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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 81 Session of  
2015

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INTRODUCED BY GREENLEAF, BREWSTER, COSTA, TARTAGLIONE AND  
RAFFERTY, JANUARY 14, 2015

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REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,  
JANUARY 14, 2015

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AN ACT

1 Amending Title 68 (Real and Personal Property) of the  
2 Pennsylvania Consolidated Statutes, repealing provisions  
3 relating to home inspections; providing for home inspections;  
4 establishing the Pennsylvania Board of Home Inspectors;  
5 providing for licensure of home inspectors and for  
6 disciplinary proceedings by the Pennsylvania Board of Home  
7 Inspectors; and making an appropriation.

8 The General Assembly of the Commonwealth of Pennsylvania  
9 hereby enacts as follows:

10 Section 1. Chapter 75 heading and sections 7501, 7502, 7503,  
11 7504, 7505, 7506, 7507, 7508, 7509, 7510, 7511, 7512 and 7513 of  
12 Title 68 of the Pennsylvania Consolidated Statutes are repealed:

13 [CHAPTER 75

14 HOME INSPECTIONS

15 § 7501. Short title of chapter.

16 This chapter shall be known and may be cited as the Home  
17 Inspection Law.

18 § 7502. Definitions and index of definitions.

19 (a) Definitions.--The following words and phrases when used  
20 in this chapter shall have the meanings given to them in this

1 section unless the context clearly indicates otherwise:

2 "Home inspection." A noninvasive visual examination of some  
3 combination of the mechanical, electrical or plumbing systems or  
4 the structural and essential components of a residential  
5 dwelling designed to identify material defects in those systems  
6 and components and performed for a fee in connection with or  
7 preparation for a proposed or possible residential real estate  
8 transfer. The term also includes any consultation regarding the  
9 property that is represented to be a home inspection or that is  
10 described by any confusingly similar term. The term does not  
11 include an examination of a single system or component of a  
12 residential dwelling such as, for example, its electrical or  
13 plumbing system or its roof. The term also does not include an  
14 examination that is limited to inspection for or of one or more  
15 of the following: wood destroying insects, underground tanks and  
16 wells, septic systems, swimming pools and spas, alarm systems,  
17 air and water quality, tennis courts and playground equipment,  
18 pollutants, toxic chemicals and environmental hazards.

19 "Home inspection report." A written report on the results of  
20 a home inspection.

21 "Home inspector." An individual who performs a home  
22 inspection.

23 "National home inspectors association." Any national  
24 association of home inspectors that:

25 (1) Is operated on a not-for-profit basis and is not  
26 operated as a franchise.

27 (2) Has members in more than ten states.

28 (3) Requires that a person may not become a full member  
29 unless the person has performed or participated in more than  
30 100 home inspections and has passed a recognized or

1 accredited examination testing knowledge of the proper  
2 procedures for conducting a home inspection.

3 (4) Requires that its members comply with a code of  
4 conduct and attend continuing professional education classes  
5 as an ongoing condition of membership.

6 (b) Index of other definitions.--The following is a  
7 nonexclusive list of other definitions applying to this chapter  
8 and the sections in which they appear:

9 "Agent." Section 7102 (relating to definitions).

10 "Agreement of transfer." Section 7102 (relating to  
11 definitions).

12 "Buyer." Section 7102 (relating to definitions).

13 "Material defect." Section 7102 (relating to definitions).

14 "Residential real estate transfer." Section 7103 (relating  
15 to application of part).

16 "Seller." Section 7102 (relating to definitions).

17 § 7503. Relationship to other laws.

18 (a) General rule.--Nothing in this chapter shall be  
19 construed to allow a home inspector who is not registered or  
20 licensed under one or more of the following laws to perform any  
21 activity that would constitute the practice of the profession  
22 regulated by that law:

23 (1) The act of May 23, 1945 (P.L.913, No.367), known as  
24 the Engineer, Land Surveyor and Geologist Registration Law.

25 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),  
26 known as the Pennsylvania Sewage Facilities Act.

27 (3) The act of March 1, 1974 (P.L.90, No.24), known as  
28 the Pennsylvania Pesticide Control Act of 1973.

29 (4) The act of December 14, 1982 (P.L.1227, No.281),  
30 known as the Architects Licensure Law.

1 (5) The act of July 9, 1987 (P.L.238, No.43), known as  
2 the Radon Certification Act.

3 (6) The act of July 10, 1990 (P.L.404, No.98), known as  
4 the Real Estate Appraisers Certification Act.

5 (b) Exclusions.--This chapter shall not:

6 (1) Apply to a person registered or licensed under an  
7 act referred to in subsection (a) when acting pursuant to his  
8 registration or license.

9 (2) Apply to an officer or employee of a municipality or  
10 local authority when acting in his official capacity.

11 (3) Affect the obligations or immunities of a person  
12 licensed under the act of February 19, 1980 (P.L.15, No.9),  
13 known as the Real Estate Licensing and Registration Act, that  
14 are imposed or provided by that act or Chapter 73 (relating  
15 to seller disclosures) when the person is acting pursuant to  
16 his license.

17 (4) Affect the obligations or immunities of a person  
18 certified under the Real Estate Appraisers Certification Act  
19 when the person is acting pursuant to the person's license.

20 § 7504. Duty of care of home inspectors.

21 (a) General rule.--It is the duty of a home inspector to  
22 conduct a home inspection with the degree of care that a  
23 reasonably prudent home inspector would exercise.

24 (b) Standard.--In ascertaining the degree of care that would  
25 be exercised by a reasonably prudent home inspector, the court  
26 shall consider the standards of practice and codes of ethics of  
27 national home inspector associations.

28 § 7505. Consumer remedies.

29 (a) General rule.--The performance of a home inspection is a  
30 service that is subject to the act of December 17, 1968 (P.L.

1 1224, No.387), known as the Unfair Trade Practices and Consumer  
2 Protection Law.

3 (b) Prohibited acts.--Any of the following acts engaged in  
4 by a home inspector, an employer of a home inspector or another  
5 business or person that controls or has a financial interest in  
6 the employer of a home inspector shall be deemed to be an unfair  
7 or deceptive act or practice as defined by section 2(4)(i)  
8 through (xxi) of the Unfair Trade Practices and Consumer  
9 Protection Law:

10 (1) Performing or offering to perform for an additional  
11 fee any repairs to a structure with respect to which the home  
12 inspector, the employer of the home inspector or such other  
13 business or person has prepared a home inspection report  
14 within the preceding 12 months, except that this paragraph  
15 shall not apply to remediation for radon or wood destroying  
16 insects.

