
SENATE BILL 6229

State of Washington

59th Legislature

2006 Regular Session

By Senators Spanel and Kohl-Welles

Read first time 01/09/2006. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to home inspectors; adding a new chapter to Title
2 18 RCW; prescribing penalties; and providing an effective date.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** In order to safeguard life, health, and
5 property, and to promote the public welfare, any person in either
6 public or private capacity practicing or offering to practice home
7 inspecting, is required to submit evidence that he or she is qualified
8 to practice and must be certified as provided in this chapter. It is
9 unlawful for any person to practice or to offer to practice home
10 inspections in this state, or to use in connection with the person's
11 name or otherwise assume, use, or advertise any title or description
12 tending to convey the impression that the person is a home inspector,
13 unless the person has been duly registered under the provisions of this
14 chapter.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Applicant" means an individual who applies for registration as
18 a home inspector.

1 (2) "Board" means the state board of registration for home
2 inspectors, created in section 12 of this act.

3 (3) "Continuing education" means education provided by the board or
4 board-approved providers that is obtained by a registered home
5 inspector in order to maintain, improve, or expand the home inspector's
6 skills and knowledge.

7 (4) "Department" means the department of licensing.

8 (5) "Director" means the director of the department.

9 (6) "Home inspector" means an individual who conducts home
10 inspections for compensation.

11 (7) "Home inspection" means a visual analysis for the purpose of
12 providing a professional opinion of the condition of a residential
13 dwelling and the dwelling's carports or garages, any reasonably
14 accessible installed components, and the operation of the dwelling's
15 systems, including any controls normally operated by the owner of the
16 dwelling for the following components:

17 (a) Heating systems;

18 (b) Cooling systems;

19 (c) Electrical systems;

20 (d) Plumbing systems;

21 (e) Structural components;

22 (f) Foundations;

23 (g) Roof coverings;

24 (h) Exterior and interior components;

25 (i) Any other site aspects that affect the residential dwelling.

26 The term does not include a code compliance inspection.

27 NEW SECTION. **Sec. 3.** (1) No person may engage in or offer to
28 engage in the trade of home inspection for compensation without having
29 a certificate of registration.

30 (2) The department may adopt rules for the suspension or permanent
31 revocation of a home inspector's certificate of registration for
32 violation of this chapter.

33 NEW SECTION. **Sec. 4.** (1) Applications for certification of
34 registration under this section made on or before January 1, 2008, will
35 be approved without meeting the requirements of section 5 of this act,

1 if the applicant has performed more than two hundred fifty inspections
2 prior to December 31, 2007, and on or before January 1, 2008, has
3 passed the national home inspector exam.

4 (2) This chapter does not apply to:

5 (a) Architects licensed under chapter 18.08 or 18.96 RCW;

6 (b) Engineers licensed under chapter 18.43 RCW;

7 (c) Plumbing contractors or journeyman plumbers licensed under
8 chapter 18.106 RCW;

9 (d) Contractors who are contracting for work on his or her own
10 residence;

11 (e) Real estate appraisers certified under chapter 18.140 RCW;

12 (f) Real estate brokers and salespersons licensed under chapter
13 18.85 RCW;

14 (g) Structural pest inspectors licensed under chapter 15.58 RCW;

15 (h) An individual acting within the scope of the individual's
16 employment as:

17 (i) A representative of a state or local housing agency or
18 authority acting under the authority of the United States department of
19 housing and urban development; or

20 (ii) A code enforcement official for a state or local government;

21 (i) The practice of any other legally recognized profession or
22 trade; or

23 (j) The practice of a person who is not a resident of the state and
24 has no established place of business in this state, practicing or
25 offering to practice home inspections in the state, when such practice
26 does not exceed in the aggregate more than thirty days in any calendar
27 year. However, the board must have determined that the person is
28 legally qualified by registration to practice home inspections in his
29 or her own state or country in which the requirements and
30 qualifications for obtaining a certificate of registration are not
31 lower than those specified in this chapter. The person can request
32 such a determination by completing an application prescribed by the
33 board and accompanied by a fee determined by the director. Upon
34 approval of the application, the board must issue a permit authorizing
35 the temporary practice.

