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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 178 Session of  
2013

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INTRODUCED BY GREENLEAF, TARTAGLIONE, BROWNE, BREWSTER,  
WASHINGTON, RAFFERTY, ERICKSON, SOLOBAY, WAUGH AND COSTA,  
JANUARY 16, 2013

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JANUARY 16, 2013

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, repealing provisions  
3 relating to home inspections; providing for home inspections;  
4 establishing the Pennsylvania Board of Home Inspectors;  
5 providing for licensure of home inspectors and for  
6 disciplinary proceedings by the Pennsylvania Board of Home  
7 Inspectors; and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Chapter 75 heading and sections 7501, 7502, 7503,  
11 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512 and 7513 of  
12 Title 68 of the Pennsylvania Consolidated Statutes are repealed:

13 [CHAPTER 75

14 HOME INSPECTIONS

15 § 7501. Short title of chapter.

16 This chapter shall be known and may be cited as the Home  
17 Inspection Law.

18 § 7502. Definitions and index of definitions.

19 (a) Definitions.--The following words and phrases when used

1 in this chapter shall have the meanings given to them in this  
2 section unless the context clearly indicates otherwise:

3 "Home inspection." A noninvasive visual examination of some  
4 combination of the mechanical, electrical or plumbing systems or  
5 the structural and essential components of a residential  
6 dwelling designed to identify material defects in those systems  
7 and components and performed for a fee in connection with or  
8 preparation for a proposed or possible residential real estate  
9 transfer. The term also includes any consultation regarding the  
10 property that is represented to be a home inspection or that is  
11 described by any confusingly similar term. The term does not  
12 include an examination of a single system or component of a  
13 residential dwelling such as, for example, its electrical or  
14 plumbing system or its roof. The term also does not include an  
15 examination that is limited to inspection for or of one or more  
16 of the following: wood destroying insects, underground tanks and  
17 wells, septic systems, swimming pools and spas, alarm systems,  
18 air and water quality, tennis courts and playground equipment,  
19 pollutants, toxic chemicals and environmental hazards.

20 "Home inspection report." A written report on the results of  
21 a home inspection.

22 "Home inspector." An individual who performs a home  
23 inspection.

24 "National home inspectors association." Any national  
25 association of home inspectors that:

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

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

29 (3) Requires that a person may not become a full member  
30 unless the person has performed or participated in more than

1 100 home inspections and has passed a recognized or  
2 accredited examination testing knowledge of the proper  
3 procedures for conducting a home inspection.

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

7 (b) Index of other definitions.--The following is a  
8 nonexclusive list of other definitions applying to this chapter  
9 and the sections in which they appear:

10 "Agent." Section 7102 (relating to definitions).

11 "Agreement of transfer." Section 7102 (relating to  
12 definitions).

13 "Buyer." Section 7102 (relating to definitions).

14 "Material defect." Section 7102 (relating to definitions).

15 "Residential real estate transfer." Section 7103 (relating  
16 to application of part).

17 "Seller." Section 7102 (relating to definitions).

18 § 7503. Relationship to other laws.

19 (a) General rule.--Nothing in this chapter shall be  
20 construed to allow a home inspector who is not registered or  
21 licensed under one or more of the following laws to perform any  
22 activity that would constitute the practice of the profession  
23 regulated by that law:

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

26 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),  
27 known as the Pennsylvania Sewage Facilities Act.

28 (3) The act of March 1, 1974 (P.L.90, No.24), known as  
29 the Pennsylvania Pesticide Control Act of 1973.

30 (4) The act of December 14, 1982 (P.L.1227, No.281),

1 known as the Architects Licensure Law.

2 (5) The act of July 9, 1987 (P.L.238, No.43), known as  
3 the Radon Certification Act.

4 (6) The act of July 10, 1990 (P.L.404, No.98), known as  
5 the Real Estate Appraisers Certification Act.

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

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

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

12 (3) Affect the obligations or immunities of a person  
13 licensed under the act of February 19, 1980 (P.L.15, No.9),  
14 known as the Real Estate Licensing and Registration Act, that  
15 are imposed or provided by that act or Chapter 73 (relating  
16 to seller disclosures) when the person is acting pursuant to  
17 his license.

18 (4) Affect the obligations or immunities of a person  
19 certified under the Real Estate Appraisers Certification Act  
20 when the person is acting pursuant to the person's license.

21 § 7504. Duty of care of home inspectors.

22 (a) General rule.--It is the duty of a home inspector to  
23 conduct a home inspection with the degree of care that a  
24 reasonably prudent home inspector would exercise.

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

29 § 7505. Consumer remedies.

30 (a) General rule.--The performance of a home inspection is a

1 service that is subject to the act of December 17, 1968 (P.L.  
2 1224, No.387), known as the Unfair Trade Practices and Consumer  
3 Protection Law.

4 (b) Prohibited acts.--Any of the following acts engaged in  
5 by a home inspector, an employer of a home inspector or another  
6 business or person that controls or has a financial interest in  
7 the employer of a home inspector shall be deemed to be an unfair  
8 or deceptive act or practice as defined by section 2(4)(i)  
9 through (xxi) of the Unfair Trade Practices and Consumer  
10 Protection Law:

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

18 (2) Inspecting for a fee any property in which the home  
19 inspector, the employer of the home inspector or such other  
20 business or person has any financial interest or any interest  
21 in the transfer of the property, including without limitation  
22 receipt of a commission as an agent, unless the financial  
23 interest or interest in the transfer of the property is  
24 disclosed in writing to the buyer before the home inspection  
25 is performed and the buyer signs an acknowledgment of receipt  
26 of the disclosure.

27 (3) Offering or delivering any commission, referral fee  
28 or kickback to the seller of the inspected property or to an  
29 agent for either or both of the seller and the buyer for the  
30 referral of any business to the home inspector, the employer

1 of the home inspector or such other business or person.