17 (2) Inspecting for a fee any property in which the home  
18 inspector, the employer of the home inspector or such other  
19 business or person has any financial interest or any interest  
20 in the transfer of the property, including without limitation  
21 receipt of a commission as an agent, unless the financial  
22 interest or interest in the transfer of the property is  
23 disclosed in writing to the buyer before the home inspection  
24 is performed and the buyer signs an acknowledgment of receipt  
25 of the disclosure.

26 (3) Offering or delivering any commission, referral fee  
27 or kickback to the seller of the inspected property or to an  
28 agent for either or both of the seller and the buyer for the  
29 referral of any business to the home inspector, the employer  
30 of the home inspector or such other business or person.

1           (4) Accepting an engagement to perform a home inspection  
2           or to prepare a home inspection report in which the  
3           employment itself or the fee payable for the inspection is  
4           contingent upon the conclusions in the report, preestablished  
5           or prescribed findings or the closing of the transaction.

6           (c) Exception.--A home warranty company that is affiliated  
7           with or retains the home inspector does not violate subsection  
8           (b) if the home warranty company performs repairs pursuant to  
9           claims made under a home warranty contract.

10          (d) Remedies.--In addition to any other remedies available  
11          under the Unfair Trade Practices and Consumer Protection Law or  
12          other applicable provision of law, the owner of a property on  
13          which repairs are performed in violation of subsection (b) (1)  
14          shall be entitled to a full refund of any moneys paid for those  
15          repairs, and any promissory note or other obligation to pay  
16          given to the person performing those repairs shall be void.  
17          § 7506. Required contractual provision regarding home  
18                  inspections.

19          Except as provided in this section, a provision of an  
20          agreement of transfer regarding the right of the buyer to obtain  
21          a home inspection report and providing for the consequences, if  
22          any, shall provide that the home inspection be performed by a  
23          full member in good standing of a national home inspection  
24          association in accordance with the ethical standards and code of  
25          conduct or practice of that association, provided that a home  
26          inspection performed by a person who has not attained full  
27          membership in a national home inspection association satisfies  
28          the requirements of this section if the person is:

29                  (1) licensed or registered as a professional engineer  
30                  under the act of May 23, 1945 (P.L.913, No.367), known as the

1 Engineer, Land Surveyor and Geologist Registration Law;

2 (2) licensed or registered under the act of December 14,  
3 1982 (P.L.1227, No.281), known as the Architects Licensure  
4 Law; or

5 (3) supervised by a full member in good standing of a  
6 national home inspection association who agrees to be  
7 responsible for the home inspection report by signing the  
8 report.

9 § 7507. Contracts with home inspectors.

10 (a) Prohibited provisions.--The following types of  
11 provisions in a contract with a home inspector for the  
12 performance of a home inspection are contrary to public policy  
13 and shall be void:

14 (1) a limitation on the liability of the home inspector  
15 for gross negligence or willful misconduct;

16 (2) a waiver or modification of any provision of this  
17 chapter.

18 (b) Scope of inspection.--The scope of a home inspection,  
19 the services to be performed and the systems and conditions to  
20 be inspected or excluded from inspection may be defined by a  
21 contract between the home inspector and the client.

22 § 7508. Home inspection reports.

23 (a) Required contents.--A home inspection report must be in  
24 writing and shall include:

25 (1) A description of the scope of the inspection,  
26 including without limitation an identification of the  
27 structural elements, systems and subsystems covered by the  
28 report.

29 (2) A description of any material defects noted during  
30 the inspection, along with any recommendation that certain

1 experts be retained to determine the extent of the defects  
2 and any corrective action that should be taken. A "material  
3 defect" as defined in section 7102 (relating to definitions)  
4 that poses an unreasonable risk to people on the property  
5 shall be conspicuously identified as such.

6 (3) The following statements, set forth conspicuously:

7 "A home inspection is intended to assist in evaluation of  
8 the overall condition of the dwelling. The inspection is  
9 based on observation of the visible and apparent condition of  
10 the structure and its components on the date of inspection."

11 "The results of this home inspection are not intended to  
12 make any representation regarding the presence or absence of  
13 latent or concealed defects that are not reasonably  
14 ascertainable in a competently performed home inspection. No  
15 warranty or guaranty is expressed or implied."

16 "If the person conducting your home inspection is not a  
17 licensed structural engineer or other professional whose  
18 license authorizes the rendering of an opinion as to the  
19 structural integrity of a building or its other component  
20 parts, you may be advised to seek a professional opinion as  
21 to any defects or concerns mentioned in the report."

22 "This home inspection report is not to be construed as an  
23 appraisal and may not be used as such for any purpose."

24 (b) Confidentiality.--Except as otherwise required by law, a  
25 home inspector shall not deliver a home inspection report to any  
26 person other than the client of the home inspector without the  
27 client's consent. The seller shall have the right, upon request,  
28 to receive without charge a copy of a home inspection report  
29 from the person for whom it was prepared.

30 (c) Repair estimates prohibited.--A home inspector shall not

1 express either orally or in writing an estimate of the cost to  
2 repair any defect found during a home inspection, except that  
3 such an estimate may be included in a home inspection report if:

4 (1) the report identifies the source of the estimate;

5 (2) the estimate is stated as a range of costs; and

6 (3) the report states that the parties should consider  
7 obtaining an estimate from a contractor who performs the type  
8 of repair involved.

9 § 7509. Liability insurance.

10 (a) Required insurance.--A home inspector shall maintain  
11 insurance against errors and omissions in the performance of a  
12 home inspection and general liability, with coverages of not  
13 less than \$100,000 per occurrence and \$500,000 in the aggregate  
14 and with deductibles of not more than \$2,500.

15 (b) Term.--

16 (1) Except as set forth in paragraph (2), a home  
17 inspector shall maintain insurance under subsection (a) for  
18 at least one year after the latest home inspection report the  
19 home inspector delivers.

20 (2) Paragraph (1) shall not apply to a home inspection  
21 report that was delivered prior to the effective date of this  
22 section.

23 § 7510. Reliance by buyer.

24 A buyer shall be entitled to rely in good faith, without  
25 independent investigation, on a written representation by a home  
26 inspector that the home inspector is:

27 (1) licensed or registered as a professional engineer  
28 under the act of May 23, 1945 (P.L.913, No.367), known as the  
29 Engineer, Land Surveyor and Geologist Registration Law;

30 (2) licensed or registered under the act of December 14,

1 1982 (P.L.1227, No.281), known as the Architects Licensure  
2 Law; or

3 (3) a full member in good standing of a national home  
4 inspection association.

