

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 14

Senator Miller, D.

Cosponsors: Senators Turner, Miller, R., Fedor

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A B I L L

To amend sections 121.08 and 4745.01 and to enact 1
sections 4735.581, 4768.01 to 4768.19, and 4768.99 2
of the Revised Code to require the licensure of 3
home inspectors and to create the Ohio Home 4
Inspector Board to regulate the licensure and 5
performance of 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 4735.581, 4768.01, 4768.02, 4768.03, 4768.04, 4768.05, 8
4768.06, 4768.07, 4768.08, 4768.09, 4768.10, 4768.11, 4768.12, 9
4768.13, 4768.14, 4768.15, 4768.16, 4768.17, 4768.18, 4768.19, and 10
4768.99 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. 4735.581. (A) The superintendent of real estate and 175
professional licensing shall create a brochure to educate 176
consumers about home inspections. The superintendent, with the 177
advice and consent of the Ohio real estate commission, shall adopt 178
rules to specify the topics that must be covered in the brochure, 179

including both of the following topics: 180

(1) The home inspection process and the process for 181
inspections related to home inspections, including, but not 182
limited to, inspections for pests, radon gas, or both, and 183
inspections conducted by a person who is employed by or whose 184
services otherwise are retained by this state or a political 185
subdivision of this state for the purpose of enforcing building 186
codes; 187

(2) Issues a consumer should consider when selecting a home 188
inspector. 189

The superintendent shall distribute a copy of the brochure 190
the superintendent creates pursuant to this section to each 191
licensee licensed under this chapter. The superintendent shall 192
provide additional copies to a licensee, upon request. 193

(B) A licensee shall provide a copy of the brochure created 194
pursuant to division (A) of this section to a client at the time a 195
licensee enters into an agency disclosure agreement pursuant to 196
section 4735.58 of the Revised Code. 197

Sec. 4745.01. (A) "Standard renewal procedure," as used in 198
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 199
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 200
3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 4561., 201
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 202
4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 4747., 203
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 204
4768., 4773., and 4775. of the Revised Code, means the license 205
renewal procedures specified in this chapter. 206

(B) "Licensing agency," as used in this chapter, means any 207
department, division, board, section of a board, or other state 208
governmental unit subject to the standard renewal procedure, as 209

defined in this section, and authorized by the Revised Code to 210
issue a license to engage in a specific profession, occupation, or 211
occupational activity, or to have charge of and operate certain 212
specified equipment, machinery, or premises. 213

(C) "License," as used in this chapter, means a license, 214
certificate, permit, card, or other authority issued or conferred 215
by a licensing agency by authority of which the licensee has or 216
claims the privilege to engage in the profession, occupation, or 217
occupational activity, or to have control of and operate certain 218
specific equipment, machinery, or premises, over which the 219
licensing agency has jurisdiction. 220

(D) "Licensee," as used in this chapter, means either the 221
person to whom the license is issued or renewed by a licensing 222
agency, or the person, partnership, or corporation at whose 223
request the license is issued or renewed. 224

(E) "Renewal" and "renewed," as used in this chapter and in 225
the chapters of the Revised Code specified in division (A) of this 226
section, includes the continuing licensing procedure provided in 227
Chapter 3748. of the Revised Code and rules adopted under it and 228
in sections 1321.05 and 3921.33 of the Revised Code, and as 229
applied to those continuing licenses any reference in this chapter 230
to the date of expiration of any license shall be construed to 231
mean the due date of the annual or other fee for the continuing 232
license. 233

Sec. 4768.01. As used in this chapter: 234

(A) "Client" means a person who enters into a contract with a 235
licensed home inspector to retain for compensation or other 236
valuable consideration the services of that licensed home 237
inspector to conduct a home inspection and to provide a written 238
report on the condition of a residential building. 239

(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. 240-250

(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. 251-254

(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. 255-258

(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 the Revised Code, while concurrently performing the primary home inspection of the same residential building for the licensed home inspector's client. 259-266

(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. 268-271

Sec. 4768.02. (A) No person shall conduct a home inspection 272
or represent a qualification to conduct a home inspection for 273
compensation or other valuable consideration unless that person is 274
licensed pursuant to this chapter as a home inspector. 275

(B) No person shall perform a home inspection unless it is 276
performed pursuant to a written contract entered into between a 277
licensed home inspector and a client. 278

(C) No person shall perform a home inspection unless the home 279
inspection conforms to requirements specified in rules adopted by 280
the Ohio home inspector board pursuant to division (A)(13) of 281
section 4768.05 of the Revised Code and the rules adopted pursuant 282
to division (B)(2) of section 1345.05 of the Revised Code. 283
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Sec. 4768.03. Section 4768.02 of the Revised Code does not 285
apply to any person described as follows if the person is acting 286
within the scope of practice of the person's respective 287
profession: 288

(A) A person who is employed by or whose services otherwise 289
are retained by this state or a political subdivision of this 290
state for the purpose of enforcing building codes; 291

(B) A person holding a valid certificate to practice 292
architecture issued under Chapter 4703. of the Revised Code; 293

(C) A person registered as a professional engineer under 294
Chapter 4733. of the Revised Code; 295

(D) A heating, ventilating, and air conditioning contractor, 296
refrigeration contractor, electrical contractor, plumbing 297
contractor, or hydronics contractor who is licensed under Chapter 298
4740. or section 3781.102 of the Revised Code or who is licensed 299
or registered under section 715.27 of the Revised Code; 300

