
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 82 Session of
2017

INTRODUCED BY GREENLEAF, BREWSTER, SCHWANK AND RAFFERTY,
JANUARY 13, 2017

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
JANUARY 13, 2017

AN ACT

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

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

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13 Title 68 of the Pennsylvania Consolidated Statutes are repealed:

14 [CHAPTER 75

15 HOME INSPECTIONS

16 § 7501. Short title of chapter.

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

19 § 7502. Definitions and index of definitions.

20 (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 of chapter.

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. Home inspection reports.

19 75A08. Liability insurance.

20 75A09. Home inspectors in other states, territories or Dominion
21 of Canada.

22 75A10. Duration of license.

23 75A11. Reporting of multiple licensure.

24 75A12. Relationship to other laws.

25 75A13. Unfair Trade Practices and Consumer Protection Law
26 remedies.

27 75A14. Contracts with home inspectors.

28 75A15. Fees, fines and civil penalties.

29 75A16. Violation.

30 75A17. Refusal, suspension or revocation of license.

1 75A18. Suspensions and revocations.
2 75A19. Temporary and automatic suspensions.
3 75A20. Reinstatement of license.
4 75A21. Injunction.
5 75A22. Subpoenas and oaths.
6 75A23. Statute of limitations.
7 75A24. Engineers and architects.
8 § 75A01. Scope of chapter.

9 This chapter relates to home inspections.

10 § 75A02. Definitions.

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

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

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

20 "Applicant." An individual who applies for a license as a
21 home inspector.

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

23 "Bureau." The Bureau of Professional and Occupational
24 Affairs in the Department of State.

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

27 "Client." An individual on whose behalf a contract is
28 entered with a licensee under this chapter, or his employer, to
29 obtain a home inspection and subsequent home inspection report.

30 "Commissioner." The Commissioner of the Bureau of

1 Professional and Occupational Affairs in the Department of
2 State.

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

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

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

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

19 (i) Wood-destroying insects.

20 (ii) Underground tanks and wells.

21 (iii) Septic systems.

22 (iv) Swimming pools and spas.

23 (v) Alarm systems.

24 (vi) Air and water quality.

25 (vii) Tennis courts and playground equipment.

26 (viii) Pollutants.

27 (ix) Toxic chemicals.

28 (x) Environmental hazards.

29 (xi) Mold.

30 (xii) Biological organisms.

1 "Home inspection report." A report as required under section
2 75A07 (relating to home inspection reports).

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

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

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

16 "Residential real estate transfer." As defined under section
17 7103 (relating to application of part).

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

20 "Wood-destroying insect." The term includes termites,
21 carpenter ants, carpenter bees and reinfesting wood boring
22 beetles.

23 § 75A03. Pennsylvania Board of Home Inspectors.

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

26 (b) Composition.--The board shall consist of the following
27 members:

28 (1) The commissioner or a designee.

29 (2) The following members, who shall be citizens of the
30 United States and residents of this Commonwealth, appointed

1 by the Governor with the advice and consent of the Senate:

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

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

9 (3) The Attorney General or a designee.

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

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

15 (2) Develop application forms for licensure.

16 (3) Circulate application forms.

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

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

29 (e) Initial appointments.--For professional and public
30 members first appointed to the board under this chapter, the

1 term of office shall be as follows:

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

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

4 (3) Two members shall serve for a term of two years.

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

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

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

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

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

24 (i) Expenses.--With the exception of the commissioner and
25 the Attorney General, each member of the board shall receive \$60
26 per diem when actually attending to the work of the board. A
27 member shall also receive the amount of reasonable travel, hotel
28 and other necessary expenses incurred in the performance of the
29 member's duties in accordance with Commonwealth regulations.

30 (j) Forfeiture.--A professional or public member who fails

1 to attend three meetings in 18 months shall forfeit the member's
2 seat unless the commissioner, upon written request from the
3 member, finds that the member should be excused from a meeting
4 because of illness or the death of a family member.

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

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

17 The board shall have the following powers and duties:

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

20 (2) To issue licenses, renew licenses, reinstate
21 licenses or refuse to renew, suspend and revoke licenses as
22 provided under this chapter.

23 (3) To administer and enforce the provisions of this
24 chapter.

25 (4) To review applications for licensure and to
26 determine the eligibility of an individual applying for
27 licensure.

