

**As Reported by the House Commerce and Labor Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. H. B. No. 257**

**Representative Schneider**

**Cosponsors: Representatives McGregor, R., Combs, Sayre, Chandler,**

**Harwood, Luckie, Collier**

—

**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 209  
license. 210

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 and reviews and verifies the applicant's compliance with the standards of practice specified in rules adopted by the Ohio home inspector board pursuant to division (A)(13) of section 4768.05 of 236  
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the Revised Code, while concurrently performing the primary home inspection of the same residential building for the licensed home inspector's client. 242  
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(F) "Readily accessible" means available for visual inspection without requiring a person to move or dismantle personal property, take destructive measures, or take any other action that will involve risk to a person or to the property. 245  
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**Sec. 4768.02.** (A) No person shall conduct a home inspection or represent a qualification to conduct a home inspection for compensation or other valuable consideration unless that person is licensed pursuant to this chapter as a home inspector. 249  
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(B) No person shall perform a home inspection unless it is performed pursuant to a written contract entered into between a licensed home inspector and a client. 253  
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(C) No person shall perform a home inspection unless the home inspection conforms to requirements specified in rules adopted by the Ohio home inspector board pursuant to division (A)(13) of section 4768.05 of the Revised Code. 256  
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**Sec. 4768.03.** Section 4768.02 of the Revised Code does not apply to any person described as follows if the person is acting within the scope of practice of the person's respective profession: 260  
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(A) A person who is employed by or whose services otherwise are retained by this state or a political subdivision of this state for the purpose of enforcing building codes; 264  
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(B) A person holding a valid certificate to practice architecture issued under Chapter 4703. of the Revised Code; 267  
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(C) A person registered as a professional engineer under Chapter 4733. of the Revised Code; 269  
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(D) A heating, ventilating, and air conditioning contractor, refrigeration contractor, electrical contractor, plumbing contractor, or hydronics contractor who is licensed under Chapter 4740. or section 3781.102 of the Revised Code or who is licensed or registered under section 715.27 of the Revised Code; 271  
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(E) A real estate broker, real estate salesperson, foreign real estate dealer, or foreign real estate salesperson who is licensed under Chapter 4735. of the Revised Code; 276  
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(F) A real estate appraiser who is licensed under Chapter 4763. of the Revised Code; 279  
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(G) A public insurance adjuster who holds a valid certificate of authority issued under Chapter 3951. of the Revised Code or an employee or representative of an insurer licensed to transact business in this state under Title XXXIX of the Revised Code who conducts an inspection of any property or structure for purposes related to the business of insurance; 281  
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(H) A commercial applicator of pesticide who is licensed under Chapter 921. of the Revised Code. 287  
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**Sec. 4768.04.** There is hereby created the Ohio home inspector board consisting of five members. The governor shall appoint three members who are licensed home inspectors and who each represent different national organizations that consist of and represent home inspectors. Of the members appointed by the governor, one shall be an independent licensed home inspector and one shall be a member or representative of a home inspection franchise business. The president of the senate and the speaker of the house of representatives each shall appoint one member who represents the public and has no financial interest in the home inspection industry. Not more than three members of the board shall be members of the same political party. 289  
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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

(1) Establish standards to govern disciplinary proceedings 330  
conducted pursuant to section 4768.13 of the Revised Code and the 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
<u>of division (A)(6) of section 4768.07 of the Revised Code, as</u>	360
<u>applicable;</u>	361

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

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

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

(11) Establish both of the following fees:

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

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

(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; 393  
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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 private college, university, or other institution of higher education or a home inspection franchise business that has been 420  
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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 home inspector license to, or renew a home inspector license for, any person who satisfies the requirements specified in this chapter for such licensure or renewal; 454  
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(5) Retain all licensure application materials submitted to the superintendent, or an electronic image of such materials, for a period of five years after the date of the receipt of the materials and maintain a register of the names and addresses of all individuals to whom the superintendent has issued or renewed a license under this chapter for a period of five years after the date of issuance, renewal, or expiration of a license, whichever is later; 458  
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(6) Have criminal records checks conducted for each applicant in accordance with section 121.08 of the Revised Code and the procedures specified in rules adopted by the board pursuant to division (A)(16) of section 4768.05 of the Revised Code; 466  
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(7) In accordance with the procedures specified in rules adopted by the board in accordance with division (A)(9) of section 4768.05 of the Revised Code, approve an institution, organization, company, or individual wishing to provide continuing education courses or programs that satisfy the requirements specified in rules adopted by the board in accordance with that division and pays the fee established in rules adopted by the board pursuant to division (A)(11)(a) of that section; 470  
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(8) In accordance with the procedures specified in rules adopted by the board in accordance with division (A)(10) of section 4768.05 of the Revised Code, approve a course or program that a licensed home inspector may complete to satisfy the continuing education requirements specified in section 4768.08 of the Revised Code if all of the following are satisfied: 478  
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(a) The course or program is offered by an entity approved by 484