(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; 301
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(F) A real estate appraiser who is licensed under Chapter 4763. of the Revised Code; 304
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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; 306
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(H) A commercial applicator of pesticide who is licensed under Chapter 921. of the Revised Code. 312
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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. 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. 314
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The governor, president of the senate, and speaker of the house of representatives shall make the initial appointments to the board not later than ninety days after the effective date of this section. Of the initial appointments to the board, the governor shall appoint one member to a term ending one year after the effective date of this section, one member to a term ending three years after that date, and one member to a term ending five years after that date. The president of the senate shall appoint one member to a term ending two years after that date, and the 323
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speaker of the house of representatives shall appoint one member 332
to a term ending four years after that date. Thereafter, each term 333
shall be for five years, ending on the same day of the same month 334
as the term that it succeeds. Each member shall hold office from 335
the date of appointment until the end of the term for which the 336
member was appointed. Vacancies shall be filled in the manner 337
provided for original appointments. A member appointed to fill a 338
vacancy prior to the expiration of a term shall hold office for 339
the remainder of that term. A member shall continue in office 340
subsequent to the expiration of the term until the member's 341
successor takes office. 342

The members of the board shall not be compensated but shall 343
be reimbursed for actual expenses reasonably incurred in the 344
performance of their duties as members. 345

A member may be removed for misconduct, neglect of duty, 346
incapacity, or malfeasance by the person who appointed that 347
member. 348

Sec. 4768.05. (A) The Ohio home inspector board shall adopt 349
rules in accordance with Chapter 119. of the Revised Code to do 350
all of the following: 351

(1) Establish standards to govern disciplinary proceedings 352
conducted pursuant to section 4768.13 of the Revised Code and the 353
reinstatement of home inspector licenses the board suspends or 354
revokes pursuant to those proceedings; 355

(2) Establish the amount of the following fees in an amount 356
that is sufficient to defray necessary expenses incurred in the 357
administration of this chapter: 358

(a) The fee, which shall not exceed five hundred dollars, for 359
applying for and receiving a license issued under section 4768.07 360
of the Revised Code; 361

<u>(b) The fee, which shall not exceed five hundred dollars, for</u>	362
<u>renewal of a license under section 4768.09 of the Revised Code;</u>	363
<u>(c) Any other fees as required by this chapter.</u>	364
<u>(3) Specify the information that must be provided on an</u>	365
<u>application for licensure under this chapter;</u>	366
<u>(4) Establish procedures for processing, approving, and</u>	367
<u>denying applications for licensure under this chapter;</u>	368
<u>(5) In accordance with division (C)(1) of this section,</u>	369
<u>specify methods and procedures the board shall use to approve a</u>	370
<u>curriculum of education individuals must successfully complete to</u>	371
<u>obtain a license under this chapter;</u>	372
<u>(6) In accordance with division (C)(2) of this section,</u>	373
<u>specify methods and procedures the board shall use to approve a</u>	374
<u>curriculum of experience that an individual may elect to complete</u>	375
<u>the proof of experience requirement specified in division (A)(6)</u>	376
<u>of section 4768.07 of the Revised Code;</u>	377
<u>(7) Establish the administrative reporting and review</u>	378
<u>requirements for parallel inspections or field experience to</u>	379
<u>assure that an applicant for a license satisfies the requirements</u>	380
<u>of division (A)(6) of section 4768.07 of the Revised Code, as</u>	381
<u>applicable;</u>	382
<u>(8) Establish a curriculum for continuing education that a</u>	383
<u>licensed home inspector shall complete to satisfy the requirements</u>	384
<u>for continuing education specified in section 4768.08 of the</u>	385
<u>Revised Code and procedures to assure continuing education</u>	386
<u>requirements are updated periodically to make those requirements</u>	387
<u>consistent with home inspection industry practices;</u>	388
<u>(9) Establish requirements an institution, organization,</u>	389
<u>company, or individual shall satisfy to obtain approval to provide</u>	390
<u>courses or programs that enable a licensed home inspector to</u>	391

satisfy the requirements for continuing education specified in 392
section 4768.08 of the Revised Code and establish procedures that 393
the superintendent of real estate and professional licensing shall 394
use to approve an institution, organization, company, or 395
individual that satisfies the requirements the board establishes; 396

(10) Establish procedures and standards that the 397
superintendent shall use to approve courses and programs, 398
including online courses and programs, offered by an entity that 399
is approved by the superintendent to offer continuing education 400
courses or programs pursuant to the rules adopted by the board 401
under division (A)(9) of this section; 402

(11) Establish both of the following fees: 403

(a) The fee an entity described in division (A)(9) of this 404
section shall pay to receive approval to offer continuing 405
education courses and programs; 406

(b) The fee an entity that is approved to offer continuing 407
education courses and programs shall pay for each course or 408
program that the entity wishes to have the superintendent approve 409
pursuant to the rules adopted by the board under division (A)(10) 410
of this section. 411

(12) Establish reporting requirements for a licensed home 412
inspector to follow to demonstrate that the licensed home 413
inspector successfully completed the continuing education 414
requirements specified in section 4768.08 of the Revised Code, and 415
procedures for the superintendent to follow to determine the 416
veracity of the licensed home inspector's continuing education 417
report; 418

