

**LSC 127 0207-7**

**127th General Assembly  
Regular Session  
2007-2008**

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

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**A BILL**

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 powers and perform the functions and duties delegated to the superintendent by the director of commerce under section 121.07 and Chapter 169. of the Revised Code, and as may otherwise be provided by law.

(K) The department of commerce or a division of the department created by the Revised Code that is acting with authorization on the department's behalf may request from the bureau of criminal identification and investigation pursuant to section 109.572 of the Revised Code, or coordinate with appropriate federal, state, and local government agencies to accomplish, criminal records checks for the persons whose identities are required to be disclosed by an applicant for the issuance or transfer of a permit, license, certificate of registration, or certification issued or transferred by the department or division. At or before the time of making a request for a criminal records check, the department or division may require any person whose identity is required to be disclosed by an applicant for the issuance or transfer of such a license, permit, certificate of registration, or certification to submit to the department or division valid fingerprint impressions in a format and by any media or means acceptable to the bureau of criminal identification and investigation and, when applicable, the federal bureau of investigation. The department or division may cause the bureau of criminal identification and investigation to conduct a criminal records check through the federal bureau of investigation only if the person for whom the criminal records check would be conducted resides or works outside of this state or has resided or worked outside of this state during the preceding five years, or if a criminal records check conducted by the bureau of criminal identification and investigation within this state indicates that the person may have a criminal record outside of this state.

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 department, division, board, section of a board, or other state governmental unit subject to the standard renewal procedure, as defined in this section, and authorized by the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.

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

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

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

**Sec. 4768.01. As used in this chapter:**

(A) "Client" means a person who enters into a contract with a licensed home inspector to retain for compensation 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. 215  
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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 the Revised Code, while concurrently performing the primary home inspection of the same residential building for the licensed home inspector's client. 236  
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(F) "Readily accessible" means available for visual 245

inspection without requiring a person to move or dismantle 246  
personal property, take destructive measures, or take any other 247  
action that will involve risk to a person or to the property. 248

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

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

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

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

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

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

(C) A person registered as a professional engineer under 269  
Chapter 4733. of the Revised Code; 270

(D) A heating, ventilating, and air conditioning contractor, 271  
refrigeration contractor, electrical contractor, plumbing 272  
contractor, or hydronics contractor who is licensed under Chapter 273  
4740. or section 3781.102 of the Revised Code or who is licensed 274

or registered under section 715.27 of the Revised Code; 275

(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 289  
board consisting of five members. The governor shall appoint three 290  
members who are licensed home inspectors and who each represent 291  
different national organizations that consist of and represent 292  
home inspectors. Of the members appointed by the governor, one 293  
shall be an independent licensed home inspector and one shall be a 294  
member or representative of a home inspection franchise business. 295  
The president of the senate and the speaker of the house of 296  
representatives each shall appoint one member who represents the 297  
public and has no financial interest in the home inspection 298  
industry. Not more than three members of the board shall be 299  
members of the same political party. 300

The governor, president of the senate, and speaker of the 301  
house of representatives shall make the initial appointments to 302  
the board not later than ninety days after the effective date of 303  
this section. Of the initial appointments to the board, the 304

governor shall appoint one member to a term ending one year after 305  
the effective date of this section, one member to a term ending 306  
three years after that date, and one member to a term ending five 307  
years after that date. The president of the senate shall appoint 308  
one member to a term ending two years after that date, and the 309  
speaker of the house of representatives shall appoint one member 310  
to a term ending four years after that date. Thereafter, each term 311  
shall be for five years, ending on the same day of the same month 312  
as the term that it succeeds. Each member shall hold office from 313  
the date of appointment until the end of the term for which the 314  
member was appointed. Vacancies shall be filled in the manner 315  
provided for original appointments. A member appointed to fill a 316  
vacancy prior to the expiration of a term shall hold office for 317  
the remainder of that term. A member shall continue in office 318  
subsequent to the expiration of the term until the member's 319  
successor takes office. 320

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

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

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

(1) Establish standards to govern disciplinary proceedings 330  
conducted pursuant to section 4768.13 of the Revised Code and the 331  
reinstatement of home inspector licenses the board suspends or 332  
revokes pursuant to those proceedings; 333

(2) Establish the amount of the following fees in an amount 334  
that is sufficient to defray necessary expenses incurred in the 335