36 NEW SECTION. **Sec. 5.** (1) The board must prepare a written

1 training course to be administered to applicants for a certificate of
2 registration. The training course must be constructed to determine
3 whether the applicant:

4 (a) Possesses general knowledge of the technical information and
5 practical procedures that are necessary for home inspection; and

6 (b) Is familiar with the local government regulations as related to
7 home inspections.

8 (2) In development of the training course, the board must require
9 at a minimum the following:

10 (a) One hundred sixty hours of training;

11 (b) A combination of classroom education and field training, where
12 seventy-five percent of the applicant's time is spent in classroom
13 education and twenty-five percent in field training.

14 (3) In development of the training course, the board must review
15 the standards of practice and code of ethics of the American society of
16 home inspectors and incorporate into the training course any portions
17 that are determined by the board to be applicable.

18 (4) The board must develop and implement procedures for approving
19 training courses offered by an entity other than the board. Only
20 board-approved training courses meet the requirements of this section.

21 (5) An applicant must successfully complete a written training
22 course that meets the requirements of this section and that is either
23 offered or approved by the board in order for the applicant to be
24 eligible for a certificate of registration with the department as a
25 home inspector.

26 NEW SECTION. **Sec. 6.** Applicants for a certificate of registration
27 must successfully pass the national home inspector examination offered
28 by the examination board of professional home inspectors. An applicant
29 must submit documentation evidencing a passing score on the examination
30 to the department, prior to being issued a certificate of registration.

31 NEW SECTION. **Sec. 7.** (1) The board must develop a curriculum for
32 continuing education courses to be offered to home inspectors,
33 registered under this chapter, that requires a minimum of twenty-four
34 hours of training per year. In developing the continuing education
35 curriculum, the board must:

1 (a) Set criteria for the course content, which must include review
2 of any provisions of the standards of practice and code of ethics of
3 the American society of home inspectors that the board determines to be
4 applicable;

5 (b) Adopt standards for distribution of annual continuing education
6 credit requirements; and

7 (c) Develop and implement procedures for approving continuing
8 education credit courses offered by an entity other than the board.

9 (2) Only continuing education credits offered or approved by the
10 board satisfy the requirements of this chapter.

11 (3) In order to be eligible to renew a certificate of registration,
12 all applicants must satisfy the continuing education requirements
13 established by the board under this chapter.

14 NEW SECTION. **Sec. 8.** Rules for determining and evaluating the
15 need for reciprocity of certification of registration must be adopted
16 by the department for applicants practicing and residing outside of
17 Washington state.

18 NEW SECTION. **Sec. 9.** The board may, upon application and the
19 payment of a fee determined by the director as provided in RCW
20 43.24.086, issue a certificate of registration without further
21 examination as a home inspector to any person who holds a certificate
22 of qualification of registration issued to the applicant following
23 examination by the proper authority, of any state or territory or
24 possession of the United States, the District of Columbia, or of any
25 foreign country, provided that: (1) The applicant's qualifications
26 meet the requirements of this chapter and the rules established by the
27 board; and (2) the applicant is in good standing with the licensing
28 agency in the state, territory, possession, district, or foreign
29 country.

30 NEW SECTION. **Sec. 10.** (1) After obtaining a certificate of
31 registration as provided in this chapter, the certificate of
32 registration expires at the end of three years from the initial issue
33 date, unless the applicant meets the requirements for continuing
34 education in subsection (2) of this section.

1 (2) Every person engaging or offering to engage in the trade of
2 home inspecting, as a prerequisite to renewal of a certificate of
3 registration, must submit to the department at the time of application
4 satisfactory proof showing attendance of at least twenty-four hours per
5 year during the preceding credential period at continuing education
6 courses that are recognized and approved by the board.