(13) Establish requirements for conducting home inspections 419
and standards of practice for home inspectors and conflict of 420
interest prohibitions to the extent that those provisions do not 421
conflict with divisions (A) to (D) of section 4768.14 of the 422

<u>Revised Code;</u>	423
<u>(14) Specify the format and content of all affidavits and other documents required for the administration of this chapter;</u>	424 425
<u>(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;</u>	426 427 428
<u>(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.</u>	429 430 431 432
<u>(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.</u>	433 434 435 436
<u>(C) The board shall approve a curriculum of experience that an individual may elect to complete to satisfy the proof of experience requirement specified in division (A)(6) of section 4768.07 of the Revised Code and a curriculum of education individuals must successfully complete to obtain a license issued under this chapter. The approved experience requirement shall consist of forty hours of work in the home inspection field, as specified in division (C)(2) of this section, and the approved education shall consist of forty hours of classroom instruction, as specified in division (C)(1)(a) of this section.</u>	437 438 439 440 441 442 443 444 445 446
<u>(1) The board shall approve only a curriculum of education that satisfies both of the following requirements:</u>	447 448
<u>(a) The curriculum includes a requirement that an individual, in order to successfully complete the curriculum, complete at least forty hours of classroom instruction, including instruction about compliance with the requirements specified in this chapter, inspection safety, report writing, and any other administrative</u>	449 450 451 452 453

matters required by the board. 454

(b) The curriculum satisfies any other requirements the board established in rules it adopts. 455
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(2) The board shall approve only a curriculum of experience that includes a requirement that an individual, in order to successfully complete the curriculum, must perform at least forty hours of work in the home inspection field that allows the individual to obtain practical experience or training regarding home inspections. 457
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Sec. 4768.06. (A) The superintendent of real estate and professional licensing shall do all of the following: 463
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(1) Administer this chapter; 465

(2) Provide the Ohio home inspector board with meeting space, staff services, and other technical assistance required by the board to carry out the duties of the board under this chapter; 466
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(3) Provide each applicant for a home inspector license with a copy of the requirements for home inspections specified in rules adopted by the board pursuant to division (A)(13) of section 4768.05 of the Revised Code, and make those requirements available to the public by posting them on the web site maintained by the department of commerce; 469
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(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; 475
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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 479
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license under this chapter for a period of five years after the 484
date of issuance, renewal, or expiration of a license, whichever 485
is later; 486

(6) Have criminal records checks conducted for each applicant 487
in accordance with section 121.08 of the Revised Code and the 488
procedures specified in rules adopted by the board pursuant to 489
division (A)(16) of section 4768.05 of the Revised Code; 490

(7) In accordance with the procedures specified in rules 491
adopted by the board in accordance with division (A)(9) of section 492
4768.05 of the Revised Code, approve an institution, organization, 493
company, or individual wishing to provide continuing education 494
courses or programs if that institution, organization, company, or 495
individual satisfies the requirements specified in rules adopted 496
by the board in accordance with that division and pays the fee 497
established in rules adopted by the board pursuant to division 498
(A)(11)(a) of that section; 499

(8) In accordance with the procedures specified in rules 500
adopted by the board in accordance with division (A)(10) of 501
section 4768.05 of the Revised Code, approve a course or program 502
that a licensed home inspector may complete to satisfy the 503
continuing education requirements specified in section 4768.08 of 504
the Revised Code if all of the following are satisfied: 505

(a) The course or program is offered by an entity approved by 506
the superintendent pursuant to division (A)(7) of this section. 507

(b) The course or program satisfies the standards established 508
in rules adopted by the board pursuant to division (A)(10) of 509
section 4768.05 of the Revised Code. 510

(c) The entity pays the fee established in rules adopted by 511
the board pursuant to division (A)(11)(b) of section 4768.05 of 512
the Revised Code. 513

