

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 645

By: Gumm of the Senate

3 and

4 Terrill of the House

5

6

7 (professions and occupations - Home Inspection

8 Licensing Act - continuing education requirements -

9 effective date)

10

11

12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

13

14 "An Act relating to professions and occupations;
15 amending 59 O.S. 2001, Sections 858-623, as last
16 amended by Section 1, Chapter 241, O.S.L. 2004, 858-
629, as last amended by Section 5, Chapter 405,
17 O.S.L. 2008 and 858-631, as amended by Section 7,
Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008,
18 Sections 858-623, 858-629 and 858-631), which relate
to the Home Inspection Licensing Act; modifying
19 certain exemptions; deleting obsolete language;
modifying certain continuing education requirements;
and providing an effective date.

20

21

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

23

24

1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-623, as
2 last amended by Section 1, Chapter 241, O.S.L. 2004 (59 O.S. Supp.
3 2008, Section 858-623), is amended to read as follows:

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

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

10 1. Individuals inspecting new residential construction;

11 2. ~~Architects~~ Licensed architects engaged in the practice of
12 architecture as defined and regulated by Section 46.1 et seq. of
13 this title;

14 3. ~~Engineers;~~

15 4. ~~Individuals holding other occupational licenses who only do~~
16 ~~home inspections within the occupational confines of that license;~~

17 5. ~~4.~~ Government employees who perform inspections when acting
18 within the scope of their employment; or

19 6. ~~5.~~ Persons regulated by the State Board of Agriculture who
20 issue wood infestation reports as defined in Section 3-81 of Title 2
21 of the Oklahoma Statutes.

22 C. Any single-item inspection requested by a client, whether or
23 not the item to be inspected is specifically included or excluded in
24 the definition of home inspection pursuant to Section 858-622 of

1 this title, may be performed by a professional craftsman whose
2 expertise is in the specific area or by persons qualified by
3 education or training to conduct that specific inspection. If a
4 single-item that has been requested for inspection is an area of
5 expertise that is licensed by the state, then that person conducting
6 the inspection shall be licensed in respect to that particular area.

7 SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-629, as
8 last amended by Section 5, Chapter 405, O.S.L. 2008 (59 O.S. Supp.
9 2008, Section 858-629), is amended to read as follows:

10 Section 858-629. A. Any individual of good moral character
11 eighteen (18) years of age or older who has successfully completed
12 ~~fifty (50)~~ ninety (90) clock hours of home inspection training or
13 its equivalent as determined by the Committee of Home Inspector
14 Examiners may apply to take a home inspector examination.

15 Application shall be made on forms prescribed by the Construction
16 Industries Board, shall contain information as required by the
17 Construction Industries Board upon advisement of the Committee, and
18 shall be accompanied by evidence of successful completion of the
19 required training. Examinations may be held in vocational and
20 technical schools or in other locations as determined by rule.

21 B. If, from the application filed, answers to inquiries,
22 complaints, or information received, or investigation, it appears to
23 the Board that the applicant is not qualified, the Committee shall

24

1 deny approval of the application and shall give notice of that fact
2 to the applicant.

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

7 D. If the Board determines that the applicant has successfully
8 passed the examination or an equivalent examination as determined by
9 the Committee, the Board shall, upon the payment of the license fee
10 and submission of other documents as required by the Home Inspection
11 Licensing Act or rules promulgated pursuant to the Home Inspection
12 Licensing Act, issue to the applicant a license which shall
13 authorize the applicant to perform home inspections.

14 ~~E. The Board shall license without examination any person who~~
15 ~~can demonstrate to the Committee that the person was actively~~
16 ~~engaged in home inspection work on November 1, 2001, and had been~~
17 ~~actively engaged in such work for at least six (6) months or any~~
18 ~~person who can demonstrate that, prior to November 1, 2001, the~~
19 ~~person successfully completed a home inspection course offered or~~
20 ~~sanctioned by a home inspection foundation or a home inspection~~
21 ~~association. Demonstration that the person has actively engaged in~~
22 ~~home inspections prior to November 1, 2001, must include copies of~~
23 ~~invoices for work done in the field for the six (6) months prior to~~
24 ~~November 1, 2001, as well as at least three satisfactory references~~

1 ~~from three customers served during the twelve (12) months prior to~~
2 ~~November 1, 2001.~~

3 SECTION 3. AMENDATORY 59 O.S. 2001, Section 858-631, as
4 amended by Section 7, Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008,
5 Section 858-631), is amended to read as follows:

6 Section 858-631. A. The license term for a home inspector
7 shall be one (1) year. The license shall expire twelve (12) months
8 from the date of issuance. The license fee and each renewal or
9 reactivation thereafter shall be payable in advance, which shall not
10 be refundable.

11 B. As a condition of license renewal or reactivation, each home
12 inspector shall submit to the Construction Industries Board evidence
13 of having attended ~~five (5)~~ eight (8) clock hours of continuing
14 education within the twelve (12) months immediately preceding the
15 term for which the license is to be issued. Except as otherwise
16 provided for in this section, the Board shall not issue a renewal
17 license or reactivate a license unless the continuing education
18 requirement set forth in this section is satisfied within the
19 prescribed time period.

20 C. Any licensee who fails to renew before the license
21 expiration date shall be required to submit to such additional
22 requirements or penalties, or both, as the Board may require
23 pursuant to rule.

24

1 D. The Construction Industries Board may place the license of a
2 home inspector on inactive status when the licensee gives sufficient
3 reason; however, such status shall not relieve the licensee from
4 paying the required fees. Continuing education shall not be
5 required during the period a license is on inactive status. Prior
6 to the license being placed on an active status, the licensee shall
7 be required to complete the ~~five-hour~~ eight-hour continuing
8 education requirement. If the holder of the inactive license has
9 been in the military service during the entire time of inactive
10 license status, only ~~five~~ (5) eight (8) clock hours of continuing
11 education and the license fee shall be required for the reactivation
12 of the license.

13 SECTION 4. This act shall become effective November 1, 2009."

14 Passed the House of Representatives the 13th day of April, 2009.

15

16

17

Presiding Officer of the House of
Representatives

18

19 Passed the Senate the ____ day of _____, 2009.

20

21

22

Presiding Officer of the Senate

23

24