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Representative Schneider

**Cosponsors: Representatives McGregor, R., Combs, Sayre, Chandler,
Harwood, Luckie, Collier, Beatty, Blessing, Bolon, Boyd, Brown, Celeste,
Domenick, Dyer, Evans, Flowers, Koziura, Setzer, Stebelton, Williams, S.,
Yates**

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A B I L L

To amend sections 121.08 and 4745.01 and to enact 1
sections 4768.01 to 4768.19 and 4768.99 of the 2
Revised Code to require the licensure of home 3
inspectors and to create the Ohio Home Inspector 4
Board to regulate the licensure and performance of 5
home inspectors. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 121.08 and 4745.01 be amended and 7
sections 4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 4768.06, 8
4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 4768.13, 9
4768.14, 4768.15, 4768.16, 4768.17, 4768.18, 4768.19, and 4768.99 10
of the Revised Code be enacted to read as follows: 11

Sec. 121.08. (A) There is hereby created in the department of 12
commerce the position of deputy director of administration. This 13
officer shall be appointed by the director of commerce, serve 14
under the director's direction, supervision, and control, perform 15
the duties the director prescribes, and hold office during the 16

director's pleasure. The director of commerce may designate an 17
assistant director of commerce to serve as the deputy director of 18
administration. The deputy director of administration shall 19
perform the duties prescribed by the director of commerce in 20
supervising the activities of the division of administration of 21
the department of commerce. 22

(B) Except as provided in section 121.07 of the Revised Code, 23
the department of commerce shall have all powers and perform all 24
duties vested in the deputy director of administration, the state 25
fire marshal, the superintendent of financial institutions, the 26
superintendent of real estate and professional licensing, the 27
superintendent of liquor control, the superintendent of industrial 28
compliance, the superintendent of labor and worker safety, the 29
superintendent of unclaimed funds, and the commissioner of 30
securities, and shall have all powers and perform all duties 31
vested by law in all officers, deputies, and employees of those 32
offices. Except as provided in section 121.07 of the Revised Code, 33
wherever powers are conferred or duties imposed upon any of those 34
officers, the powers and duties shall be construed as vested in 35
the department of commerce. 36

(C)(1) There is hereby created in the department of commerce 37
a division of financial institutions, which shall have all powers 38
and perform all duties vested by law in the superintendent of 39
financial institutions. Wherever powers are conferred or duties 40
imposed upon the superintendent of financial institutions, those 41
powers and duties shall be construed as vested in the division of 42
financial institutions. The division of financial institutions 43
shall be administered by the superintendent of financial 44
institutions. 45

(2) All provisions of law governing the superintendent of 46
financial institutions shall apply to and govern the 47
superintendent of financial institutions provided for in this 48

section; all authority vested by law in the superintendent of 49
financial institutions with respect to the management of the 50
division of financial institutions shall be construed as vested in 51
the superintendent of financial institutions created by this 52
section with respect to the division of financial institutions 53
provided for in this section; and all rights, privileges, and 54
emoluments conferred by law upon the superintendent of financial 55
institutions shall be construed as conferred upon the 56
superintendent of financial institutions as head of the division 57
of financial institutions. The director of commerce shall not 58
transfer from the division of financial institutions any of the 59
functions specified in division (C)(2) of this section. 60

(D) There is hereby created in the department of commerce a 61
division of liquor control, which shall have all powers and 62
perform all duties vested by law in the superintendent of liquor 63
control. Wherever powers are conferred or duties are imposed upon 64
the superintendent of liquor control, those powers and duties 65
shall be construed as vested in the division of liquor control. 66
The division of liquor control shall be administered by the 67
superintendent of liquor control. 68

(E) The director of commerce shall not be interested, 69
directly or indirectly, in any firm or corporation which is a 70
dealer in securities as defined in sections 1707.01 and 1707.14 of 71
the Revised Code, or in any firm or corporation licensed under 72
sections 1321.01 to 1321.19 of the Revised Code. 73

(F) The director of commerce shall not have any official 74
connection with a savings and loan association, a savings bank, a 75
bank, a bank holding company, a savings and loan association 76
holding company, a consumer finance company, or a credit union 77
that is under the supervision of the division of financial 78
institutions, or a subsidiary of any of the preceding entities, or 79
be interested in the business thereof. 80

(G) There is hereby created in the state treasury the 81
division of administration fund. The fund shall receive 82
assessments on the operating funds of the department of commerce 83
in accordance with procedures prescribed by the director of 84
commerce and approved by the director of budget and management. 85
All operating expenses of the division of administration shall be 86
paid from the division of administration fund. 87

(H) There is hereby created in the department of commerce a 88
division of real estate and professional licensing, which shall be 89
under the control and supervision of the director of commerce. The 90
division of real estate and professional licensing shall be 91
administered by the superintendent of real estate and professional 92
licensing. The superintendent of real estate and professional 93
licensing shall exercise the powers and perform the functions and 94
duties delegated to the superintendent under Chapters 4735., 95
4763., ~~and~~ 4767., and 4768. of the Revised Code. 96

(I) There is hereby created in the department of commerce a 97
division of labor and worker safety, which shall have all powers 98
and perform all duties vested by law in the superintendent of 99
labor and worker safety. Wherever powers are conferred or duties 100
imposed upon the superintendent of labor and worker safety, those 101
powers and duties shall be construed as vested in the division of 102
labor and worker safety. The division of labor and worker safety 103
shall be under the control and supervision of the director of 104
commerce and be administered by the superintendent of labor and 105
worker safety. The superintendent of labor and worker safety shall 106
exercise the powers and perform the duties delegated to the 107
superintendent by the director under Chapters 4109., 4111., and 108
4115. of the Revised Code. 109

(J) There is hereby created in the department of commerce a 110
division of unclaimed funds, which shall have all powers and 111
perform all duties delegated to or vested by law in the 112

superintendent of unclaimed funds. Wherever powers are conferred 113
or duties imposed upon the superintendent of unclaimed funds, 114
those powers and duties shall be construed as vested in the 115
division of unclaimed funds. The division of unclaimed funds shall 116
be under the control and supervision of the director of commerce 117
and shall be administered by the superintendent of unclaimed 118
funds. The superintendent of unclaimed funds shall exercise the 119
powers and perform the functions and duties delegated to the 120
superintendent by the director of commerce under section 121.07 121
and Chapter 169. of the Revised Code, and as may otherwise be 122
provided by law. 123