<u>administration of this chapter:</u>	336
<u>(a) The fee, which shall not exceed two hundred fifty dollars, for applying for and receiving a license issued under section 4768.07 of the Revised Code;</u>	337 338 339
<u>(b) The fee, which shall not exceed two hundred fifty dollars, for renewal of a license under section 4768.09 of the Revised Code;</u>	340 341 342
<u>(c) Any other fees as required by this chapter.</u>	343
<u>(3) Specify the information that must be provided on an application for licensure under this chapter;</u>	344 345
<u>(4) Establish procedures for processing, approving, and denying applications for licensure under this chapter;</u>	346 347
<u>(5) In accordance with division (C) of this section, specify methods and procedures the board shall use to approve a curriculum of education individuals must successfully complete to obtain a license under this chapter;</u>	348 349 350 351
<u>(6) In accordance with division (D) of this section, specify methods and procedures the board shall use to approve a curriculum of experience that an individual may elect to complete the proof of experience requirement specified in division (A)(6) of section 4768.07 of the Revised Code;</u>	352 353 354 355 356
<u>(7) Establish the administrative reporting and review requirements for parallel inspections or field experience to assure that an applicant for a license satisfies the requirements of division (A)(6) of section 4768.07 of the Revised Code, as applicable;</u>	357 358 359 360 361
<u>(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</u>	362 363 364 365

requirements are updated periodically to make those requirements 366  
consistent with home inspection industry practices; 367

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

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

(11) Establish both of the following fees: 382

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

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

(12) Establish reporting requirements for a licensed home 391  
inspector to follow to demonstrate that the licensed home 392  
inspector successfully completed the continuing education 393  
requirements specified in section 4768.08 of the Revised Code, and 394  
procedures for the superintendent to follow to determine the 395  
veracity of the licensed home inspector's continuing education 396

<u>report;</u>	397
<u>(13) Establish requirements for conducting home inspections</u>	398
<u>and standards of practice for home inspectors and conflict of</u>	399
<u>interest prohibitions to the extent that those provisions do not</u>	400
<u>conflict with divisions (A) to (D) of section 4768.14 of the</u>	401
<u>Revised Code;</u>	402
<u>(14) Specify the format and content of all affidavits and</u>	403
<u>other documents required for the administration of this chapter;</u>	404
<u>(15) Specify requirements for settlement agreements entered</u>	405
<u>into between the superintendent and a licensed home inspector</u>	406
<u>under division (C) of section 4768.13 of the Revised Code;</u>	407
<u>(16) Establish procedures, in accordance with division (K) of</u>	408
<u>section 121.08 of the Revised Code, to have criminal records</u>	409
<u>checks conducted by the bureau of criminal identification and</u>	410
<u>investigation for all applicants for licensure.</u>	411
<u>(B) The board shall approve a nationally recognized</u>	412
<u>examination that the board determines is valid and reliable that</u>	413
<u>individuals must pass to obtain a license issued under this</u>	414
<u>chapter.</u>	415
<u>(C) The board shall approve a curriculum of education</u>	416
<u>individuals must successfully complete to obtain a license issued</u>	417
<u>under this chapter. The board shall approve only a curriculum of</u>	418
<u>education that includes a requirement that an individual, in order</u>	419
<u>to successfully complete the curriculum, complete at least forty</u>	420
<u>hours of classroom instruction, including instruction about</u>	421
<u>compliance with the requirements specified in this chapter,</u>	422
<u>inspection safety, report writing, and any other administrative</u>	423
<u>matters required by the board.</u>	424
<u>(D) The board shall approve a curriculum of experience that</u>	425
<u>an individual may elect to complete to satisfy the proof of</u>	426
<u>experience requirement specified in division (A)(6) of section</u>	427

4768.07 of the Revised Code. The board shall approve only a 428  
curriculum of experience that includes a requirement that an 429  
individual, in order to successfully complete the curriculum, must 430  
perform at least forty hours of work in the home inspection field 431  
that allows the individual to obtain practical experience or 432  
training regarding home inspections. 433

Sec. 4768.06. (A) The superintendent of real estate and 434  
professional licensing shall do all of the following: 435

(1) Administer this chapter; 436

(2) Provide the Ohio home inspector board with meeting space, 437  
staff services, and other technical assistance required by the 438  
board to carry out the duties of the board under this chapter; 439

(3) Provide each applicant for a home inspector license with 440  
a copy of the requirements for home inspections specified in rules 441  
adopted by the board pursuant to division (A)(13) of section 442  
4768.05 of the Revised Code, and make those requirements available 443  
to the public by posting them on the web site maintained by the 444  
department of commerce; 445

(4) In accordance with division (B) of this section, issue a 446  
home inspector license to, or renew a home inspector license for, 447  
any person who satisfies the requirements specified in this 448  
chapter for such licensure or renewal; 449