2 (4) Accepting an engagement to perform a home inspection  
3 or to prepare a home inspection report in which the  
4 employment itself or the fee payable for the inspection is  
5 contingent upon the conclusions in the report, preestablished  
6 or prescribed findings or the closing of the transaction.

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

11 (d) Remedies.--In addition to any other remedies available  
12 under the Unfair Trade Practices and Consumer Protection Law or  
13 other applicable provision of law, the owner of a property on  
14 which repairs are performed in violation of subsection (b) (1)  
15 shall be entitled to a full refund of any moneys paid for those  
16 repairs, and any promissory note or other obligation to pay  
17 given to the person performing those repairs shall be void.  
18 § 7506. Required contractual provision regarding home  
19 inspections.

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

30 (1) licensed or registered as a professional engineer

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

3 (2) licensed or registered under the act of December 14,  
4 1982 (P.L.1227, No.281), known as the Architects Licensure  
5 Law; or

6 (3) supervised by a full member in good standing of a  
7 national home inspection association who agrees to be  
8 responsible for the home inspection report by signing the  
9 report.

10 § 7507. Contracts with home inspectors.

11 (a) Prohibited provisions.--The following types of  
12 provisions in a contract with a home inspector for the  
13 performance of a home inspection are contrary to public policy  
14 and shall be void:

15 (1) a limitation on the liability of the home inspector  
16 for gross negligence or willful misconduct;

17 (2) a waiver or modification of any provision of this  
18 chapter.

19 (b) Scope of inspection.--The scope of a home inspection,  
20 the services to be performed and the systems and conditions to  
21 be inspected or excluded from inspection may be defined by a  
22 contract between the home inspector and the client.

23 § 7508. Home inspection reports.

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

26 (1) A description of the scope of the inspection,  
27 including without limitation an identification of the  
28 structural elements, systems and subsystems covered by the  
29 report.

30 (2) A description of any material defects noted during

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

7 (3) The following statements, set forth conspicuously:

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

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

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

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

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



1 (c) Repair estimates prohibited.--A home inspector shall not  
2 express either orally or in writing an estimate of the cost to  
3 repair any defect found during a home inspection, except that  
4 such an estimate may be included in a home inspection report if:

5 (1) the report identifies the source of the estimate;

6 (2) the estimate is stated as a range of costs; and

7 (3) the report states that the parties should consider  
8 obtaining an estimate from a contractor who performs the type  
9 of repair involved.

10 § 7509. Liability insurance.

11 (a) Required insurance.--A home inspector shall maintain  
12 insurance against errors and omissions in the performance of a  
13 home inspection and general liability, with coverages of not  
14 less than \$100,000 per occurrence and \$500,000 in the aggregate  
15 and with deductibles of not more than \$2,500.

16 (b) Term.--

17 (1) Except as set forth in paragraph (2), a home  
18 inspector shall maintain insurance under subsection (a) for  
19 at least one year after the latest home inspection report the  
20 home inspector delivers.

21 (2) Paragraph (1) shall not apply to a home inspection  
22 report that was delivered prior to the effective date of this  
23 section.

24 § 7510. Reliance by buyer.

25 A buyer shall be entitled to rely in good faith, without  
26 independent investigation, on a written representation by a home  
27 inspector that the home inspector is:

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

1           (2) licensed or registered under the act of December 14,  
2           1982 (P.L.1227, No.281), known as the Architects Licensure  
3           Law; or

4           (3) a full member in good standing of a national home  
5           inspection association.

6 § 7511. Penalties.

7           (a) Criminal penalty.--A person who violates section 7509  
8           (relating to liability insurance) or who provides a false  
9           representation under section 7510 (relating to reliance by  
10          buyer) commits a summary offense and, upon conviction thereof  
11          for a first offense, shall be sentenced to pay a fine not  
12          exceeding \$500 or to imprisonment for not more than three  
13          months, or both, and for a second or subsequent offense commits  
14          a misdemeanor of the third degree and, upon conviction thereof,  
15          shall be sentenced to pay a fine of not less than \$2,000 but not  
16          more than \$5,000 or to imprisonment for not less than one year  
17          but not more than two years, or both.

18          (b) Fine.--A person who violates any provision of section  
19          7508 (relating to home inspection reports) shall, upon  
20          conviction in a summary proceeding before a magisterial district  
21          judge, be sentenced to pay a fine not exceeding \$500.

22 § 7512. Statute of limitations.

23          An action to recover damages arising from a home inspection  
24          report must be commenced within one year after the date the  
25          report is delivered.

26 § 7513. Engineers and architects.

27          Notwithstanding section 7503(b)(1) (relating to relationship  
28          to other laws), the following sections: 7505 (relating to  
29          consumer remedies), 7507(a)(1) and (b) (relating to contracts  
30          with home inspectors), 7508 (relating to home inspection

1 reports) and 7509 (relating to liability insurance) shall apply  
2 to a person licensed or registered as a professional engineer  
3 under the act of May 23, 1945 (P.L.913, No.367), known as the  
4 Engineer, Land Surveyor and Geologist Registration Law, or a  
5 person licensed or registered under the act of December 14, 1982  
6 (P.L.1227, No.281), known as the Architects Licensure Law, when  
7 performing a home inspection.]

8 Section 2. Title 68 is amended by adding a chapter to read:

9 CHAPTER 75A

10 HOME INSPECTIONS

11 Sec.

12 75A01. Scope.

13 75A02. Definitions.

14 75A03. Pennsylvania Board of Home Inspectors.

15 75A04. Powers and duties of board.

16 75A05. Licensure.

17 75A06. Qualifications.

18 75A07. (Reserved).

19 75A08. Home inspection reports.

20 75A09. Liability insurance.

21 75A10. Home inspectors in other states, territories or Dominion  
22 of Canada.

23 75A11. Duration of license.

