

## HOUSE BILL No. 2709

By Representative Chauncey

2-4

1 AN ACT concerning home inspectors; requiring examination and licensure  
2 of home inspectors in the same manner as general contractors;  
3 providing that home inspectors obtain liability insurance coverage as  
4 required for general contractors.  
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. As used in sections 1 through 4, and amendments thereto:  
8 (a) (1) "Home inspection" means a noninvasive limited visual  
9 examination of a residential dwelling of not more than four attached units,  
10 or any portion thereof, designed to identify material defects at the time of  
11 the inspection of three or more of the following readily accessible systems  
12 and components:

13 (A) Heating systems;  
14 (B) cooling systems;  
15 (C) electrical systems;  
16 (D) plumbing systems;  
17 (E) structural components;  
18 (F) foundations;  
19 (G) roof coverings;  
20 (H) exterior and interior components; and  
21 (I) any other components and systems that are part of the residential  
22 dwelling and included in the standards of practice followed by the home  
23 inspector.

24 (2) "Home inspection" includes any consultation regarding the  
25 property that is represented as a home inspection or described by any  
26 similar term.

27 (3) "Home inspection" does not include:  
28 (A) A compliance inspection for any code or governmental  
29 regulation;  
30 (B) an examination for the conditions and operation of kitchen-type  
31 appliances, on-site water supplies or wells, private waste systems, the  
32 determination of the presence of wood-destroying organisms or pests or  
33 the presence of fungi, mold, bacteria, asbestos, lead-based paint, gases or  
34 conditions of air quality; and  
35 (C) an examination and evaluation of only two or fewer of the  
36 components listed in paragraph (1).

1       (b) "Home inspector" means an individual who performs a home  
2 inspection as defined by subsection (a).

3       Sec. 2. (a) Every city and county that requires the licensure of general  
4 contractors, building contractors and residential contractors practicing  
5 within such city or county shall require the licensure of home inspectors  
6 pursuant to the same requirements and standards pursuant to the provisions  
7 of K.S.A. 12-1556 through 12-1558, and amendments thereto, applicable  
8 to such general contractors, building contractors and residential  
9 contractors. Such city or county shall conduct examinations pursuant to by  
10 K.S.A. 12-1556, and amendments thereto, for the purpose of determining  
11 the competency of applicants for such licensure as home inspectors but  
12 shall not be allowed to ask further questions not designated on such  
13 examination. The board of county commissioners of such county or the  
14 governing body of such city shall adopt rules and regulations:

15       (1) Governing the conduct and grading of such examinations;  
16       (2) prescribing a minimum score of 75% for passage of examinations;  
17 and

18       (3) fixing a uniform fee to be charged to all applicants taking each  
19 such examination.

20       (b) The certificate of competency received by any person who  
21 successfully passes an examination pursuant to by subsection (a) shall be  
22 valid proof of competency for licensure, without requiring additional  
23 examination, in any county or city of the state that requires licensure of  
24 home inspectors practicing within such county or city pursuant to the  
25 provisions of subsection (a). The county or city shall issue the appropriate  
26 license to any applicant who presents such a certificate of competency. The  
27 county or city shall fix a uniform fee to be charged to all such applicants  
28 for licensure.

29       (c) All licenses issued by a county or city upon the basis of successful  
30 passage of an examination required by subsection (a) shall bear a  
31 distinctive notation of such fact. All such licenses shall be valid in any  
32 other county or city that requires examination and licensure of home  
33 inspectors pursuant to subsection (a) for practice in such county or city.

34       (d) No person shall practice as a home inspector in any city or county  
35 that requires licensure of home inspectors pursuant to subsection (a)  
36 without such a valid license in good standing.

37       (e) No person who was registered and not subject to revocation of  
38 such registration pursuant to the provisions of the Kansas home inspectors  
39 professional competence and the financial responsibility act prior to the  
40 expiration of such act shall be required to take an examination for  
41 certification or licensure as a home inspector.

42       Sec. 3. Subject to the provisions of section 2, and amendments  
43 thereto, any city or county may utilize examinations other than those

1 designated by K.S.A. 12-1556, and amendments thereto, but limited only  
2 for the examination of home inspectors for licensure to practice within the  
3 jurisdiction of such city or county. Such examinations shall be the same in  
4 form and manner as required by such city or county for the examination of  
5 general contractors, building contractors and residential contractors for  
6 such limited licensure.

7 Sec. 4. Every city or county that requires liability insurance coverage  
8 for general contractors, building contractors and residential contractors  
9 shall require the same liability insurance coverage for home inspectors.

10 Sec. 5. This act shall take effect and be in force from and after its  
11 publication in the statute book.