(5) Retain all licensure application materials submitted to 450  
the superintendent, or an electronic image of such materials, for 451  
a period of five years after the date of the receipt of the 452  
materials and maintain a register of the names and addresses of 453  
all individuals to whom the superintendent has issued or renewed a 454  
license under this chapter for a period of five years after the 455  
date of issuance, renewal, or expiration of a license, whichever 456  
is later; 457

(6) Have criminal records checks conducted for each applicant 458  
in accordance with section 121.08 of the Revised Code and the 459  
procedures specified in rules adopted by the board pursuant to 460  
division (A)(16) of section 4768.05 of the Revised Code; 461

(7) In accordance with the procedures specified in rules 462  
adopted by the board in accordance with division (A)(9) of section 463  
4768.05 of the Revised Code, approve an institution, organization, 464  
company, or individual wishing to provide continuing education 465  
courses or programs that satisfy the requirements specified in 466  
rules adopted by the board in accordance with that division and 467  
pays the fee established in rules adopted by the board pursuant to 468  
division (A)(11)(a) of that section; 469

(8) In accordance with the procedures specified in rules 470  
adopted by the board in accordance with division (A)(10) of 471  
section 4768.05 of the Revised Code, approve a course or program 472  
that a licensed home inspector may complete to satisfy the 473  
continuing education requirements specified in section 4768.08 of 474  
the Revised Code if all of the following are satisfied: 475

(a) The course or program is offered by an entity approved by 476  
the superintendent pursuant to division (A)(7) of this section. 477

(b) The course or program satisfies the standards established 478  
in rules adopted by the board pursuant to division (A)(10) of 479  
section 4768.05 of the Revised Code. 480

(c) The entity pays the fee established in rules adopted by 481  
the board pursuant to division (A)(11)(b) of section 4768.05 of 482  
the Revised Code. 483

(9) Issue all orders necessary to implement this chapter; 484

(10) In accordance with section 4768.12 of the Revised Code, 485  
investigate complaints concerning an alleged violation of this 486  
chapter or the conduct of any licensee and subpoena witnesses in 487  
connection with those investigations, as provided in that section; 488

(11) 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. 489  
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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. 493  
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(C) 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. 499  
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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 application shall include all of the following: 503  
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(1) A pledge the applicant signs, agreeing to comply with the rules adopted by the board pursuant to division (A)(13) of section 4768.05 of the Revised Code; 517  
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<u>(2) A statement that the applicant understands the grounds</u>	520
<u>for any disciplinary action that may be initiated under this</u>	521
<u>chapter;</u>	522
<u>(3) Proof of holding a comprehensive general liability</u>	523
<u>insurance policy or a commercial general liability insurance</u>	524
<u>policy in accordance with section 4768.11 of the Revised Code;</u>	525
<u>(4) Proof of successfully passing, within two years before</u>	526
<u>the date of the application, the home inspector examination</u>	527
<u>approved by the board pursuant to division (B) of section 4768.05</u>	528
<u>of the Revised Code;</u>	529
<u>(5) Proof of successfully completing a curriculum of</u>	530
<u>education approved by the board in accordance with rules the board</u>	531
<u>adopts pursuant to division (A)(5) of section 4768.05 of the</u>	532
<u>Revised Code;</u>	533
<u>(6) Proof that the applicant has experience in the field of</u>	534
<u>home inspections by successfully completing a curriculum of</u>	535
<u>experience approved by the board in accordance with rules the</u>	536
<u>board adopts pursuant to division (A)(6) of section 4768.05 of the</u>	537
<u>Revised Code or by successfully completing ten parallel</u>	538
<u>inspections;</u>	539
<u>(7) Proof that the applicant is at least eighteen years of</u>	540
<u>age;</u>	541
<u>(8) Proof that the applicant has graduated from the twelfth</u>	542
<u>grade, received a general educational development diploma, or</u>	543
<u>satisfactorily completed a program that is the equivalent to</u>	544
<u>graduating from the twelfth grade or receiving a general</u>	545
<u>educational development diploma;</u>	546
<u>(9) Any other information the board requires that the board</u>	547
<u>determines is relevant to receiving a license to practice as a</u>	548
<u>licensed home inspector.</u>	549

(B) The superintendent shall not require a person described 550  
in division (B) or (C) of section 4768.03 of the Revised Code who 551  
wishes to obtain a license to perform home inspections under this 552  
chapter to submit proof of education and experience as required 553  
under divisions (A)(5) and (6) of this section in the person's 554  
application in order for that person to receive a license. Such a 555  
person, however, shall satisfy all other requirements specified in 556  
division (A) of this section in order to receive a license. 557