7 NEW SECTION. **Sec. 11.** (1) The department shall administer and
8 enforce this chapter on the advice and recommendations from the board.

9 (2) The department must adopt rules to implement the issuance of
10 certificates of registration under this chapter.

11 (3) The board must adopt rules that are reasonably necessary or
12 appropriate for the administration of the education requirements under
13 this chapter, establishing:

- 14 (a) Standards for the competent performance of home inspections;
- 15 (b) A code of ethics for licensed home inspectors; and
- 16 (c) Standards for home inspection reports prepared by registered
17 home inspectors.

18 NEW SECTION. **Sec. 12.** (1) The state board of registration for
19 home inspectors is created. The board must exercise all of the powers
20 and perform all of the duties conferred upon it by this chapter. The
21 board consists of nine members, appointed by the state board for
22 community and technical colleges and must have the qualifications as
23 required under subsection (2) of this section. The first additional
24 member must be appointed for a four-year term and the second additional
25 member must be appointed for a three-year term. On the expiration of
26 the term of any member, the state board for community and technical
27 colleges must appoint a successor for a term of five years to take the
28 place of the member whose term on the board is about to expire.
29 However, no member may serve more than two consecutive terms on the
30 board. Each member must hold office until the expiration of the term
31 for which the member is appointed or until a successor has been duly
32 appointed and qualified.

33 (2) The nine members of the board are as follows: Prior to January
34 1, 2008, two members of the board must have been actively engaged in
35 the practice of home inspecting for at least ten years subsequent to
36 appointment to the board. After January 1, 2008, at least two members

1 must be registered home inspectors as provided in this chapter; four
2 members must be teachers and administrators from the community and
3 technical colleges of Washington state; one member must be a real
4 estate appraiser licensed under chapter 18.140 RCW; one member must be
5 a real estate broker licensed under chapter 18.85 RCW; and one member
6 must be a civil/structural engineer licensed under chapter 18.43 RCW,
7 who has at least five years of experience working with residential
8 properties.

9 (3) Each member of the board must be a citizen of the United States
10 and must have been a resident of this state for at least five years
11 immediately preceding his or her appointment.

12 (4) Each member of the board must be compensated in accordance with
13 RCW 43.03.240 and, in addition thereto, must be reimbursed for travel
14 expenses incurred in carrying out the provisions of this chapter in
15 accordance with RCW 43.03.050 and 43.03.060.

16 (5) The state board for community and technical colleges may remove
17 any member of the board for misconduct, incompetence, or neglect of
18 duty. Vacancies in the membership of the board must be filled for the
19 unexpired term by appointment by the state board for community and
20 technical colleges.

21 NEW SECTION. **Sec. 13.** Upon request of the board, and with
22 approval of the director, the chair of the board shall appoint up to
23 two individuals to serve as pro tem members of the board. The
24 appointments are limited, as defined by the chair of the board, for the
25 purpose of participating as a temporary member of the board on any
26 combination of one or more committees or formal disciplinary hearing
27 panels. An appointed individual must meet the same qualifications as
28 a regular member of the board. While serving as a board member pro
29 tem, an appointed person has all the powers, duties, and immunities of
30 a regular member of the board and is entitled to the same compensation,
31 including travel expenses, in accordance with section 12 of this act.
32 A pro tem appointment may not last for more than one hundred eighty
33 days unless approved by the director.

34 NEW SECTION. **Sec. 14.** The board may adopt and amend bylaws
35 establishing its organization and method of operation, including but
36 not limited to meetings, maintenance of books and records, publication

1 of reports, code of ethics, and rosters, and adoption and use of a
2 seal. Five members of the board shall constitute a quorum for the
3 conduct of any business of the board. The board may employ such
4 persons as are necessary to carry out its duties under this chapter.
5 It may adopt rules reasonably necessary to administer the provisions of
6 this chapter. The board shall submit to the state board for community
7 and technical colleges periodic reports as may be required. A roster,
8 showing the names and places of business of all registered home
9 inspectors may be published for distribution, upon request, to home
10 inspectors registered under this chapter and to the public.