24 75A12. Reporting of multiple licensure.

25 75A13. Relationship to other laws.

26 75A14. Unfair Trade Practices and Consumer Protection Law  
27 remedies.

28 75A15. Contracts with home inspectors.

29 75A16. Fees, fines and civil penalties.

30 75A17. Violation.

1 75A18. Refusal, suspension or revocation of license.

2 75A19. Suspensions and revocations.

3 75A20. Temporary and automatic suspensions.

4 75A21. Reinstatement of license.

5 75A22. (Reserved).

6 75A23. Injunction.

7 75A24. Subpoenas and oaths.

8 75A25. Statute of limitations.

9 75A26. Engineers and architects.

10 § 75A01. Scope.

11 This chapter relates to home inspections.

12 § 75A02. Definitions.

13 (a) Definitions.--The following words and phrases when used  
14 in this chapter shall have the meanings given to them in this  
15 section unless the context clearly indicates otherwise:

16 "Agent." Any broker, associate broker or salesperson, as  
17 defined in the act of February 19, 1980 (P.L.15, No.9), known as  
18 the Real Estate Licensing and Registration Act.

19 "Agreement of transfer." A contract between a buyer and  
20 seller setting forth the terms of a residential real estate  
21 transfer.

22 "Applicant." An individual who applies for a license as a  
23 home inspector.

24 "Board." The Pennsylvania Board of Home Inspectors.

25 "Bureau." The Bureau of Professional and Occupational  
26 Affairs in the Department of State.

27 "Buyer." Any person receiving any estate or interest in real  
28 property in a transfer subject to this part.

29 "Client." An individual on whose behalf a contract is  
30 entered with a licensee under this chapter, or his employer, to

1 obtain a home inspection and subsequent home inspection report.

2 "Commissioner." The Commissioner of the Bureau of  
3 Professional and Occupational Affairs in the Department of  
4 State.

5 "Department." The Department of State of the Commonwealth.

6 "Home inspection." A noninvasive visual examination of some  
7 combination of the mechanical, electrical or plumbing systems or  
8 the structural and essential components of a residential  
9 dwelling designed to identify material defects in those systems  
10 and components and performed for a fee in connection with or  
11 preparation for a proposed or possible residential real estate  
12 transfer. The term includes any consultation regarding the  
13 property that is represented to be a home inspection or that is  
14 described by any similar term. The term does not include any of  
15 the following:

16 (1) An examination of a single system or component of a  
17 residential dwelling such as its electrical or plumbing  
18 system or its roof.

19 (2) An examination that is limited to inspection for or  
20 of one or more of the following ancillary services:

21 (i) Wood-destroying insects.

22 (ii) Underground tanks and wells.

23 (iii) Septic systems.

24 (iv) Swimming pools and spas.

25 (v) Alarm systems.

26 (vi) Air and water quality.

27 (vii) Tennis courts and playground equipment.

28 (viii) Pollutants.

29 (ix) Toxic chemicals.

30 (x) Environmental hazards.

1           (xi) Mold.

2           (xii) Biological organisms.

3           "Home inspection report." A report as required under section  
4 75A08 (relating to home inspection reports).

5           "Home inspector." An individual who performs a home  
6 inspection and is licensed under this chapter.

7           "Material defect." A problem with a residential real  
8 property or any portion of it that would have a significant  
9 adverse impact on the value of the property or that involves an  
10 unreasonable risk to people on the property. The fact that a  
11 structural element, system or subsystem is near, at or beyond  
12 the end of the normal useful life of such a structural element,  
13 system or subsystem is not by itself a material defect.

14           "Residential dwelling." A structure consisting of at least  
15 one but not more than four units, each designed for occupancy by  
16 a single family, whether the unit or units are occupied or  
17 unoccupied.

18           "Residential real estate transfer." As defined under section  
19 7103 (relating to application of part).

20           "Seller." Any person transferring any estate or interest in  
21 residential real property in a transfer subject to this part.

22           "Wood destroying insect." The term includes termites,  
23 carpenter ants, carpenter bees and reinfesting wood boring  
24 beetles.

25           § 75A03. Pennsylvania Board of Home Inspectors.

26           (a) Establishment.--There is established the Pennsylvania  
27 Board of Home Inspectors within the bureau.

28           (b) Composition.--The board shall consist of the following  
29 members:

30           (1) The commissioner or a designee.

1       (2) The following members, who shall be citizens of the  
2 United States and residents of this Commonwealth, appointed  
3 by the Governor with the advice and consent of the Senate:

4           (i) Two members representing the public at large.

5           (ii) Five professional members. Professional members  
6 shall have completed no less than 400 fee-paid home  
7 inspections in this Commonwealth over the five years  
8 immediately preceding appointment to the board. Except as  
9 set forth under subsection (f), professional members  
10 shall be licensed under this chapter as home inspectors.

11       (3) The Attorney General or a designee.

12       (c) Meeting.--The board shall meet within 30 days after the  
13 appointment of the initial members and shall do all of the  
14 following:

15           (1) Establish procedures for the board's operation and  
16 administration of this chapter.

17           (2) Develop application forms for licensure.

18           (3) Circulate application forms.

19           (4) Create program guidelines to educate the public  
20 regarding licensure requirements under this chapter.

21       (d) Term of membership.--Except as provided under subsection  
22 (e), professional and public members shall serve a term of four  
23 years or until a successor has been appointed and qualified but  
24 in no event longer than six months beyond the four-year period.  
25 In the event that a member dies or resigns or otherwise is  
26 disqualified during the term of office, a successor shall be  
27 appointed in the same way and with the same qualifications and  
28 shall hold office for an unexpired term. A professional or  
29 public member shall not be eligible to hold more than two  
30 consecutive terms.

1 (e) Initial appointments.--For professional and public  
2 members first appointed to the board under this chapter, the  
3 term of office shall be as follows:

4 (1) Three members shall serve for a term of four years.

