

ENROLLED SENATE
BILL NO. 645

By: Gumm of the Senate

and

Terrill of the House

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

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-623, as last amended by Section 1, Chapter 241, O.S.L. 2004 (59 O.S. Supp. 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 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~~ Licensed architects engaged in the practice of architecture as defined and regulated by Section 46.1 et seq. of this title;

3. ~~Engineers;~~

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

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

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

C. Any single-item inspection requested by a client, whether or not the item to be inspected is specifically included or excluded in the definition of home inspection pursuant to Section 858-622 of this title, may be performed by a professional craftsman whose expertise is in the specific area or by persons qualified by education or training to conduct that specific inspection. If a single-item that has been requested for inspection is an area of expertise that is licensed by the state, then that person conducting the inspection shall be licensed in respect to that particular area.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 858-629, as last amended by Section 5, Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008, 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)~~ ninety (90) 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 Construction Industries Board, shall contain information as required by the Construction Industries Board 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 Board 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 Board determines that the applicant has successfully passed the examination or an equivalent examination as determined by the Committee, the Board 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 Board 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. 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 3. AMENDATORY 59 O.S. 2001, Section 858-631, as amended by Section 7, Chapter 405, O.S.L. 2008 (59 O.S. Supp. 2008, Section 858-631), is amended to read as follows:

Section 858-631. A. The license term for a home inspector shall be one (1) year. The license shall expire twelve (12) months from the date of issuance. The license fee and each renewal or

reactivation thereafter shall be payable in advance, which shall not be refundable.

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

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

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

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

Passed the Senate the 30th day of April, 2009.

Presiding Officer of the Senate

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

Presiding Officer of the House
of Representatives