a home inspection or that
28 is described by a confusingly similar term.

29 (2) The term does not include any of the following:

30 (i) An examination of a single system or component

1 of a residential dwelling such as, for example, its
2 electrical or plumbing system or its roof.

3 (ii) An examination that is limited to inspection
4 for or of one or more of the following:

5 (A) Wood destroying insects.

6 (B) Underground tanks and wells.

7 (C) Septic systems.

8 (D) Swimming pools and spas.

9 (E) Alarm systems.

10 (F) Air and water quality.

11 (G) Tennis courts and playground equipment.

12 (H) Pollutants, toxic chemicals and

13 environmental hazards.

14 "Home inspection report." A typewritten report on the
15 results of a home inspection.

16 "Home inspector." An individual licensed by the Bureau of
17 Occupational and Industrial Safety to perform home inspections.

18 "National home inspectors association." A national
19 association of home inspectors that:

20 (1) Is operated on a not-for-profit basis and is not
21 operated as a franchise.

22 (2) Has members in more than ten states.

23 (3) Requires that a person may not become a full member
24 unless the person has performed or participated in more than
25 100 home inspections and has passed a recognized or
26 accredited examination testing knowledge of the proper
27 procedures for conducting a home inspection.

28 (4) Requires that its members comply with a code of
29 conduct and attend continuing professional education classes
30 as an ongoing condition of membership.

1 "License." A license to practice home inspection under this
2 act.

3 "Licensee." An individual who holds a license to practice
4 home inspection.

5 CHAPTER 3

6 BUREAU OF OCCUPATIONAL AND INDUSTRIAL SAFETY

7 Section 301. Powers and duties of bureau.

8 The bureau has the following powers and duties:

9 (1) To pass upon the qualifications and fitness of
10 applicants for licenses and reciprocal licenses and to
11 promulgate regulations requiring applicants to pass
12 examinations relating to qualifications as a prerequisite to
13 the issuance of a license.

14 (2) To promulgate regulations consistent with this act.

15 (3) To examine, deny, approve, issue, revoke, suspend or
16 renew licenses of home inspectors under this act and to
17 conduct hearings in connection with those powers and duties.

18 (4) To conduct hearings upon complaints concerning
19 violations of this act and the regulations promulgated under
20 this act and to seek the prosecution and enjoinder of
21 violations.

22 (5) To promulgate regulations establishing requirements
23 for continuing education under this act.

24 (6) To expend money necessary to the proper carrying out
25 of its assigned duties.

26 (7) To submit annually a report to the Consumer
27 Protection and Professional Licensure Committee of the Senate
28 and the Professional Licensure Committee of the House of
29 Representatives containing a description of the types of
30 complaints received, status of the cases, bureau action which

1 has been taken and the length of time from the initial
2 complaint to final bureau resolution.

3 (8) To submit annually to the Appropriations Committee
4 of the Senate and the Appropriations Committee of the House
5 of Representatives, within 15 days after the Governor has
6 submitted a budget to the General Assembly, a copy of the
7 budget request for the upcoming fiscal year which the bureau
8 previously submitted to the department.

9 (9) To establish and maintain a current list of home
10 inspectors who are registered or licensed. The list shall be
11 available for public inspection, including by electronic
12 means.

13 (10) To establish fees as set forth in this act. All
14 fees or other moneys collected by the bureau under this act
15 shall be used for the sole purpose of administration and
16 regulation of licensing under this act.

17 CHAPTER 5

18 LICENSURE

19 Section 501. Requirements for licensure.

20 (a) Applicants.--An applicant shall be considered to be
21 qualified for a license if the applicant submits proof
22 satisfactory to the bureau of all of the following:

23 (1) The applicant is of good moral character.

24 (2) The applicant is at least 18 years of age.

25 (3) The applicant has a high school diploma or its
26 equivalent.