(C) The act of submitting an application to the 558  
superintendent does not create, shall not be construed as 559  
creating, and is not intended to indicate licensure as a home 560  
inspector. 561

**Sec. 4768.08.** During each one-year period that a license is 562  
valid, a licensed home inspector shall successfully complete not 563  
less than fifteen hours of continuing education instruction in 564  
courses or programs directly applicable to the standards of 565  
practice and requirements specified in rules adopted by the Ohio 566  
home inspector board pursuant to division (A)(13) of section 567  
4768.05 of the Revised Code. 568

The superintendent of real estate and professional licensing 569  
shall accept only those courses and programs the superintendent 570  
approves in accordance with division (A)(8) of section 4768.06 of 571  
the Revised Code prior to the date the licensed home inspector 572  
completes the course or program. The superintendent shall not 573  
include parallel inspections completed by a person for credit 574  
toward satisfying the continuing education requirements specified 575  
in this section. 576

**Sec. 4768.09.** (A) A home inspector license issued or renewed 577  
pursuant to this chapter expires one year after the date of 578  
issuance or renewal. 579

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

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

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

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

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(1) The licensed home inspector is in violation of any

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provision of this chapter or order of the board or the 612  
superintendent. 613

(2) The licensed home inspector fails to submit proof of 614  
holding a comprehensive general liability insurance policy or a 615  
commercial general liability insurance policy in accordance with 616  
section 4768.11 of the Revised Code. 617

(3) The licensed home inspector fails to submit proof of 618  
satisfying the continuing education requirements specified in 619  
section 4768.08 of the Revised Code. 620

(D) A licensed home inspector who fails to submit the proof 621  
required under division (C)(2) or (3) of this section may obtain a 622  
license by following the application procedures and meeting the 623  
requirements for obtaining a license set forth in section 4768.07 624  
of the Revised Code and by paying the application and licensure 625  
fee established in rules adopted by the board pursuant to division 626  
(A)(2) of section 4768.05 of the Revised Code. 627

**Sec. 4768.10.** The superintendent of real estate and 628  
professional licensing may issue a home inspector license to an 629  
individual who holds a license, registration, or certification as 630  
a home inspector in another jurisdiction if that individual 631  
submits an application on a form the superintendent provides, pays 632  
the fee the Ohio home inspector board prescribes, and satisfies 633  
all of the following requirements: 634

(A) The individual is licensed, registered, or certified as a 635  
home inspector in a jurisdiction the board determines grants the 636  
same privileges to persons licensed under this chapter as this 637  
state grants to persons in that jurisdiction, and that 638  
jurisdiction has licensing, registration, or certification 639  
requirements that are substantially similar to, or exceed, those 640  
of this state. 641

(B) The individual is familiar with and will abide by this 642  
chapter. 643

(C) The individual agrees to all of the following in a 644  
written statement that the individual submits to the 645  
superintendent: 646

(1) To provide the superintendent the name and address of an 647  
agent to receive service of process in this state or that the 648  
individual authorizes the superintendent to act as agent for that 649  
individual; 650

(2) That service of process in accordance with the Revised 651  
Code is proper and the individual is subject to the jurisdiction 652  
of the courts of this state; 653

(3) That any cause of action arising out of the conduct of 654  
the individual's business in this state shall be filed in the 655  
county in which the events that gave rise to that cause of action 656  
occurred. 657

**Sec. 4768.11.** Every licensed home inspector shall maintain, 658  
or be covered by, a comprehensive general liability insurance 659  
policy or a commercial general liability insurance policy with 660  
coverage limits of not less than one hundred thousand dollars per 661  
occurrence and not less than a three hundred thousand dollar 662  
aggregate limit, providing coverage against liability of the 663  
licensed home inspector for loss, damage, or expense as a result 664  
of an act that occurred while the licensed home inspector was on 665  
the premises performing a home inspection. If the employer of a 666  
licensed home inspector maintains such an insurance policy 667  
covering the licensed home inspector, the licensed home inspector 668  
is not required to maintain the licensed home inspector's own 669  
comprehensive general liability insurance policy or commercial 670  
general liability insurance policy. 671