(K) The department of commerce or a division of the 124
department created by the Revised Code that is acting with 125
authorization on the department's behalf may request from the 126
bureau of criminal identification and investigation pursuant to 127
section 109.572 of the Revised Code, or coordinate with 128
appropriate federal, state, and local government agencies to 129
accomplish, criminal records checks for the persons whose 130
identities are required to be disclosed by an applicant for the 131
issuance or transfer of a permit, license, certificate of 132
registration, or certification issued or transferred by the 133
department or division. At or before the time of making a request 134
for a criminal records check, the department or division may 135
require any person whose identity is required to be disclosed by 136
an applicant for the issuance or transfer of such a license, 137
permit, certificate of registration, or certification to submit to 138
the department or division valid fingerprint impressions in a 139
format and by any media or means acceptable to the bureau of 140
criminal identification and investigation and, when applicable, 141
the federal bureau of investigation. The department or division 142
may cause the bureau of criminal identification and investigation 143
to conduct a criminal records check through the federal bureau of 144
investigation only if the person for whom the criminal records 145

check would be conducted resides or works outside of this state or 146
has resided or worked outside of this state during the preceding 147
five years, or if a criminal records check conducted by the bureau 148
of criminal identification and investigation within this state 149
indicates that the person may have a criminal record outside of 150
this state. 151

In the case of a criminal records check under section 109.572 152
of the Revised Code, the department or division shall forward to 153
the bureau of criminal identification and investigation the 154
requisite form, fingerprint impressions, and fee described in 155
division (C) of that section. When requested by the department or 156
division in accordance with this section, the bureau of criminal 157
identification and investigation shall request from the federal 158
bureau of investigation any information it has with respect to the 159
person who is the subject of the requested criminal records check 160
and shall forward the requisite fingerprint impressions and 161
information to the federal bureau of investigation for that 162
criminal records check. After conducting a criminal records check 163
or receiving the results of a criminal records check from the 164
federal bureau of investigation, the bureau of criminal 165
identification and investigation shall provide the results to the 166
department or division. 167

The department or division may require any person about whom 168
a criminal records check is requested to pay to the department or 169
division the amount necessary to cover the fee charged to the 170
department or division by the bureau of criminal identification 171
and investigation under division (C)(3) of section 109.572 of the 172
Revised Code, including, when applicable, any fee for a criminal 173
records check conducted by the federal bureau of investigation. 174

Sec. 4745.01. (A) "Standard renewal procedure," as used in 175
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 176

927., 942., 943., 953., 1321., 3710., 3713., 3719., 3731., 3742., 177
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 178
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 179
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 180
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 181
4766., 4768., 4773., and 4775. of the Revised Code, means the 182
license renewal procedures specified in this chapter. 183

(B) "Licensing agency," as used in this chapter, means any 184
department, division, board, section of a board, or other state 185
governmental unit subject to the standard renewal procedure, as 186
defined in this section, and authorized by the Revised Code to 187
issue a license to engage in a specific profession, occupation, or 188
occupational activity, or to have charge of and operate certain 189
specified equipment, machinery, or premises. 190

(C) "License," as used in this chapter, means a license, 191
certificate, permit, card, or other authority issued or conferred 192
by a licensing agency by authority of which the licensee has or 193
claims the privilege to engage in the profession, occupation, or 194
occupational activity, or to have control of and operate certain 195
specific equipment, machinery, or premises, over which the 196
licensing agency has jurisdiction. 197

(D) "Licensee," as used in this chapter, means either the 198
person to whom the license is issued or renewed by a licensing 199
agency, or the person, partnership, or corporation at whose 200
request the license is issued or renewed. 201

(E) "Renewal" and "renewed," as used in this chapter and in 202
the chapters of the Revised Code specified in division (A) of this 203
section, includes the continuing licensing procedure provided in 204
Chapter 3748. of the Revised Code and rules adopted under it and 205
in sections 1321.05 and 3921.33 of the Revised Code, and as 206
applied to those continuing licenses any reference in this chapter 207
to the date of expiration of any license shall be construed to 208

mean the due date of the annual or other fee for the continuing license. 209
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Sec. 4768.01. As used in this chapter: 211

(A) "Client" means a person who enters into a contract with a licensed home inspector to retain for compensation or other valuable consideration the services of that licensed home inspector to conduct a home inspection and to provide a written report on the condition of a residential building. 212
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(B) "Home inspection" means the process by which a home inspector conducts a visual examination of the readily accessible components of a residential building for a client. "Home inspection" does not include pest inspections; environmental testing; inspection of any property or structure conducted by an employee or representative of an insurer licensed to transact business in this state under Title XXXIX of the Revised Code for purposes related to the business of insurance; or determination of compliance with applicable statutes, rules, resolutions, or ordinances, including, without limitation, building, zoning, or historic codes. 217
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(C) "Licensed home inspector" means an individual who holds a valid license issued pursuant to section 4768.07 or 4768.10 of the Revised Code to conduct a home inspection for compensation or other valuable consideration. 228
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(D) "Residential building" has the same meaning as in section 3781.06 of the Revised Code but also includes the individual dwelling units within an apartment or condominium complex containing four or more dwelling units. 232
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(E) "Parallel inspection" means the process by which a licensed home inspector observes and evaluates an on-site home inspection performed by an applicant for a home inspector license 236
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and reviews and verifies the applicant's compliance with the 239
standards of practice specified in rules adopted by the Ohio home 240
inspector board pursuant to division (A)(13) of section 4768.05 of 241
the Revised Code, while concurrently performing the primary home 242
inspection of the same residential building for the licensed home 243
inspector's client. 244

(F) "Readily accessible" means available for visual 245
inspection without requiring a person to move or dismantle 246
personal property, take destructive measures, or take any other 247
action that will involve risk to a person or to the property. 248

Sec. 4768.02. (A) No person shall conduct a home inspection 249
or represent a qualification to conduct a home inspection for 250
compensation or other valuable consideration unless that person is 251
licensed pursuant to this chapter as a home inspector. 252

(B) No person shall perform a home inspection unless it is 253
performed pursuant to a written contract entered into between a 254
licensed home inspector and a client. 255

(C) No person shall perform a home inspection unless the home 256
inspection conforms to requirements specified in rules adopted by 257
the Ohio home inspector board pursuant to division (A)(13) of 258
section 4768.05 of the Revised Code. 259

Sec. 4768.03. Section 4768.02 of the Revised Code does not 260
apply to any person described as follows if the person is acting 261
within the scope of practice of the person's respective 262
profession: 263

(A) A person who is employed by or whose services otherwise 264
are retained by this state or a political subdivision of this 265
state for the purpose of enforcing building codes; 266