5 (2) Two members shall serve for a term of three years.

6 (3) One member shall serve for a term of two years.

7 (f) Professional members and first appointments.--

8 (1) A professional member initially appointed to the  
9 board under this chapter need not be licensed at the time of  
10 appointment but at the time of appointment must have  
11 satisfied eligibility requirements for licensure. All  
12 professional members subsequently appointed shall possess the  
13 required license.

14 (2) A board member that becomes a home inspector shall  
15 obtain the requisite license within six months of the date  
16 the initial licenses are issued. If a board member does not  
17 obtain the requisite license within six months of the  
18 effective date of this section, the board member shall be  
19 considered to have resigned from the board on that date.

20 (g) Quorum.--A majority of the members of the board shall  
21 constitute a quorum. A member may not be counted as part of a  
22 quorum or vote on any issue unless the member is physically in  
23 attendance at the meeting.

24 (h) Chairperson.--The board shall select annually a  
25 chairperson from among its members.

26 (i) Expenses.--With the exception of the commissioner and  
27 the Attorney General, each member of the board shall receive \$60  
28 per diem when actually attending to the work of the board. A  
29 member shall also receive the amount of reasonable traveling,  
30 hotel and other necessary expenses incurred in the performance



1 of the member's duties in accordance with Commonwealth  
2 regulations.

3 (j) Forfeiture.--A professional or public member who fails  
4 to attend three meetings in 18 months shall forfeit the member's  
5 seat unless the commissioner, upon written request from the  
6 member, finds that the member should be excused from a meeting  
7 because of illness or the death of a family member.

8 (k) Training seminars.--A public member who fails to attend  
9 two consecutive statutorily mandated training seminars in  
10 accordance with section 813(e) of the act of April 9, 1929 (P.L.  
11 177, No.175), known as The Administrative Code of 1929, shall  
12 forfeit the member's seat unless the commissioner, upon written  
13 request from the public member, finds that the public member  
14 should be excused from a meeting because of illness or the death  
15 of a family member.

16 (l) Frequency of meetings.--The board shall meet at least  
17 four times per year in the City of Harrisburg and at additional  
18 times as may be necessary to conduct the business of the board.  
19 § 75A04. Powers and duties of board.

20 The board shall have the following powers and duties:

21 (1) To provide for and regulate the licensing of  
22 individuals engaged in home inspection.

23 (2) To issue licenses, renew licenses, reinstate  
24 licenses, refuse to renew, suspend and revoke licenses as  
25 provided under this chapter.

26 (3) To administer and enforce the provisions of this  
27 chapter.

28 (4) To review applications for licensure and to  
29 determine the eligibility of an individual applying for  
30 licensure.

1       (5) To promote educational initiatives to protect  
2 consumers who contract for home inspection services.

3       (6) To promulgate and enforce regulations, not  
4 inconsistent with this chapter, as necessary only to carry  
5 out the provisions of this chapter. This paragraph includes  
6 the setting of fees and the adoption of standards for  
7 certification of home inspectors. Regulations shall be  
8 adopted in conformity with the provisions of the act of July  
9 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
10 Documents Law and the act of June 25, 1982 (P.L.633, No.181),  
11 known as the Regulatory Review Act.

12       (7) To keep minutes and records of all proceedings.

13       (8) To submit annually to the department an estimate of  
14 financial requirements of the board for its administrative,  
15 legal and other expenses.

16       (9) To submit annually a report to the Consumer  
17 Protection and Professional Licensure Committee of the Senate  
18 and the Professional Licensure Committee of the House of  
19 Representatives. The report shall include a description of  
20 the types of complaints received, status of cases, the action  
21 which has been taken and the length of time from initial  
22 complaint to final resolution.

23       (10) To submit annually to the Appropriations Committee  
24 of the Senate and the Appropriations Committee of the House  
25 of Representatives, 15 days after the Governor has submitted  
26 a budget to the General Assembly, a copy of the budget  
27 request for the upcoming fiscal year which the board  
28 previously submitted to the department.

29       (11) To prescribe the form of licenses, applications and  
30 other documents that are required for home inspectors to be

1 licensed under this chapter.

2 (12) To grant, deny, suspend and revoke approval of  
3 examinations and courses of study regarding home inspections,  
4 establish standards for continuing home inspection education,  
5 including the subject matter and content of courses of study  
6 and the selection of instructors and approve other equivalent  
7 educational programs and establish procedures for the  
8 issuance of credit upon satisfactory proof of the completion  
9 of these programs.

10 (13) To establish and maintain a current list of home  
11 inspectors who are licensed. This list shall be available for  
12 public inspection, including on an Internet website.

13 (14) To establish continuing education requirements of  
14 not less than 32 hours biennially for licensees in accordance  
15 with this chapter.

16 (15) To require all fee-paid home inspections to be  
17 conducted in accordance with the standards of practice  
18 established by the board.

19 (16) To adopt standards of practice for licensees.

20 § 75A05. Licensure.

21 (a) General rule.--An individual may not perform home  
22 inspections, offer himself for employment as an individual who  
23 performs home inspections or hold himself out as a home  
24 inspector unless licensed by the board or as otherwise  
25 consistent with this chapter.

26 (b) Business entities.--An individual, corporation,  
27 partnership, firm or other entity shall not employ an individual  
28 to perform a home inspection or allow or direct an individual to  
29 perform a home inspection unless the individual is licensed  
30 under this chapter.

1 § 75A06. Qualifications.

2 (a) General rule.--To be eligible to apply for licensure, an  
3 applicant must fulfill all of the following requirements:

4 (1) Be of good moral character.

5 (2) Be 18 years of age or older.

6 (3) Have successfully completed high school or its  
7 equivalent.