5 § 7511. Penalties.

6 (a) Criminal penalty.--A person who violates section 7509  
7 (relating to liability insurance) or who provides a false  
8 representation under section 7510 (relating to reliance by  
9 buyer) commits a summary offense and, upon conviction thereof  
10 for a first offense, shall be sentenced to pay a fine not  
11 exceeding \$500 or to imprisonment for not more than three  
12 months, or both, and for a second or subsequent offense commits  
13 a misdemeanor of the third degree and, upon conviction thereof,  
14 shall be sentenced to pay a fine of not less than \$2,000 but not  
15 more than \$5,000 or to imprisonment for not less than one year  
16 but not more than two years, or both.

17 (b) Fine.--A person who violates any provision of section  
18 7508 (relating to home inspection reports) shall, upon  
19 conviction in a summary proceeding before a magisterial district  
20 judge, be sentenced to pay a fine not exceeding \$500.

21 § 7512. Statute of limitations.

22 An action to recover damages arising from a home inspection  
23 report must be commenced within one year after the date the  
24 report is delivered.

25 § 7513. Engineers and architects.

26 Notwithstanding section 7503(b)(1) (relating to relationship  
27 to other laws), the following sections: 7505 (relating to  
28 consumer remedies), 7507(a)(1) and (b) (relating to contracts  
29 with home inspectors), 7508 (relating to home inspection  
30 reports) and 7509 (relating to liability insurance) shall apply

1 to a person licensed or registered as a professional engineer  
2 under the act of May 23, 1945 (P.L.913, No.367), known as the  
3 Engineer, Land Surveyor and Geologist Registration Law, or a  
4 person licensed or registered under the act of December 14, 1982  
5 (P.L.1227, No.281), known as the Architects Licensure Law, when  
6 performing a home inspection.]

7 Section 2. Title 68 is amended by adding a chapter to read:

8 CHAPTER 75A

9 HOME INSPECTIONS

10 Sec.

11 75A01. Scope of chapter.

12 75A02. Definitions.

13 75A03. Pennsylvania Board of Home Inspectors.

14 75A04. Powers and duties of board.

15 75A05. Licensure.

16 75A06. Qualifications.

17 75A07. Home inspection reports.

18 75A08. Liability insurance.

19 75A09. Home inspectors in other states, territories or Dominion  
20 of Canada.

21 75A10. Duration of license.

22 75A11. Reporting of multiple licensure.

23 75A12. Relationship to other laws.

24 75A13. Unfair Trade Practices and Consumer Protection Law  
25 remedies.

26 75A14. Contracts with home inspectors.

27 75A15. Fees, fines and civil penalties.

28 75A16. Violation.

29 75A17. Refusal, suspension or revocation of license.

30 75A18. Suspensions and revocations.

1 75A19. Temporary and automatic suspensions.

2 75A20. Reinstatement of license.

3 75A21. Injunction.

4 75A22. Subpoenas and oaths.

5 75A23. Statute of limitations.

6 75A24. Engineers and architects.

7 § 75A01. Scope of chapter.

8 This chapter relates to home inspections.

9 § 75A02. Definitions.

10 (a) Definitions.--The following words and phrases when used  
11 in this chapter shall have the meanings given to them in this  
12 section unless the context clearly indicates otherwise:

13 "Agent." Any broker, associate broker or salesperson, as  
14 defined in the act of February 19, 1980 (P.L.15, No.9), known as  
15 the Real Estate Licensing and Registration Act.

16 "Agreement of transfer." A contract between a buyer and  
17 seller setting forth the terms of a residential real estate  
18 transfer.

19 "Applicant." An individual who applies for a license as a  
20 home inspector.

21 "Board." The Pennsylvania Board of Home Inspectors.

22 "Bureau." The Bureau of Professional and Occupational  
23 Affairs in the Department of State.

24 "Buyer." Any person receiving any estate or interest in real  
25 property in a transfer subject to this part.

26 "Client." An individual on whose behalf a contract is  
27 entered with a licensee under this chapter, or his employer, to  
28 obtain a home inspection and subsequent home inspection report.

29 "Commissioner." The Commissioner of the Bureau of  
30 Professional and Occupational Affairs in the Department of

1 State.

2 "Department." The Department of State of the Commonwealth.

3 "Home inspection." A noninvasive visual examination of some

4 combination of the mechanical, electrical or plumbing systems or

5 the structural and essential components of a residential

6 dwelling designed to identify material defects in those systems

7 and components and performed for a fee in connection with or

8 preparation for a proposed or possible residential real estate

9 transfer. The term includes any consultation regarding the

10 property that is represented to be a home inspection or that is

11 described by any similar term. The term does not include any of

12 the following:

13 (1) An examination of a single system or component of a

14 residential dwelling such as its electrical or plumbing

15 system or its roof.

16 (2) An examination that is limited to inspection for or

17 of one or more of the following ancillary services:

18 (i) Wood-destroying insects.

19 (ii) Underground tanks and wells.

20 (iii) Septic systems.

21 (iv) Swimming pools and spas.

22 (v) Alarm systems.

23 (vi) Air and water quality.

24 (vii) Tennis courts and playground equipment.

25 (viii) Pollutants.

26 (ix) Toxic chemicals.

27 (x) Environmental hazards.

28 (xi) Mold.

29 (xii) Biological organisms.

30 "Home inspection report." A report as required under section

1 75A07 (relating to home inspection reports).

2 "Home inspector." An individual who performs a home  
3 inspection and is licensed under this chapter.

4 "Material defect." A problem with a residential real  
5 property or any portion of it that would have a significant  
6 adverse impact on the value of the property or that involves an  
7 unreasonable risk to people on the property. The fact that a  
8 structural element, system or subsystem is near, at or beyond  
9 the end of the normal useful life of such a structural element,  
10 system or subsystem is not by itself a material defect.

11 "Residential dwelling." A structure consisting of at least  
12 one but not more than four units, each designed for occupancy by  
13 a single family, whether the unit or units are occupied or  
14 unoccupied.

15 "Residential real estate transfer." As defined under section  
16 7103 (relating to application of part).

17 "Seller." Any person transferring any estate or interest in  
18 residential real property in a transfer subject to this part.

19 "Wood-destroying insect." The term includes termites,  
20 carpenter ants, carpenter bees and reinfesting wood boring  
21 beetles.

22 § 75A03. Pennsylvania Board of Home Inspectors.

23 (a) Establishment.--There is established the Pennsylvania  
24 Board of Home Inspectors within the bureau.

25 (b) Composition.--The board shall consist of the following  
26 members:

27 (1) The commissioner or a designee.