(B) A person holding a valid certificate to practice 267
architecture issued under Chapter 4703. of the Revised Code; 268

<u>(C) A person registered as a professional engineer under</u>	269
<u>Chapter 4733. of the Revised Code;</u>	270
<u>(D) A heating, ventilating, and air conditioning contractor,</u>	271
<u>refrigeration contractor, electrical contractor, plumbing</u>	272
<u>contractor, or hydronics contractor who is licensed under Chapter</u>	273
<u>4740. or section 3781.102 of the Revised Code or who is licensed</u>	274
<u>or registered under section 715.27 of the Revised Code;</u>	275
<u>(E) A real estate broker, real estate salesperson, foreign</u>	276
<u>real estate dealer, or foreign real estate salesperson who is</u>	277
<u>licensed under Chapter 4735. of the Revised Code;</u>	278
<u>(F) A real estate appraiser who is licensed under Chapter</u>	279
<u>4763. of the Revised Code;</u>	280
<u>(G) A public insurance adjuster who holds a valid certificate</u>	281
<u>of authority issued under Chapter 3951. of the Revised Code or an</u>	282
<u>employee or representative of an insurer licensed to transact</u>	283
<u>business in this state under Title XXXIX of the Revised Code who</u>	284
<u>conducts an inspection of any property or structure for purposes</u>	285
<u>related to the business of insurance;</u>	286
<u>(H) A commercial applicator of pesticide who is licensed</u>	287
<u>under Chapter 921. of the Revised Code.</u>	288
<u>Sec. 4768.04. There is hereby created the Ohio home inspector</u>	289
<u>board consisting of five members. The governor shall appoint three</u>	290
<u>members who are licensed home inspectors and who each represent</u>	291
<u>different national organizations that consist of and represent</u>	292
<u>home inspectors. Of the members appointed by the governor, one</u>	293
<u>shall be an independent licensed home inspector and one shall be a</u>	294
<u>member or representative of a home inspection franchise business.</u>	295
<u>The president of the senate and the speaker of the house of</u>	296
<u>representatives each shall appoint one member who represents the</u>	297
<u>public and has no financial interest in the home inspection</u>	298

industry. Not more than three members of the board shall be 299
members of the same political party. 300

The governor, president of the senate, and speaker of the 301
house of representatives shall make the initial appointments to 302
the board not later than ninety days after the effective date of 303
this section. Of the initial appointments to the board, the 304
governor shall appoint one member to a term ending one year after 305
the effective date of this section, one member to a term ending 306
three years after that date, and one member to a term ending five 307
years after that date. The president of the senate shall appoint 308
one member to a term ending two years after that date, and the 309
speaker of the house of representatives shall appoint one member 310
to a term ending four years after that date. Thereafter, each term 311
shall be for five years, ending on the same day of the same month 312
as the term that it succeeds. Each member shall hold office from 313
the date of appointment until the end of the term for which the 314
member was appointed. Vacancies shall be filled in the manner 315
provided for original appointments. A member appointed to fill a 316
vacancy prior to the expiration of a term shall hold office for 317
the remainder of that term. A member shall continue in office 318
subsequent to the expiration of the term until the member's 319
successor takes office. 320

The members of the board shall not be compensated but shall 321
be reimbursed for actual expenses reasonably incurred in the 322
performance of their duties as members. 323

A member may be removed for misconduct, neglect of duty, 324
incapacity, or malfeasance by the person who appointed that 325
member. 326

Sec. 4768.05. (A) The Ohio home inspector board shall adopt 327
rules in accordance with Chapter 119. of the Revised Code to do 328
all of the following: 329

<u>(1) Establish standards to govern disciplinary proceedings</u>	330
<u>conducted pursuant to section 4768.13 of the Revised Code and the</u>	331
<u>reinstatement of home inspector licenses the board suspends or</u>	332
<u>revokes pursuant to those proceedings;</u>	333
<u>(2) Establish the amount of the following fees in an amount</u>	334
<u>that is sufficient to defray necessary expenses incurred in the</u>	335
<u>administration of this chapter:</u>	336
<u>(a) The fee, which shall not exceed two hundred fifty</u>	337
<u>dollars, for applying for and receiving a license issued under</u>	338
<u>section 4768.07 of the Revised Code;</u>	339
<u>(b) The fee, which shall not exceed two hundred fifty</u>	340
<u>dollars, for renewal of a license under section 4768.09 of the</u>	341
<u>Revised Code;</u>	342
<u>(c) Any other fees as required by this chapter.</u>	343
<u>(3) Specify the information that must be provided on an</u>	344
<u>application for licensure under this chapter;</u>	345
<u>(4) Establish procedures for processing, approving, and</u>	346
<u>denying applications for licensure under this chapter;</u>	347
<u>(5) In accordance with division (C) of this section, specify</u>	348
<u>methods and procedures the board shall use to approve a curriculum</u>	349
<u>of education individuals must successfully complete to obtain a</u>	350
<u>license under this chapter;</u>	351
<u>(6) In accordance with division (D) of this section, specify</u>	352
<u>methods and procedures the board shall use to approve a curriculum</u>	353
<u>of experience that an individual may elect to complete the proof</u>	354
<u>of experience requirement specified in division (A)(6) of section</u>	355
<u>4768.07 of the Revised Code;</u>	356
<u>(7) Establish the administrative reporting and review</u>	357
<u>requirements for parallel inspections or field experience to</u>	358
<u>assure that an applicant for a license satisfies the requirements</u>	359

of division (A)(6) of section 4768.07 of the Revised Code, as 360
applicable; 361

(8) Establish a curriculum for continuing education that a 362
licensed home inspector shall complete to satisfy the requirements 363
for continuing education specified in section 4768.08 of the 364
Revised Code and procedures to assure continuing education 365
requirements are updated periodically to make those requirements 366
consistent with home inspection industry practices; 367

(9) Establish requirements an institution, organization, 368
company, or individual shall satisfy to obtain approval to provide 369
courses or programs that enable a licensed home inspector to 370
satisfy the requirements for continuing education specified in 371
section 4768.08 of the Revised Code and establish procedures that 372
the superintendent of real estate and professional licensing shall 373
use to approve an institution, organization, company, or 374
individual that satisfies the requirements the board establishes; 375

(10) Establish procedures and standards that the 376
superintendent shall use to approve courses and programs, 377
including online courses and programs, offered by an entity that 378
is approved by the superintendent to offer continuing education 379
courses or programs pursuant to the rules adopted by the board 380
under division (A)(9) of this section; 381