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

(B) Within five days after a person files a complaint against a licensed home inspector with the superintendent, the superintendent shall provide to that person an acknowledgment of the receipt of the complaint and send a notice regarding that complaint to the licensee who is the subject of the complaint. The superintendent shall include in that notice a description of the activities in which the licensed home inspector allegedly engaged that violate this chapter. Within twenty days after the superintendent sends the notice to the complainant and the licensed home inspector who is the subject of the complainant's complaint, the complainant and the licensed home inspector may file with the superintendent a request to have an informal mediation hearing. If both the complainant and the licensed home inspector file such a request, the superintendent shall notify the complainant and the licensed home inspector of the date and time of the informal mediation hearing. An investigator employed by the superintendent shall conduct the informal mediation hearing. If the complainant and the licensed home inspector reach an accommodation during that informal mediation hearing, the investigator shall send a written report describing the accommodation to the superintendent, complainant, and licensee. Notwithstanding division (C) of this section, the written report

describing the accommodation is a public record for purposes of 704  
section 149.43 of the Revised Code. The superintendent shall close 705  
the complaint upon satisfactory completion of the accommodation. 706  
If the licensee or the complainant fails to file a request for an 707  
informal mediation hearing, or if the parties fail to agree on an 708  
accommodation during that informal mediation hearing, the 709  
superintendent shall proceed with an investigation of the 710  
complaint. 711

(C) All information related to investigations and audits is 712  
confidential and is not a public record under section 149.43 of 713  
the Revised Code. Nothing in this section shall be construed as 714  
prohibiting the superintendent from releasing information relating 715  
to a licensed home inspector to a law enforcement officer or the 716  
appropriate prosecutorial authority. The law enforcement officer 717  
or prosecutorial authority who receives information relating to a 718  
licensed home inspector from the superintendent under this section 719  
shall comply with the same requirements regarding confidentiality 720  
as those with which the superintendent must comply, 721  
notwithstanding any conflicting provision of the Revised Code or 722  
procedure of the law enforcement officer or prosecutorial 723  
authority that applies when the law enforcement officer or 724  
prosecutorial authority is dealing with other information in its 725  
possession. 726

(D) The Ohio home inspector board or the superintendent may 727  
compel, by order or subpoena, the attendance of witnesses to 728  
testify in relation to any matter over which the board or 729  
superintendent has jurisdiction and which is the subject of 730  
inquiry and investigation by the board or superintendent, and 731  
require the production of any book, paper, or document pertaining 732  
to such matter. For such purpose, the board or superintendent 733  
shall have the same power as judges of county courts to administer 734  
oaths, compel the attendance of witnesses, and punish them for 735

refusal to testify. Service of the subpoena may be made by 736  
sheriffs or constables, or by certified mail, return receipt 737  
requested, and the subpoena shall be considered served on the date 738  
delivery is made or the date the person refused to accept 739  
delivery. A witness shall receive, after the witness's appearance 740  
before the board or superintendent, the fees and mileage allowed 741  
in civil actions in courts of common pleas. If two or more 742  
witnesses travel together in the same vehicle, the mileage fee 743  
shall be paid to only one of those witnesses, but the witnesses 744  
may agree to divide the fee among themselves in any manner. 745

(E) In addition to the powers granted to the board and 746  
superintendent under this section, in case any person fails to 747  
file any statement or report, obey any subpoena, give testimony, 748  
answer questions, or produce any books, records, or papers as 749  
required by the board or superintendent under this chapter, the 750  
court of common pleas of any county in the state, upon application 751  
made to it by the board or superintendent setting forth such 752  
failure, may make an order awarding process of subpoena or 753  
subpoena duces tecum for the person to appear and testify before 754  
the board or superintendent, and may order any person to give 755  
testimony and answer questions, and to produce books, records, or 756  
papers, as required by the board or superintendent. Upon the 757  
filing of such order in the office of the clerk of the court of 758  
common pleas, the clerk, under the seal of the court, shall issue 759  
process of subpoena for the person to appear before the board or 760  
superintendent at a time and place named in the subpoena, and each 761  
day thereafter until the examination of such person is completed. 762  
The subpoena may contain a direction that the witness bring with 763  
the witness to the examination any books, records, or papers 764  
mentioned in the subpoena. The clerk shall also issue, under the 765  
seal of the court, such other orders, in reference to the 766  
examination, appearance, and production of books, records, or 767  
papers, as the court directs. If any person so summoned by 768

subpoena fails to obey the subpoena, to give testimony, to answer 769  
questions as required, or to obey an order of the court, the 770  
court, on motion supported by proof, may order an attachment for 771  
contempt to be issued against the person charged with disobedience 772  
of any order or injunction issued by the court under this chapter. 773  
If the person is brought before the court by virtue of the 774  
attachment, and if upon a hearing the disobedience appears, the 775  
court may order the offender to be committed and kept in close 776  
custody. 777