28 (2) The following members, who shall be citizens of the  
29 United States and residents of this Commonwealth, appointed  
30 by the Governor with the advice and consent of the Senate:

1           (i) Two members representing the public at large.

2           (ii) Five professional members. Professional members  
3           shall have completed no fewer than 400 fee-paid home  
4           inspections in this Commonwealth over the five years  
5           immediately preceding appointment to the board. Except as  
6           set forth under subsection (f), professional members  
7           shall be licensed under this chapter as home inspectors.

8           (3) The Attorney General or a designee.

9           (c) Meeting.--The board shall meet within 30 days after the  
10          appointment of the initial members and shall do all of the  
11          following:

12           (1) Establish procedures for the board's operation and  
13          administration of this chapter.

14           (2) Develop application forms for licensure.

15           (3) Circulate application forms.

16           (4) Create program guidelines to educate the public  
17          regarding licensure requirements under this chapter.

18          (d) Term of membership.--Except as provided under subsection  
19          (e), professional and public members shall serve a term of four  
20          years or until a successor has been appointed and qualified but  
21          in no event longer than six months beyond the four-year period.  
22          In the event that a member dies or resigns or otherwise is  
23          disqualified during the term of office, a successor shall be  
24          appointed in the same way and with the same qualifications and  
25          shall hold office for an unexpired term. A professional or  
26          public member shall not be eligible to hold more than two  
27          consecutive terms.

28          (e) Initial appointments.--For professional and public  
29          members first appointed to the board under this chapter, the  
30          term of office shall be as follows:

1           (1) Three members shall serve for a term of four years.

2           (2) Two members shall serve for a term of three years.

3           (3) One member shall serve for a term of two years.

4           (f) Professional members and first appointments.--

5           (1) A professional member initially appointed to the  
6           board under this chapter need not be licensed at the time of  
7           appointment but at the time of appointment must have  
8           satisfied eligibility requirements for licensure. All  
9           professional members subsequently appointed shall possess the  
10           required license.

11           (2) A board member that becomes a home inspector shall  
12           obtain the requisite license within six months of the date  
13           the initial licenses are issued. If a board member does not  
14           obtain the requisite license within six months of the  
15           effective date of this section, the board member shall be  
16           considered to have resigned from the board on that date.

17           (g) Quorum.--A majority of the members of the board shall  
18           constitute a quorum. A member may not be counted as part of a  
19           quorum or vote on any issue unless the member is physically in  
20           attendance at the meeting.

21           (h) Chairperson.--The board shall select annually a  
22           chairperson from among its members.

23           (i) Expenses.--With the exception of the commissioner and  
24           the Attorney General, each member of the board shall receive \$60  
25           per diem when actually attending to the work of the board. A  
26           member shall also receive the amount of reasonable travel, hotel  
27           and other necessary expenses incurred in the performance of the  
28           member's duties in accordance with Commonwealth regulations.

29           (j) Forfeiture.--A professional or public member who fails  
30           to attend three meetings in 18 months shall forfeit the member's

1 seat unless the commissioner, upon written request from the  
2 member, finds that the member should be excused from a meeting  
3 because of illness or the death of a family member.

4 (k) Training seminars.--A public member who fails to attend  
5 two consecutive statutorily mandated training seminars in  
6 accordance with section 813(e) of the act of April 9, 1929 (P.L.  
7 177, No.175), known as The Administrative Code of 1929, shall  
8 forfeit the member's seat unless the commissioner, upon written  
9 request from the public member, finds that the public member  
10 should be excused from a meeting because of illness or the death  
11 of a family member.

12 (l) Frequency of meetings.--The board shall meet at least  
13 four times per year in the City of Harrisburg and at additional  
14 times as may be necessary to conduct the business of the board.  
15 § 75A04. Powers and duties of board.

16 The board shall have the following powers and duties:

17 (1) To provide for and regulate the licensing of  
18 individuals engaged in home inspection.

19 (2) To issue licenses, renew licenses, reinstate  
20 licenses or refuse to renew, suspend and revoke licenses as  
21 provided under this chapter.

22 (3) To administer and enforce the provisions of this  
23 chapter.

24 (4) To review applications for licensure and to  
25 determine the eligibility of an individual applying for  
26 licensure.

27 (5) To promote educational initiatives to protect  
28 consumers who contract for home inspection services.

29 (6) To promulgate and enforce regulations, not  
30 inconsistent with this chapter, as necessary only to carry

1 out the provisions of this chapter. This paragraph includes  
2 the setting of fees and the adoption of standards for  
3 certification of home inspectors. Regulations shall be  
4 adopted in conformity with the provisions of the act of July  
5 31, 1968 (P.L.769, No.240), referred to as the Commonwealth  
6 Documents Law and the act of June 25, 1982 (P.L.633, No.181),  
7 known as the Regulatory Review Act.

8 (7) To keep minutes and records of all proceedings.

9 (8) To submit annually to the department an estimate of  
10 financial requirements of the board for its administrative,  
11 legal and other expenses.

12 (9) To submit annually a report to the Consumer  
13 Protection and Professional Licensure Committee of the Senate  
14 and the Professional Licensure Committee of the House of  
15 Representatives. The report shall include a description of  
16 the types of complaints received, status of cases, the action  
17 which has been taken and the length of time from initial  
18 complaint to final resolution.

19 (10) To submit annually to the Appropriations Committee  
20 of the Senate and the Appropriations Committee of the House  
21 of Representatives, 15 days after the Governor has submitted  
22 a budget to the General Assembly, a copy of the budget  
23 request for the upcoming fiscal year which the board  
24 previously submitted to the department.

25 (11) To prescribe the form of licenses, applications and  
26 other documents that are required for home inspectors to be  
27 licensed under this chapter.

28 (12) To grant, deny, suspend and revoke approval of  
29 examinations and courses of study regarding home inspections,  
30 establish standards for continuing home inspection education,

1 including the subject matter and content of courses of study  
2 and the selection of instructors and approve other equivalent  
3 educational programs, and establish procedures for the  
4 issuance of credit upon satisfactory proof of the completion  
5 of these programs.

6 (13) To establish and maintain a current list of home  
7 inspectors who are licensed. This list shall be available for  
8 public inspection, including on an Internet website.

9 (14) To establish continuing education requirements of  
10 not less than 32 hours biennially for licensees in accordance  
11 with this chapter.

12 (15) To require all fee-paid home inspections to be  
13 conducted in accordance with the standards of practice  
14 established by the board.

15 (16) To adopt standards of practice for licensees.

16 § 75A05. Licensure.