11 NEW SECTION. **Sec. 15.** No person is eligible for a certificate of
12 registration under this chapter who is not of good character and
13 reputation.

14 Any person having the necessary qualifications prescribed in this
15 chapter to entitle him or her to a certificate of registration is
16 eligible for such a registration.

17 NEW SECTION. **Sec. 16.** Application for a certificate of
18 registration must be on forms prescribed by the board and furnished by
19 the director, must contain statements made under oath, showing the
20 applicant's education and detail summary of his or her technical work,
21 and must contain not less than three references, of whom one or more
22 must have personal knowledge of the applicant's home inspection
23 experience.

24 The registration fee for home inspectors must be determined by the
25 director as provided in RCW 43.24.086, which must accompany the
26 application and must include the cost of examination and issuance of a
27 certificate of registration.

28 Should the board find an applicant ineligible for a certificate of
29 registration, the registration fee is retained as an application fee.

30 NEW SECTION. **Sec. 17.** The director must issue a certificate of
31 registration upon payment of a fee as provided for in this chapter, to
32 any applicant who, in the opinion of the board, has satisfactorily met
33 all the requirements of this chapter.

34 All certificates of registration must show the full name of the

1 registrant, must have a serial number, and must be signed by the chair
2 and the secretary of the board and by the director.

3 The issuance of a certificate of registration by the director is
4 prima facie evidence that the person named therein is entitled to all
5 the rights and privileges of a registered home inspector, while the
6 certificate remains unrevoked and unexpired.

7 Upon registration each certified home inspector must obtain a seal
8 of the design authorized by the board, bearing the registered home
9 inspector's name and the legend "registered home inspector." Such
10 signature and stamping constitutes verification by the registered home
11 inspector that the same was prepared by or under his or her direct
12 supervision and that to his or her knowledge and belief the same was
13 prepared in accordance with the requirements of this chapter. It is
14 unlawful for anyone to stamp or seal any document with a seal or
15 facsimile thereof after the registered home inspector named thereon has
16 expired or been revoked, unless the certificate of registration is
17 renewed or reissued.

18 NEW SECTION. **Sec. 18.** The board may adopt rules under this
19 section authorizing a retired status registration. An individual
20 registered under this chapter who has reached the age of sixty-five
21 years and has retired from the active practice of home inspecting may,
22 upon application and at the discretion of the board, be exempted from
23 payment of annual renewal fees thereafter.

24 NEW SECTION. **Sec. 19.** (1) Registration and renewals thereof,
25 expire on the last day of the month of December following their
26 issuance or renewal and become invalid on that date unless renewed. It
27 is the duty of the administrator of the division of professional
28 licensing to notify every person, firm, or corporation registered under
29 this chapter of the date of the expiration of his or her certificate of
30 registration and the amount of the renewal fee that is required for its
31 renewal for one year. The notice must be mailed at least thirty days
32 before the end of December of each year. Renewal may be effected
33 during the month of December by the payment of a fee determined by the
34 director as provided in RCW 43.24.086. In case any home inspector
35 registered under this chapter fails to pay the renewal fee provided for

1 in this chapter, within ninety days from the date when the fee becomes
2 due, the renewal fee will be the current fee plus an amount equal to
3 one year's fee.

4 (2) Beginning January 1, 2008, the department may not renew a home
5 inspector's registration unless the home inspector verifies to the
6 board that he or she has completed at least twenty-four hours of
7 continuing professional education per year of the registration period.
8 By July 1, 2006, the board must adopt rules governing continuing
9 education for home inspectors.