27 (4) The applicant has completed a bureau-approved
28 training program or course of study involving the performance
29 of home inspections which shall be no less than 120 hours of
30 instruction and includes not less than 40 hours of actual in-

1 field training.

2 (5) The applicant has passed a bureau-approved
3 examination.

4 (6) The application is accompanied by the application
5 fee as established by the bureau by regulation.

6 (7) The applicant is not addicted to the habitual use of
7 alcohol, narcotics or other habit-forming drugs.

8 (8) The following apply:

9 (i) The applicant has not been convicted of a felony
10 under the act of April 14, 1972 (P.L.233, No.64), known
11 as The Controlled Substance, Drug, Device and Cosmetic
12 Act, or of an offense under the laws of another
13 jurisdiction which if committed in this Commonwealth
14 would be a felony under The Controlled Substance, Drug,
15 Device and Cosmetic Act, unless the following apply:

16 (A) At least ten years have elapsed from the
17 date of conviction.

18 (B) The applicant satisfactorily demonstrates to
19 the bureau that the applicant has made significant
20 progress in personal rehabilitation since the
21 conviction and that licensure of the applicant should
22 not be expected to create a substantial risk of harm
23 to the public or a substantial risk of further
24 criminal violations.

25 (C) The applicant otherwise satisfies the
26 qualifications required under this act.

27 (ii) As used in this paragraph, the term convicted
28 includes a judgment, admission of guilt or a plea of nolo
29 contendere, or receiving probation without verdict,
30 disposition in lieu of trial or an accelerated

1 rehabilitative disposition of the disposition of felony
2 charges.

3 (b) Existing practitioners.--The bureau shall issue a
4 license to an applicant who applies within two years of the
5 effective date of this subsection, complies with all of the
6 following:

7 (1) Is an active professional home inspector.

8 (2) Meets the qualifications described in subsection (a)
9 (1), (2), (3), (6), and (7).

10 (3) Complies with one of the following:

11 (i) The applicant submits proof satisfactory to the
12 bureau that the applicant has:

13 (A) been in active, continuous practice for at
14 least five years immediately preceding the effective
15 date of this section; or

16 (B) completed 120 hours of instruction in home
17 inspection and related subjects.

18 (c) Temporary practice permit.--

19 (1) The bureau may issue a temporary practice permit to
20 an applicant in order to permit the applicant to practice
21 home inspections during the six-month period after completion
22 of the applicant's education program.

23 (2) The temporary practice permit issued under paragraph
24 (1) shall be nonrenewable and shall expire on the earlier of:

25 (i) six months from the date of issuance; or

26 (ii) the date the applicant fails the licensing
27 examination.

28 (d) Transferability.--A license and a temporary practice
29 permit are not transferable.

30 Section 502. License status and continuing education.

1 (a) Duration of license.--A license shall be issued on a
2 biennial basis. The biennial expiration date shall be
3 established by regulation of the bureau. Application for renewal
4 of a license shall biennially be forwarded to an individual
5 holding a current license prior to the expiration date of the
6 current renewal biennium.

7 (b) Procedure.--To renew a license, a licensee must do all
8 of the following:

9 (1) File a renewal application with the bureau. The
10 licensee must successfully complete 16 hours of continuing
11 education in the field of home inspection during the
12 immediately preceding two years as approved by the bureau.

13 (2) Pay a fee established by regulation of the bureau.

14 (c) Information change notification.--A licensee shall
15 notify the bureau within 30 days of:

16 (1) a change of name;

17 (2) a change of name under which the licensee conducts
18 business;

19 (3) a change of business address;

20 (4) a lapse, change or cancellation of insurance
21 coverage; or

22 (5) a misdemeanor or felony violation.