(11) Establish both of the following fees: 382

(a) The fee an entity described in division (A)(9) of this 383
section shall pay to receive approval to offer continuing 384
education courses and programs; 385

(b) The fee an entity that is approved to offer continuing 386
education courses and programs shall pay for each course or 387
program that the entity wishes to have the superintendent approve 388
pursuant to the rules adopted by the board under division (A)(10) 389
of this section. 390

(12) Establish reporting requirements for a licensed home inspector to follow to demonstrate that the licensed home inspector successfully completed the continuing education requirements specified in section 4768.08 of the Revised Code, and procedures for the superintendent to follow to determine the veracity of the licensed home inspector's continuing education report; 391
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(13) Establish requirements for conducting home inspections and standards of practice for home inspectors and conflict of interest prohibitions to the extent that those provisions do not conflict with divisions (A) to (D) of section 4768.14 of the Revised Code; 398
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(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter; 403
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(15) Specify requirements for settlement agreements entered into between the superintendent and a licensed home inspector under division (C) of section 4768.13 of the Revised Code; 405
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(16) Establish procedures, in accordance with division (K) of section 121.08 of the Revised Code, to have criminal records checks conducted by the bureau of criminal identification and investigation for all applicants for licensure. 408
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(B) The board shall approve a nationally recognized examination that the board determines is valid and reliable that individuals must pass to obtain a license issued under this chapter. 412
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(C) The board shall approve a curriculum of education individuals must successfully complete to obtain a license issued under this chapter. The board shall approve only a curriculum of education that satisfies all of the following requirements: 416
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(1) The curriculum is offered by an accredited public or 420
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private college, university, or other institution of higher 422
education or a home inspection franchise business that has been 423
approved by the board to offer a curriculum. 424

(2) The curriculum includes a requirement that an individual, 425
in order to successfully complete the curriculum, complete at 426
least forty hours of classroom instruction, including instruction 427
about compliance with the requirements specified in this chapter, 428
inspection safety, report writing, and any other administrative 429
matters required by the board. 430

(3) The curriculum satisfies any other requirements the board 431
established in rules it adopts. 432

(D) The board shall approve a curriculum of experience that 433
an individual may elect to complete to satisfy the proof of 434
experience requirement specified in division (A)(6) of section 435
4768.07 of the Revised Code. The board shall approve only a 436
curriculum of experience that includes a requirement that an 437
individual, in order to successfully complete the curriculum, must 438
perform at least forty hours of work in the home inspection field 439
that allows the individual to obtain practical experience or 440
training regarding home inspections. 441

Sec. 4768.06. (A) The superintendent of real estate and 442
professional licensing shall do all of the following: 443

(1) Administer this chapter; 444

(2) Provide the Ohio home inspector board with meeting space, 445
staff services, and other technical assistance required by the 446
board to carry out the duties of the board under this chapter; 447

(3) Provide each applicant for a home inspector license with 448
a copy of the requirements for home inspections specified in rules 449
adopted by the board pursuant to division (A)(13) of section 450
4768.05 of the Revised Code, and make those requirements available 451

to the public by posting them on the web site maintained by the 452
department of commerce; 453

(4) In accordance with division (B) of this section, issue a 454
home inspector license to, or renew a home inspector license for, 455
any person who satisfies the requirements specified in this 456
chapter for such licensure or renewal; 457

(5) Retain all licensure application materials submitted to 458
the superintendent, or an electronic image of such materials, for 459
a period of five years after the date of the receipt of the 460
materials and maintain a register of the names and addresses of 461
all individuals to whom the superintendent has issued or renewed a 462
license under this chapter for a period of five years after the 463
date of issuance, renewal, or expiration of a license, whichever 464
is later; 465

(6) Have criminal records checks conducted for each applicant 466
in accordance with section 121.08 of the Revised Code and the 467
procedures specified in rules adopted by the board pursuant to 468
division (A)(16) of section 4768.05 of the Revised Code; 469

(7) In accordance with the procedures specified in rules 470
adopted by the board in accordance with division (A)(9) of section 471
4768.05 of the Revised Code, approve an institution, organization, 472
company, or individual wishing to provide continuing education 473
courses or programs if that institution, organization, company, or 474
individual satisfies the requirements specified in rules adopted 475
by the board in accordance with that division and pays the fee 476
established in rules adopted by the board pursuant to division 477
(A)(11)(a) of that section; 478

(8) In accordance with the procedures specified in rules 479
adopted by the board in accordance with division (A)(10) of 480
section 4768.05 of the Revised Code, approve a course or program 481
that a licensed home inspector may complete to satisfy the 482

continuing education requirements specified in section 4768.08 of 483
the Revised Code if all of the following are satisfied: 484

(a) The course or program is offered by an entity approved by 485
the superintendent pursuant to division (A)(7) of this section. 486

(b) The course or program satisfies the standards established 487
in rules adopted by the board pursuant to division (A)(10) of 488
section 4768.05 of the Revised Code. 489

(c) The entity pays the fee established in rules adopted by 490
the board pursuant to division (A)(11)(b) of section 4768.05 of 491
the Revised Code. 492

(9) Issue all orders necessary to implement this chapter; 493

(10) In accordance with section 4768.12 of the Revised Code, 494
investigate complaints concerning an alleged violation of this 495
chapter or the conduct of any licensee and subpoena witnesses in 496
connection with those investigations, as provided in that section. 497

(B) The superintendent shall issue a home inspector license 498
only to an individual and shall not issue a license to a 499
corporation, limited liability company, partnership, or 500
association, although a licensed home inspector may sign a home 501
inspection report in a representative capacity on behalf of any of 502
those types of entities. 503

(C) The superintendent may establish and maintain an 504
investigation and audit section to investigate complaints and 505
conduct inspections, audits, and other inquiries as in the 506
judgment of the superintendent are appropriate to enforce this 507
chapter. The superintendent may utilize the investigators and 508
auditors employed pursuant to division (B)(4) of section 4735.05 509
of the Revised Code or licensees to assist in performing the 510
duties specified in division (A)(10) of this section. 511

Sec. 4768.07. (A) To obtain a license to perform home 512

inspections, an individual shall submit an application to the 513
superintendent of real estate and professional licensing on a form 514
the superintendent provides, the fee established in rules adopted 515
by the Ohio home inspector board pursuant to division (A)(2) of 516
section 4768.05 of the Revised Code, the information necessary for 517
the superintendent to have a criminal records check conducted in 518
accordance with section 121.08 of the Revised Code and the 519
procedures the board adopts in rules pursuant to division (A)(16) 520
of section 4768.05 of the Revised Code, and the fee established by 521
the board to cover the costs of that criminal records check; and 522
shall satisfy the requirements set forth in this section. Except 523
as otherwise specified in division (B) of this section, the 524
application shall include all of the following: 525

