PROPOSED AMENDMENTS TO SSB 5788 – S AMD 201 BY SENATOR SPANEL
PROPOSED BY THE WASHINGTON HOME INSPECTORS LEGISLATIVE ADVISORY GROUP

The Washington Home Inspectors Legislative Advisory Group (WHILAG) believes the above referenced bill has been rushed through the Senate without adequate consideration of all of the complexities involved in performing a home inspection in Washington State. We recommend that the bill is tabled until details can be worked out in a study session, where both sides of the legislature and all stakeholders can work together to prepare legislation that is more in depth to ensure that it addresses the needs of consumers. However, in the event that does not occur, we have prepared amendments to the bill that reflect our concerns.

I. AMENDMENTS CONCERNING WDO INSPECTION ISSUES.

A) Intent of the amendments

1) To eliminate the requirement for home inspectors to carry two licenses;
2) To allow licensed home inspectors who have been certified by the WSDA as having successfully passed the state pest recognition exam, to inspect for pest conducive conditions and wood destroying organisms; and to include their observations in a typical home inspection report without the need to be licensed as a Structural Pest Inspector or produce a separate pest report;
3) To ensure that consumers are provided with a thorough inspection and report including typical dwelling systems and components, and WDO conditions.

B) Amendment Language Recommendations

1) Replace Sec. 1 DEFINITIONS, (7) (d) with "Whether or not there is the presence of wood destroying organisms, damage from wood destroying organisms, or conducive conditions leading to the development or establishment of the organism."
2) Remove Sec. 1 DEFINITIONS, (11) ~~"Wood destroying organism inspection means the inspection of a building for the presence of wood destroying organisms, their damage, or conducive conditions leading to the development or establishment of the organism."~~
3) Remove Sec. 6 QUALIFICATIONS FOR LICENSURE, (5) ~~"Proof of current state licensure as a structural pest inspector under chapter 15.58 RCW."~~
4) Replace Sec. 6 qualifications for licensure, (5) with "Proof of successfully passing the Washington State Department of Agriculture's Pest Inspection Exam."
5) Add the following to Sec. 11 CONTINUING EDUCATION REQUIREMENTS, (2) "Each applicant for license renewal shall complete at least thirty hours of instruction in courses approved by the board every two years; the course material will include the systems and components, including wood destroying organisms, defined in section 1.
6) Add the following to Sec. 25 (formerly Sec. 20) EXEMPTION FROM LICENSING, "Any person licensed by the Washington State Department of Licensing as a

home inspector under this act, and who passes the Washington State Department of Agriculture's Structural Pest Inspector exam, shall be exempt from having to carry a Structural Pest License."

II. AMENDMENTS CONCERNING EXAMS.

A) Intent of the amendments

1) To require an exam for licensure that meets nationally recognized standards;
2) To eliminate the need to "re-invent the wheel" regarding exam guidelines;
3) To ensure that home inspectors understand the specific requirements for Washington State including, but not necessarily limited to, laws, and adopted standards of practice and codes of ethics.

B) Amendment Language Recommendations

1) Remove the following from Sec. 8 WRITTEN EXAMS, (1), ~~The exam shall be designed to test applicants on conducting home inspections specific to Washington state. 2) The exam shall be divided into five sections with forty questions in each section. Each applicant must pass each section of the exam with a score of seventy-five percent or better. The sections in the exam shall be divided as follows: (a) Ethics and standards of practice; (b) structure, roofing, site, exterior, interior; (c) heating, ventilation, and air conditioning; (d) plumbing; and (e) electrical. 3) Examinations of applicants for licensing must be held at times and places as determined by the board with the director's approval. A candidate failing an examination may apply for reexamination. Subsequent examinations must be granted upon payment of a fee.~~
2) Add the following to Sec. 8 WRITTEN EXAMS, "1) Applicants must provide proof of successfully passing a nationally recognized, psychometrically evaluated, legally defensible home inspectors' exam. The examination shall be designed to test competence in home inspection practice, as determined by recognized role definition methodology and developed and administered in a manner consistent with the American Educational Research Association's "Standards for Educational and Psychological Testing;" the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures;" the Civil Rights Act of 1991; the Americans with Disabilities Act of 1990; and similar applicable standards.
2) A separate examination module will be developed to test applicants on the specific Washington state laws, adopted standard of practice, and code of ethics. Examinations of applicants for this exam module must be held at times and places as determined by the board with the director's approval. A candidate failing this examination may apply for reexamination. Subsequent examinations must be granted upon payment of a fee.
3) The above exams may be taken at the same time but to qualify to take the Washington standards exam, an applicant must:

(a). provide the board and the department with acceptable documentation that the applicant has passed a state accredited home inspection course of at least one hundred twenty hours of classroom education;
(b). provide the board and the department with acceptable documentation that the applicant has completed a minimum of forty hours of supervised field training as approved by the board;

3) Add the following to Sec. 9 LICENSE LENGTH AND RENEWAL (2), "Any person who receives an initial license under section 2(2) of this act must, upon renewal of his or her license, provide the board and the department with acceptable documentation that the applicant has successfully passed a nationally recognized, psychometrically evaluated, home inspectors' exam."