17 (a) General rule.--An individual may not perform home  
18 inspections, offer himself for employment as an individual who  
19 performs home inspections or hold himself out as a home  
20 inspector unless licensed by the board or as otherwise  
21 consistent with this chapter.

22 (b) Business entities.--An individual, corporation,  
23 partnership, firm or other entity shall not employ an individual  
24 to perform a home inspection or allow or direct an individual to  
25 perform a home inspection unless the individual is licensed  
26 under this chapter.

27 § 75A06. Qualifications.

28 (a) General rule.--To be eligible to apply for licensure, an  
29 applicant must fulfill all of the following requirements:

30 (1) Be of good moral character.

1           (2) Be 18 years of age or older.

2           (3) Have successfully completed high school or its  
3 equivalent.

4           (4) Satisfactorily complete a board-approved training  
5 program or course of study involving the performance of home  
6 inspections; such study program shall be for no less than 120  
7 hours of instruction and include no less than 40 hours of  
8 actual in-field training.

9           (5) Satisfactorily complete a board-approved examination  
10 that is designed to test competence in home inspection  
11 practices. The board shall contract with a professional  
12 testing organization for the examination of qualified  
13 applicants for licensure. All written, oral and practical  
14 examinations shall be prepared and administered by a  
15 qualified and approved professional testing organization in  
16 the manner prescribed for written examinations by section  
17 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as  
18 The Administrative Code of 1929.

19           (6) Pay the fee set by the board.

20           (b) Ancillary services.--In the event that an ancillary  
21 service is performed by a licensed home inspector, the inspector  
22 shall be licensed or certified to perform that service as  
23 required by State regulation. Inspectors found to be performing  
24 ancillary inspections for the home-buying public without the  
25 required license or certification shall be subject to discipline  
26 by the board.

27 § 75A07. Home inspection reports.

28           (a) Required contents.--A home inspection report must be in  
29 writing and shall include:

30           (1) A description of the scope of the inspection,

1 including without limitation an identification of the  
2 structural elements, systems and subsystems of the  
3 residential dwelling covered by the report.

4 (2) A description of any material defects noted during  
5 the inspection, along with any recommendation that certain  
6 experts be retained to determine the extent of the defects  
7 and any corrective action that should be taken. A material  
8 defect that poses an unreasonable risk to people on the  
9 property shall be conspicuously identified as such.

10 (3) The following statements, set forth conspicuously:

11 A home inspection is intended to assist in evaluation  
12 of the overall condition of the residential dwelling.  
13 The inspection is based on observation of the visible  
14 and apparent condition of the residential dwelling  
15 and its components on the date of inspection.

16 The results of this home inspection are not intended  
17 to make any representation regarding the presence or  
18 absence of latent or concealed defects that are not  
19 reasonably ascertainable in a competently performed  
20 home inspection. No warranty or guaranty is expressed  
21 or implied.

22 If the person conducting your home inspection is not  
23 a licensed structural engineer or other professional  
24 whose license authorizes the rendering of an opinion  
25 as to the structural integrity of a residential  
26 dwelling or its other component parts, you may be  
27 advised to seek a professional opinion as to any  
28 defects or concerns mentioned in the report.

29 This home inspection report is not to be construed as  
30 an appraisal and may not be used as such for any

1           purpose.

2       (b) Confidentiality.--Except as otherwise required by law, a  
3 home inspector shall not deliver a home inspection report to any  
4 person other than the client of the home inspector without the  
5 client's consent.

6       (c) Repair estimates prohibited.--A home inspector shall not  
7 express either orally or in writing an estimate of the cost to  
8 repair any defect found during a home inspection, except that  
9 such an estimate may be included in a home inspection report if  
10 the home inspector is so qualified and:

11           (1) the report identifies the source of the estimate;

12           (2) the estimate is stated as a range of costs from  
13 verifiable price sources; and

14           (3) the report states that the parties should consider  
15 obtaining an estimate from a contractor who performs the type  
16 of repair involved.

17 § 75A08. Liability insurance.

18       (a) Required insurance.--A home inspector shall maintain  
19 professional liability insurance in the performance of a home  
20 inspection, with coverages of not less than \$100,000 per  
21 occurrence and \$500,000 in the aggregate.

22       (b) Term.--

23           (1) Except as set forth in paragraph (2), a home  
24 inspector shall maintain insurance under subsection (a) for  
25 at least one year after the latest home inspection report was  
26 delivered.

27           (2) Paragraph (1) shall not apply to a home inspection  
28 report that was delivered prior to December 20, 2001.

29 § 75A09. Home inspectors in other states, territories or  
30 Dominion of Canada.

1 The board may issue a license to an individual who has  
2 licensure or its equivalent as a home inspector in any other  
3 state or territory of the United States or the Dominion of  
4 Canada if all of the following requirements are met:

5 (1) The other jurisdiction grants the same privileges to  
6 licensees of Pennsylvania as the Commonwealth grants to  
7 licensees of that other jurisdiction.

8 (2) The person is licensed or its equivalent in the  
9 other jurisdiction and has successfully passed the  
10 examination.

11 (3) The licensing requirements of the other jurisdiction  
12 are substantially similar to the licensing requirements of  
13 this chapter.

14 (4) The person provides a notarized statement that the  
15 person has studied, is familiar with and will abide by the  
16 provisions of this chapter and the administrative regulations  
17 promulgated by the board.

18 (5) The individual pays the required fee.

19 § 75A10. Duration of license.

20 (a) Duration of license.--A license issued under this  
21 chapter shall be on a biennial basis. The biennial expiration  
22 date shall be established by the board. Application for renewal  
23 of a license shall biennially be forwarded to an individual  
24 holding a current license prior to the expiration date of the  
25 current renewal biennium.

26 (b) Inactive status.--An individual licensed under this  
27 chapter may request an application for inactive status. The  
28 application form may be completed and returned to the board.  
29 Upon receipt of an application, the individual shall be  
30 maintained on inactive status without fee and shall be entitled

1 to apply for a licensure renewal at any time after complying  
2 with the requirements for continuing education. An individual  
3 who requests that the board activate the individual's license  
4 and who has been on inactive status for a period of three  
5 consecutive years shall, prior to receiving an active license,  
6 satisfy the requirements of the board's regulations for ensuring  
7 continued competence, including holding current certification  
8 and remitting the required fee. The board shall promulgate  
9 regulations to carry out the provisions of this subsection.

10 § 75A11. Reporting of multiple licensure.