8 (4) Satisfactorily complete a board-approved training  
9 program or course of study involving the performance of home  
10 inspections; such study program shall be for no less than 120  
11 hours of instruction and include no less than 40 hours of  
12 actual in-field training.

13 (5) Satisfactorily complete a board-approved examination  
14 that is designed to test competence in home inspection  
15 practices. The board shall contract with a professional  
16 testing organization for the examination of qualified  
17 applicants for licensure. All written, oral and practical  
18 examinations shall be prepared and administered by a  
19 qualified and approved professional testing organization in  
20 the manner prescribed for written examinations by section  
21 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as  
22 The Administrative Code of 1929.

23 (6) Pay the fee set by the board.

24 (b) Ancillary services.--In the event that an ancillary  
25 service is performed by a licensed home inspector, the inspector  
26 shall be licensed or certified to perform that service as  
27 required by State regulation. Inspectors found to be performing  
28 ancillary inspections for the home-buying public without the  
29 required license or certification shall be subject to discipline  
30 by the board.

1 § 75A07. (Reserved).

2 § 75A08. Home inspection reports.

3 (a) Required contents.--A home inspection report must be in  
4 writing and shall include:

5 (1) A description of the scope of the inspection,  
6 including without limitation an identification of the  
7 structural elements, systems and subsystems of the  
8 residential dwelling covered by the report.

9 (2) A description of any material defects noted during  
10 the inspection, along with any recommendation that certain  
11 experts be retained to determine the extent of the defects  
12 and any corrective action that should be taken. A material  
13 defect that poses an unreasonable risk to people on the  
14 property shall be conspicuously identified as such.

15 (3) The following statements, set forth conspicuously:

16 A home inspection is intended to assist in evaluation of  
17 the overall condition of the residential dwelling. The  
18 inspection is based on observation of the visible and  
19 apparent condition of the residential dwelling and its  
20 components on the date of inspection.

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

26 If the person conducting your home inspection is not a  
27 licensed structural engineer or other professional whose  
28 license authorizes the rendering of an opinion as to the  
29 structural integrity of a residential dwelling or its other  
30 component parts, you may be advised to seek a professional

1 opinion as to any defects or concerns mentioned in the  
2 report.

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

5 (b) Confidentiality.--Except as otherwise required by law, a  
6 home inspector shall not deliver a home inspection report to any  
7 person other than the client of the home inspector without the  
8 client's consent.

9 (c) Repair estimates prohibited.--A home inspector shall not  
10 express either orally or in writing an estimate of the cost to  
11 repair any defect found during a home inspection, except that  
12 such an estimate may be included in a home inspection report if  
13 the home inspector is so qualified and:

14 (1) the report identifies the source of the estimate;

15 (2) the estimate is stated as a range of costs from  
16 verifiable price sources; and

17 (3) the report states that the parties should consider  
18 obtaining an estimate from a contractor who performs the type  
19 of repair involved.

20 § 75A09. Liability insurance.

21 (a) Required insurance.--A home inspector shall maintain  
22 professional liability insurance in the performance of a home  
23 inspection, with coverages of not less than \$100,000 per  
24 occurrence and \$500,000 in the aggregate.

25 (b) Term.--

26 (1) Except as set forth in paragraph (2), a home  
27 inspector shall maintain insurance under subsection (a) for  
28 at least one year after the latest home inspection report was  
29 delivered.

30 (2) Paragraph (1) shall not apply to a home inspection

1 report that was delivered prior to December 20, 2001.  
2 § 75A10. Home inspectors in other states, territories or  
3 Dominion of Canada.

4 The board may issue a license to an individual who has  
5 licensure or its equivalent as a home inspector in any other  
6 state or territory of the United States or the Dominion of  
7 Canada if all of the following requirements are met:

8 (1) The other jurisdiction grants the same privileges to  
9 licensees of Pennsylvania as the Commonwealth grants to  
10 licensees of that other jurisdiction.

11 (2) The person is licensed or its equivalent in the  
12 other jurisdiction and has successfully passed the exam.

13 (3) The licensing requirements of the other jurisdiction  
14 are substantially similar to the licensing requirements of  
15 this chapter.

16 (4) The person provides a notarized statement that the  
17 person has studied, is familiar with and will abide by the  
18 provisions of this chapter and the administrative regulations  
19 promulgated by the board.

20 (5) The individual pays the required fee.

21 § 75A11. Duration of license.

22 (a) Duration of license.--A license issued under this  
23 chapter shall be on a biennial basis. The biennial expiration  
24 date shall be established by the board. Application for renewal  
25 of a license shall biennially be forwarded to an individual  
26 holding a current license prior to the expiration date of the  
27 current renewal biennium.

28 (b) Inactive status.--An individual licensed under this  
29 chapter may request an application for inactive status. The  
30 application form may be completed and returned to the board.

1 Upon receipt of an application, the individual shall be  
2 maintained on inactive status without fee and shall be entitled  
3 to apply for a licensure renewal at any time after complying  
4 with the requirements for continuing education. An individual  
5 who requests the board to activate the individual's license and  
6 who has been on inactive status for a period of three  
7 consecutive years shall, prior to receiving an active license,  
8 satisfy the requirements of the board's regulations for ensuring  
9 continued competence, including holding current certification  
10 and remitting the required fee. The board shall promulgate  
11 regulations to carry out the provisions of this subsection.

12 § 75A12. Reporting of multiple licensure.

13 A home inspector who is also licensed to perform home  
14 inspections in any other state, territory or possession of the  
15 United States or any other country shall report this information  
16 to the board on the biennial registration application. A  
17 licensee shall report any disciplinary action regarding a  
18 license taken in another state, territory, possession of the  
19 United States or any other country to the board on the biennial  
20 registration application or within 90 days of final disposition,  
21 whichever is sooner. Multiple licensure shall be noted by the  
22 board on the home inspector's record, and the state, territory,  
23 possession or country shall be notified of any disciplinary  
24 actions taken by the board against the licensee in this  
25 Commonwealth.