(9) Issue all orders necessary to implement this chapter; 514

(10) In accordance with section 4768.12 of the Revised Code, investigate complaints concerning an alleged violation of this chapter or the conduct of any licensee and subpoena witnesses in connection with those investigations, as provided in that section. 515
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(B) The superintendent shall issue a home inspector license only to an individual and shall not issue a license to a corporation, limited liability company, partnership, or association, although a licensed home inspector may sign a home inspection report in a representative capacity on behalf of any of those types of entities. 519
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(C) The superintendent may establish and maintain an investigation and audit section to investigate complaints and conduct inspections, audits, and other inquiries as in the judgment of the superintendent are appropriate to enforce this chapter. The superintendent may utilize the investigators and auditors employed pursuant to division (B)(4) of section 4735.05 of the Revised Code or licensees to assist in performing the duties specified in division (A)(10) of this section. 525
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Sec. 4768.07. (A) To obtain a license to perform home inspections, an individual shall submit an application to the superintendent of real estate and professional licensing on a form the superintendent provides, the fee established in rules adopted by the Ohio home inspector board pursuant to division (A)(2) of section 4768.05 of the Revised Code, the information necessary for the superintendent to have a criminal records check conducted in accordance with section 121.08 of the Revised Code and the procedures the board adopts in rules pursuant to division (A)(16) of section 4768.05 of the Revised Code, and the fee established by the board to cover the costs of that criminal records check; and shall satisfy the requirements set forth in this section. Except as otherwise specified in division (B) of this section, the 533
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<u>application shall include all of the following:</u>	546
<u>(1) A pledge the applicant signs, agreeing to comply with the</u>	547
<u>rules adopted by the board pursuant to division (A)(13) of section</u>	548
<u>4768.05 of the Revised Code;</u>	549
<u>(2) A statement that the applicant understands the grounds</u>	550
<u>for any disciplinary action that may be initiated under this</u>	551
<u>chapter;</u>	552
<u>(3) Proof of holding a comprehensive general liability</u>	553
<u>insurance policy or a commercial general liability insurance</u>	554
<u>policy in accordance with section 4768.11 of the Revised Code;</u>	555
<u>(4) Proof of successfully passing, within two years before</u>	556
<u>the date of the application, the home inspector examination</u>	557
<u>approved by the board pursuant to division (B) of section 4768.05</u>	558
<u>of the Revised Code;</u>	559
<u>(5) Proof of successfully completing a curriculum of</u>	560
<u>education approved by the board in accordance with rules the board</u>	561
<u>adopts pursuant to division (A)(5) of section 4768.05 of the</u>	562
<u>Revised Code;</u>	563
<u>(6) Proof that the applicant has experience in the field of</u>	564
<u>home inspections by successfully completing a curriculum of</u>	565
<u>experience approved by the board in accordance with rules the</u>	566
<u>board adopts pursuant to division (A)(6) of section 4768.05 of the</u>	567
<u>Revised Code or by successfully completing ten parallel</u>	568
<u>inspections;</u>	569
<u>(7) Proof that the applicant is at least eighteen years of</u>	570
<u>age;</u>	571
<u>(8) Proof that the applicant has graduated from the twelfth</u>	572
<u>grade, received a general educational development diploma, or</u>	573
<u>satisfactorily completed a program that is the equivalent to</u>	574
<u>graduating from the twelfth grade or receiving a general</u>	575

educational development diploma; 576

(9) Any other information the board requires that the board 577
determines is relevant to receiving a license to practice as a 578
licensed home inspector. 579

(B) The superintendent shall not require a person described 580
in division (B) or (C) of section 4768.03 of the Revised Code who 581
wishes to obtain a license to perform home inspections under this 582
chapter to submit proof of education and experience as required 583
under divisions (A)(5) and (6) of this section in the person's 584
application in order for that person to receive a license. Such a 585
person, however, shall satisfy all other requirements specified in 586
division (A) of this section in order to receive a license. 587

(C) The act of submitting an application to the 588
superintendent does not create, shall not be construed as 589
creating, and is not intended to indicate licensure as a home 590
inspector. 591

Sec. 4768.08. During each one-year period that a license is 592
valid, a licensed home inspector shall successfully complete not 593
less than six hours of continuing education instruction in courses 594
or programs directly applicable to the standards of practice and 595
requirements specified in rules adopted by the Ohio home inspector 596
board pursuant to division (A)(13) of section 4768.05 of the 597
Revised Code. 598

The superintendent of real estate and professional licensing 599
shall accept only those courses and programs the superintendent 600
approves in accordance with division (A)(8) of section 4768.06 of 601
the Revised Code prior to the date the licensed home inspector 602
completes the course or program. The superintendent shall not 603
include parallel inspections completed by a person for credit 604
toward satisfying the continuing education requirements specified 605
in this section. 606

Sec. 4768.09. (A) A home inspector license issued or renewed 607
pursuant to this chapter expires one year after the date of 608
issuance or renewal. 609

(B)(1) To renew a home inspector license, a licensed home 610
inspector shall file a renewal application within the ninety-day 611
period immediately preceding the date the license expires with the 612
superintendent of real estate and professional licensing pursuant 613
to the procedures set forth in Chapter 4745. of the Revised Code, 614
along with proof of holding or being covered by a comprehensive 615
general liability insurance policy or a commercial general 616
liability insurance policy in accordance with section 4768.11 of 617
the Revised Code and proof of satisfying the continuing education 618
requirements specified in section 4768.08 of the Revised Code. 619

(2) A licensed home inspector who fails to renew a license 621
before its expiration may, during the three months following the 622
expiration, renew the license by following the procedures in 623
division (B)(1) of this section and paying a late fee in an amount 624
the Ohio home inspector board establishes. A licensed home 625
inspector who applies for a late renewal pursuant to this division 626
shall not engage in any activities permitted under the license 627
being renewed until the superintendent notifies the licensed home 628
inspector that the licensed home inspector's license has been 629
renewed. 630

(3) A licensed home inspector who fails to renew a license 631
prior to its expiration or during the three months following its 632
expiration may obtain a license by complying with the application 633
procedures and meeting the requirements for obtaining a license 634
set forth in section 4768.07 of the Revised Code and by paying the 635
application and licensure fee established in rules adopted by the 636
board pursuant to division (A)(2) of section 4768.05 of the 637

Revised Code. 638

(C) The superintendent shall not renew a license if any of 639
the following conditions apply: 640

(1) The licensed home inspector is in violation of any 641
provision of this chapter or order of the board or the 642
superintendent. 643

(2) The licensed home inspector fails to submit proof of 644
holding a comprehensive general liability insurance policy or a 645
commercial general liability insurance policy in accordance with 646
section 4768.11 of the Revised Code. 647

(3) The licensed home inspector fails to submit proof of 648
satisfying the continuing education requirements specified in 649
section 4768.08 of the Revised Code. 650