III. AMENDMENTS CONCERNING EXEMPTIONS.

A) Intent of the amendments

1) To qualify the exemptions for architects, engineers, and other professions;
2) To further confirm that home inspectors are exempt from having to carry both a Structural Pest Inspector's license and a Home Inspector's license.

B) Amendment Language Recommendations

1) Remove Sec. 25 (formerly Sec. 20) EXEMPTION FROM LICENSING, "~~Any person licensed by the department of agriculture as a pesticide applicator or operator under chapter 17.21 RCW, or as a structural pest inspector under chapter 15.58 RCW who performs only wood destroying organism inspections, is exempt from the licensing provisions of this chapter.~~"

2) Add the following to Sec. 25 (formerly Sec. 20) EXEMPTION FROM LICENSING,

(a) Persons licensed by the state as professional engineers when acting within the scope of their license.
(b) Persons licensed by the state as architects when acting within the scope of their license.
(c) Persons licensed by the state or any political subdivision as electricians when acting within the scope of their license.
(d) Persons licensed by the state or any political subdivision as plumbers when acting within the scope of their license.
(e) Persons licensed by the state or any political subdivision as heating and air conditioning technicians when acting within the scope of their license.
(f) Persons licensed by the state as real estate brokers or real estate sales persons when acting within the scope of their license.
(g) Persons licensed by the state as real estate appraisers, certified general appraisers, or residential real estate appraisers when acting within the scope of their license.
(h) Persons licensed by the state as pest control operators or structural pest inspectors when acting within the scope of their license.
(i) Persons regulated by the state as insurance adjusters when acting within the scope of their profession.

(j) Persons who are employed as code enforcement officials by the state or any political subdivision when acting within the scope of their employment by such governmental entity.
(j) Persons licensed by the state or any political subdivision as contractors when acting within the scope of their license.
(k) Persons who perform warranty evaluations of components, systems, or appliances within resale residential buildings for the purpose of issuance of a home warranty agreement, provided that the warranty evaluation report includes a statement that the warranty evaluation performed is not a home inspection and does not meet the standards of a home inspection under Washington law. No home warranty company shall refer to a warranty evaluation as a home inspection in any written materials provided by the home warranty company.

3) Add the following to Sec. 25 (formerly Sec. 20) EXEMPTION FROM LICENSING, "Any person licensed by the Washington State Department of Licensing as a home inspector under this act, shall be exempt from having to carry a structural pest license.

IV. AMENDMENTS CONCERNING HOME INSPECTOR LICENSING BOARD.

A) Intent of the amendments

1) To prevent a state of affairs wherein a conflict of interest exists;
2) Real estate brokers have a vested interest in the outcome of a real estate transaction; trainers have a conflict as board decisions may financially impact their businesses.
3) To remedy a conflict in the current version of the law wherein it states that board members must be licensed under the chapter, but the board must be created before the law is enacted.

B) Amendment Language Recommendations

1) Remove the following from Sec. 3, (1) HOME INSPECTOR LICENSING BOARD, "~~The state home inspector licensing board is created. The board consists of eight members appointed by the director, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, five shall be actively engaged as home inspectors immediately prior to their appointment to the board, one shall be a licensed real estate broker, one shall be currently teaching in a home inspector certificate program, and one shall be a member of the general public with no family or business connection with the home inspector business or practice. Insofar as possible, the composition of the appointed home inspector members of the board shall be generally representative of the occupational distribution of home inspectors licensed under this chapter.~~"

2) Add the following to Sec. 3, (1) HOME INSPECTOR LICENSING BOARD, "The state home inspector licensing board is created. The board consists of seven members appointed by the director, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, six shall be actively engaged as home inspectors immediately prior to their appointment to the board, and one shall be

a member of the general public with no family or business connection with the home inspector business or practice."

3) Add the following in Sec. 3, (5) HOME INSPECTOR LICENSING BOARD, Because the licensing board will be established prior to the September 1, 2008 licensure start date, the director will establish the criteria for the initial appointments to the licensing board.

V. AMENDMENTS CONCERNING RECIPROCITY, UNPROFESSIONAL CONDUCT, HEARING BEFORE THE DIRECTOR, AND INVESTIGATION OF COMPLAINTS.

A) Intent of the amendments

1) These sections were previously included in SB 5788 and we believe they are necessary for enforcement of the law.

B) Amendment Language Recommendations

1) We have entered the sections back into the bill in new Sections 15, 17, 18, and 19.