26 § 75A13. Relationship to other laws.

27 (a) General rule.--Nothing in this chapter shall be  
28 construed to allow a home inspector who is not registered or  
29 licensed under one or more of the following laws to perform any  
30 activity that would constitute the practice of the profession



1 regulated by that law:

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

4 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),  
5 known as the Pennsylvania Sewage Facilities Act.

6 (3) The act of March 1, 1974 (P.L.90, No.24), known as  
7 the Pennsylvania Pesticide Control Act of 1973.

8 (4) The act of December 14, 1982 (P.L.1227, No.281),  
9 known as the Architects Licensure Law.

10 (5) The act of July 9, 1987 (P.L.238, No.43), known as  
11 the Radon Certification Act.

12 (6) The act of July 10, 1990 (P.L.404, No.98), known as  
13 the Real Estate Appraisers Certification Act.

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

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

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

20 (3) Affect the obligations or immunities of a person  
21 licensed under the act of February 19, 1980 (P.L.15, No.9),  
22 known as the Real Estate Licensing and Registration Act, that  
23 are imposed or provided by that act or Chapter 73 (relating  
24 to seller disclosures) when the person is acting pursuant to  
25 his license.

26 (4) Affect the obligations or immunities of a person  
27 certified under the Real Estate Appraisers Certification Act  
28 when the person is acting pursuant to the person's license.

29 § 75A14. Unfair Trade Practices and Consumer Protection Law  
30 remedies.

1 (a) General rule.--The performance of a home inspection is a  
2 service that is subject to the act of December 17, 1968 (P.L.  
3 1224, No.387), known as the Unfair Trade Practices and Consumer  
4 Protection Law.

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

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

19 (2) Inspecting for a fee any property in which the home  
20 inspector, the employer of the home inspector or such other  
21 business or person has any financial interest or any interest  
22 in the transfer of the property, including without limitation  
23 receipt of a commission as an agent, unless the financial  
24 interest or interest in the transfer of the property is  
25 disclosed in writing to the buyer before the home inspection  
26 is performed and the buyer signs an acknowledgment of receipt  
27 of the disclosure.

28 (3) Offering or delivering any commission, referral fee  
29 or kickback to the seller of the inspected property or to an  
30 agent for either or both of the seller and the buyer for the

1 referral of any business to the home inspector, the employer  
2 of the home inspector or such other business or person.

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

8 (c) Exception.--A home warranty company that is affiliated  
9 with or retains the home inspector does not violate subsection  
10 (b) if the home warranty company performs repairs pursuant to  
11 claims made under a home warranty contract and discloses its  
12 affiliation.

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

21 § 75A15. Contracts with home inspectors.

22 (a) Prohibited provisions.--Any of the following types of  
23 provisions in a contract with a home inspector for the  
24 performance of a home inspection are contrary to public policy  
25 and shall be void:

26 (1) A limitation on the liability of the home inspector  
27 for gross negligence or willful misconduct.

28 (2) A waiver or modification of any provision of this  
29 chapter.

30 (b) Scope of inspection.--The scope of a home inspection,

1 the services to be performed and the systems and conditions to  
2 be inspected or excluded from inspection may be defined by a  
3 contract between the home inspector and the client.

4 (c) Required contractual provision regarding home  
5 inspections.--

6 (1) Except as provided under paragraph (2), a provision  
7 of an agreement of transfer regarding the right of the buyer  
8 to obtain a home inspection report and providing for the  
9 consequences, if any, shall provide that the home inspection  
10 be performed by a licensed home inspector.

11 (2) A home inspection satisfies the requirements of this  
12 section if the person is:

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

17 (ii) licensed or registered under the act of  
18 December 14, 1982 (P.L.1227, No.281), known as the  
19 Architects Licensure Law.

20 § 75A16. Fees, fines and civil penalties.

21 (a) Fees.--All fees required under this chapter shall be  
22 fixed by the board by regulation and shall be subject to the act  
23 of June 25, 1982 (P.L.633, No.181), known as the Regulatory  
24 Review Act. If the revenues raised by the fees, fines and civil  
25 penalties imposed under this chapter are not sufficient to meet  
26 expenditures over a two-year period, the board shall increase  
27 those fees by regulation so that projected revenues will meet or  
28 exceed projected expenditures.

29 (b) Deposit of fees.--All fees, fines and civil penalties  
30 imposed in accordance with this chapter shall be paid into the

1 Professional Licensure Augmentation Account.

2 (c) Permitted fees.--The board may charge a fee, as set by  
3 the board by regulation, for licensure, for renewing licensure  
4 and for other services of the board as permitted under this  
5 chapter or by regulation.

6 § 75A17. Violation.

7 (a) Criminal penalty.--A person violating a provision of  
8 this chapter commits a misdemeanor of the third degree and  
9 shall, upon conviction, be sentenced to pay a fine of not more  
10 than \$2,500 or to imprisonment for not more than six months for  
11 the first violation. A person convicted of a second or  
12 subsequent violation shall be sentenced to pay a fine of not  
13 more than \$5,000 or to imprisonment for not less than six months  
14 or more than one year, or both.

15 (b) Civil penalty.--In addition to any other civil remedy or  
16 criminal penalty provided for under this chapter, the board, by  
17 a vote of the majority of the maximum number of the authorized  
18 membership of the board as provided by law or by a vote of the  
19 majority of the duly qualified and confirmed membership or a  
20 minimum of five members, whichever is greater, may levy a civil  
21 penalty of up to \$10,000 on any of the following:

22 (1) A home inspector who violates a provision of this  
23 chapter.

24 (2) An individual who performs home inspections without  
25 a license, as required by this chapter.

26 (c) Procedure.--The board shall levy the civil penalty under  
27 subsection (b) only after affording the accused the opportunity  
28 for a hearing as provided under 2 Pa.C.S. (relating to  
29 administrative law and procedure).

