

1 S.145

2 Introduced by Senator Illuzzi

3 Referred to Committee on

4 Date:

5 Subject: Professions and occupations; home inspectors

6 Statement of purpose: This bill proposes to license and regulate home  
7 inspectors.

8 An act relating to home inspector licensing and regulation

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 3 V.S.A. § 122 is amended to read:

11 § 122. OFFICE OF PROFESSIONAL REGULATION

12 An office of professional regulation is created within the office of the  
13 secretary of state. The office shall have a director who shall be appointed by  
14 the secretary of state and shall be an exempt employee. The following boards  
15 or professions are attached to the office of professional regulation:

16 \* \* \*

17 (41) Audiologists and speech-language pathologists

18 (42) Board of home inspectors.

1       Sec. 2. 26 V.S.A. chapter 43 is added to read:

2                               CHAPTER 43. HOME INSPECTORS

3                                       Subchapter 1. General Provisions

4       § 2351. PURPOSE AND EFFECT

5               In order to safeguard property and the public welfare, a person shall not  
6       practice as a home inspector unless currently licensed under this chapter.

7       § 2352. DEFINITIONS

8               As used in this chapter:

9               (1) “Board” means the Vermont board of home inspectors.

10              (2) “Disciplinary action” means any action taken against a licensee for  
11       unprofessional conduct.

12              (3) “Home inspector” means a person who is licensed to practice home  
13       inspecting under this chapter.

14              (4) “License” means a current authorization permitting the practice of  
15       home inspecting issued pursuant to this chapter.

16              (5) “Practice of home inspecting” means performing or offering to  
17       perform services involving the physical inspection of a real estate property in  
18       order to evaluate the condition of the property, including any safety issues or  
19       material defects.

1        § 2353. PROHIBITIONS; OFFENSES

2            (a) It shall be a violation of this chapter for any person, including any  
3        corporation, association, or individual, to:

4            (1) Sell or fraudulently obtain or furnish any home inspector degree,  
5        diploma, certificate of registration, license, or any other related document or  
6        record or to aid or abet in so doing.

7            (2) Practice home inspecting under cover of any degree, diploma,  
8        registration, license, or related document or record illegally or fraudulently  
9        obtained or signed or issued unlawfully or under fraudulent representation.

10          (3) Practice home inspecting unless duly registered and currently  
11        licensed to do so under the provisions of this chapter.

12          (4) Represent himself or herself as being licensed by this state to  
13        practice home inspecting or use in connection with a name any words, letters,  
14        signs, or figures which imply that a person is a home inspector when not  
15        licensed or otherwise authorized under this chapter.

16          (5) Practice home inspecting during the time a license or authorization  
17        issued under this chapter is suspended or revoked.

18          (6) Conduct a home inspector training program unless the program has  
19        been approved by the board.

20          (7) Employ an unlicensed person to practice as a home inspector.

1        (b) Any person violating this section shall be subject to the penalties  
2 provided in 3 V.S.A. § 127(c).

3 § 2354. EXCEPTIONS

4        This chapter does not prohibit:

5            (1) The practice of home inspection which is incidental to his or her  
6 program of study by a person enrolled in a home inspection training program  
7 approved by the board.

8            (2) The practice of any other occupation or profession by a person duly  
9 licensed or otherwise authorized under the laws of this state.

10                            Subchapter 2. Administration

11 § 2361. BOARD OF HOME INSPECTORS; MEMBERSHIP

12        (a) A board of home inspectors is created to regulate the licensure of home  
13 inspectors.

14        (b) The board shall consist of seven members appointed by the governor  
15 pursuant to 3 V.S.A. § 129b. The members shall include five licensed home  
16 inspectors and two public members as that term is defined in section 3101a of  
17 this title.

18 § 2362. BOARD POWERS AND DUTIES

19        (a) The board shall:

20            (1) Adopt rules according to the provisions of 3 V.S.A. chapter 25,  
21 which are necessary for the performance of its duties.

1           (2) Adopt an official seal.

2           (3) Provide general information to applicants for admission to licensure  
3 as home inspectors.

4           (4) Explain appeal procedures to licensees and applicants and complaint  
5 procedures to the public.