11 A home inspector who is also licensed to perform home  
12 inspections in any other state, territory or possession of the  
13 United States or any other country shall report this information  
14 to the board on the biennial registration application. A  
15 licensee shall report any disciplinary action regarding a  
16 license taken in another state, territory, possession of the  
17 United States or any other country to the board on the biennial  
18 registration application or within 90 days of final disposition,  
19 whichever is sooner. Multiple licensure shall be noted by the  
20 board on the home inspector's record, and the state, territory,  
21 possession or country shall be notified of any disciplinary  
22 actions taken by the board against the licensee in this  
23 Commonwealth.

24 § 75A12. Relationship to other laws.

25 (a) General rule.--Nothing in this chapter shall be  
26 construed to allow a home inspector who is not registered or  
27 licensed under one or more of the following laws to perform any  
28 activity that would constitute the practice of the profession  
29 regulated by that law:

30 (1) The act of May 23, 1945 (P.L.913, No.367), known as

1 the Engineer, Land Surveyor and Geologist Registration Law.

2 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),  
3 known as the Pennsylvania Sewage Facilities Act.

4 (3) The act of March 1, 1974 (P.L.90, No.24), known as  
5 the Pennsylvania Pesticide Control Act of 1973.

6 (4) The act of December 14, 1982 (P.L.1227, No.281),  
7 known as the Architects Licensure Law.

8 (5) The act of July 9, 1987 (P.L.238, No.43), known as  
9 the Radon Certification Act.

10 (6) The act of July 10, 1990 (P.L.404, No.98), known as  
11 the Real Estate Appraisers Certification Act.

12 (b) Exclusions.--This chapter shall not:

13 (1) Apply to a person registered or licensed under an  
14 act referred to in subsection (a) when acting pursuant to his  
15 registration or license.

16 (2) Apply to an officer or employee of a municipality or  
17 local authority when acting in his official capacity.

18 (3) Affect the obligations or immunities of a person  
19 licensed under the act of February 19, 1980 (P.L.15, No.9),  
20 known as the Real Estate Licensing and Registration Act, that  
21 are imposed or provided by that act or Chapter 73 (relating  
22 to seller disclosures) when the person is acting pursuant to  
23 his license.

24 (4) Affect the obligations or immunities of a person  
25 certified under the Real Estate Appraisers Certification Act  
26 when the person is acting pursuant to the person's license.

27 § 75A13. Unfair Trade Practices and Consumer Protection Law  
28 remedies.

29 (a) General rule.--The performance of a home inspection is a  
30 service that is subject to the act of December 17, 1968 (P.L.

1 1224, No.387), known as the Unfair Trade Practices and Consumer  
2 Protection Law.

3 (b) Prohibited acts.--Any of the following acts engaged in  
4 by a home inspector, an employer of a home inspector or another  
5 business or person that controls or has a financial interest in  
6 the employer of a home inspector shall be deemed to be an unfair  
7 or deceptive act or practice as defined by section 2(4)(i)  
8 through (xxi) of the Unfair Trade Practices and Consumer  
9 Protection Law:

10 (1) Performing or offering to perform for an additional  
11 fee any repairs to a residential dwelling with respect to  
12 which the home inspector, the employer of the home inspector  
13 or such other business or person has prepared a home  
14 inspection report within the preceding 12 months, except that  
15 this paragraph shall not apply to remediation for radon or  
16 wood destroying insects.

17 (2) Inspecting for a fee any property in which the home  
18 inspector, the employer of the home inspector or such other  
19 business or person has any financial interest or any interest  
20 in the transfer of the property, including without limitation  
21 receipt of a commission as an agent, unless the financial  
22 interest or interest in the transfer of the property is  
23 disclosed in writing to the buyer before the home inspection  
24 is performed and the buyer signs an acknowledgment of receipt  
25 of the disclosure.

26 (3) Offering or delivering any commission, referral fee  
27 or kickback to the seller of the inspected property or to an  
28 agent for either or both of the seller and the buyer for the  
29 referral of any business to the home inspector, the employer  
30 of the home inspector or such other business or person.

1           (4) Accepting an engagement to perform a home inspection  
2           or to prepare a home inspection report in which the  
3           employment itself or the fee payable for the inspection is  
4           contingent upon the conclusions in the report, preestablished  
5           or prescribed findings or the closing of the transaction.

6           (c) Exception.--A home warranty company that is affiliated  
7           with or retains the home inspector does not violate subsection  
8           (b) if the home warranty company performs repairs pursuant to  
9           claims made under a home warranty contract and discloses its  
10           affiliation.

11           (d) Consumer remedies.--In addition to any other remedies  
12           available under the Unfair Trade Practices and Consumer  
13           Protection Law or other applicable provision of law, the owner  
14           of a property on which repairs are performed in violation of  
15           subsection (b) (1) shall be entitled to a full refund of any  
16           moneys paid for those repairs, and any promissory note or other  
17           obligation to pay given to the person performing those repairs  
18           shall be void.

19           § 75A14. Contracts with home inspectors.

20           (a) Prohibited provisions.--Any of the following types of  
21           provisions in a contract with a home inspector for the  
22           performance of a home inspection are contrary to public policy  
23           and shall be void:

24                   (1) A limitation on the liability of the home inspector  
25                   for gross negligence or willful misconduct.

26                   (2) A waiver or modification of any provision of this  
27                   chapter.

28           (b) Scope of inspection.--The scope of a home inspection,  
29           the services to be performed and the systems and conditions to  
30           be inspected or excluded from inspection may be defined by a

1 contract between the home inspector and the client.

2 (c) Required contractual provision regarding home  
3 inspections.--

4 (1) Except as provided under paragraph (2), a provision  
5 of an agreement of transfer regarding the right of the buyer  
6 to obtain a home inspection report and providing for the  
7 consequences, if any, shall provide that the home inspection  
8 be performed by a licensed home inspector.

9 (2) A home inspection satisfies the requirements of this  
10 section if the person is:

11 (i) licensed or registered as a professional  
12 engineer under the act of May 23, 1945 (P.L.913, No.367),  
13 known as the Engineer, Land Surveyor and Geologist  
14 Registration Law; or

15 (ii) licensed or registered under the act of  
16 December 14, 1982 (P.L.1227, No.281), known as the  
17 Architects Licensure Law.

18 § 75A15. Fees, fines and civil penalties.

19 (a) Fees.--All fees required under this chapter shall be  
20 fixed by the board by regulation and shall be subject to the act  
21 of June 25, 1982 (P.L.633, No.181), known as the Regulatory  
22 Review Act. If the revenues raised by the fees, fines and civil  
23 penalties imposed under this chapter are not sufficient to meet  
24 expenditures over a two-year period, the board shall increase  
25 those fees by regulation so that projected revenues will meet or  
26 exceed projected expenditures.