23 (d) Inactive status.--A licensee may request an application
24 for inactive status. The application form must be completed and
25 returned to the bureau. Upon receipt of an application, the
26 individual shall be maintained on inactive status without fee
27 and shall be entitled to apply for a licensure renewal at any
28 time. An individual who requests the bureau to activate his
29 license and who has been on inactive status for five consecutive
30 years must, prior to receiving an active license, satisfy the

1 bureau's regulations for ensuring continued education and
2 present evidence of being a member in good standing of a bureau-
3 approved national home inspection association and remitting the
4 required fee. The bureau shall promulgate regulations to
5 implement this subsection.

6 (e) Reporting of multiple licensure.--A licensee who is also
7 licensed to practice home inspection in another jurisdiction
8 shall report this information to the bureau on the biennial
9 registration application. Disciplinary action taken in another
10 jurisdictions shall be reported to the bureau on the biennial
11 registration application or within 90 days of final disposition,
12 whichever is sooner. The bureau shall note multiple licensures
13 on the licensee's record, and the bureau shall notify other
14 licensing jurisdictions of disciplinary actions taken against
15 the licensee in this Commonwealth.

16 Section 503. Examinations.

17 The bureau shall contract with a professional testing
18 organization for the examination of qualified applicants for
19 licensure. All written, oral and practical examinations shall be
20 prepared and administered by a qualified and approved
21 professional testing organization in the manner prescribed for
22 written examinations by section 812.1 of the act of April 9,
23 1929 (P.L.177, No.175), known as The Administrative Code of
24 1929.

25 Section 504. Reciprocity.

26 The bureau may grant a reciprocal license to an applicant who
27 is licensed or certified as a home inspector or similar practice
28 in another state and has demonstrated qualifications which equal
29 or exceed those required under this act in the determination of
30 the bureau. The bureau shall not grant a license under this

1 section to an applicant unless the state in which the applicant
2 is licensed affords reciprocal treatment to individuals who are
3 residents of this Commonwealth and who are licensed under this
4 act. The applicant must also submit a notarized statement that
5 the applicant has studied, is familiar with and will abide by
6 this act and regulations promulgated by the bureau.

7 Section 505. Registration or licensing of home inspectors by
8 political subdivisions.

9 No agency or political subdivision of this Commonwealth,
10 other than the bureau, shall impose the following on individuals
11 licensed under this chapter:

12 (1) A registration or licensing requirement for
13 conducting home inspections.

14 (2) A license fee to obtain a local license, except that
15 this prohibition shall not prevent a local government from
16 imposing an occupational license tax on a person operating as
17 a home inspector within the jurisdiction of the local
18 government.

19 Section 506. Professional liability insurance.

20 (a) Requirement.--A licensed home inspector shall maintain
21 insurance against errors and omissions in the performance of a
22 home inspection and general liability, with coverages of not
23 less than \$100,000 per occurrence and \$500,000 in the aggregate
24 and with deductibles of not more than \$2,500.

25 (b) Proof.--An applicant must provide proof that the
26 applicant has obtained professional liability insurance under
27 subsection (a). It is sufficient if the applicant files with the
28 application a copy of a letter from the applicant's professional
29 liability insurance carrier indicating that the applicant will
30 be covered against professional liability in the required

1 amounts effective upon the issuance of the applicant's license
2 to practice home inspection in this Commonwealth. Upon issuance
3 of the license, the licensee must, within 30 days, submit to the
4 bureau the certificate of insurance or a copy of the policy
5 declaration page.

6 Section 507. Refusal, suspension and revocation of licenses.

7 (a) General rule.--The bureau may refuse, suspend, or revoke
8 a license in a case where the bureau finds:

9 (1) The licensee is negligent or incompetent in
10 performing home inspections.