(1) A pledge the applicant signs, agreeing to comply with the 526
rules adopted by the board pursuant to division (A)(13) of section 527
4768.05 of the Revised Code; 528

(2) A statement that the applicant understands the grounds 529
for any disciplinary action that may be initiated under this 530
chapter; 531

(3) Proof of holding a comprehensive general liability 532
insurance policy or a commercial general liability insurance 533
policy in accordance with section 4768.11 of the Revised Code; 534

(4) Proof of successfully passing, within two years before 535
the date of the application, the home inspector examination 536
approved by the board pursuant to division (B) of section 4768.05 537
of the Revised Code; 538

(5) Proof of successfully completing a curriculum of 539
education approved by the board in accordance with rules the board 540
adopts pursuant to division (A)(5) of section 4768.05 of the 541
Revised Code; 542

(6) Proof that the applicant has experience in the field of 543

home inspections by successfully completing a curriculum of 544
experience approved by the board in accordance with rules the 545
board adopts pursuant to division (A)(6) of section 4768.05 of the 546
Revised Code or by successfully completing ten parallel 547
inspections; 548

(7) Proof that the applicant is at least eighteen years of 549
age; 550

(8) Proof that the applicant has graduated from the twelfth 551
grade, received a general educational development diploma, or 552
satisfactorily completed a program that is the equivalent to 553
graduating from the twelfth grade or receiving a general 554
educational development diploma; 555

(9) Any other information the board requires that the board 556
determines is relevant to receiving a license to practice as a 557
licensed home inspector. 558

(B) The superintendent shall not require a person described 559
in division (B) or (C) of section 4768.03 of the Revised Code who 560
wishes to obtain a license to perform home inspections under this 561
chapter to submit proof of education and experience as required 562
under divisions (A)(5) and (6) of this section in the person's 563
application in order for that person to receive a license. Such a 564
person, however, shall satisfy all other requirements specified in 565
division (A) of this section in order to receive a license. 566

(C) The act of submitting an application to the 567
superintendent does not create, shall not be construed as 568
creating, and is not intended to indicate licensure as a home 569
inspector. 570

Sec. 4768.08. During each one-year period that a license is 571
valid, a licensed home inspector shall successfully complete not 572
less than six hours of continuing education instruction in courses 573

or programs directly applicable to the standards of practice and 574
requirements specified in rules adopted by the Ohio home inspector 575
board pursuant to division (A)(13) of section 4768.05 of the 576
Revised Code. 577

The superintendent of real estate and professional licensing 578
shall accept only those courses and programs the superintendent 579
approves in accordance with division (A)(8) of section 4768.06 of 580
the Revised Code prior to the date the licensed home inspector 581
completes the course or program. The superintendent shall not 582
include parallel inspections completed by a person for credit 583
toward satisfying the continuing education requirements specified 584
in this section. 585

Sec. 4768.09. (A) A home inspector license issued or renewed 586
pursuant to this chapter expires one year after the date of 587
issuance or renewal. 588

(B)(1) To renew a home inspector license, a licensed home 589
inspector shall file a renewal application within the ninety-day 590
period immediately preceding the date the license expires with the 591
superintendent of real estate and professional licensing pursuant 592
to the procedures set forth in Chapter 4745. of the Revised Code, 593
along with proof of holding or being covered by a comprehensive 594
general liability insurance policy or a commercial general 595
liability insurance policy in accordance with section 4768.11 of 596
the Revised Code and proof of satisfying the continuing education 597
requirements specified in section 4768.08 of the Revised Code. 598

(2) A licensed home inspector who fails to renew a license 600
before its expiration may, during the three months following the 601
expiration, renew the license by following the procedures in 602
division (B)(1) of this section and paying a late fee in an amount 603
the Ohio home inspector board establishes. A licensed home 604

inspector who applies for a late renewal pursuant to this division 605
shall not engage in any activities permitted under the license 606
being renewed until the superintendent notifies the licensed home 607
inspector that the licensed home inspector's license has been 608
renewed. 609

(3) A licensed home inspector who fails to renew a license 610
prior to its expiration or during the three months following its 611
expiration may obtain a license by complying with the application 612
procedures and meeting the requirements for obtaining a license 613
set forth in section 4768.07 of the Revised Code and by paying the 614
application and licensure fee established in rules adopted by the 615
board pursuant to division (A)(2) of section 4768.05 of the 616
Revised Code. 617

(C) The superintendent shall not renew a license if any of 618
the following conditions apply: 619

(1) The licensed home inspector is in violation of any 620
provision of this chapter or order of the board or the 621
superintendent. 622

(2) The licensed home inspector fails to submit proof of 623
holding a comprehensive general liability insurance policy or a 624
commercial general liability insurance policy in accordance with 625
section 4768.11 of the Revised Code. 626

(3) The licensed home inspector fails to submit proof of 627
satisfying the continuing education requirements specified in 628
section 4768.08 of the Revised Code. 629

(D) A licensed home inspector who fails to submit the proof 630
required under division (C)(2) or (3) of this section may obtain a 631
license by following the application procedures and meeting the 632
requirements for obtaining a license set forth in section 4768.07 633
of the Revised Code and by paying the application and licensure 634
fee established in rules adopted by the board pursuant to division 635

(A)(2) of section 4768.05 of the Revised Code. 636

Sec. 4768.10. The superintendent of real estate and 637
professional licensing may issue a home inspector license to an 638
individual who holds a license, registration, or certification as 639
a home inspector in another jurisdiction if that individual 640
submits an application on a form the superintendent provides, pays 641
the fee the Ohio home inspector board prescribes, and satisfies 642
all of the following requirements: 643

(A) The individual is licensed, registered, or certified as a 644
home inspector in a jurisdiction the board determines grants the 645
same privileges to persons licensed under this chapter as this 646
state grants to persons in that jurisdiction, and that 647
jurisdiction has licensing, registration, or certification 648
requirements that are substantially similar to, or exceed, those 649
of this state. 650

(B) The individual is familiar with and will abide by this 651
chapter. 652

(C) The individual agrees to all of the following in a 653
written statement that the individual submits to the 654
superintendent: 655

(1) To provide the superintendent the name and address of an 656
agent to receive service of process in this state or that the 657
individual authorizes the superintendent to act as agent for that 658
individual; 659

