

ENROLLED SENATE
BILL NO. 1369

By: Snyder and Milacek of the
Senate

and

Fields of the House

An Act relating to professions and occupations; amending 59 O.S. 2001, Sections 858-623, 858-625 and 858-629, which relate to the Home Inspection Licensing Act; modifying date after which individuals must be licensed; clarifying exemption; authorizing fee for approval of educational course content; authorizing fee for application for license; deleting duplicate fee; increasing fees; deleting time limit for licensing without examination under specified circumstances; providing for refund of specified fees; providing for noncodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-623, is amended to read as follows:

Section 858-623. A. On and after July 1, ~~2002~~ 2003, it shall be unlawful for an individual to conduct, for compensation, a home inspection or to advertise or otherwise hold themselves out to be in the business of home inspection in this state unless licensed pursuant to the Home Inspection Licensing Act.

B. The Home Inspection Licensing Act shall not apply to:

1. Individuals inspecting new residential construction;
2. Architects;
3. Engineers;
4. Individuals holding other occupational licenses who only do home inspections within the occupational confines of that license;
5. Government employees who perform inspections when acting within the scope of their employment; or
6. ~~Individuals licensed in structural pest control~~ Persons regulated by the State Board of Agriculture who only do weed-

destroying insect issue wood infestation inspection reports as defined in Section 3-81 of Title 2 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-625, is amended to read as follows:

Section 858-625. Fees for the Home Inspection Licensing Act shall not exceed the following:

Approval fees for schools, instructors and home inspection organizations	\$100.00
<u>Approval fees for educational course content</u>	<u>\$50.00</u>
<u>Application for license</u>	<u>\$30.00</u>
Licensure for reciprocity	\$50.00
Renewal license fee	\$50.00
Examination fee	\$50.00 <u>\$200.00</u>
License fee	\$50.00 <u>\$250.00</u>
License renewal	\$50.00 <u>\$150.00</u>
License reactivation	\$50.00

SECTION 3. AMENDATORY 59 O.S. 2001, Section 858-629, is amended to read as follows:

Section 858-629. A. Any individual of good moral character eighteen (18) years of age or older who has successfully completed fifty (50) clock hours of home inspection training or its equivalent as determined by the Committee of Home Inspector Examiners may apply to take a home inspector examination. Application shall be made on forms prescribed by the State Department of Health, shall contain information as required by the State Board of Health upon advisement of the Committee, and shall be accompanied by evidence of successful completion of the required training. Examinations may be held in vocational and technical schools or in other locations as determined by rule.

B. If, from the application filed, answers to inquiries, complaints, or information received, or investigation, it appears to the Department that the applicant is not qualified, the Committee shall deny approval of the application and shall give notice of that fact to the applicant.

C. Upon approval of the application and the payment of the applicant of an examination fee, the applicant shall be scheduled to appear in person for an examination on the subjects prescribed by the Committee.

D. If the Department determines that the applicant has successfully passed the examination or an equivalent examination as

determined by the Committee, the Department shall, upon the payment of the license fee and submission of other documents as required by the Home Inspection Licensing Act or rules promulgated pursuant to the Home Inspection Licensing Act, issue to the applicant a license which shall authorize the applicant to perform home inspections.

E. The Department shall license without examination any person who can demonstrate to the Committee that the person was actively engaged in home inspection work on November 1, 2001, and had been actively engaged in such work for at least six (6) months or any person who can demonstrate that, prior to November 1, 2001, the person successfully completed a home inspection course offered or sanctioned by a home inspection foundation or a home inspection association. ~~No new license shall be issued pursuant to this subsection after January 1, 2002.~~ Demonstration that the person has actively engaged in home inspections prior to November 1, 2001, must include copies of invoices for work done in the field for the six (6) months prior to November 1, 2001, as well as at least three satisfactory references from three customers served during the twelve (12) months prior to November 1, 2001.

SECTION 4. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Any license fees paid pursuant to Section 858-625 of Title 59 of the Oklahoma Statutes on or before January 1, 2002, shall be refunded by the State Department of Health within sixty (60) days from the effective date of this act. No new licenses shall be issued before July 1, 2003.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 16th day of May, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2002.

Presiding Officer of the House
of Representatives