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

30 (6) To promulgate and enforce regulations, not

1 inconsistent with this chapter, as necessary only to carry
2 out the provisions of this chapter. This paragraph includes
3 the setting of fees and the adoption of standards for
4 certification of home inspectors. Regulations shall be
5 adopted in conformity with the provisions of the act of July
6 31, 1968 (P.L.769, No.240), referred to as the Commonwealth
7 Documents Law, and the act of June 25, 1982 (P.L.633,
8 No.181), known as the Regulatory Review Act.

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

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

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

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

26 (11) To prescribe the form of licenses, applications and
27 other documents that are required for home inspectors to be
28 licensed under this chapter.

29 (12) To grant, deny, suspend and revoke approval of
30 examinations and courses of study regarding home inspections,

1 establish standards for continuing home inspection education,
2 including the subject matter and content of courses of study
3 and the selection of instructors and approve other equivalent
4 educational programs, and establish procedures for the
5 issuance of credit upon satisfactory proof of the completion
6 of these programs.

7 (13) To establish and maintain a current list of home
8 inspectors who are licensed. This list shall be available for
9 public inspection, including on a publicly accessible
10 Internet website.

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

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

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

18 § 75A05. Licensure.

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

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

29 § 75A06. Qualifications.

30 (a) General rule.--To be eligible to apply for licensure, an

1 applicant must fulfill all of the following requirements:

2 (1) Be of good moral character.

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

4 (3) Have successfully completed high school or its
5 equivalent.

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

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

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

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

29 § 75A07. Home inspection reports.

30 (a) Required contents.--A home inspection report must be in

1 writing and shall include:

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

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

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

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

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

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

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

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

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

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

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

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

19 § 75A08. Liability insurance.

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

24 (b) Term.--

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

29 (2) Paragraph (1) shall not apply to a home inspection
30 report that was delivered prior to December 20, 2001.

1 § 75A09. Home inspectors in other states, territories or
2 Dominion of Canada.

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

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

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

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 § 75A10. 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 that the board activate the individual's license
6 and 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 § 75A11. 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 of the United States or country shall be notified of
24 any disciplinary actions taken by the board against the licensee
25 in this Commonwealth.

26 § 75A12. 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 § 75A13. 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) of the
10 Unfair Trade Practices and Consumer Protection Law:

11 (1) Performing or offering to perform for an additional
12 fee any repairs to a residential dwelling with respect to
13 which the home inspector, the employer of the home inspector
14 or such other business or person has prepared a home
15 inspection report within the preceding 12 months, except that
16 this paragraph shall not apply to remediation for radon or
17 wood destroying 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
22 limitation, receipt of a commission as an agent, unless the
23 financial interest or interest in the transfer of the
24 property is disclosed in writing to the buyer before the home
25 inspection is performed and the buyer signs an acknowledgment
26 of receipt 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 and discloses its
11 affiliation.

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

20 § 75A14. Contracts with home inspectors.

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

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

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

29 (b) Scope of inspection.--The scope of a home inspection,
30 the services to be performed and the systems and conditions to

1 be inspected or excluded from inspection may be defined by a
2 contract between the home inspector and the client.

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

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

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

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

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

19 § 75A15. Fees, fines and civil penalties.

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

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

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

5 § 75A16. Violation.

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

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

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

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

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

29 § 75A17. Refusal, suspension or revocation of license.

30 (a) General rule.--The board shall have the authority to

1 refuse, suspend or revoke a license or discipline for unlicensed
2 activity in a case where the board finds any of the following:
3 (1) The licensee is negligent or incompetent in
4 performing a home inspection.
5 (2) The licensee has willfully or repeatedly violated
6 any of the provisions of this chapter or a regulation of the
7 board.
8 (3) The licensee or individual has committed fraud or
9 deceit in any of the following:
10 (i) Performing home inspections.
11 (ii) Securing licensure or certification.
12 (iii) Advertising.
13 (iv) Performing or offering to perform home
14 inspections for compensation without being licensed as a
15 home inspector and without being exempt from licensure
16 under this chapter.
17 (v) Presenting as the individual's own license, the
18 license of another.
19 (vi) Intentionally giving false or materially
20 misleading information to the board or to a board or
21 staff member in connection with a licensing matter.
22 (vii) Using an expired, suspended, revoked or
23 otherwise restricted license.
24 (viii) Performing or offering to perform for an
25 additional fee any repairs to a residential dwelling with
26 respect to which the home inspector, the employer of the
27 home inspector or other business or person affiliated
28 with the home inspector has prepared a home inspection
29 report within the preceding 12 months, except that this
30 subparagraph shall not apply to remediation for radon or

1 wood-destroying insects.