(2) That service of process in accordance with the Revised 660
Code is proper and the individual is subject to the jurisdiction 661
of the courts of this state; 662

(3) That any cause of action arising out of the conduct of 663
the individual's business in this state shall be filed in the 664
county in which the events that gave rise to that cause of action 665

occurred. 666

Sec. 4768.11. Every licensed home inspector shall maintain, 667
or be covered by, a comprehensive general liability insurance 668
policy or a commercial general liability insurance policy with 669
coverage limits of not less than one hundred thousand dollars per 670
occurrence and not less than a three hundred thousand dollar 671
aggregate limit, providing coverage against liability of the 672
licensed home inspector for loss, damage, or expense as a result 673
of an act that occurred while the licensed home inspector was on 674
the premises performing a home inspection. If the employer of a 675
licensed home inspector maintains such an insurance policy 676
covering the licensed home inspector, the licensed home inspector 677
is not required to maintain the licensed home inspector's own 678
comprehensive general liability insurance policy or commercial 679
general liability insurance policy. 680

Sec. 4768.12. (A) The superintendent of real estate and 681
professional licensing shall investigate complaints against 682
licensed home inspectors on receipt of a complaint concerning any 683
alleged violation of this chapter. The superintendent may employ 684
investigators and auditors to assist in investigating complaints 685
and conducting investigations, audits, and other inquiries that 686
the superintendent considers appropriate to enforce this chapter. 687
The investigators and auditors may review and audit, during normal 688
business hours, the licensed home inspector's business records 689
that are directly related to complaints. 690

(B) Within five days after a person files a complaint against 691
a licensed home inspector with the superintendent, the 692
superintendent shall provide to that person an acknowledgment of 693
the receipt of the complaint and send a notice regarding that 694
complaint to the licensee who is the subject of the complaint. The 695
superintendent shall include in that notice a description of the 696

activities in which the licensed home inspector allegedly engaged 697
that violate this chapter. Within twenty days after the 698
superintendent sends the notice to the complainant and the 699
licensed home inspector who is the subject of the complainant's 700
complaint, the complainant and the licensed home inspector may 701
file with the superintendent a request to have an informal 702
mediation hearing. If both the complainant and the licensed home 703
inspector file such a request, the superintendent shall notify the 704
complainant and the licensed home inspector of the date and time 705
of the informal mediation hearing. An investigator employed by the 706
superintendent shall conduct the informal mediation hearing. If 707
the complainant and the licensed home inspector reach an 708
accommodation during that informal mediation hearing, the 709
investigator shall send a written report describing the 710
accommodation to the superintendent, complainant, and licensee. 711
Notwithstanding division (C) of this section, the written report 712
describing the accommodation is a public record for purposes of 713
section 149.43 of the Revised Code. The superintendent shall close 714
the complaint upon satisfactory completion of the accommodation. 715
If the licensee or the complainant fails to file a request for an 716
informal mediation hearing, or if the parties fail to agree on an 717
accommodation during that informal mediation hearing, the 718
superintendent shall proceed with an investigation of the 719
complaint. 720

(C) All information related to investigations and audits is 721
confidential and is not a public record under section 149.43 of 722
the Revised Code. Nothing in this section shall be construed as 723
prohibiting the superintendent from releasing information relating 724
to a licensed home inspector to a law enforcement officer or the 725
appropriate prosecutorial authority. The law enforcement officer 726
or prosecutorial authority who receives information relating to a 727
licensed home inspector from the superintendent under this section 728
shall comply with the same requirements regarding confidentiality 729

as those with which the superintendent must comply, 730
notwithstanding any conflicting provision of the Revised Code or 731
procedure of the law enforcement officer or prosecutorial 732
authority that applies when the law enforcement officer or 733
prosecutorial authority is dealing with other information in its 734
possession. 735

(D) The Ohio home inspector board or the superintendent may 736
compel, by order or subpoena, the attendance of witnesses to 737
testify in relation to any matter over which the board or 738
superintendent has jurisdiction and which is the subject of 739
inquiry and investigation by the board or superintendent, and 740
require the production of any book, paper, or document pertaining 741
to such matter. For such purpose, the board or superintendent 742
shall have the same power as judges of county courts to administer 743
oaths, compel the attendance of witnesses, and punish them for 744
refusal to testify. Service of the subpoena may be made by 745
sheriffs or constables, or by certified mail, return receipt 746
requested, and the subpoena shall be considered served on the date 747
delivery is made or the date the person refused to accept 748
delivery. A witness shall receive, after the witness's appearance 749
before the board or superintendent, the fees and mileage allowed 750
in civil actions in courts of common pleas. If two or more 751
witnesses travel together in the same vehicle, the mileage fee 752
shall be paid to only one of those witnesses, but the witnesses 753
may agree to divide the fee among themselves in any manner. 754

(E) In addition to the powers granted to the board and 755
superintendent under this section, in case any person fails to 756
file any statement or report, obey any subpoena, give testimony, 757
answer questions, or produce any books, records, or papers as 758
required by the board or superintendent under this chapter, the 759
court of common pleas of any county in the state, upon application 760
made to it by the board or superintendent setting forth such 761

failure, may make an order awarding process of subpoena or 762
subpoena duces tecum for the person to appear and testify before 763
the board or superintendent, and may order any person to give 764
testimony and answer questions, and to produce books, records, or 765
papers, as required by the board or superintendent. Upon the 766
filing of such order in the office of the clerk of the court of 767
common pleas, the clerk, under the seal of the court, shall issue 768
process of subpoena for the person to appear before the board or 769
superintendent at a time and place named in the subpoena, and each 770
day thereafter until the examination of such person is completed. 771
The subpoena may contain a direction that the witness bring with 772
the witness to the examination any books, records, or papers 773
mentioned in the subpoena. The clerk shall also issue, under the 774
seal of the court, such other orders, in reference to the 775
examination, appearance, and production of books, records, or 776
papers, as the court directs. If any person so summoned by 777
subpoena fails to obey the subpoena, to give testimony, to answer 778
questions as required, or to obey an order of the court, the 779
court, on motion supported by proof, may order an attachment for 780
contempt to be issued against the person charged with disobedience 781
of any order or injunction issued by the court under this chapter. 782
If the person is brought before the court by virtue of the 783
attachment, and if upon a hearing the disobedience appears, the 784
court may order the offender to be committed and kept in close 785
custody. 786

