

Dear Representative Harhart,

Thank you for the opportunity to comment on House Bill 1421 relating to licensing of Home Inspectors. Many Professional Engineers are in the business of providing home inspections. In fact, the National Academy of Building Inspection Engineers (NABIE) is a national association of home inspectors whose membership is limited to licensed engineers and architects. NABIE was established in 1989 to serve the public by advancing the art and skill of engineers who offer their services as expert inspectors, investigators and consultants pertaining to the structural and mechanical components of buildings and homes of all types. The purpose of the Academy is to lead and advance the integrity, value and understanding of the practice of professional engineering, as it applies to the inspection, investigation and consultation involving buildings and homes, for the benefit of the users of its members' services including the general public, attorneys, realtors, mortgage brokers and other lenders, and other clients, to better serve the needs of real estate purchasers, owners and investors. For more information on this organization, visit WWW.NABIE.ORG

In the past, the Pennsylvania Society of Professional Engineers (PSPE) has offered input into the current law regulating home inspectors so that consumers are adequately protected and qualified licensed engineers are not excluded from providing home inspection services. In broad terms, there are four important tenants that the Pennsylvania Society of Professional Engineers advocates for on this issue:

1. Home Inspectors that are not licensed design professionals should not be offering advice on the structural integrity of buildings, but rather should refer home owners to a licensed individual when they observe suspicious conditions that may be signs of a lack of structural soundness.
2. Engineers that have obtained a Pennsylvania Professional Engineers license should not be required to also obtain a second home inspectors license or be subjected to the various additional requirements provided that they are practicing within their field of engineering competency.
3. Consumers should be made aware of a home inspectors limitations if the home inspector is a not licensed design professional.
4. The licensing boards for architects and engineers should retain the authority to discipline the members of their respective professions. For example, there is already in place a process under which complaints against architects alleged to have practiced engineering are ultimately handled by the architects board and vice versa.

The first three of these tenants are addressed in the current law which regulates the activities of home inspectors. And, all three are also largely absent in House Bill 1421. The fourth could be added very simply. I bring your attention to the following sections of the PA Home Inspection Law **68 Pa.C.S. §§7501-7512:**

§ 7304. Disclosure form

(A) GENERAL RULE--A form of property disclosure statement that satisfies the requirements of this chapter shall be promulgated by the State Real Estate Commission. Nothing in this chapter shall preclude a seller from using a form of property disclosure statement that contains additional provisions that require greater specificity or that call for the disclosure of the condition or existence of other features of the property.

(B) CONTENTS OF PROPERTY DISCLOSURE STATEMENT--The form of property disclosure statement promulgated by the State Real Estate Commission shall call for disclosures with respect to all of the following subjects:

(1) Seller's expertise in contracting, engineering, architecture or other areas related to the construction and conditions of the property and its improvements.

(6) Structural problems.

§ 7506. Required contractual provision regarding home inspections

Except as provided in this section, a provision of an agreement of transfer regarding the right of the buyer to obtain a home inspection report and providing for the consequences, if any, shall provide that the home inspection be performed by a full member in good standing of a national home inspection association in accordance with the ethical standards and code of conduct or practice of that association; provided that a home inspection performed by a person who has not attained full membership in a national home inspection association satisfies the requirements of this section if the person is:

(1) licensed or registered as a professional engineer under the act of May 23, 1945 (P.L.913, No. 367), known as the Engineer, Land Surveyor and Geologist Registration Law;

§ 7508. Home inspection reports

(A) REQUIRED CONTENTS--A home inspection report must be in writing and shall include:

(3) The following statements: set forth conspicuously:

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

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

"If the person conducting your home inspection is not a licensed structural engineer or other professional whose license authorizes the rendering of an opinion as to the structural integrity of a building or its other component parts, you may be advised to seek a professional opinion as to any defects or concerns mentioned in the report."

On the positive side, House Bill 2332 does contain similar language to the current law's provision stating that home inspectors may not practice engineering without a license:

§ 7503. Relationship to other laws

(A) GENERAL RULE--Nothing in this chapter shall be construed to allow a home inspector who is not registered or licensed under one or more of the following laws to perform any activity that would constitute the practice of the profession regulated by that law:

(1) The act of May 23, 1945 (P.L. 913, No. 367), known as the Engineer, Land Surveyor and Geologist Registration Law.

(b) Exclusions.--This chapter shall not:

(1) Apply to a person registered or licensed under an act referred to in subsection (a) when acting pursuant to his registration or license.

PSPE strongly urges the Professional Licensure committee to restore the missing safeguards of the current law if House Bill 1421 is to move forward.

Thank you for consideration of these comments and suggestions. Please do not hesitate to contact me if you have any questions or would like additional information.

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