27 (b) Deposit of fees.--All fees, fines and civil penalties  
28 imposed in accordance with this chapter shall be paid into the  
29 Professional Licensure Augmentation Account.

30 (c) Permitted fees.--The board may charge a fee, as set by

1 the board by regulation, for licensure, for renewing licensure  
2 and for other services of the board as permitted under this  
3 chapter or by regulation.

4 § 75A16. Violation.

5 (a) Criminal penalty.--A person violating a provision of  
6 this chapter commits a misdemeanor of the third degree and  
7 shall, upon conviction, be sentenced to pay a fine of not more  
8 than \$2,500 or to imprisonment for not more than six months for  
9 the first violation. A person convicted of a second or  
10 subsequent violation shall be sentenced to pay a fine of not  
11 more than \$5,000 or to imprisonment for not less than six months  
12 or more than one year, or both.

13 (b) Civil penalty.--In addition to any other civil remedy or  
14 criminal penalty provided for under this chapter, the board, by  
15 a vote of the majority of the maximum number of the authorized  
16 membership of the board as provided by law or by a vote of the  
17 majority of the duly qualified and confirmed membership or a  
18 minimum of five members, whichever is greater, may levy a civil  
19 penalty of up to \$10,000 on any of the following:

20 (1) A home inspector who violates a provision of this  
21 chapter.

22 (2) An individual who performs home inspections without  
23 a license, as required by this chapter.

24 (c) Procedure.--The board shall levy the civil penalty under  
25 subsection (b) only after affording the accused the opportunity  
26 for a hearing as provided under 2 Pa.C.S. (relating to  
27 administrative law and procedure).

28 § 75A17. Refusal, suspension or revocation of license.

29 (a) General rule.--The board shall have the authority to  
30 refuse, suspend or revoke a license or discipline for unlicensed

1 activity in a case where the board finds any of the following:

2 (1) The licensee is negligent or incompetent in  
3 performing a home inspection.

4 (2) The licensee has willfully or repeatedly violated  
5 any of the provisions of this chapter or a regulation of the  
6 board.

7 (3) The licensee or individual has committed fraud or  
8 deceit in any of the following:

9 (i) Performing home inspections.

10 (ii) Securing licensure or certification.

11 (iii) Advertising.

12 (iv) Performing or offering to perform home  
13 inspections for compensation without being licensed as a  
14 home inspector and without being exempt from licensure  
15 under this chapter.

16 (v) Presenting as the individual's own license, the  
17 license of another.

18 (vi) Intentionally giving false or materially  
19 misleading information to the board or to a board or  
20 staff member in connection with a licensing matter.

21 (vii) Using an expired, suspended, revoked or  
22 otherwise restricted license.

23 (viii) Performing or offering to perform for an  
24 additional fee any repairs to a residential dwelling with  
25 respect to which the home inspector, the employer of the  
26 home inspector or other business or person affiliated  
27 with the home inspector has prepared a home inspection  
28 report within the preceding 12 months, except that this  
29 subparagraph shall not apply to remediation for radon or  
30 wood-destroying insects.

1           (ix) Participation with any real estate broker or  
2           agent, directly or indirectly, in an action in which the  
3           home inspector pays or receives a direct or indirect  
4           consideration for receiving leads toward providing home  
5           inspection services.

6           (4) The licensee has been convicted of a felony or a  
7           crime of moral turpitude.

8           (5) The licensee has had his license suspended or  
9           revoked or has received other disciplinary action by the  
10           proper licensing authority in another state, territory,  
11           possession of the United States or any other country.

12           (6) The licensee falsely advertised or made misleading,  
13           deceptive, untrue or fraudulent material representations  
14           regarding licensure.

15           (b) Acts authorized.--If the board finds that the license of  
16           a home inspector may be refused, revoked or suspended under  
17           subsection (a), the board may do any of the following:

18           (1) Deny the application for a license.

19           (2) Administer a public reprimand.

20           (3) Revoke, suspend, limit or otherwise restrict a  
21           license. The board shall require an individual whose license  
22           has been suspended or revoked to return the license in the  
23           manner as the board directs.

24           (4) Suspend enforcement of its finding and place a  
25           licensee on probation with the right to vacate the  
26           probationary order for noncompliance.

27           (5) Restore or reissue, in its discretion, a suspended  
28           license and impose any disciplinary or corrective measure  
29           which it might originally have imposed.

30           § 75A18. Suspensions and revocations.

1 Disciplinary action shall be imposed only in accordance with  
2 the regulations of the board and only by majority vote of the  
3 members of the board after a hearing. An action of the board  
4 shall be taken subject to the right of notice, hearing and  
5 adjudication, and the right of appeal, in accordance with 2  
6 Pa.C.S. (relating to administrative law and procedure). The  
7 board, by majority action, may reissue a license which has been  
8 suspended. If a license has been revoked, the board shall  
9 reissue a license only under section 75A20 (relating to  
10 reinstatement of license).

11 § 75A19. Temporary and automatic suspensions.

12 (a) Temporary suspensions.--

13 (1) A license issued under this chapter may be  
14 temporarily suspended under circumstances as determined by  
15 the board to be an immediate and clear danger to the public  
16 health and safety. The board shall issue an order to that  
17 effect without a hearing, but upon due notice to the licensee  
18 concerned, at his last known address, which shall include a  
19 written statement of all allegations against the licensee.  
20 The board shall thereupon commence formal action to suspend,  
21 revoke or restrict the license of a person concerned as  
22 otherwise provided for in this chapter. All actions shall be  
23 taken promptly and without delay.

24 (2) Within 30 days following the issuance of an order  
25 temporarily suspending a license, the board shall conduct or  
26 cause to be conducted a preliminary hearing to determine  
27 whether there is a prima facie case supporting the  
28 suspension. The licensee whose license has been temporarily  
29 suspended may be present at the preliminary hearing and may  
30 be represented by counsel, cross-examine witnesses, inspect

1 physical evidence, call witnesses, offer evidence and  
2 testimony and make a record of the proceedings.

3 (3) If it is determined that there is not a prima facie  
4 case, the suspended license shall by immediately restored.  
5 The temporary suspension shall remain in effect until vacated  
6 by the board, but in no event longer than 180 days.

7 (b) Automatic suspension.--

8 (1) A license issued under this chapter shall  
9 automatically be suspended upon the legal commitment to an  
10 institution of a licensee because of mental incompetency from  
11 any cause upon filing with the board a certified copy of such  
12 commitment, conviction of a felony under the act of April 14,  
13 1972 (P.L.233, No.64), known as The Controlled Substance,  
14 Drug, Device and Cosmetic Act, or conviction of an offense  
15 under the laws of another jurisdiction, which if committed in  
16 Pennsylvania, would be a felony under The Controlled  
17 Substance, Drug, Device and Cosmetic Act.