**Sec. 4768.13.** (A) If, upon examining the results of an 778  
investigation, the superintendent of real estate and professional 779  
licensing determines that reasonable evidence exists that a 780  
licensed home inspector has violated this chapter or engaged in an 781  
activity described in divisions (A) to (G) of section 4768.14 of 782  
the Revised Code, the superintendent shall proceed in accordance 783  
with the notice and hearing requirements prescribed in Chapter 784  
119. of the Revised Code. After a hearing officer conducts a 785  
hearing and issues a report and recommendations pursuant to 786  
division (D) of this section, the Ohio home inspector board shall 787  
review the report and recommendations and shall order the 788  
disciplinary action the board considers appropriate, which may 789  
include any one or more of the following: 790

(1) A reprimand; 791

(2) A fine not exceeding one thousand dollars per violation; 792

(3) Completion of hours of education in subjects related to 793  
the underlying cause of the violation in an amount determined by 794  
the board; 795

(4) Suspension of the license until the licensed home 796  
inspector complies with conditions the board establishes; 797

(5) Suspension of the license for a specific period of time; 798

(6) Revocation of the license. 799

(B) The superintendent shall not credit any hours of 800  
education a licensed home inspector completes in accordance with 801  
division (A)(3) of this section toward satisfying the requirements 802  
for continuing education specified in section 4768.08 of the 803  
Revised Code. 804

(C) At any time after the superintendent notifies a licensed 805  
home inspector in accordance with division (A) of this section 806  
that a hearing will be held but before the date of the hearing, 807  
the licensed home inspector may apply to the superintendent to 808  
enter into a settlement agreement regarding the alleged violation. 809  
The superintendent and the licensed home inspector shall comply 810  
with the requirements for settlement agreements established in 811  
rules adopted by the board pursuant to division (A)(15) of section 812  
4768.05 of the Revised Code. If the parties enter into the 813  
settlement agreement and comply with all of the requirements set 814  
forth in that agreement, the investigation regarding that alleged 815  
violation is considered closed. Notwithstanding division (C) of 816  
section 4768.12 of the Revised Code, the settlement agreement is a 817  
public record for purposes of section 149.43 of the Revised Code. 818

(D) The superintendent shall appoint a hearing officer to 819  
conduct adjudication hearings in accordance with Chapter 119. of 820  
the Revised Code. The superintendent shall appoint a person who 821  
has been admitted to the practice of law in this state to serve as 822  
the hearing officer. 823

In accordance with section 119.09 of the Revised Code, after 824  
conducting a hearing, a hearing officer shall submit to the board 825  
a report of the hearing and a recommendation for the action to be 826  
taken against the licensed home inspector. All parties may file 827  
objections to the report and recommendations as permitted under 828  
that section, and the board shall issue an order in accordance 829  
with the procedures prescribed in that section. 830

(E) The decision and order of the board is final, subject to 831  
review in the manner provided in Chapter 119. of the Revised Code 832  
and appeal to the court of common pleas in Franklin county. 833

Sec. 4768.14. The superintendent of real estate and 834  
professional licensing may refuse to issue or renew a license if 835  
the applicant for the license or renewal has done any of the 836  
following: 837

(A) Accepted compensation or other valuable consideration 838  
from more than one interested party for the same service without 839  
the written consent of all interested parties; 840

(B) Accepted commissions, allowances, or other valuable 841  
consideration, directly or indirectly, from other parties who deal 842  
with a client in connection with the home inspection for which the 843  
home inspector is responsible, or from other parties who are 844  
involved in any part of the real estate transaction involving a 845  
residential building for which that home inspector conducted a 846  
home inspection; 847

(C) Repaired, replaced, or upgraded, or solicited to repair, 848  
replace, or upgrade, for compensation, systems or components in a 849  
residential building after completing a home inspection of that 850  
residential building but prior to the close of the real estate 851  
transaction associated with that home inspection and the 852  
resolution of all contingent issues involving that building and 853  
transaction; 854

(D) Failed to disclose promptly to a client written 855  
information about any business interest of the home inspector that 856  
may affect the client in connection with the home inspection; 857

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(E) Pleaded guilty to or been convicted of, in a court of 859  
competent jurisdiction, any crime of moral turpitude or a felony, 860

or an equivalent offense under the laws of any other state or the 861  
United States, or was required to register under Chapter 2950. of 862  
the Revised Code; 863

(F) Failed to satisfy the continuing education requirements 864  
specified in section 4768.08 of the Revised Code; 865