the superintendent pursuant to division (A)(7) of this section. 485

(b) The course or program satisfies the standards established 486  
in rules adopted by the board pursuant to division (A)(10) of 487  
section 4768.05 of the Revised Code. 488

(c) The entity pays the fee established in rules adopted by 489  
the board pursuant to division (A)(11)(b) of section 4768.05 of 490  
the Revised Code. 491

(9) Issue all orders necessary to implement this chapter; 492

(10) In accordance with section 4768.12 of the Revised Code, 493  
investigate complaints concerning an alleged violation of this 494  
chapter or the conduct of any licensee and subpoena witnesses in 495  
connection with those investigations, as provided in that section; 496

(11) Establish and maintain an investigation and audit 497  
section to investigate complaints and conduct inspections, audits, 498  
and other inquiries as in the judgment of the superintendent are 499  
appropriate to enforce this chapter. 500

(B) The superintendent shall issue a home inspector license 501  
only to an individual and shall not issue a license to a 502  
corporation, limited liability company, partnership, or 503  
association, although a licensed home inspector may sign a home 504  
inspection report in a representative capacity on behalf of any of 505  
those types of entities. 506

(C) The superintendent may utilize the investigators and 507  
auditors employed pursuant to division (B)(4) of section 4735.05 508  
of the Revised Code or licensees to assist in performing the 509  
duties specified in division (A)(10) of this section. 510

**Sec. 4768.07.** (A) To obtain a license to perform home 511  
inspections, an individual shall submit an application to the 512  
superintendent of real estate and professional licensing on a form 513  
the superintendent provides, the fee established in rules adopted 514

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

(1) A pledge the applicant signs, agreeing to comply with the 525  
rules adopted by the board pursuant to division (A)(13) of section 526  
4768.05 of the Revised Code; 527

(2) A statement that the applicant understands the grounds 528  
for any disciplinary action that may be initiated under this 529  
chapter; 530

(3) Proof of holding a comprehensive general liability 531  
insurance policy or a commercial general liability insurance 532  
policy in accordance with section 4768.11 of the Revised Code; 533

(4) Proof of successfully passing, within two years before 534  
the date of the application, the home inspector examination 535  
approved by the board pursuant to division (B) of section 4768.05 536  
of the Revised Code; 537

(5) Proof of successfully completing a curriculum of 538  
education approved by the board in accordance with rules the board 539  
adopts pursuant to division (A)(5) of section 4768.05 of the 540  
Revised Code; 541

(6) Proof that the applicant has experience in the field of 542  
home inspections by successfully completing a curriculum of 543  
experience approved by the board in accordance with rules the 544  
board adopts pursuant to division (A)(6) of section 4768.05 of the 545

<u>Revised Code or by successfully completing ten parallel</u>	546
<u>inspections;</u>	547
<u>(7) Proof that the applicant is at least eighteen years of</u>	548
<u>age;</u>	549
<u>(8) Proof that the applicant has graduated from the twelfth</u>	550
<u>grade, received a general educational development diploma, or</u>	551
<u>satisfactorily completed a program that is the equivalent to</u>	552
<u>graduating from the twelfth grade or receiving a general</u>	553
<u>educational development diploma;</u>	554
<u>(9) Any other information the board requires that the board</u>	555
<u>determines is relevant to receiving a license to practice as a</u>	556
<u>licensed home inspector.</u>	557
<u>(B) The superintendent shall not require a person described</u>	558
<u>in division (B) or (C) of section 4768.03 of the Revised Code who</u>	559
<u>wishes to obtain a license to perform home inspections under this</u>	560
<u>chapter to submit proof of education and experience as required</u>	561
<u>under divisions (A)(5) and (6) of this section in the person's</u>	562
<u>application in order for that person to receive a license. Such a</u>	563
<u>person, however, shall satisfy all other requirements specified in</u>	564
<u>division (A) of this section in order to receive a license.</u>	565
<u>(C) The act of submitting an application to the</u>	566
<u>superintendent does not create, shall not be construed as</u>	567
<u>creating, and is not intended to indicate licensure as a home</u>	568
<u>inspector.</u>	569
<u>Sec. 4768.08. During each one-year period that a license is</u>	570
<u>valid, a licensed home inspector shall successfully complete not</u>	571
<u>less than fifteen hours of continuing education instruction in</u>	572
<u>courses or programs directly applicable to the standards of</u>	573
<u>practice and requirements specified in rules adopted by the Ohio</u>	574
<u>home inspector board pursuant to division (A)(13) of section</u>	575