30 § 75A18. Refusal, suspension or revocation of license.

1 (a) General rule.--The board shall have the authority to  
2 refuse, suspend or revoke a license or discipline for unlicensed  
3 activity in a case where the board finds any of the following:

4 (1) The licensee is negligent or incompetent in  
5 performing a home inspection.

6 (2) The licensee has willfully or repeatedly violated  
7 any of the provisions of this chapter or a regulation of the  
8 board.

9 (3) The licensee or individual has committed fraud or  
10 deceit in any of the following:

11 (i) Performing home inspections.

12 (ii) Securing licensure or certification.

13 (iii) Advertising.

14 (iv) Performing or offering to perform home  
15 inspections for compensation without being licensed as a  
16 home inspector and without being exempt from licensure  
17 under this chapter.

18 (v) Presenting as the individual's own license, the  
19 license of another.

20 (vi) Intentionally giving false or materially  
21 misleading information to the board or to a board or  
22 staff member in connection with a licensing matter.

23 (vii) Using an expired, suspended, revoked or  
24 otherwise restricted license.

25 (viii) Performing or offering to perform for an  
26 additional fee any repairs to a residential dwelling with  
27 respect to which the home inspector, the employer of the  
28 home inspector or other business or person affiliated  
29 with the home inspector has prepared a home inspection  
30 report within the preceding 12 months, except that this

1 subparagraph shall not apply to remediation for radon or  
2 wood destroying insects.

3 (ix) Participation with any real estate broker or  
4 agent, directly or indirectly, in an action in which the  
5 home inspector pays or receives a direct or indirect  
6 consideration for receiving leads toward providing home  
7 inspection services.

8 (4) The licensee has been convicted of a felony or a  
9 crime of moral turpitude.

10 (5) The licensee has had his license suspended or  
11 revoked or has received other disciplinary action by the  
12 proper licensing authority in another state, territory,  
13 possession of the United States or any other country.

14 (6) The licensee falsely advertised or made misleading,  
15 deceptive, untrue or fraudulent material representations  
16 regarding licensure.

17 (b) Acts authorized.--If the board finds that the license of  
18 a home inspector may be refused, revoked or suspended under  
19 subsection (a), the board may do any of the following:

20 (1) Deny the application for a license.

21 (2) Administer a public reprimand.

22 (3) Revoke, suspend, limit or otherwise restrict a  
23 license. The board shall require an individual whose license  
24 has been suspended or revoked to return the license in the  
25 manner as the board directs.

26 (4) Suspend enforcement of its finding and place a  
27 licensee on probation with the right to vacate the  
28 probationary order for noncompliance.

29 (5) Restore or reissue, in its discretion, a suspended  
30 license and impose any disciplinary or corrective measure

1 which it might originally have imposed.

2 § 75A19. Suspensions and revocations.

3 Disciplinary action shall be imposed only in accordance with  
4 the regulations of the board and only by majority vote of the  
5 members of the board after a hearing. An action of the board  
6 shall be taken subject to the right of notice, hearing and  
7 adjudication, and the right of appeal, in accordance with 2  
8 Pa.C.S. (relating to administrative law and procedure). The  
9 board, by majority action, may reissue a license which has been  
10 suspended. If a license has been revoked, the board shall  
11 reissue a license only under section 75A21 (relating to  
12 reinstatement of license).

13 § 75A20. Temporary and automatic suspensions.

14 (a) Temporary suspensions.--

15 (1) A license issued under this chapter may be  
16 temporarily suspended under circumstances as determined by  
17 the board to be an immediate and clear danger to the public  
18 health and safety. The board shall issue an order to that  
19 effect without a hearing, but upon due notice to the licensee  
20 concerned, at his last known address, which shall include a  
21 written statement of all allegations against the licensee.  
22 The board shall thereupon commence formal action to suspend,  
23 revoke or restrict the license of a person concerned as  
24 otherwise provided for in this chapter. All actions shall be  
25 taken promptly and without delay.

26 (2) Within 30 days following the issuance of an order  
27 temporarily suspending a license, the board shall conduct or  
28 cause to be conducted a preliminary hearing to determine  
29 whether there is a prima facie case supporting the  
30 suspension. The licensee whose license has been temporarily



1 suspended may be present at the preliminary hearing and may  
2 be represented by counsel, cross-examine witnesses, inspect  
3 physical evidence, call witnesses, offer evidence and  
4 testimony and make a record of the proceedings.

5 (3) If it is determined that there is not a prima facie  
6 case, the suspended license shall by immediately restored.  
7 The temporary suspension shall remain in effect until vacated  
8 by the board, but in no event longer than 180 days.

9 (b) Automatic suspension.--

10 (1) A license issued under this chapter shall  
11 automatically be suspended upon the legal commitment to an  
12 institution of a licensee because of mental incompetency from  
13 any cause upon filing with the board a certified copy of such  
14 commitment, conviction of a felony under the act of April 14,  
15 1972 (P.L.233, No.64), known as The Controlled Substance,  
16 Drug, Device and Cosmetic Act, or conviction of an offense  
17 under the laws of another jurisdiction, which if committed in  
18 Pennsylvania, would be a felony under The Controlled  
19 Substance, Drug, Device and Cosmetic Act.

20 (2) Automatic suspension under this subsection shall not  
21 be stayed pending any appeal of a conviction. Restoration of  
22 such license shall be made as provided in this chapter in the  
23 case of revocation or suspension of such license.

24 (3) As used in this subsection, the term "conviction"  
25 shall include a judgment, an admission of guilt or a plea of  
26 nolo contendere.

27 (c) Notice of violations.--

28 (1) An attorney responsible for representing the  
29 Commonwealth in disciplinary matters before the board shall  
30 notify the board immediately upon receiving notification of

1 an alleged violation of this chapter.