10 NEW SECTION. **Sec. 20.** In addition to the unprofessional conduct
11 described in RCW 18.235.130, the board may take disciplinary action for
12 the following conduct, acts, or conditions:

13 (1) Offering to pay, paying, or accepting, either directly or
14 indirectly, any substantial gift, bribe, or other consideration to
15 influence the award of professional work;

16 (2) Being willfully untruthful or deceptive in any professional
17 report, statement, or testimony;

18 (3) Attempting to injure falsely or maliciously, directly or
19 indirectly, the professional reputation, prospects, or business of
20 anyone;

21 (4) Violation of any provisions of this chapter;

22 (5) Nondisclosure -- Failure to promptly disclose to a client or
23 employer any interest in a business which may compete with or affect
24 the business of the client or employer;

25 (6) Improper advertising -- Soliciting retainer or employment by
26 advertisement which is undignified, self-laudatory, false, or
27 misleading;

28 (7) Committing any other act, or failing to act, which act or
29 failure are customarily regarded as being contrary to the accepted
30 professional conduct or standard generally expected of those practicing
31 home inspections.

32 NEW SECTION. **Sec. 21.** (1) Any person may file a complaint
33 alleging unprofessional conduct, as set out in RCW 18.235.130 and
34 section 20 of this act, against any registrant. The complaint must be
35 in writing and must be sworn to in writing by the person making the

1 allegation. A registrant against whom a complaint was made must be
2 immediately informed of such a complaint by the board.

3 (2) The board, for reasons it deems sufficient, may reissue a
4 certificate of registration to any person whose certificate has been
5 revoked or suspended, providing a majority of the board vote in favor
6 of such issuance. A new certificate of registration to replace any
7 certificate revoked, lost, destroyed, or mutilated may be issued,
8 subject to the rules of the department, and a charge determined by the
9 director as provided in RCW 43.24.086 will be made for such issuance.

10 In addition to the imposition of disciplinary action under RCW
11 18.235.110, the board and/or department may refer violations of this
12 chapter to the appropriate prosecuting attorney.

13 NEW SECTION. **Sec. 22.** Any person who engages in, or offers to
14 engage in, home inspections in this state without being registered in
15 accordance with this chapter, or any person presenting or attempting to
16 use as his or her own the certificate of registration or the seal of
17 another, or any person who gives any false or forged evidence of any
18 kind to the board or to any member thereof in obtaining a certificate
19 of registration, or any person who falsely impersonates any other
20 registrant, or any person who attempts to use the expired or revoked
21 certificate of registration, or any person who violates any of the
22 provisions of this chapter is guilty of a gross misdemeanor.

23 It is the duty of all officers of the state or any political
24 subdivision thereof, to enforce the provisions of this chapter. The
25 attorney general shall act as legal adviser of the board, and render
26 such legal assistance as may be necessary in carrying out the
27 provisions of this chapter.

28 NEW SECTION. **Sec. 23.** The home inspectors' account is created in
29 the custody of the state treasurer. All receipts from fees and fines
30 collected under this chapter must be deposited into the account.
31 Expenditures from the account may be used only for the purposes of this
32 chapter. Only the director or the director's designee may authorize
33 expenditures from the account. The account is subject to allotment
34 procedures under chapter 43.88 RCW, but an appropriation is not
35 required for expenditures.

1 NEW SECTION. **Sec. 24.** The uniform regulation of business and
2 professions act, chapter 18.235 RCW, governs unregistered practice, the
3 issuance and denial of certificates of registration, and the discipline
4 of registrants under this chapter.

5 NEW SECTION. **Sec. 25.** This chapter may be known and cited as the
6 home inspectors' registration act.

7 NEW SECTION. **Sec. 26.** If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 remainder of the act or the application of the provision to other
10 persons or circumstances is not affected.

11 NEW SECTION. **Sec. 27.** This act takes effect July 1, 2006.

12 NEW SECTION. **Sec. 28.** Sections 1 through 27 of this act
13 constitute a new chapter in Title 18 RCW.

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