11 (2) The licensee is unable to perform home inspections
12 with reasonable skill and safety by reason of mental or
13 physical illness or condition or physiological or
14 psychological dependence upon alcohol, hallucinogenic or
15 narcotic drugs or other drugs which tend to impair judgment
16 or coordination, so long as the dependence continues. In
17 enforcing this paragraph, the bureau shall, upon probable
18 cause, have authority to compel a licensee to submit to a
19 mental or physical examination as designated by the bureau.
20 After notice and hearing, adjudication and appeal, failure of
21 a licensee to submit to an examination when directed shall
22 constitute an admission of the allegations unless failure is
23 due to circumstances beyond the licensee's control,
24 consequent upon which a default and final order may be
25 entered without the taking of testimony or presentation of
26 evidence. A licensee affected under this paragraph shall at
27 reasonable intervals be afforded the opportunity to
28 demonstrate that the licensee can resume competent, safe and
29 skillful performance of home inspections.

30 (3) The licensee has willfully or repeatedly violated

1 this act or a regulation of the bureau.

2 (4) The licensee has committed fraud or deceit in:

3 (i) performing home inspections; or

4 (ii) securing licensure.

5 (5) The licensee has been convicted of a felony or a
6 crime of moral turpitude, or received probation without
7 verdict, disposition in lieu of trial or an Accelerated
8 Rehabilitative Disposition in the disposition of felony
9 charges in the courts of this Commonwealth or another
10 jurisdiction.

11 (6) The licensee has had the licensee's license
12 suspended or revoked or has received other disciplinary
13 action by the proper licensing authority in another
14 jurisdiction.

15 (7) With respect to the performance of home inspections,
16 the licensee has acted in a manner to present an immediate
17 and clear danger to health, safety or property.

18 (8) The licensee possessed, used, acquired or
19 distributed a controlled substance.

20 (9) The licensee has been found guilty of unprofessional
21 conduct. Unprofessional conduct includes departure from or
22 failing to conform to operating practices or professional
23 standards embraced by the home inspection profession,
24 including those recognized by a national home inspector
25 association. In proceedings based on this paragraph, actual
26 injury to a person or damage to property need not be
27 established.

28 (10) The licensee falsely advertised or made misleading,
29 deceptive, untrue or fraudulent material representations
30 regarding licensure, certification or performance of a home

1 inspection.

2 (b) Bureau action.--If the bureau finds that the license or
3 application for license may be refused, revoked, restricted or
4 suspended under the terms of subsection (a), the bureau may do
5 any of the following:

6 (1) Deny the application for license.

7 (2) Administer a public reprimand.

8 (3) Revoke, suspend, limit or otherwise restrict a
9 license.

10 (4) Require a licensee to submit to the care, counseling
11 or treatment of a physician designated by the bureau.

12 (5) Suspend enforcement of its findings and place a
13 licensee on probation with the right to vacate the
14 probationary order for noncompliance.

15 (6) Restore a suspended license and impose a
16 disciplinary or corrective measure which it might originally
17 have imposed.

18 (c) Administrative agency law.--Actions of the bureau under
19 subsections (a) and (b) are subject to 2 Pa.C.S. Ch. 5 Subch. A
20 (relating to practice and procedure of Commonwealth agencies)
21 and Ch. 7 Subch. A (relating to judicial review of Commonwealth
22 agency action).

23 (d) Temporary suspension.--The bureau shall temporarily
24 suspend a license under circumstances as determined by the
25 bureau to be an immediate and clear danger to the public health
26 and safety. The bureau shall issue an order to that effect
27 without a hearing, but upon notice to the licensee concerned at
28 the licensee's last known address, which must include a written
29 statement of all allegations against the licensee. Subsection
30 (c) shall not apply to temporary suspension. Upon issuance of an

1 order under this subsection, the bureau shall commence formal
2 action to suspend, revoke or restrict the license as otherwise
3 provided for in this act. Within 30 days following the issuance
4 of an order temporarily suspending a license, the bureau shall
5 conduct a preliminary hearing to determine that there is a prima
6 facie case supporting the suspension. The licensee whose license
7 has been temporarily suspended may be present at the preliminary
8 hearing and may be represented by counsel, cross-examine
9 witnesses, inspect physical evidence, call witnesses, offer
10 evidence and testimony and make a record of the proceedings. If
11 the bureau determines that there is not a prima facie case, the
12 bureau shall immediately restore the suspended license. The
13 temporary suspension shall remain in effect until vacated by the
14 bureau, but in no event longer than 180 days.