(D) A licensed home inspector who fails to submit the proof 651
required under division (C)(2) or (3) of this section may obtain a 652
license by following the application procedures and meeting the 653
requirements for obtaining a license set forth in section 4768.07 654
of the Revised Code and by paying the application and licensure 655
fee established in rules adopted by the board pursuant to division 656
(A)(2) of section 4768.05 of the Revised Code. 657

Sec. 4768.10. The superintendent of real estate and 658
professional licensing may issue a home inspector license to an 659
individual who holds a license, registration, or certification as 660
a home inspector in another jurisdiction if that individual 661
submits an application on a form the superintendent provides, pays 662
the fee the Ohio home inspector board prescribes, and satisfies 663
all of the following requirements: 664

(A) The individual is licensed, registered, or certified as a 665
home inspector in a jurisdiction the board determines grants the 666
same privileges to persons licensed under this chapter as this 667

state grants to persons in that jurisdiction, and that 668
jurisdiction has licensing, registration, or certification 669
requirements that are substantially similar to, or exceed, those 670
of this state. 671

(B) The individual files proof of signing a pledge with the 672
board stating that the individual is familiar with and shall 673
comply with this chapter and the rules adopted by the board 674
pursuant to division (A)(13) of section 4768.05 of the Revised 675
Code. 676

(C) The individual agrees to all of the following in a 677
written statement that the individual submits to the 678
superintendent: 679

(1) To provide the superintendent the name and address of an 680
agent to receive service of process in this state or that the 681
individual authorizes the superintendent to act as agent for that 682
individual; 683

(2) That service of process in accordance with the Revised 684
Code is proper and the individual is subject to the jurisdiction 685
of the courts of this state; 686

(3) That any cause of action arising out of the conduct of 687
the individual's business in this state shall be filed in the 688
county in which the events that gave rise to that cause of action 689
occurred. 690

Sec. 4768.11. Every licensed home inspector shall maintain, 691
or be covered by, a comprehensive general liability insurance 692
policy or a commercial general liability insurance policy with 693
coverage limits of not less than one hundred thousand dollars per 694
occurrence and not less than a three hundred thousand dollar 695
aggregate limit, providing coverage against liability of the 696
licensed home inspector for loss, damage, or expense as a result 697

of an act that occurred while the licensed home inspector was on 698
the premises performing a home inspection. If the employer of a 699
licensed home inspector maintains such an insurance policy 700
covering the licensed home inspector, the licensed home inspector 701
is not required to maintain the licensed home inspector's own 702
comprehensive general liability insurance policy or commercial 703
general liability insurance policy. 704

Sec. 4768.12. (A) The superintendent of real estate and 705
professional licensing shall investigate complaints against 706
licensed home inspectors on receipt of a complaint concerning any 707
alleged violation of this chapter. The superintendent may employ 708
investigators and auditors to assist in investigating complaints 709
and conducting investigations, audits, and other inquiries that 710
the superintendent considers appropriate to enforce this chapter. 711
The investigators and auditors may review and audit, during normal 712
business hours, the licensed home inspector's business records 713
that are directly related to complaints. 714

(B) Within five days after a person files a complaint against 715
a licensed home inspector with the superintendent, the 716
superintendent shall provide to that person an acknowledgment of 717
the receipt of the complaint and send a notice regarding that 718
complaint to the licensee who is the subject of the complaint. The 719
superintendent shall include in that notice a description of the 720
activities in which the licensed home inspector allegedly engaged 721
that violate this chapter. Within twenty days after the 722
superintendent sends the notice to the complainant and the 723
licensed home inspector who is the subject of the complainant's 724
complaint, the complainant and the licensed home inspector may 725
file with the superintendent a request to have an informal 726
mediation hearing. If both the complainant and the licensed home 727
inspector file such a request, the superintendent shall notify the 728
complainant and the licensed home inspector of the date and time 729

of the informal mediation hearing. An investigator employed by the 730
superintendent shall conduct the informal mediation hearing. If 731
the complainant and the licensed home inspector reach an 732
accommodation during that informal mediation hearing, the 733
investigator shall send a written report describing the 734
accommodation to the superintendent, complainant, and licensee. 735
Notwithstanding division (C) of this section, the written report 736
describing the accommodation is a public record for purposes of 737
section 149.43 of the Revised Code. The superintendent shall close 738
the complaint upon satisfactory completion of the accommodation. 739
If the licensee or the complainant fails to file a request for an 740
informal mediation hearing, or if the parties fail to agree on an 741
accommodation during that informal mediation hearing, the 742
superintendent shall proceed with an investigation of the 743
complaint. 744

(C) All information related to investigations and audits is 745
confidential and is not a public record under section 149.43 of 746
the Revised Code. Nothing in this section shall be construed as 747
prohibiting the superintendent from releasing information relating 748
to a licensed home inspector to a law enforcement officer, the 749
attorney general, or the appropriate prosecutorial authority. If 750
the attorney general, a law enforcement officer, or a 751
prosecutorial authority receives information relating to a 752
licensed home inspector from the superintendent under this section 753
the attorney general, law enforcement officer, or prosecutorial 754
authority shall comply with the same requirements regarding 755
confidentiality as those with which the superintendent must 756
comply, notwithstanding any conflicting provision of the Revised 757
Code or procedure of the attorney general, law enforcement 758
officer, or prosecutorial authority that applies when the attorney 759
general, law enforcement officer, or prosecutorial authority is 760
dealing with other information in its possession. 761