18 (2) Automatic suspension under this subsection shall not  
19 be stayed pending any appeal of a conviction. Restoration of  
20 such license shall be made as provided in this chapter in the  
21 case of revocation or suspension of such license.

22 (3) As used in this subsection, the term "conviction"  
23 shall include a judgment, an admission of guilt or a plea of  
24 nolo contendere.

25 (c) Notice of violations.--

26 (1) An attorney responsible for representing the  
27 Commonwealth in disciplinary matters before the board shall  
28 notify the board immediately upon receiving notification of  
29 an alleged violation of this chapter.

30 (2) The board shall maintain current records of all

1 reports of alleged violations and periodically review the  
2 records for the purpose of determining that each alleged  
3 violation has been resolved in a timely manner.

4 § 75A20. Reinstatement of license.

5 Unless ordered to do so by the Commonwealth Court or an  
6 appeal from the Commonwealth Court, the board shall not  
7 reinstate the license of an individual which has been revoked.  
8 An individual whose license has been revoked may reapply for a  
9 license after a period of at least five years but must meet all  
10 of the licensing requirements of this chapter.

11 § 75A21. Injunction.

12 Whenever in the judgment of the board a person has engaged in  
13 an act or practice which is regulated under this chapter and  
14 which constitutes or will constitute a violation of this  
15 chapter, the board or its agents may make application to the  
16 appropriate court for an order enjoining the act or practice,  
17 and, upon a showing by the board that the person has engaged or  
18 is about to engage in the act or practice, an injunction,  
19 restraining order or other order as may be appropriate shall be  
20 granted by the court. The remedy by injunction shall be in  
21 addition to any other civil or criminal prosecution and  
22 punishment.

23 § 75A22. Subpoenas and oaths.

24 (a) Authority granted.--The board shall have the authority  
25 to issue subpoenas, upon application of an attorney responsible  
26 for representing the Commonwealth in disciplinary matters before  
27 the board, for the purpose of investigating alleged violations  
28 of this chapter or regulations of the board. The board shall  
29 have the power to subpoena witnesses, to administer oaths, to  
30 examine witnesses and to take testimony or compel the production

1 of books, records, papers and documents as it may deem necessary  
2 or proper in and pertinent to any proceeding, investigation or  
3 hearing held or had by the board. The board is authorized to  
4 apply to the Commonwealth Court to enforce its subpoenas. The  
5 court may impose limitations on the scope of the subpoena as is  
6 necessary to prevent unnecessary intrusion into client  
7 confidential information.

8 (b) Disciplinary matters.--An attorney responsible for  
9 representing the Commonwealth in disciplinary matters before the  
10 board shall maintain current records of all reported alleged  
11 violations and periodically review the records for the purpose  
12 of determining that each alleged violation has been resolved in  
13 a timely manner.

14 § 75A23. Statute of limitations.

15 An action to recover damages arising from a home inspection  
16 report must be commenced within one year after the date the  
17 report is delivered, regardless of when the material defect was  
18 discovered.

19 § 75A24. Engineers and architects.

20 Notwithstanding section 75A12(b)(1) (relating to relationship  
21 to other laws), the following sections shall apply to a person  
22 licensed or registered as a professional engineer under the act  
23 of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land  
24 Surveyor and Geologist Registration Law, or a person licensed or  
25 registered under the act of December 14, 1982 (P.L.1227, No.  
26 281), known as the Architects Licensure Law, when performing a  
27 home inspection:

28 (1) Section 75A07 (relating to home inspection reports).

29 (2) Section 75A08 (relating to liability insurance).

30 (3) Section 75A13 (relating to Unfair Trade Practices

1 and Consumer Protection Law remedies).

2 (4) Section 75A14(a)(1) and (b) (relating to contracts  
3 with home inspectors).

4 Section 3. For one year from the publication in the  
5 Pennsylvania Bulletin that the regulations required under  
6 section 5 have been adopted and are in effect, an applicant who  
7 meets all of the requirements of former 68 Pa.C.S. Ch. 75 and  
8 this section may be licensed as a home inspector without having  
9 to complete a board-approved training program or course of study  
10 involving the performance of home inspections. The applicant  
11 must:

12 (1) Be at least 18 years of age.

13 (2) Have passed a written examination to test competence  
14 in home inspection practice.

15 (3) Have completed no less than 250 fee-paid inspections  
16 over the three years immediately preceding publication in the  
17 Pennsylvania Bulletin that the regulations required under  
18 section 5 have been adopted and are in effect.

19 (4) Show proof of professional liability insurance  
20 consistent with 68 Pa.C.S. § 75A08.

21 Section 4. The sum of \$85,000, or as much thereof as may be  
22 necessary, is hereby appropriated from the Professional  
23 Licensure Augmentation Account to the Department of State for  
24 the payment of costs associated with processing licenses and  
25 renewing licenses, for the operation of the Pennsylvania Board  
26 of Home Inspectors and for other costs associated with the  
27 implementation of 68 Pa.C.S. Ch. 75A. The appropriation shall be  
28 repaid by the board within three years of the beginning of  
29 issuance of licenses by the board.

30 Section 5. Within 18 months of the effective date of this

1 section, the Pennsylvania Board of Home Inspectors shall  
2 promulgate regulations to carry out the provisions of 68 Pa.C.S.  
3 Ch. 75A.

4 Section 6. The provisions of 68 Pa.C.S. Ch. 75A requiring  
5 the licensure of home inspectors shall not apply until  
6 publication in the Pennsylvania Bulletin that the regulations  
7 required by section 5 have been adopted and are in effect.

8 Section 7. The addition of 68 Pa.C.S. Ch. 75A is a  
9 continuation of former 68 Pa.C.S. Ch. 75. Except as otherwise  
10 provided under Chapter 75A, all activities initiated under  
11 former Chapter 75 shall continue and remain in full force and  
12 effect and may be completed under Chapter 75A. Orders,  
13 regulations, rules and decisions which were made under former  
14 Chapter 75 and which are in effect on the effective date of this  
15 section shall remain in full force and effect until revoked,  
16 vacated or modified under Chapter 75A. Contracts, obligations  
17 and collective bargaining agreements entered into under former  
18 Chapter 75 are not affected nor impaired by the repeal of former  
19 Chapter 75.

20 Section 8. This act shall take effect in 60 days.