

SB1750 FULLPCS1 Mark McBride-LRB  
3/31/2022 11:31:54 am

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1750 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Mark McBride

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED  
COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1750

By: Daniels of the Senate

and

Kannady of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to professions and occupations;  
amending 59 O.S. 2021, Sections 858-622, 858-627,  
858-628, 858-629 and 858-631, which relate to the  
Home Inspection Licensing Act; modifying definition;  
expanding rule making authority; modifying curriculum  
review; modifying eligibility to take examination;  
requiring examinations include certain testing;  
modifying hours of continuing education; prohibiting  
certain activities; providing for certain disclosure;  
providing exception; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 858-622, is  
amended to read as follows:

Section 858-622. As used in the Home Inspection Licensing Act:

1. "Board" means the Construction Industries Board;

1        2. "Committee" means the Committee of Home Inspector Examiners;

2        3. "Home inspection" means a visual examination of any or all  
3 of the readily accessible physical real property and improvements to  
4 real property consisting of four or fewer dwelling units, including  
5 structural, lot drainage, roof, electrical, plumbing, heating and  
6 air conditioning and such other areas of concern as are specified in  
7 writing to determine if performance is as intended;

8        4. "Home inspection report" means a written opinion of the  
9 functional and physical condition of property written by the  
10 licensed home inspector pursuant to home inspection. The inspection  
11 report may include a cost estimate, or a range of estimated costs,  
12 to correct any defect. Additional inspection services provided  
13 beyond or outside the scope of the standards of practice, as  
14 established by the Constructions Industries Board, shall be a  
15 contractual matter between the parties. Additional services may  
16 include a determination of the cost or a range of estimated costs to  
17 correct any defect; and

18        5. "Home inspector" means an individual licensed pursuant to  
19 the Home Inspection Licensing Act who, for compensation, conducts  
20 home inspections.

21        SECTION 2.        AMENDATORY        59 O.S. 2021, Section 858-627, is  
22 amended to read as follows:  
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1       Section 858-627. A. The Committee of Home Inspector Examiners  
2 shall advise the Construction Industries Board in promulgating rules  
3 consistent with the purposes of the Home Inspection Licensing Act.

4       B. The Construction Industries Board shall promulgate rules  
5 including, but not limited to:

6       1. Qualifications and examinations for licensure of home  
7 inspectors;

8       2. License renewal requirements;

9       3. Reinstatement of license after suspension or revocation of  
10 license or failure to meet license renewal requirements;

11       4. Continuing education;

12       5. Standards of practice and prohibited acts;

13       6. Approval of schools, educational course content,  
14 instructors, and organizations offering courses of study for home  
15 inspection;

16       7. Standards required for schools, instructors, and  
17 organizations to remain approved;

18       8. Approval fees;

19       9. Reciprocity agreements whereby home inspectors licensed in  
20 other states with equal or greater licensure requirements may be  
21 licensed in this state, and fee for licensing by reciprocity; ~~and~~

22       10. Investigative procedures;

23       11. The required information to be provided in the licensing  
24 application on the type and amount of education and experience in

1 estimating cost of repairs of all systems associated with the home  
2 inspector standards of practice sufficient to demonstrate  
3 qualifications and competency in estimating cost of repairs for all  
4 systems;

5 12. Requiring an examination on qualifications for estimating  
6 cost of repairs of all systems associated with the home inspector  
7 standards of practice that shall be uniform and practical in nature  
8 and shall be sufficiently strict to test the qualifications and  
9 fitness of the applicant for license; and

10 13. Requiring disclaimers or warnings to the home inspection  
11 client on the licensee's qualifications or lack thereof in providing  
12 estimates on cost of repairs for work they are not themselves  
13 performing, and full disclosure to the client of the licensee's  
14 relationship with any person the licensee recommends, suggests, or  
15 arranges to perform the repair work.

16 C. Upon showing of good cause as provided for in the Home  
17 Inspection Licensing Act, the Board shall discipline licensees,  
18 approved instructors, approved schools, and educational  
19 organizations by:

- 20 1. Issuing reprimands;
- 21 2. Requiring probation for a specified period of time;
- 22 3. Requiring education in addition to the educational  
23 requirements provided for licensure or continuing education;
- 24 4. Suspending licenses or approvals;

1        5. Rescinding or revoking licenses or approvals;

2        6. Imposing administrative fines as provided for by the Home  
3 Inspection Licensing Act;

4        7. Any combination of disciplinary measures as provided by  
5 paragraphs 1 through 6 of this subsection; and

6        8. Upon showing of good cause, may modify any disciplinary  
7 action imposed pursuant to the provisions of the Home Inspection  
8 Licensing Act.

9        D. The Committee may advise the Board to seek injunctive relief  
10 and restraining orders for violations of the Home Inspection  
11 Licensing Act or the rules promulgated pursuant thereto to cause the  
12 prosecution of any person who violates any of the provisions of the  
13 Home Inspection Licensing Act or the rules promulgated pursuant  
14 thereto.

15        E. In the exercise of all powers and the performance of all  
16 duties provided in the Home Inspection Licensing Act, the Committee  
17 and the Board shall comply with the Administrative Procedures Act,  
18 the Oklahoma Open Meeting Act, and the Oklahoma Open Records Act.