(D) The Ohio home inspector board or the superintendent may 762
compel, by order or subpoena, the attendance of witnesses to 763
testify in relation to any matter over which the board or 764
superintendent has jurisdiction and which is the subject of 765
inquiry and investigation by the board or superintendent, and 766
require the production of any book, paper, or document pertaining 767
to such matter. For such purpose, the board or superintendent 768
shall have the same power as judges of county courts to administer 769
oaths, compel the attendance of witnesses, and punish them for 770
refusal to testify. Service of the subpoena may be made by 771
sheriffs or constables, or by certified mail, return receipt 772
requested, and the subpoena shall be considered served on the date 773
delivery is made or the date the person refused to accept 774
delivery. A witness shall receive, after the witness's appearance 775
before the board or superintendent, the fees and mileage allowed 776
in civil actions in courts of common pleas. If two or more 777
witnesses travel together in the same vehicle, the mileage fee 778
shall be paid to only one of those witnesses, but the witnesses 779
may agree to divide the fee among themselves in any manner. 780

(E) In addition to the powers granted to the board and 781
superintendent under this section, in case any person fails to 782
file any statement or report, obey any subpoena, give testimony, 783
answer questions, or produce any books, records, or papers as 784
required by the board or superintendent under this chapter, the 785
court of common pleas of any county in the state, upon application 786
made to it by the board or superintendent setting forth such 787
failure, may make an order awarding process of subpoena or 788
subpoena duces tecum for the person to appear and testify before 789
the board or superintendent, and may order any person to give 790
testimony and answer questions, and to produce books, records, or 791
papers, as required by the board or superintendent. Upon the 792
filing of such order in the office of the clerk of the court of 793
common pleas, the clerk, under the seal of the court, shall issue 794

process of subpoena for the person to appear before the board or 795
superintendent at a time and place named in the subpoena, and each 796
day thereafter until the examination of such person is completed. 797
The subpoena may contain a direction that the witness bring with 798
the witness to the examination any books, records, or papers 799
mentioned in the subpoena. The clerk shall also issue, under the 800
seal of the court, such other orders, in reference to the 801
examination, appearance, and production of books, records, or 802
papers, as the court directs. If any person so summoned by 803
subpoena fails to obey the subpoena, to give testimony, to answer 804
questions as required, or to obey an order of the court, the 805
court, on motion supported by proof, may order an attachment for 806
contempt to be issued against the person charged with disobedience 807
of any order or injunction issued by the court under this chapter. 808
If the person is brought before the court by virtue of the 809
attachment, and if upon a hearing the disobedience appears, the 810
court may order the offender to be committed and kept in close 811
custody. 812

Sec. 4768.13. (A) If, upon examining the results of an 813
investigation, the superintendent of real estate and professional 814
licensing determines that reasonable evidence exists that a 815
licensed home inspector has violated this chapter or Chapter 1345. 816
of the Revised Code or engaged in an activity described in 817
divisions (A) to (H) of section 4768.14 of the Revised Code, the 818
superintendent shall proceed in accordance with the notice and 819
hearing requirements prescribed in Chapter 119. of the Revised 820
Code. After a hearing officer conducts a hearing and issues a 821
report and recommendations pursuant to division (D) of this 822
section, the Ohio home inspector board shall review the report and 823
recommendations and shall order the disciplinary action the board 824
considers appropriate, which may include any one or more of the 825
following: 826

<u>(1) A reprimand;</u>	827
<u>(2) A fine not exceeding one thousand dollars per violation;</u>	828
<u>(3) Completion of hours of education in subjects related to the underlying cause of the violation in an amount determined by the board;</u>	829 830 831
<u>(4) Suspension of the license until the licensed home inspector complies with conditions the board establishes;</u>	832 833
<u>(5) Suspension of the license for a specific period of time;</u>	834
<u>(6) Revocation of the license.</u>	835
<u>(B) The superintendent shall not credit any hours of education a licensed home inspector completes in accordance with division (A)(3) of this section toward satisfying the requirements for continuing education specified in section 4768.08 of the Revised Code.</u>	836 837 838 839 840
<u>(C) At any time after the superintendent notifies a licensed home inspector in accordance with division (A) of this section that a hearing will be held but before the date of the hearing, the licensed home inspector may apply to the superintendent to enter into a settlement agreement regarding the alleged violation. The superintendent and the licensed home inspector shall comply with the requirements for settlement agreements established in rules adopted by the board pursuant to division (A)(15) of section 4768.05 of the Revised Code. If the parties enter into the settlement agreement and comply with all of the requirements set forth in that agreement, the investigation regarding that alleged violation is considered closed. Notwithstanding division (C) of section 4768.12 of the Revised Code, the settlement agreement is a public record for purposes of section 149.43 of the Revised Code.</u>	841 842 843 844 845 846 847 848 849 850 851 852 853 854
<u>(D) The superintendent shall appoint a hearing officer to conduct adjudication hearings in accordance with Chapter 119. of</u>	855 856

the Revised Code. The superintendent shall appoint a person who 857
has been admitted to the practice of law in this state to serve as 858
the hearing officer. 859