Sec. 4768.13. (A) If, upon examining the results of an 787
investigation, the superintendent of real estate and professional 788
licensing determines that reasonable evidence exists that a 789
licensed home inspector has violated this chapter or engaged in an 790
activity described in divisions (A) to (G) of section 4768.14 of 791
the Revised Code, the superintendent shall proceed in accordance 792
with the notice and hearing requirements prescribed in Chapter 793

119. of the Revised Code. After a hearing officer conducts a 794
hearing and issues a report and recommendations pursuant to 795
division (D) of this section, the Ohio home inspector board shall 796
review the report and recommendations and shall order the 797
disciplinary action the board considers appropriate, which may 798
include any one or more of the following: 799

(1) A reprimand; 800

(2) A fine not exceeding one thousand dollars per violation; 801

(3) Completion of hours of education in subjects related to 802
the underlying cause of the violation in an amount determined by 803
the board; 804

(4) Suspension of the license until the licensed home 805
inspector complies with conditions the board establishes; 806

(5) Suspension of the license for a specific period of time; 807

(6) Revocation of the license. 808

(B) The superintendent shall not credit any hours of 809
education a licensed home inspector completes in accordance with 810
division (A)(3) of this section toward satisfying the requirements 811
for continuing education specified in section 4768.08 of the 812
Revised Code. 813

(C) At any time after the superintendent notifies a licensed 814
home inspector in accordance with division (A) of this section 815
that a hearing will be held but before the date of the hearing, 816
the licensed home inspector may apply to the superintendent to 817
enter into a settlement agreement regarding the alleged violation. 818
The superintendent and the licensed home inspector shall comply 819
with the requirements for settlement agreements established in 820
rules adopted by the board pursuant to division (A)(15) of section 821
4768.05 of the Revised Code. If the parties enter into the 822
settlement agreement and comply with all of the requirements set 823

forth in that agreement, the investigation regarding that alleged 824
violation is considered closed. Notwithstanding division (C) of 825
section 4768.12 of the Revised Code, the settlement agreement is a 826
public record for purposes of section 149.43 of the Revised Code. 827

(D) The superintendent shall appoint a hearing officer to 828
conduct adjudication hearings in accordance with Chapter 119. of 829
the Revised Code. The superintendent shall appoint a person who 830
has been admitted to the practice of law in this state to serve as 831
the hearing officer. 832

In accordance with section 119.09 of the Revised Code, after 833
conducting a hearing, a hearing officer shall submit to the board 834
a report of the hearing and a recommendation for the action to be 835
taken against the licensed home inspector. All parties may file 836
objections to the report and recommendations as permitted under 837
that section, and the board shall issue an order in accordance 838
with the procedures prescribed in that section. 839

(E) The decision and order of the board is final, subject to 840
review in the manner provided in Chapter 119. of the Revised Code 841
and appeal to the court of common pleas in Franklin county. 842

Sec. 4768.14. The superintendent of real estate and 843
professional licensing may refuse to issue or renew a license if 844
the applicant for the license or renewal has done any of the 845
following: 846

(A) Accepted compensation or other valuable consideration 847
from more than one interested party for the same service without 848
the written consent of all interested parties; 849

(B) Accepted commissions, allowances, or other valuable 850
consideration, directly or indirectly, from other parties who deal 851
with a client in connection with the home inspection for which the 852
home inspector is responsible, or from other parties who are 853

involved in any part of the real estate transaction involving a 854
residential building for which that home inspector conducted a 855
home inspection; 856

(C) Repaired, replaced, or upgraded, or solicited to repair, 857
replace, or upgrade, for compensation or other valuable 858
consideration, systems or components in a residential building 859
after completing a home inspection of that residential building 860
but prior to the close of the real estate transaction associated 861
with that home inspection and the resolution of all contingent 862
issues involving that building and transaction; 863

(D) Failed to disclose promptly to a client written 864
information about any business interest of the home inspector that 865
may affect the client in connection with the home inspection; 866
867

(E) Pleaded guilty to or been convicted of, in a court of 868
competent jurisdiction, any crime of moral turpitude or a felony, 869
or an equivalent offense under the laws of any other state or the 870
United States, or was required to register under Chapter 2950. of 871
the Revised Code; 872

(F) Failed to satisfy the continuing education requirements 873
specified in section 4768.08 of the Revised Code; 874

(G) Failed to maintain or be covered by a comprehensive 875
general liability insurance policy or a commercial general 876
liability insurance policy as required under section 4768.11 of 877
the Revised Code; 878

(H) Violated a provision of this chapter. 879

Sec. 4768.15. The superintendent of real estate and 880
professional licensing may apply to any court of common pleas to 881
enjoin a violation of this chapter. Upon a showing by the 882
superintendent that a person has violated or is violating this 883

chapter, the court shall grant an injunction, restraining order, 884
or other appropriate relief. 885

Sec. 4768.16. (A) Upon receipt of a written complaint or upon 886
the motion of the superintendent of real estate and professional 887
licensing, the superintendent may investigate any person that has 888
allegedly violated section 4768.02 of the Revised Code, except 889
that the superintendent shall not investigate a complaint under 890
this section if the person who is the subject of the complaint 891
held a valid license issued under this chapter any time during the 892
twelve months preceding the date of the alleged violation. 893

(B) The superintendent has the same powers to investigate an 894
alleged violation of section 4768.02 of the Revised Code as those 895
powers specified in section 4768.12 of the Revised Code. If, after 896
an investigation pursuant to section 4768.12 of the Revised Code, 897
the superintendent determines that reasonable evidence exists that 898
a person has violated section 4768.02 of the Revised Code, within 899
seven days after that determination, the superintendent shall send 900
a written notice to that person by regular mail and shall include 901
in the notice the information specified in section 119.07 of the 902
Revised Code for notices given to licensees, except that the 903
notice shall specify that a hearing will be held and specify the 904
date, time, and place of the hearing. 905

(C) The Ohio home inspector board shall hold a hearing 906
regarding the alleged violation in the same manner prescribed for 907
an adjudication hearing under section 119.09 of the Revised Code. 908
If the board, after the hearing, determines a violation has 909
occurred, the board may impose a fine on the person, not exceeding 910
five hundred dollars per violation. Each day a violation occurs or 911
continues is a separate violation. The board shall determine the 912
terms of payment. The board shall maintain a transcript of the 913
proceedings of the hearing and issue a written opinion to all 914

parties, citing its findings and grounds for any action taken. The 915
board's determination regarding a violation of section 4768.02 of 916
the Revised Code is an order that the person may appeal in 917
accordance with section 119.12 of the Revised Code. 918

