

SB 645

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THE STATE SENATE  
Monday, February 23, 2009

Senate Bill No. 645  
As Amended

SENATE BILL NO. 645 - By: Gumm of the Senate and Terrill of the House.

[ professions and occupations - Home Inspection Licensing Act - continuing education requirements - 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, provided that architects performing home inspections as defined in paragraph 3 of Section 858-622 of this title and not otherwise regulated as the practice of architecture shall comply

1 with all rules adopted pursuant to paragraph 5 of subsection B of  
2 Section 858-627 of this title;

3 3. ~~Engineers~~ Licensed engineers engaged in the practice of  
4 engineering as defined and regulated by Section 475.1 et seq. of  
5 this title, provided that engineers performing home inspections as  
6 defined in paragraph 3 of Section 858-622 of this title and not  
7 otherwise regulated as the practice of engineering shall comply with  
8 all rules adopted pursuant to paragraph 5 of subsection B of Section  
9 858-627 of this title;

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

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

14 6. 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

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

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.~~

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-16-09 -  
13 DO PASS, As Amended and Coauthored.