4768.05 of the Revised Code. 576

The superintendent of real estate and professional licensing 577  
shall accept only those courses and programs the superintendent 578  
approves in accordance with division (A)(8) of section 4768.06 of 579  
the Revised Code prior to the date the licensed home inspector 580  
completes the course or program. The superintendent shall not 581  
include parallel inspections completed by a person for credit 582  
toward satisfying the continuing education requirements specified 583  
in this section. 584

Sec. 4768.09. (A) A home inspector license issued or renewed 585  
pursuant to this chapter expires one year after the date of 586  
issuance or renewal. 587

(B)(1) To renew a home inspector license, a licensed home 588  
inspector shall file a renewal application within the ninety-day 589  
period immediately preceding the date the license expires with the 590  
superintendent of real estate and professional licensing pursuant 591  
to the procedures set forth in Chapter 4745. of the Revised Code, 592  
along with proof of holding or being covered by a comprehensive 593  
general liability insurance policy or a commercial general 594  
liability insurance policy in accordance with section 4768.11 of 595  
the Revised Code and proof of satisfying the continuing education 596  
requirements specified in section 4768.08 of the Revised Code. 597

(2) A licensed home inspector who fails to renew a license 599  
before its expiration may, during the three months following the 600  
expiration, renew the license by following the procedures in 601  
division (B)(1) of this section and paying a late fee in an amount 602  
the Ohio home inspector board establishes. A licensed home 603  
inspector who applies for a late renewal pursuant to this division 604  
shall not engage in any activities permitted under the license 605  
being renewed until the superintendent notifies the licensed home 606

inspector that the licensed home inspector's license has been 607  
renewed. 608

(3) A licensed home inspector who fails to renew a license 609  
prior to its expiration or during the three months following its 610  
expiration may obtain a license by complying with the application 611  
procedures and meeting the requirements for obtaining a license 612  
set forth in section 4768.07 of the Revised Code and by paying the 613  
application and licensure fee established in rules adopted by the 614  
board pursuant to division (A)(2) of section 4768.05 of the 615  
Revised Code. 616

(C) The superintendent shall not renew a license if any of 617  
the following conditions apply: 618

(1) The licensed home inspector is in violation of any 619  
provision of this chapter or order of the board or the 620  
superintendent. 621

(2) The licensed home inspector fails to submit proof of 622  
holding a comprehensive general liability insurance policy or a 623  
commercial general liability insurance policy in accordance with 624  
section 4768.11 of the Revised Code. 625

(3) The licensed home inspector fails to submit proof of 626  
satisfying the continuing education requirements specified in 627  
section 4768.08 of the Revised Code. 628

(D) A licensed home inspector who fails to submit the proof 629  
required under division (C)(2) or (3) of this section may obtain a 630  
license by following the application procedures and meeting the 631  
requirements for obtaining a license set forth in section 4768.07 632  
of the Revised Code and by paying the application and licensure 633  
fee established in rules adopted by the board pursuant to division 634  
(A)(2) of section 4768.05 of the Revised Code. 635

Sec. 4768.10. The superintendent of real estate and 636

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

(A) The individual is licensed, registered, or certified as a 643  
home inspector in a jurisdiction the board determines grants the 644  
same privileges to persons licensed under this chapter as this 645  
state grants to persons in that jurisdiction, and that 646  
jurisdiction has licensing, registration, or certification 647  
requirements that are substantially similar to, or exceed, those 648  
of this state. 649

(B) The individual is familiar with and will abide by this 650  
chapter. 651

(C) The individual agrees to all of the following in a 652  
written statement that the individual submits to the 653  
superintendent: 654