In accordance with section 119.09 of the Revised Code, after 860
conducting a hearing, a hearing officer shall submit to the board 861
a report of the hearing and a recommendation for the action to be 862
taken against the licensed home inspector. All parties may file 863
objections to the report and recommendations as permitted under 864
that section, and the board shall issue an order in accordance 865
with the procedures prescribed in that section. 866

(E) The decision and order of the board is final, subject to 867
review in the manner provided in Chapter 119. of the Revised Code 868
and appeal to the court of common pleas in Franklin county. 869

Sec. 4768.14. The superintendent of real estate and 870
professional licensing may refuse to issue or renew a license if 871
the applicant for the license or renewal has done any of the 872
following: 873

(A) Accepted compensation or other valuable consideration 874
from more than one interested party for the same service without 875
the written consent of all interested parties; 876

(B) Accepted commissions, allowances, or other valuable 877
consideration, directly or indirectly, from other parties who deal 878
with a client in connection with the home inspection for which the 879
home inspector is responsible, or from other parties who are 880
involved in any part of the real estate transaction involving a 881
residential building for which that home inspector conducted a 882
home inspection; 883

(C) Repaired, replaced, or upgraded, or solicited to repair, 884
replace, or upgrade, for compensation or other valuable 885
consideration, systems or components in a residential building 886

within one year after completing a home inspection of that residential building; 887
888

(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; 889
890
891
892

(E) Pleaded guilty to or been convicted of, in a court of competent jurisdiction and during the five years immediately preceding the date the applicant submits the applicant's application for licensure or renewal, a felony or an equivalent offense under the laws of any other state or the United States; 893
894
895
896
897

(F) Pleaded guilty to or was convicted of, in a court of competent jurisdiction, any crime of moral turpitude or was required to register under Chapter 2950. of the Revised Code; 898
899
900

(G) Failed to satisfy the continuing education requirements specified in section 4768.08 of the Revised Code; 901
902

(H) 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; 903
904
905
906

(I) Violated a provision of this chapter or Chapter 1345. of the Revised Code. 907
908

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. 909
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Sec. 4768.16. (A) Upon receipt of a written complaint or upon 915

the motion of the superintendent of real estate and professional 916
licensing, the superintendent may investigate any person that has 917
allegedly violated section 4768.02 of the Revised Code, except 918
that the superintendent shall not investigate a complaint under 919
this section if the person who is the subject of the complaint 920
held a valid license issued under this chapter any time during the 921
twelve months preceding the date of the alleged violation. At any 922
time before, during, or after the investigation, the 923
superintendent may refer any complaint or investigation to the 924
consumer protection section of the attorney general's office for 925
enforcement action authorized by Chapter 1345. of the Revised 926
Code. 927

(B) The superintendent has the same powers to investigate an 928
alleged violation of section 4768.02 of the Revised Code as those 929
powers specified in section 4768.12 of the Revised Code. If, after 930
an investigation pursuant to section 4768.12 of the Revised Code, 931
the superintendent determines that reasonable evidence exists that 932
a person has violated section 4768.02 of the Revised Code, within 933
seven days after that determination, the superintendent shall send 934
a written notice to that person by regular mail and shall include 935
in the notice the information specified in section 119.07 of the 936
Revised Code for notices given to licensees, except that the 937
notice shall specify that a hearing will be held and specify the 938
date, time, and place of the hearing. 939

(C) The Ohio home inspector board shall hold a hearing 940
regarding the alleged violation in the same manner prescribed for 941
an adjudication hearing under section 119.09 of the Revised Code. 942
If the board, after the hearing, determines a violation has 943
occurred, the board may impose a fine on the person, not exceeding 944
five hundred dollars per violation. Each day a violation occurs or 945
continues is a separate violation. The board shall determine the 946
terms of payment. The board shall maintain a transcript of the 947

proceedings of the hearing and issue a written opinion to all 948
parties, citing its findings and grounds for any action taken. The 949
board's determination regarding a violation of section 4768.02 of 950
the Revised Code is an order that the person may appeal in 951
accordance with section 119.12 of the Revised Code. 952

(D) If the person who allegedly committed a violation of 953
section 4768.02 of the Revised Code fails to appear for a hearing, 954
the board may request the court of common pleas of the county 955
where the alleged violation occurred to compel the person to 956
appear before the board for a hearing. 957

(E) If the board assesses a person a civil penalty for a 958
violation of section 4768.02 of the Revised Code and the person 959
fails to pay that civil penalty within the time period prescribed 960
by the board, the superintendent shall forward to the attorney 961
general the name of the person and the amount of the civil penalty 962
for the purpose of collecting that civil penalty. In addition to 963
the civil penalty assessed pursuant to this section, the person 964
also shall pay any fee assessed by the attorney general for 965
collection of the civil penalty. 966

Sec. 4768.17. (A) Except as provided in divisions (B) and (C) 967
of this section, nothing in this chapter shall be construed to 968
create or imply a private cause of action against a licensed home 969
inspector for a violation of this chapter if that action is not 970
otherwise maintainable under common law. Nothing in this chapter 971
shall be construed to waive or remove any cause of action that may 972
arise under Chapter 1345. of the Revised Code. 973

(B) An action for damages that is based on professional 974
services that were rendered or that should have been rendered by a 975
licensed home inspector shall not be brought, commenced, or 976
maintained unless the action is filed within two years after the 977
date that the home inspection is performed. 978

(C) The statute of limitations specified in division (B) of this section shall be tolled for the period that begins on the date the client files a complaint with the superintendent of real estate and professional licensing as provided in section 4768.16 of the Revised Code and ends on any of the following dates, whichever occurs latest:

(1) The date the superintendent declines to investigate the client's complaint;

(2) The date the superintendent determines reasonable evidence does not exist that the person has violated section 4768.02 of the Revised Code;

(3) The date the Ohio home inspector board determines whether a violation has occurred.