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19        SECTION 3.        AMENDATORY        59 O.S. 2021, Section 858-628, is  
20 amended to read as follows:

21        Section 858-628. A. The Committee of Home Inspector Examiners  
22 shall not approve any school of home inspection instruction until it  
23 has received and examined the curriculum, syllabi or program of  
24 instruction of the school or organization conducting or offering the

1 instruction, including the requirement for education sufficient for  
2 competency in estimating costs of repair on all systems associated  
3 with the home inspector standards of practice that is not to be used  
4 in reducing or lessening any approved education program subject  
5 requirements.

6 B. Nothing in the Home Inspection Licensing Act shall be  
7 construed as relieving a school of home inspection from  
8 responsibility for compliance pursuant to law with the requirements  
9 of any other agency.

10 SECTION 4. AMENDATORY 59 O.S. 2021, Section 858-629, is  
11 amended to read as follows:

12 Section 858-629. A. Any individual eighteen (18) years of age  
13 or older who has no less than five (5) years of experience in  
14 residential construction and has successfully completed ~~ninety (90)~~  
15 one hundred and twenty (120) clock hours of home inspection training  
16 and cost of repair estimating or its equivalent as determined by the  
17 Committee of Home Inspector Examiners may apply to take a home  
18 inspector examination. Application shall be made on forms  
19 prescribed by the Construction Industries Board, shall contain  
20 information as required by the Construction Industries Board upon  
21 advisement of the Committee, and shall be accompanied by evidence of  
22 successful completion of the required training. Examinations may be  
23 held in vocational and technical schools or in other locations as  
24 determined by rule. Examinations shall include testing on

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1 estimating cost of repairs of all systems in the home inspector  
2 standards of practice and shall be uniform and practical in nature,  
3 and shall be sufficiently strict to test the qualifications and  
4 fitness of the applicant for license.

5 B. If, from the application filed, answers to inquiries,  
6 complaints, or information received, or investigation, it appears to  
7 the Board that the applicant is not qualified, including in the  
8 subject of estimating cost of repairs in all systems, the Committee  
9 shall deny approval of the application and shall give notice of that  
10 fact to the applicant.

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

15 D. If the Board determines that the applicant has successfully  
16 passed the examination or an equivalent examination as determined by  
17 the Committee, the Board shall, upon the payment of the license fee  
18 and submission of other documents as required by the Home Inspection  
19 Licensing Act or rules promulgated pursuant to the Home Inspection  
20 Licensing Act, issue to the applicant a license which shall  
21 authorize the applicant to perform home inspections.

22 |SECTION 5. AMENDATORY 59 O.S. 2021, Section 858-631, is  
23 amended to read as follows:  
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1       Section 858-631. A. The license term for a home inspector  
2 shall be one (1) year. The license shall expire twelve (12) months  
3 from the date of issuance. The license fee and each renewal or  
4 reactivation thereafter shall be payable in advance, which shall not  
5 be refundable.

6       B. As a condition of license renewal or reactivation, each home  
7 inspector shall submit to the Construction Industries Board evidence  
8 of having attended ~~eight (8)~~ ten (10) clock hours of continuing  
9 education, of which two (2) hours shall be education in estimating  
10 cost of repairs in systems covered by the home inspection, within  
11 the twelve (12) months immediately preceding the term for which the  
12 license is to be issued. Except as otherwise provided for in this  
13 section, the Board shall not issue a renewal license or reactivate a  
14 license unless the continuing education requirement set forth in  
15 this section is satisfied within the prescribed time period.

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

20       D. The Construction Industries Board may place the license of a  
21 home inspector on inactive status when the licensee gives sufficient  
22 reason; however, such status shall not relieve the licensee from  
23 paying the required fees. Continuing education shall not be  
24 required during the period a license is on inactive status. Prior

1 to the license being placed on an active status, the licensee shall  
2 be required to complete the ~~eight-hour~~ ten-hour continuing education  
3 requirement. If the holder of the inactive license has been in the  
4 military service during the entire time of inactive license status,  
5 only ~~eight (8)~~ ten (10) clock hours of continuing education and the  
6 license fee shall be required for the reactivation of the license.

7 E. Home inspectors are prohibited from advertising or  
8 soliciting to perform repair services or performing repair services  
9 on the inspected home for a period of one (1) year from the date of  
10 the home inspection.

11 F. A home inspector who provides estimates for cost of repairs  
12 shall fully disclose to the client the licensee's relationship with  
13 any person the licensee recommends, suggests, or arranges to perform  
14 any repair work for a period of one (1) year from the date of the  
15 home inspection.

16 G. Separately contracting for services such as estimating cost  
17 of repairs that is beyond or outside of the scope of the finally  
18 adopted standards of practice is not prohibited except for  
19 separately contracted services that are provided using the home  
20 inspection license that is governed by the standards of practice  
21 unless the standards of practice include standards of qualifications  
22 and competency for estimating cost of repairs.

23 SECTION 6. It being immediately necessary for the preservation  
24 of the public peace, health or safety, an emergency is hereby

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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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