(D) If the person who allegedly committed a violation of 919
section 4768.02 of the Revised Code fails to appear for a hearing, 920
the board may request the court of common pleas of the county 921
where the alleged violation occurred to compel the person to 922
appear before the board for a hearing. 923

(E) If the board assesses a person a civil penalty for a 924
violation of section 4768.02 of the Revised Code and the person 925
fails to pay that civil penalty within the time period prescribed 926
by the board, the superintendent shall forward to the attorney 927
general the name of the person and the amount of the civil penalty 928
for the purpose of collecting that civil penalty. In addition to 929
the civil penalty assessed pursuant to this section, the person 930
also shall pay any fee assessed by the attorney general for 931
collection of the civil penalty. 932

Sec. 4768.17. (A) Except as provided in divisions (B) and (C) 933
of this section, nothing in this chapter shall be construed to 934
create or imply a private cause of action against a licensed home 935
inspector for a violation of this chapter if that action is not 936
otherwise maintainable under common law. 937

(B) An action for damages that is based on professional 938
services that were rendered or that should have been rendered by a 939
licensed home inspector shall not be brought, commenced, or 940
maintained unless the action is filed within one year after the 941
date that the home inspection is performed. 942

(C) Before bringing, commencing, or maintaining an action 943
under division (B) of this section, a client shall notify the 944
licensed home inspector of the alleged deficiencies and shall 945

allow the licensed home inspector the opportunity to review and 946
remedy the alleged deficiencies. The statute of limitations 947
specified in division (B) of this section shall be tolled for the 948
period that begins on the date the client notifies the licensed 949
home inspector of the alleged deficiencies and that ends on the 950
date that the licensed home inspector reviews, declines to review, 951
remedies, or declines to remedy the alleged deficiencies, 952
whichever comes later. 953

(D) The remedies provided under sections 4768.12 to 4768.15 954
of the Revised Code are the exclusive remedies for alleged 955
violations of any conflict of interest prohibitions specified in 956
the rules adopted by the Ohio home inspector board pursuant to 957
division (A)(13) of section 4768.05 of the Revised Code. 958

(E) Nothing in this section shall be construed to prohibit 959
the superintendent of real estate and professional licensing from 960
investigating, or to prohibit the board from taking action against 961
a licensed home inspector for violations of this chapter if the 962
investigation commences more than one year after the date that the 963
licensed home inspector conducts the home inspection that is the 964
subject of the investigation and action. 965

Sec. 4768.18. The superintendent of real estate and 966
professional licensing shall deposit all money collected under 967
this chapter in the state treasury to the credit of the home 968
inspectors fund, which is hereby created. Money credited to the 969
fund shall be used solely by the superintendent to pay costs 970
associated with the administration and enforcement of this 971
chapter. 972

Sec. 4768.19. On receipt of a notice pursuant to section 973
3123.43 of the Revised Code, the superintendent of real estate and 974
professional licensing shall comply with sections 3123.41 to 975

3123.50 of the Revised Code and any applicable rules adopted under 976
section 3123.63 of the Revised Code with respect to a license 977
issued pursuant to this chapter. 978

Sec. 4768.99. Whoever violates division (A) of section 979
4768.02 of the Revised Code is guilty of a misdemeanor of the 980
third degree on a first offense and a misdemeanor of the first 981
degree on each subsequent offense. 982

Section 2. That existing sections 121.08 and 4745.01 of the 983
Revised Code are hereby repealed. 984

Section 3. Section 4768.02 of the Revised Code takes effect 985
two hundred ten days after the effective date of this act. 986

Section 4. Notwithstanding section 4768.04 of the Revised 987
Code as enacted by this act, persons appointed to the Ohio Home 988
Inspector Board during the first year after the effective date of 989
this act need not be licensed as required under that section. 990

Section 5. Not later than one hundred eighty days after the 991
effective date of this act, the Ohio Home Inspector Board shall 992
adopt the rules the Board is required to adopt under this act. 993

Section 6. (A) Notwithstanding section 4768.07 of the Revised 994
Code, as enacted by this act, and except as provided under section 995
4768.14 of the Revised Code, as enacted by this act, during the 996
period of time beginning on the date the last initial member of 997
the Ohio Home Inspector Board is appointed pursuant to section 998
4768.04 of the Revised Code, as enacted by this act, and ending 999
one hundred twenty days after that date, the Superintendent of 1000
Real Estate and Professional Licensing shall issue a home 1001
inspector license if an individual applies for a license on a form 1002
the Superintendent provides and pays the fee specified in section 1003

4768.05 of the Revised Code, as enacted by this act, and if the applicant demonstrates all of the following:

(1) Proof of maintaining or being covered by a comprehensive general liability insurance policy or a commercial general liability insurance policy in accordance with section 4768.11 of the Revised Code, as enacted by this act;

(2) Proof by direct documentation or signed affidavit attesting to having met any one of the following requirements to demonstrate participation in the home inspection field prior to the effective date of this act:

(a) Having performed at least two hundred home inspections for clients for compensation or other valuable consideration;

(b) Having successfully passed a home inspector examination specified in division (A)(4) of section 4768.06 of the Revised Code, as enacted by this act;

(c) Having actively operated a home inspection business in this state for three years before the effective date of this act under a business name officially registered with the Secretary of State;

(d) Having been employed as a home inspector for the consecutive thirty-six months before the effective date of this act by an inspection company or individual whose owner or manager meets the license requirement specified in this section.

(3) Proof of signing a pledge agreeing to comply with the requirements specified in rules adopted by the Board pursuant to division (A)(13) of section 4768.05 of the Revised Code, as enacted by this act;

(4) In a written statement, acknowledge that the individual understands the grounds for any disciplinary action that may be initiated under Chapter 4768. of the Revised Code, as enacted by

this act. 1034

If the Board determines necessary, the Board may request the 1035
Superintendent to have a criminal records check conducted pursuant 1036
to section 121.08 of the Revised Code and the rules adopted by the 1037
Board pursuant to division (A)(16) of section 4768.05 of the 1038
Revised Code, as enacted by this act, on any applicant who applies 1039
for a license under this section. 1040

(B) Any license issued under this section shall expire one 1041
year after the date the license was issued. A licensed home 1042
inspector may renew the licensed home inspector's license in 1043
accordance with section 4768.09 of the Revised Code, as enacted by 1044
this act. 1045

(C) As used in this section, "home inspection" and 1046
"residential building" have the same meanings as in section 1047
4768.01 of the Revised Code, as enacted by this act. "Home 1048
inspector" means an individual who conducts home inspections for 1049
compensation or other valuable consideration. 1050