2 (2) The board shall maintain current records of all  
3 reports of alleged violations and periodically review the  
4 records for the purpose of determining that each alleged  
5 violation has been resolved in a timely manner.

6 § 75A21. Reinstatement of license.

7 Unless ordered to do so by the Commonwealth Court or an  
8 appeal from the Commonwealth Court, the board shall not  
9 reinstate the license of an individual which has been revoked.  
10 An individual whose license has been revoked may reapply for a  
11 license after a period of at least five years but must meet all  
12 of the licensing requirements of this chapter.

13 § 75A22. (Reserved).

14 § 75A23. Injunction.

15 Whenever in the judgment of the board a person has engaged in  
16 an act or practice which is regulated under this chapter and  
17 which constitutes or will constitute a violation of this  
18 chapter, the board or its agents may make application to the  
19 appropriate court for an order enjoining the act or practice  
20 and, upon a showing by the board that the person has engaged or  
21 is about to engage in the act or practice, an injunction,  
22 restraining order or other order as may be appropriate shall be  
23 granted by the court. The remedy by injunction shall be in  
24 addition to any other civil or criminal prosecution and  
25 punishment.

26 § 75A24. Subpoenas and oaths.

27 (a) Authority granted.--The board shall have the authority  
28 to issue subpoenas, upon application of an attorney responsible  
29 for representing the Commonwealth in disciplinary matters before  
30 the board, for the purpose of investigating alleged violations

1 of this chapter or regulations of the board. The board shall  
2 have the power to subpoena witnesses, to administer oaths, to  
3 examine witnesses and to take testimony or compel the production  
4 of books, records, papers and documents as it may deem necessary  
5 or proper in and pertinent to any proceeding, investigation or  
6 hearing held or had by the board. The board is authorized to  
7 apply to the Commonwealth Court to enforce its subpoenas. The  
8 court may impose limitations on the scope of the subpoena as is  
9 necessary to prevent unnecessary intrusion into client  
10 confidential information.

11 (b) Disciplinary matters.--An attorney responsible for  
12 representing the Commonwealth in disciplinary matters before the  
13 board shall maintain current records of all reported alleged  
14 violations and periodically review the records for the purpose  
15 of determining that each alleged violation has been resolved in  
16 a timely manner.

17 § 75A25. Statute of limitations.

18 An action to recover damages arising from a home inspection  
19 report must be commenced within one year after the date the  
20 report is delivered, regardless of when the material defect was  
21 discovered.

22 § 75A26. Engineers and architects.

23 Notwithstanding section 75A13(b)(1) (relating to relationship  
24 to other laws), the following sections shall apply to a person  
25 licensed or registered as a professional engineer under the act  
26 of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land  
27 Surveyor and Geologist Registration Law, or a person licensed or  
28 registered under the act of December 14, 1982 (P.L.1227, No.  
29 281), known as the Architects Licensure Law, when performing a  
30 home inspection:

1           (1) Section 75A08 (relating to home inspection reports).

2           (2) Section 75A09 (relating to liability insurance).

3           (3) Section 75A14 (relating to Unfair Trade Practices  
4 and Consumer Protection Law remedies).

5           (4) Section 75A15(a)(1) and (b) (relating to contracts  
6 with home inspectors).

7           Section 3. For one year from the publication in the  
8 Pennsylvania Bulletin that the regulations required under  
9 section 5 have been adopted and are in effect, an applicant who  
10 meets all of the requirements of former 68 Pa.C.S. Ch. 75 and  
11 this section may be licensed as a home inspector without having  
12 to complete a board-approved training program or course of study  
13 involving the performance of home inspections. The applicant  
14 must:

15           (1) Be at least 18 years of age.

16           (2) Have passed a written examination to test competence  
17 in home inspection practice.

18           (3) Have completed no less than 250 fee-paid inspections  
19 over the three years immediately preceding publication in the  
20 Pennsylvania Bulletin that the regulations required under  
21 section 5 have been adopted and are in effect.

22           (4) Show proof of professional liability insurance  
23 consistent with 68 Pa.C.S. § 75A09.

24           Section 4. The sum of \$85,000, or as much thereof as may be  
25 necessary, is hereby appropriated from the Professional  
26 Licensure Augmentation Account to the Department of State for  
27 the payment of costs associated with processing licenses and  
28 renewing licenses, for the operation of the Pennsylvania Board  
29 of Home Inspectors and for other costs associated with the  
30 implementation of 68 Pa.C.S. Ch. 75A. The appropriation shall be

1 repaid by the board within three years of the beginning of  
2 issuance of licenses by the board.

3 Section 5. Within 18 months of the effective date of this  
4 section, the Pennsylvania Board of Home Inspectors shall  
5 promulgate regulations to carry out the provisions of 68 Pa.C.S.  
6 Ch. 75A.

7 Section 6. The provisions of 68 Pa.C.S. Ch. 75A requiring  
8 the licensure of home inspectors shall not apply until  
9 publication in the Pennsylvania Bulletin that the regulations  
10 required by section 5 have been adopted and are in effect.

11 Section 7. The addition of 68 Pa.C.S. Ch. 75A is a  
12 continuation of former 68 Pa.C.S. Ch. 75. Except as otherwise  
13 provided under Chapter 75A, all activities initiated under  
14 former Chapter 75 shall continue and remain in full force and  
15 effect and may be completed under Chapter 75A. Orders,  
16 regulations, rules and decisions which were made under former  
17 Chapter 75 and which are in effect on the effective date of this  
18 section shall remain in full force and effect until revoked,  
19 vacated or modified under Chapter 75A. Contracts, obligations  
20 and collective bargaining agreements entered into under former  
21 Chapter 75 are not affected nor impaired by the repeal of former  
22 Chapter 75.

23 Section 8. This act shall take effect in 60 days.