6           (5) Adopt rules which establish the activities that must be completed by  
7 an applicant in order to fulfill the experience requirements established by the  
8 board. The rules shall require that the applicant's experience be under the  
9 supervision of a licensed home inspector who has been licensed for three years  
10 or more, and shall not require that the applicant be in charge of the home  
11 inspection. The activities shall be designed to ensure that all applicants acquire  
12 experience in critical areas of home inspecting, but shall not limit admission to  
13 licensure unless there is good reason to believe that licensure of a particular  
14 applicant would be inconsistent with safeguarding property and the public  
15 welfare.

16           (6) Inform a prospective applicant that he or she may notify the board if,  
17 after reasonable effort, he or she has been unable to obtain supervision by a  
18 licensee for activities prerequisite to licensure. When the board receives such a  
19 notice, it may interview the prospective applicant, and thereafter shall take  
20 whatever action it considers appropriate.



1 licensee, the signatures of the chairperson and secretary, and the seal of the  
2 board.

3 (b) Issuance of a license shall be evidence that the person named in the  
4 license is entitled to all the rights and privileges of a licensed home inspector  
5 as long as the license remains unexpired and not revoked, suspended, or  
6 limited by conditions established as a result of disciplinary action taken under  
7 the provisions of this chapter.

8 § 2373. RENEWALS

9 (a) Licenses shall be renewed every two years upon payment of the  
10 renewal fee.

11 (b) Biennially, the board shall forward a renewal form to each licensee.  
12 Upon receipt of the completed form and the renewal fee, the board shall issue a  
13 new license.

14 (c) As a condition of renewal, the board shall require that a licensee  
15 establish that he or she has completed continuing education, as approved by the  
16 board, not to exceed 15 hours for each year of renewal.

17 (d) A license which has lapsed for a period of three years or less may be  
18 renewed upon application and payment of the renewal fee and the late  
19 penalty fee.

20 (e) The board may renew the license of an individual whose license has  
21 lapsed for more than three years upon payment of the required fee and the late

1 renewal penalty, provided the individual has satisfied all the requirements for  
2 renewal, including continuing education.

3 § 2374. LICENSE AND RENEWAL FEES

4 Applicants and persons regulated under this chapter shall pay the following  
5 fees:

6 (1) Application \$100.00

7 (2) Biennial renewal of license \$200.00

8 § 2375. UNPROFESSIONAL CONDUCT

9 (a) Unprofessional conduct is conduct prohibited by this section and by  
10 3 V.S.A. § 129a.

11 (b) Unprofessional conduct includes the following actions by an applicant  
12 or a licensee:

13 (1) practicing or offering to practice beyond the scope permitted by law;

14 (2) accepting and performing responsibilities which the licensee knows  
15 or has reason to know that he or she is not competent to perform; and

16 (3) making any material misrepresentation with respect to the  
17 qualifications or experience of an applicant or otherwise in the practice of the  
18 profession, whether by commission or omission.

19 Sec. 3. TRANSITIONAL PROVISION

20 The director of the office of professional regulation shall establish a  
21 procedure so that residents of Vermont who have been engaged in the practice

1 of home inspection in Vermont prior to the effective date of Sec. 2 of this act  
2 may become licensed without examination. Only those applicants who can  
3 establish a record of home inspecting practice for five or more years shall be  
4 eligible for licensure without examination as home inspectors under this  
5 section. A degree from an accredited home inspecting program may substitute  
6 for years of the experience requirement under this section at the rate of two  
7 years of accredited school work for one year of home inspecting work  
8 experience. Any person licensed under this section shall thereafter be eligible  
9 for licensure renewal pursuant to 26 V.S.A. § 2373.

10 Sec. 4. IMPLEMENTATION OF THE BOARD OF HOME INSPECTORS

11 The board of home inspectors, as created in this act, is established on  
12 March 1, 2013. The governor shall appoint the board members by  
13 February 28, 2013. Of the initial seven-board member appointments, the  
14 governor shall appoint two members for one-year terms; two members for  
15 two-year terms; one member for a three-year term; one member for a four-year  
16 term; and one member for a five-year term, so that the terms of members  
17 expire in a staggered manner.

18 Sec. 5. EFFECTIVE DATES

19 This act shall take effect on July 1, 2012, except that Secs. 1 (amending  
20 3 V.S.A. § 122) and 2 (adding 26 V.S.A. chapter 43) of this act shall take  
21 effect on March 1, 2013.