(G) Failed to maintain or be covered by a comprehensive 866  
general liability insurance policy or a commercial general 867  
liability insurance policy as required under section 4768.11 of 868  
the Revised Code; 869

(H) Violated a provision of this chapter. 870

**Sec. 4768.15.** The superintendent of real estate and 871  
professional licensing may apply to any court of common pleas to 872  
enjoin a violation of this chapter. Upon a showing by the 873  
superintendent that a person has violated or is violating this 874  
chapter, the court shall grant an injunction, restraining order, 875  
or other appropriate relief. 876

**Sec. 4768.16.** (A) Upon receipt of a written complaint or upon 877  
the motion of the superintendent of real estate and professional 878  
licensing, the superintendent may investigate any person that has 879  
allegedly violated section 4768.02 of the Revised Code, except 880  
that the superintendent shall not investigate a complaint under 881  
this section if the person who is the subject of the complaint 882  
held a valid license issued under this chapter any time during the 883  
twelve months preceding the date of the alleged violation. 884

(B) The superintendent has the same powers to investigate an 885  
alleged violation of section 4768.02 of the Revised Code as those 886  
powers specified in section 4768.12 of the Revised Code. If, after 887  
an investigation pursuant to section 4768.12 of the Revised Code, 888  
the superintendent determines that reasonable evidence exists that 889  
a person has violated this section, within seven days after that 890

determination, the superintendent shall send a written notice to 891  
that person by regular mail and shall include in the notice the 892  
information specified in section 119.07 of the Revised Code for 893  
notices given to licensees, except that the notice shall specify 894  
that a hearing will be held and specify the date, time, and place 895  
of the hearing. 896

(C) The Ohio home inspector board shall hold a hearing 897  
regarding the alleged violation in the same manner prescribed for 898  
an adjudication hearing under section 119.09 of the Revised Code. 899  
If the board, after the hearing, determines a violation has 900  
occurred, the board may impose a fine on the person, not exceeding 901  
five hundred dollars per violation. Each day a violation occurs or 902  
continues is a separate violation. The board shall determine the 903  
terms of payment. The board shall maintain a transcript of the 904  
proceedings of the hearing and issue a written opinion to all 905  
parties, citing its findings and grounds for any action taken. The 906  
board's determination regarding a violation of section 4768.02 of 907  
the Revised Code is an order that the person may appeal in 908  
accordance with section 119.12 of the Revised Code. 909

(D) If the person who allegedly committed a violation of 910  
section 4768.02 of the Revised Code fails to appear for a hearing, 911  
the board may request the court of common pleas of the county 912  
where the alleged violation occurred to compel the person to 913  
appear before the board for a hearing. 914

(E) If the board assesses a person a civil penalty for a 915  
violation of section 4768.02 of the Revised Code and the person 916  
fails to pay that civil penalty within the time period prescribed 917  
by the board, the superintendent shall forward to the attorney 918  
general the name of the person and the amount of the civil penalty 919  
for the purpose of collecting that civil penalty. In addition to 920  
the civil penalty assessed pursuant to this section, the person 921  
also shall pay any fee assessed by the attorney general for 922

collection of the civil penalty. 923

Sec. 4768.17. (A) Except as provided in divisions (B) and (C) 924  
of this section, nothing in this chapter shall be construed to 925  
create or imply a private cause of action against a licensed home 926  
inspector for a violation of this chapter if that action is not 927  
otherwise maintainable under common law. 928

(B) An action for damages that is based on professional 929  
services that were rendered or that should have been rendered by a 930  
licensed home inspector shall not be brought, commenced, or 931  
maintained unless the action is filed within one year after the 932  
date that the home inspection is performed. 933

(C) Before bringing, commencing, or maintaining an action 934  
under division (B) of this section, a client shall notify the 935  
licensed home inspector of the alleged deficiencies and shall 936  
allow the licensed home inspector the opportunity to review and 937  
remedy the alleged deficiencies. The statute of limitations 938  
specified in division (B) of this section shall be tolled for the 939  
period that begins on the date the client notifies the licensed 940  
home inspector of the alleged deficiencies and that ends on the 941  
date that the licensed home inspector reviews, declines to review, 942  
remedies, or declines to remedy the alleged deficiencies, 943  
whichever comes later. 944

(D) The remedies provided under sections 4768.12 to 4768.15 945  
of the Revised Code are the exclusive remedies for alleged 946  
violations of any conflict of interest prohibitions specified in 947  
the rules adopted by the superintendent pursuant to division 948  
(A)(13) of section 4768.05 of the Revised Code. 949

