

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 645

By: Gumm of the Senate

and

Terrill of the House

6
7
8
9 COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2001, Sections 858-623, as last
12 amended by Section 1, Chapter 241, O.S.L. 2004, 858-
13 629, as last amended by Section 5, Chapter 405,
14 O.S.L. 2008 and 858-631, as amended by Section 7,
15 Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008,
16 Sections 858-623, 858-629 and 858-631), which relate
17 to the Home Inspection Licensing Act; modifying
18 certain exemptions; deleting obsolete language;
19 modifying certain continuing education requirements;
20 and providing an effective date.

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

22 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-623, as
23 last amended by Section 1, Chapter 241, O.S.L. 2004 (59 O.S. Supp.
24 2008, Section 858-623), is amended to read as follows:

Section 858-623. A. On and after July 1, 2003, it shall be
unlawful for an individual to conduct, for compensation, a home

1 inspection or to advertise or otherwise hold themselves out to be in
2 the business of home inspection in this state unless licensed
3 pursuant to the Home Inspection Licensing Act.

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

5 1. Individuals inspecting new residential construction;

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

9 3. ~~Engineers;~~

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

12 ~~5.~~ 4. Government employees who perform inspections when acting
13 within the scope of their employment; or

14 ~~6.~~ 5. Persons regulated by the State Board of Agriculture who
15 issue wood infestation reports as defined in Section 3-81 of Title 2
16 of the Oklahoma Statutes.

17 C. Any single-item inspection requested by a client, whether or
18 not the item to be inspected is specifically included or excluded in
19 the definition of home inspection pursuant to Section 858-622 of
20 this title, may be performed by a professional craftsman whose
21 expertise is in the specific area or by persons qualified by
22 education or training to conduct that specific inspection. If a
23 single-item that has been requested for inspection is an area of
24

1 expertise that is licensed by the state, then that person conducting
2 the inspection shall be licensed in respect to that particular area.

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

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

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

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

22 C. Upon approval of the application and the payment of the
23 applicant of an examination fee, the applicant shall be scheduled to
24

1 appear in person for an examination on the subjects prescribed by
2 the Committee.

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

10 ~~E. The Board shall license without examination any person who
11 can demonstrate to the Committee that the person was actively
12 engaged in home inspection work on November 1, 2001, and had been
13 actively engaged in such work for at least six (6) months or any
14 person who can demonstrate that, prior to November 1, 2001, the
15 person successfully completed a home inspection course offered or
16 sanctioned by a home inspection foundation or a home inspection
17 association. Demonstration that the person has actively engaged in
18 home inspections prior to November 1, 2001, must include copies of
19 invoices for work done in the field for the six (6) months prior to
20 November 1, 2001, as well as at least three satisfactory references
21 from three customers served during the twelve (12) months prior to
22 November 1, 2001.~~

23

24

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

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

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

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

22 D. The Construction Industries Board may place the license of a
23 home inspector on inactive status when the licensee gives sufficient
24 reason; however, such status shall not relieve the licensee from

1 paying the required fees. Continuing education shall not be
2 required during the period a license is on inactive status. Prior
3 to the license being placed on an active status, the licensee shall
4 be required to complete the ~~five-hour~~ eight-hour continuing
5 education requirement. If the holder of the inactive license has
6 been in the military service during the entire time of inactive
7 license status, only ~~five (5)~~ eight (8) clock hours of continuing
8 education and the license fee shall be required for the reactivation
9 of the license.

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

11
12 52-1-7607 MAH 04/01/09
13
14
15
16
17
18
19
20
21
22
23
24