(1) To provide the superintendent the name and address of an 655  
agent to receive service of process in this state or that the 656  
individual authorizes the superintendent to act as agent for that 657  
individual; 658

(2) That service of process in accordance with the Revised 659  
Code is proper and the individual is subject to the jurisdiction 660  
of the courts of this state; 661

(3) That any cause of action arising out of the conduct of 662  
the individual's business in this state shall be filed in the 663  
county in which the events that gave rise to that cause of action 664  
occurred. 665

Sec. 4768.11. Every licensed home inspector shall maintain, 666

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

Sec. 4768.12. (A) The superintendent of real estate and 680  
professional licensing shall investigate complaints against 681  
licensed home inspectors on receipt of a complaint concerning any 682  
alleged violation of this chapter. The superintendent may employ 683  
investigators and auditors to assist in investigating complaints 684  
and conducting investigations, audits, and other inquiries that 685  
the superintendent considers appropriate to enforce this chapter. 686  
The investigators and auditors may review and audit, during normal 687  
business hours, the licensed home inspector's business records 688  
that are directly related to complaints. 689

(B) Within five days after a person files a complaint against 690  
a licensed home inspector with the superintendent, the 691  
superintendent shall provide to that person an acknowledgment of 692  
the receipt of the complaint and send a notice regarding that 693  
complaint to the licensee who is the subject of the complaint. The 694  
superintendent shall include in that notice a description of the 695  
activities in which the licensed home inspector allegedly engaged 696  
that violate this chapter. Within twenty days after the 697  
superintendent sends the notice to the complainant and the 698

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

(C) All information related to investigations and audits is 720  
confidential and is not a public record under section 149.43 of 721  
the Revised Code. Nothing in this section shall be construed as 722  
prohibiting the superintendent from releasing information relating 723  
to a licensed home inspector to a law enforcement officer or the 724  
appropriate prosecutorial authority. The law enforcement officer 725  
or prosecutorial authority who receives information relating to a 726  
licensed home inspector from the superintendent under this section 727  
shall comply with the same requirements regarding confidentiality 728  
as those with which the superintendent must comply, 729  
notwithstanding any conflicting provision of the Revised Code or 730  
procedure of the law enforcement officer or prosecutorial 731



authority that applies when the law enforcement officer or 732  
prosecutorial authority is dealing with other information in its 733  
possession. 734

(D) The Ohio home inspector board or the superintendent may 735  
compel, by order or subpoena, the attendance of witnesses to 736  
testify in relation to any matter over which the board or 737  
superintendent has jurisdiction and which is the subject of 738  
inquiry and investigation by the board or superintendent, and 739  
require the production of any book, paper, or document pertaining 740  
to such matter. For such purpose, the board or superintendent 741  
shall have the same power as judges of county courts to administer 742  
oaths, compel the attendance of witnesses, and punish them for 743  
refusal to testify. Service of the subpoena may be made by 744  
sheriffs or constables, or by certified mail, return receipt 745  
requested, and the subpoena shall be considered served on the date 746  
delivery is made or the date the person refused to accept 747  
delivery. A witness shall receive, after the witness's appearance 748  
before the board or superintendent, the fees and mileage allowed 749  
in civil actions in courts of common pleas. If two or more 750  
witnesses travel together in the same vehicle, the mileage fee 751  
shall be paid to only one of those witnesses, but the witnesses 752  
may agree to divide the fee among themselves in any manner. 753

(E) In addition to the powers granted to the board and 754  
superintendent under this section, in case any person fails to 755  
file any statement or report, obey any subpoena, give testimony, 756  
answer questions, or produce any books, records, or papers as 757  
required by the board or superintendent under this chapter, the 758  
court of common pleas of any county in the state, upon application 759  
made to it by the board or superintendent setting forth such 760  
failure, may make an order awarding process of subpoena or 761  
subpoena duces tecum for the person to appear and testify before 762  
the board or superintendent, and may order any person to give 763

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

**Sec. 4768.13.** (A) If, upon examining the results of an 786  
investigation, the superintendent of real estate and professional 787  
licensing determines that reasonable evidence exists that a 788  
licensed home inspector has violated this chapter or engaged in an 789  
activity described in divisions (A) to (G) of section 4768.14 of 790  
the Revised Code, the superintendent shall proceed in accordance 791  
with the notice and hearing requirements prescribed in Chapter 792  
119. of the Revised Code. After a hearing officer conducts a 793  
hearing and issues a report and recommendations pursuant to 794  
division (D) of this section, the Ohio home inspector board shall 795

review the report and recommendations and shall order the 796  
disciplinary action the board considers appropriate, which may 797  
include any one or more of the following: 798