15 (e) Automatic suspension.--

16 (1) A license shall automatically be suspended upon the
17 legal commitment of a licensee to an institution because of
18 mental incompetence from any cause upon filing with the
19 bureau a certified copy of the commitment.

20 (2) A license shall automatically be suspended upon
21 conviction of a felony under the act of April 14, 1972
22 (P.L.233, No.64), known as The Controlled Substance, Drug,
23 Device and Cosmetic Act, or conviction of an offense under
24 the laws of another jurisdiction which, if committed in this
25 Commonwealth, would be a felony under The Controlled
26 Substance, Drug, Device and Cosmetic Act. As used in this
27 paragraph, the term conviction includes a judgment, an
28 admission of guilt or a plea of nolo contendere.

29 (3) Automatic suspension under this section shall not be
30 stayed pending an appeal.

1 (4) Reinstatement of a license shall be made under
2 section 508.

3 (5) Subsection (c) shall not apply to automatic
4 suspension.

5 Section 508. Reinstatement of license.

6 Unless ordered to do so by a court of competent jurisdiction,
7 the bureau shall not reinstate the license of an individual
8 which has been revoked. An individual whose license has been
9 revoked may reapply for a license after a period of at least
10 five years but must meet the licensing requirements of this act.

11 Section 509. License renewal, records and fees.

12 (a) Records.--The bureau shall keep a record of licensees in
13 its office. The record shall be open to public inspection and
14 copying upon payment of a reasonable fee for copying the record.

15 (b) Fees.--If the revenue from fees, fines and civil
16 penalties imposed under this act is not sufficient to meet
17 expenditures over a two-year period, the bureau shall increase
18 fees by regulation so that the projected revenue will meet or
19 exceed projected expenditures.

20 (c) Increases in fees.--If the bureau determines that the
21 fees established under subsection (b) are inadequate to meet the
22 minimum enforcement efforts required by this act, the bureau
23 shall increase the fees by regulation in an amount so that
24 adequate revenue is raised to meet the required enforcement
25 effort.

26 CHAPTER 7

27 ADMINISTRATION AND ENFORCEMENT

28 Section 701. Unlawful practice.

29 (a) General rule.--An individual may not practice home
30 inspection or hold himself out as a home inspector unless

1 licensed by the bureau.

2 (b) Title.--An individual who holds a license or is
3 maintained on inactive status may use the title Licensed Home
4 Inspector and the abbreviation L.H.I. No other individual may
5 use the title Licensed Home Inspector or the title Home
6 Inspector or hold himself out to others as a home inspector.
7 This subsection includes advertising as a home inspector and
8 adopting or using a title or description, or a derivative
9 thereof and their related abbreviations, which implies directly
10 or indirectly that home inspection services are being provided.

11 (c) Employment.--An individual, corporation, partnership,
12 firm or other entity may not employ an individual in home
13 inspection unless the individual is licensed by the bureau.

14 (d) Terminology.--A business entity may not utilize in
15 connection with a business name or activity the words home
16 inspector, home inspection or a derivative of those terms and
17 their related abbreviations, which implies directly or
18 indirectly that home inspection services are being provided,
19 unless the services of the business are provided by licensees.

20 (e) Injunction.--Unlawful practice may be enjoined by the
21 courts upon petition of the bureau. In a proceeding under this
22 section, it shall not be necessary to show that an individual
23 has been injured. If the court finds that the respondent has
24 violated this section, it shall enjoin the respondent from
25 practicing until the respondent has been licensed.

26 (f) Remedy cumulative.--The injunctive remedy provided in
27 this section shall be in addition to any other civil or criminal
28 prosecution and punishment.