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

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

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

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

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

19 (1) Deny the application for a license.

20 (2) Administer a public reprimand.

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

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

28 (5) Restore or reissue, in its discretion, a suspended
29 license and impose any disciplinary or corrective measure
30 which it might originally have imposed.

1 § 75A18. Suspensions and revocations.

2 Disciplinary action shall be imposed only in accordance with
3 the regulations of the board and only by majority vote of the
4 members of the board after a hearing. An action of the board
5 shall be taken subject to the right of notice, hearing and
6 adjudication, and the right of appeal, in accordance with 2
7 Pa.C.S. (relating to administrative law and procedure). The
8 board, by majority action, may reissue a license which has been
9 suspended. If a license has been revoked, the board shall
10 reissue a license only under section 75A20 (relating to
11 reinstatement of license).

12 § 75A19. Temporary and automatic suspensions.

13 (a) Temporary suspensions.--

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

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

1 be represented by counsel, cross-examine witnesses, inspect
2 physical evidence, call witnesses, offer evidence and
3 testimony and make a record of the proceedings.

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

8 (b) Automatic suspension.--

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

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

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

26 (c) Notice of violations.--

27 (1) An attorney responsible for representing the
28 Commonwealth in disciplinary matters before the board shall
29 notify the board immediately upon receiving notification of
30 an alleged violation of this chapter.

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

5 § 75A20. Reinstatement of license.

6 Unless ordered to do so by the Commonwealth Court or an
7 appeal from the Commonwealth Court, the board shall not
8 reinstate the license of an individual which has been revoked.

9 An individual whose license has been revoked may reapply for a
10 license after a period of at least five years but must meet all
11 of the licensing requirements of this chapter.

12 § 75A21. Injunction.

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

24 § 75A22. Subpoenas and oaths.

25 (a) Authority granted.--The board shall have the authority
26 to issue subpoenas, upon application of an attorney responsible
27 for representing the Commonwealth in disciplinary matters before
28 the board, for the purpose of investigating alleged violations
29 of this chapter or regulations of the board. The board shall
30 have the power to subpoena witnesses, to administer oaths, to

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

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

15 § 75A23. Statute of limitations.

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

20 § 75A24. Engineers and architects.

21 Notwithstanding section 75A12(b)(1) (relating to relationship
22 to other laws), the following sections shall apply to a person
23 licensed or registered as a professional engineer under the act
24 of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land
25 Surveyor and Geologist Registration Law, or a person licensed or
26 registered under the act of December 14, 1982 (P.L.1227,
27 No.281), known as the Architects Licensure Law, when performing
28 a home inspection:

29 (1) Section 75A07 (relating to home inspection reports).

30 (2) Section 75A08 (relating to liability insurance).

1 (3) Section 75A13 (relating to Unfair Trade Practices
2 and Consumer Protection Law remedies).

3 (4) Section 75A14(a)(1) and (b) (relating to contracts
4 with home inspectors).

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

9 Section 4. The provisions of 68 Pa.C.S. Ch. 75A requiring
10 the licensure of home inspectors shall not apply until
11 publication in the Pennsylvania Bulletin that the regulations
12 required by section 3 of this act have been adopted and are in
13 effect.

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

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

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

25 (3) Have completed no less than 250 fee-paid inspections
26 over the three years immediately preceding publication in the
27 Pennsylvania Bulletin that the regulations required under
28 section 3 have been adopted and are in effect.

29 (4) Show proof of professional liability insurance
30 consistent with 68 Pa.C.S. § 75A08.

1 Section 6. The sum of \$85,000, or as much thereof as may be
2 necessary, is hereby appropriated from the Professional
3 Licensure Augmentation Account to the Department of State for
4 the payment of costs associated with processing licenses and
5 renewing licenses, for the operation of the Pennsylvania Board
6 of Home Inspectors and for other costs associated with the
7 implementation of 68 Pa.C.S. Ch. 75A. The appropriation shall be
8 repaid by the board within three years of the beginning of
9 issuance of licenses by the board.

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

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