(1) A reprimand; 799

(2) A fine not exceeding one thousand dollars per violation; 800

(3) Completion of hours of education in subjects related to 801  
the underlying cause of the violation in an amount determined by 802  
the board; 803

(4) Suspension of the license until the licensed home 804  
inspector complies with conditions the board establishes; 805

(5) Suspension of the license for a specific period of time; 806

(6) Revocation of the license. 807

(B) The superintendent shall not credit any hours of 808  
education a licensed home inspector completes in accordance with 809  
division (A)(3) of this section toward satisfying the requirements 810  
for continuing education specified in section 4768.08 of the 811  
Revised Code. 812

(C) At any time after the superintendent notifies a licensed 813  
home inspector in accordance with division (A) of this section 814  
that a hearing will be held but before the date of the hearing, 815  
the licensed home inspector may apply to the superintendent to 816  
enter into a settlement agreement regarding the alleged violation. 817  
The superintendent and the licensed home inspector shall comply 818  
with the requirements for settlement agreements established in 819  
rules adopted by the board pursuant to division (A)(15) of section 820  
4768.05 of the Revised Code. If the parties enter into the 821  
settlement agreement and comply with all of the requirements set 822  
forth in that agreement, the investigation regarding that alleged 823  
violation is considered closed. Notwithstanding division (C) of 824  
section 4768.12 of the Revised Code, the settlement agreement is a 825

public record for purposes of section 149.43 of the Revised Code. 826

(D) The superintendent shall appoint a hearing officer to 827  
conduct adjudication hearings in accordance with Chapter 119. of 828  
the Revised Code. The superintendent shall appoint a person who 829  
has been admitted to the practice of law in this state to serve as 830  
the hearing officer. 831

In accordance with section 119.09 of the Revised Code, after 832  
conducting a hearing, a hearing officer shall submit to the board 833  
a report of the hearing and a recommendation for the action to be 834  
taken against the licensed home inspector. All parties may file 835  
objections to the report and recommendations as permitted under 836  
that section, and the board shall issue an order in accordance 837  
with the procedures prescribed in that section. 838

(E) The decision and order of the board is final, subject to 839  
review in the manner provided in Chapter 119. of the Revised Code 840  
and appeal to the court of common pleas in Franklin county. 841

**Sec. 4768.14.** The superintendent of real estate and 842  
professional licensing may refuse to issue or renew a license if 843  
the applicant for the license or renewal has done any of the 844  
following: 845

(A) Accepted compensation or other valuable consideration 846  
from more than one interested party for the same service without 847  
the written consent of all interested parties; 848

(B) Accepted commissions, allowances, or other valuable 849  
consideration, directly or indirectly, from other parties who deal 850  
with a client in connection with the home inspection for which the 851  
home inspector is responsible, or from other parties who are 852  
involved in any part of the real estate transaction involving a 853  
residential building for which that home inspector conducted a 854  
home inspection; 855

(C) Repaired, replaced, or upgraded, or solicited to repair, replace, or upgrade, for compensation or other valuable consideration, systems or components in a residential building after completing a home inspection of that residential building but prior to the close of the real estate transaction associated with that home inspection and the resolution of all contingent issues involving that building and transaction; 856  
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(D) Failed to disclose promptly to a client written information about any business interest of the home inspector that may affect the client in connection with the home inspection; 863  
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(E) Pleaded guilty to or been convicted of, in a court of competent jurisdiction, any crime of moral turpitude or a felony, or an equivalent offense under the laws of any other state or the United States, or was required to register under Chapter 2950. of the Revised Code; 867  
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(F) Failed to satisfy the continuing education requirements specified in section 4768.08 of the Revised Code; 872  
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(G) Failed to maintain or be covered by a comprehensive general liability insurance policy or a commercial general liability insurance policy as required under section 4768.11 of the Revised Code; 874  
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(H) Violated a provision of this chapter. 878

**Sec. 4768.15.** The superintendent of real estate and professional licensing may apply to any court of common pleas to enjoin a violation of this chapter. Upon a showing by the superintendent that a person has violated or is violating this chapter, the court shall grant an injunction, restraining order, or other appropriate relief. 879  
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**Sec. 4768.16.** (A) Upon receipt of a written complaint or upon 885