29 Section 702. Violation of act.

30 (a) Criminal.--A person that violates this act or a

1 regulation of the bureau commits a misdemeanor of the third
2 degree and shall, upon conviction, be sentenced to pay a fine of
3 not more than \$1,000 or to imprisonment for not more than six
4 months for the first violation and to pay a fine of not more
5 than \$2,000 or to imprisonment for not less than six months nor
6 more than one year, or both, for each subsequent violation.

7 (b) Administrative.--In addition to a criminal penalty under
8 subsection (a), the bureau, by a vote of the majority of the
9 maximum number of the authorized membership of the bureau or by
10 a vote of the majority of the qualified and confirmed membership
11 or a minimum of five members, whichever is greater, may levy an
12 administrative penalty of up to \$1,000 for any of the following:

13 (1) A home inspector who violates a provision of this
14 act.

15 (2) A person that employs a home inspector in violation
16 of this act.

17 (3) An individual who holds himself out as a licensee
18 without being properly licensed as provided in this act.

19 (4) The responsible officer or employee of a
20 corporation, partnership, firm or other entity that violates
21 a provision of this act.

22 (c) Administrative agency law.--Action of the bureau under
23 subsection (b) is subject to 2 Pa.C.S. Ch. 5 Subch. A (relating
24 to practice and procedure of Commonwealth agencies) and Ch. 7
25 Subch. A (relating to judicial review of Commonwealth agency
26 action).

27 Section 703. Degree of care of home inspectors.

28 (a) General rule.--The home inspector shall conduct a home
29 inspection with the degree of care that a reasonably prudent
30 home inspector would exercise.

1 (b) Standard.--In ascertaining the degree of care that would
2 be exercised by a reasonably prudent home inspector, the court
3 shall consider the standards of practice and codes of ethics of
4 national home inspector associations.

5 Section 704. Consumer remedies.

6 (a) General rule.--The performance of a home inspection is a
7 service subject to the act of December 17, 1968 (P.L.1224,
8 No.387), known as the Unfair Trade Practices and Consumer
9 Protection Law.

10 (b) Prohibited acts.--Any of the following acts engaged in
11 by a home inspector, an employer of a home inspector or another
12 business or person that controls or has a financial interest in
13 the employer of a home inspector shall be deemed to be an unfair
14 or deceptive act or practice as defined by section 2(4) of the
15 Unfair Trade Practices and Consumer Protection Law:

16 (1) Performing or offering to perform for an additional
17 fee any repairs to a structure with respect to which the home
18 inspector, the employer of the home inspector or other
19 business or person has prepared a home inspection report
20 within the preceding 12 months, except that this paragraph
21 shall not apply to remediation for radon or wood-destroying
22 insects.

23 (2) Inspecting for a fee any property in which the home
24 inspector, the employer of the home inspector or other
25 business or person has a financial interest or an interest in
26 the transfer of the property, including receipt of a
27 commission as an agent, unless the financial interest or
28 interest in the transfer of the property is disclosed in
29 writing to the buyer before the home inspection is performed
30 and the buyer signs an acknowledgment of receipt of the

1 disclosure.

2 (3) Offering or delivering a commission, referral fee or
3 kickback to the seller of the inspected property or to an
4 agent for the seller or buyer for the referral of business to
5 the home inspector, the employer of the home inspector or
6 other business or person.

7 (4) Accepting an engagement to perform a home inspection
8 or to prepare a home inspection report in which the
9 employment itself or the fee payable for the inspection is
10 contingent upon the conclusions in the report, preestablished
11 or prescribed findings or the closing of the transaction.

12 (c) Exception.--A home warranty company that is affiliated
13 with or retains the home inspector does not violate subsection
14 (b) if the home warranty company performs repairs pursuant to
15 claims made under a home warranty contract.