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

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

Sec. 4768.18. The superintendent of real estate and professional licensing shall deposit all money collected under this chapter in the state treasury to the credit of the home inspectors fund, which is hereby created. Money credited to the fund shall be used solely by the superintendent to pay costs

associated with the administration and enforcement of this 1009
chapter. 1010

Sec. 4768.19. On receipt of a notice pursuant to section 1011
3123.43 of the Revised Code, the superintendent of real estate and 1012
professional licensing shall comply with sections 3123.41 to 1013
3123.50 of the Revised Code and any applicable rules adopted under 1014
section 3123.63 of the Revised Code with respect to a license 1015
issued pursuant to this chapter. 1016

Sec. 4768.99. Whoever violates division (A) of section 1017
4768.02 of the Revised Code is guilty of a misdemeanor of the 1018
third degree on a first offense and a misdemeanor of the first 1019
degree on each subsequent offense. A violation of section 4768.02 1020
of the Revised Code is an unfair and deceptive act or practice in 1021
violation of section 1345.02 of the Revised Code. 1022

Section 2. That existing sections 121.08 and 4745.01 of the 1023
Revised Code are hereby repealed. 1024

Section 3. Section 4768.02 of the Revised Code takes effect 1025
two hundred ten days after the effective date of this act. 1026

Section 4. Notwithstanding section 4768.04 of the Revised 1027
Code as enacted by this act, persons appointed to the Ohio Home 1028
Inspector Board during the first year after the effective date of 1029
this act need not be licensed as required under that section. 1030

Section 5. Not later than one hundred eighty days after the 1031
effective date of this act, the Ohio Home Inspector Board shall 1032
adopt the rules the Board is required to adopt under this act. 1033

Section 6. (A) Notwithstanding section 4768.07 of the Revised 1034
Code, as enacted by this act, and except as provided under section 1035

4768.14 of the Revised Code, as enacted by this act, during the 1036
period of time beginning on the date the last initial member of 1037
the Ohio Home Inspector Board is appointed pursuant to section 1038
4768.04 of the Revised Code, as enacted by this act, and ending 1039
one hundred twenty days after that date, the Superintendent of 1040
Real Estate and Professional Licensing shall issue a home 1041
inspector license if an individual applies for a license on a form 1042
the Superintendent provides and pays the fee specified in section 1043
4768.05 of the Revised Code, as enacted by this act, and if the 1044
applicant demonstrates all of the following: 1045

(1) Proof of maintaining or being covered by a comprehensive 1046
general liability insurance policy or a commercial general 1047
liability insurance policy in accordance with section 4768.11 of 1048
the Revised Code, as enacted by this act; 1049

(2) Proof by direct documentation or signed affidavit 1050
attesting to having met any one of the following requirements to 1051
demonstrate participation in the home inspection field prior to 1052
the effective date of this act: 1053

(a) Having performed at least two hundred home inspections 1054
for clients for compensation or other valuable consideration; 1055

(b) Having successfully passed the National Home Inspector 1056
Examination offered by the Examination Board of the Professional 1057
Home Inspectors or having successfully passed the nationally 1058
recognized examination approved by the Board pursuant to division 1059
(B) of section 4768.05 of the Revised Code, as enacted by this 1060
act; 1061

(c) Having actively operated a home inspection business in 1062
this state for three years before the effective date of this act 1063
under a business name officially registered with the Secretary of 1064
State; 1065

(d) Having been employed as a home inspector for the 1066

consecutive twenty-four months before the effective date of this 1067
act by an inspection company or individual whose owner or manager 1068
meets the license requirement specified in this section. 1069

(3) Proof of signing a pledge agreeing to comply with the 1070
requirements specified in rules adopted by the Board pursuant to 1071
division (A)(13) of section 4768.05 of the Revised Code, as 1072
enacted by this act; 1073

(4) In a written statement, acknowledge that the individual 1074
understands the grounds for any disciplinary action that may be 1075
initiated under Chapter 4768. of the Revised Code, as enacted by 1076
this act. 1077

If the Board determines necessary, the Board may request the 1078
Superintendent to have a criminal records check conducted pursuant 1079
to section 121.08 of the Revised Code and the rules adopted by the 1080
Board pursuant to division (A)(16) of section 4768.05 of the 1081
Revised Code, as enacted by this act, on any applicant who applies 1082
for a license under this section. 1083

(B) Any license issued under this section shall expire one 1084
year after the date the license was issued. A licensed home 1085
inspector may renew the licensed home inspector's license in 1086
accordance with section 4768.09 of the Revised Code, as enacted by 1087
this act. 1088

(C) As used in this section, "home inspection" and 1089
"residential building" have the same meanings as in section 1090
4768.01 of the Revised Code, as enacted by this act. "Home 1091
inspector" means an individual who conducts home inspections for 1092
compensation or other valuable consideration. 1093