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

(B) The superintendent has the same powers to investigate an 893  
alleged violation of section 4768.02 of the Revised Code as those 894  
powers specified in section 4768.12 of the Revised Code. If, after 895  
an investigation pursuant to section 4768.12 of the Revised Code, 896  
the superintendent determines that reasonable evidence exists that 897  
a person has violated this section, within seven days after that 898  
determination, the superintendent shall send a written notice to 899  
that person by regular mail and shall include in the notice the 900  
information specified in section 119.07 of the Revised Code for 901  
notices given to licensees, except that the notice shall specify 902  
that a hearing will be held and specify the date, time, and place 903  
of the hearing. 904

(C) The Ohio home inspector board shall hold a hearing 905  
regarding the alleged violation in the same manner prescribed for 906  
an adjudication hearing under section 119.09 of the Revised Code. 907  
If the board, after the hearing, determines a violation has 908  
occurred, the board may impose a fine on the person, not exceeding 909  
five hundred dollars per violation. Each day a violation occurs or 910  
continues is a separate violation. The board shall determine the 911  
terms of payment. The board shall maintain a transcript of the 912  
proceedings of the hearing and issue a written opinion to all 913  
parties, citing its findings and grounds for any action taken. The 914  
board's determination regarding a violation of section 4768.02 of 915  
the Revised Code is an order that the person may appeal in 916  
accordance with section 119.12 of the Revised Code. 917

(D) If the person who allegedly committed a violation of 918  
section 4768.02 of the Revised Code fails to appear for a hearing, 919  
the board may request the court of common pleas of the county 920  
where the alleged violation occurred to compel the person to 921  
appear before the board for a hearing. 922

(E) If the board assesses a person a civil penalty for a 923  
violation of section 4768.02 of the Revised Code and the person 924  
fails to pay that civil penalty within the time period prescribed 925  
by the board, the superintendent shall forward to the attorney 926  
general the name of the person and the amount of the civil penalty 927  
for the purpose of collecting that civil penalty. In addition to 928  
the civil penalty assessed pursuant to this section, the person 929  
also shall pay any fee assessed by the attorney general for 930  
collection of the civil penalty. 931

**Sec. 4768.17.** (A) Except as provided in divisions (B) and (C) 932  
of this section, nothing in this chapter shall be construed to 933  
create or imply a private cause of action against a licensed home 934  
inspector for a violation of this chapter if that action is not 935  
otherwise maintainable under common law. 936

(B) An action for damages that is based on professional 937  
services that were rendered or that should have been rendered by a 938  
licensed home inspector shall not be brought, commenced, or 939  
maintained unless the action is filed within one year after the 940  
date that the home inspection is performed. 941

(C) Before bringing, commencing, or maintaining an action 942  
under division (B) of this section, a client shall notify the 943  
licensed home inspector of the alleged deficiencies and shall 944  
allow the licensed home inspector the opportunity to review and 945  
remedy the alleged deficiencies. The statute of limitations 946  
specified in division (B) of this section shall be tolled for the 947  
period that begins on the date the client notifies the licensed 948

home inspector of the alleged deficiencies and that ends on the 949  
date that the licensed home inspector reviews, declines to review, 950  
remedies, or declines to remedy the alleged deficiencies, 951  
whichever comes later. 952

(D) The remedies provided under sections 4768.12 to 4768.15 953  
of the Revised Code are the exclusive remedies for alleged 954  
violations of any conflict of interest prohibitions specified in 955  
the rules adopted by the superintendent pursuant to division 956  
(A)(13) of section 4768.05 of the Revised Code. 957

(E) Nothing in this section shall be construed to prohibit 958  
the superintendent of real estate and professional licensing from 959  
investigating, or to prohibit the Ohio home inspector board from 960  
taking action against a licensed home inspector for violations of 961  
this chapter if the investigation commences more than one year 962  
after the date that the licensed home inspector conducts the home 963  
inspection that is the subject of the investigation and action. 964

**Sec. 4768.18.** The superintendent of real estate and 965  
professional licensing shall deposit all money collected under 966  
this chapter in the state treasury to the credit of the home 967  
inspectors fund, which is hereby created. Money credited to the 968  
fund shall be used solely by the superintendent to pay costs 969  
associated with the administration and enforcement of this 970  
chapter. 971