16 (d) Remedies.--In addition to other remedies available under
17 the Unfair Trade Practices and Consumer Protection Law or other
18 applicable provision of law, the owner of a property on which
19 repairs are performed in violation of subsection (b)(1) shall be
20 entitled to a full refund of money paid for those repairs, and a
21 promissory note or another obligation to pay given to the person
22 performing those repairs shall be void.

23 Section 705. Home inspection reports.

24 (a) Required contents.--A home inspection report must be in
25 writing and include all of the following:

26 (1) A description of the scope of the inspection,
27 including identification of the structural elements, systems
28 and subsystems covered by the report.

29 (2) Any structural defect or environmental hazard
30 discovered by the home inspector during the home inspection.

1 (3) A description of material defects noted during the
2 inspection, along with a recommendation that certain experts
3 be retained to determine the extent of the defects and the
4 corrective action that should be taken. A "material defect"
5 as defined in 68 Pa.C.S. § 7102 (relating to definitions)
6 that poses an unreasonable risk to people on the property
7 shall be conspicuously identified as such.

8 (4) The following statements, set forth conspicuously:

9 A home inspection is intended to assist in evaluation of
10 the overall condition of the dwelling. The inspection is
11 based on observation of the visible and apparent condition of
12 the structure and its components on the date of inspection.

13 The results of this home inspection are not intended to
14 make any representation regarding the presence or absence of
15 latent or concealed defects that are not reasonably
16 ascertainable in a competently performed home inspection. No
17 warranty or guaranty is expressed or implied.

18 This home inspection report is not to be construed as an
19 appraisal and may not be used as such for any purpose.

20 (b) Confidentiality.--Except as otherwise required by law, a
21 home inspector may not deliver a home inspection report to a
22 person other than the client of the home inspector without the
23 client's consent. The seller shall have the right, upon request,
24 to receive without charge a copy of a home inspection report
25 from the person for whom it was prepared.

26 (c) Repair estimates prohibited.--

27 (1) Except as set forth in paragraph (2), a home
28 inspector may not express either orally or in writing an
29 estimate of the cost to repair a defect found during a home
30 inspection.

1 (2) Apply to an officer or employee of a municipality or
2 local authority when acting in his official capacity.

3 (3) Affect the obligations or immunities of a person
4 licensed under the act of February 19, 1980 (P.L.15, No.9),
5 known as the Real Estate Licensing and Registration Act, that
6 are imposed or provided under that act or 68 Pa.C.S. Ch. 73
7 (relating to seller disclosures) when the person is acting
8 pursuant to his license.

9 (4) Affect the obligations or immunities of a person
10 certified under the act of July 10, 1990 (P.L.404, No.98),
11 known as the Real Estate Appraisers Certification Act, when
12 the person is acting under the person's license.

13 Section 2102. Regulations.

14 The bureau shall promulgate regulations to carry out this act
15 within 18 months of the effective date of this section. The
16 bureau shall report, within 60 days of the effective date of
17 this section and every 30 days thereafter, on the status of the
18 regulations to the Consumer Protection and Professional
19 Licensure Committee of the Senate and the Professional Licensure
20 Committee of the House of Representatives.

21 Section 2103. Repeal.

22 Repeals are as follows:

23 (1) The General Assembly declares that the repeal under
24 paragraph (2) is necessary to effectuate this act.

25 (2) The provisions of 68 Pa.C.S. Ch. 75 are repealed.

26 Section 2104. Effective date.

27 This act shall take effect as follows:

28 (1) The following provisions shall take effect
29 immediately:

30 (i) Section 301.

1 (ii) Section 2102.

2 (iii) This section.

3 (2) The following provisions shall take effect in two
4 years:

5 (i) Chapter 5.

6 (ii) Except as set forth in paragraph (3), Chapter
7 7.

8 (3) Section 701(a) shall take effect 90 days after the
9 effective date of the initial regulations promulgated under
10 section 2102.

11 (4) The remainder of this act shall take effect in 60
12 days.