**Sec. 4768.19.** On receipt of a notice pursuant to section 972  
3123.43 of the Revised Code, the superintendent of real estate and 973  
professional licensing shall comply with sections 3123.41 to 974  
3123.50 of the Revised Code and any applicable rules adopted under 975  
section 3123.63 of the Revised Code with respect to a license 976  
issued pursuant to this chapter. 977

**Sec. 4768.99.** Whoever violates division (A) of section 978



4768.02 of the Revised Code is guilty of a misdemeanor of the 979  
third degree on a first offense and a misdemeanor of the first 980  
degree on each subsequent offense. 981

**Section 2.** That existing sections 121.08 and 4745.01 of the 982  
Revised Code are hereby repealed. 983

**Section 3.** Section 4768.02 of the Revised Code takes effect 984  
two hundred ten days after the effective date of this act. 985

**Section 4.** Notwithstanding section 4768.04 of the Revised 986  
Code as enacted by this act, persons appointed to the Ohio Home 987  
Inspector Board during the first year after the effective date of 988  
this act need not be licensed as required under that section. 989

**Section 5.** Not later than one hundred eighty days after the 990  
effective date of this act, the Ohio Home Inspector Board shall 991  
adopt the rules the Board is required to adopt under this act. 992

**Section 6.** (A) Notwithstanding section 4768.07 of the Revised 993  
Code, as enacted by this act, and except as provided under section 994  
4768.14 of the Revised Code, as enacted by this act, during the 995  
period of time beginning on the date the last initial member of 996  
the Ohio Home Inspector Board is appointed pursuant to section 997  
4768.04 of the Revised Code, as enacted by this act, and ending 998  
one hundred twenty days after that date, the Superintendent of 999  
Real Estate and Professional Licensing shall issue a home 1000  
inspector license if an individual applies for a license on a form 1001  
the Superintendent provides and pays the fee specified in section 1002  
4768.05 of the Revised Code, as enacted by this act, and if the 1003  
applicant demonstrates all of the following: 1004

(1) Proof of maintaining or being covered by a comprehensive 1005  
general liability insurance policy or a commercial general 1006  
liability insurance policy in accordance with section 4768.11 of 1007

the Revised Code, as enacted by this act; 1008

(2) Proof by direct documentation or signed affidavit 1009  
attesting to having met any one of the following requirements to 1010  
demonstrate participation in the home inspection field prior to 1011  
the effective date of this act: 1012

(a) Having performed at least two hundred home inspections 1013  
for clients for compensation or other valuable consideration; 1014

(b) Having successfully passed a home inspector examination 1015  
specified in division (A)(4) of section 4768.06 of the Revised 1016  
Code, as enacted by this act; 1017

(c) Having actively operated a home inspection business in 1018  
this state for three years before the effective date of this act 1019  
under a business name officially registered with the Secretary of 1020  
State; 1021

(d) Having been employed as a home inspector for the 1022  
consecutive thirty-six months before the effective date of this 1023  
act by an inspection company or individual whose owner or manager 1024  
meets the license requirement specified in this section. 1025

(3) Proof of signing a pledge agreeing to comply with the 1026  
requirements specified in rules adopted by the Board pursuant to 1027  
division (A)(13) of section 4768.05 of the Revised Code, as 1028  
enacted by this act; 1029

(4) In a written statement, acknowledge that the individual 1030  
understands the grounds for any disciplinary action that may be 1031  
initiated under Chapter 4768. of the Revised Code, as enacted by 1032  
this act. 1033

If the Board determines necessary, the Board may request the 1034  
Superintendent to have a criminal records check conducted pursuant 1035  
to section 121.08 of the Revised Code and the rules adopted by the 1036  
Board pursuant to division (A)(16) of section 4768.05 of the 1037

Revised Code, as enacted by this act, on any applicant who applies 1038  
for a license under this section. 1039

(B) Any license issued under this section shall expire one 1040  
year after the date the license was issued. A licensed home 1041  
inspector may renew the licensed home inspector's license in 1042  
accordance with section 4768.09 of the Revised Code, as enacted by 1043  
this act. 1044

(C) As used in this section, "home inspection" and 1045  
"residential building" have the same meanings as in section 1046  
4768.01 of the Revised Code, as enacted by this act. "Home 1047  
inspector" means an individual who conducts home inspections for 1048  
compensation or other valuable consideration. 1049