(E) Nothing in this section shall be construed to prohibit 950  
the superintendent of real estate and professional licensing from 951  
investigating, or to prohibit the Ohio home inspector board from 952  
taking action against a licensed home inspector for violations of 953

this chapter if the investigation commences more than one year 954  
after the date that the licensed home inspector conducts the home 955  
inspection that is the subject of the investigation and action. 956

Sec. 4768.18. The superintendent of real estate and 957  
professional licensing shall deposit all money collected under 958  
this chapter in the state treasury to the credit of the home 959  
inspectors fund, which is hereby created. Money credited to the 960  
fund shall be used solely by the superintendent to pay costs 961  
associated with the administration and enforcement of this 962  
chapter. 963

Sec. 4768.19. On receipt of a notice pursuant to section 964  
3123.43 of the Revised Code, the superintendent of real estate and 965  
professional licensing shall comply with sections 3123.41 to 966  
3123.50 of the Revised Code and any applicable rules adopted under 967  
section 3123.63 of the Revised Code with respect to a license 968  
issued pursuant to this chapter. 969

Sec. 4768.99. Whoever violates division (A) of section 970  
4768.02 of the Revised Code is guilty of a misdemeanor of the 971  
third degree on a first offense and a misdemeanor of the first 972  
degree on each subsequent offense. 973

**Section 2.** That existing sections 121.08 and 4745.01 of the 974  
Revised Code are hereby repealed. 975

**Section 3.** Section 4768.02 of the Revised Code takes effect 976  
two hundred ten days after the effective date of this act. 977

**Section 4.** Notwithstanding section 4768.04 of the Revised 978  
Code as enacted by this act, persons appointed to the Ohio Home 979  
Inspector Board during the first year after the effective date of 980

this act need not be licensed as required under that section. 981

**Section 5.** Not later than one hundred eighty days after the 982  
effective date of this act, the Ohio Home Inspector Board shall 983  
adopt the rules the Board is required to adopt under this act. 984

**Section 6.** (A) Notwithstanding section 4768.07 of the Revised 985  
Code, as enacted by this act, and except as provided under section 986  
4768.14 of the Revised Code, as enacted by this act, during the 987  
period of time beginning on the date the last initial member of 988  
the Ohio Home Inspector Board is appointed pursuant to section 989  
4768.04 of the Revised Code, as enacted by this act, and ending 990  
one hundred twenty days after that date, the Superintendent of 991  
Real Estate and Professional Licensing shall issue a home 992  
inspector license if an individual applies for a license on a form 993  
the Superintendent provides and pays the fee specified in section 994  
4768.05 of the Revised Code, as enacted by this act, and if the 995  
applicant demonstrates all of the following: 996

(1) Proof of maintaining or being covered by a comprehensive 997  
general liability insurance policy or a commercial general 998  
liability insurance policy in accordance with section 4768.11 of 999  
the Revised Code, as enacted by this act; 1000

(2) Proof by direct documentation or signed affidavit 1001  
attesting to having met any one of the following requirements to 1002  
demonstrate participation in the home inspection field prior to 1003  
the effective date of this act: 1004

(a) Having performed at least two hundred home inspections 1005  
for clients for compensation; 1006

(b) Having successfully passed a home inspector examination 1007  
specified in division (A)(4) of section 4768.06 of the Revised 1008  
Code, as enacted by this act; 1009

(c) Having actively operated a home inspection business in 1010

this state for three years before the effective date of this act 1011  
under a business name officially registered with the Secretary of 1012  
State; 1013

(d) Having been employed as a home inspector for the 1014  
consecutive thirty-six months before the effective date of this 1015  
act by an inspection company or individual whose owner or manager 1016  
meets the license requirement specified in this section. 1017

(3) Proof of signing a pledge agreeing to comply with the 1018  
requirements specified in rules adopted by the Board pursuant to 1019  
division (A)(13) of section 4768.05 of the Revised Code, as 1020  
enacted by this act; 1021

(4) In a written statement, acknowledge that the individual 1022  
understands the grounds for any disciplinary action that may be 1023  
initiated under Chapter 4768. of the Revised Code, as enacted by 1024  
this act. 1025

If the Board determines necessary, the Board may request the 1026  
Superintendent to have a criminal records check conducted pursuant 1027  
to section 121.08 of the Revised Code and the rules adopted by the 1028  
Board pursuant to division (A)(16) of section 4768.05 of the 1029  
Revised Code, as enacted by this act, on any applicant who applies 1030  
for a license under this section. 1031

(B) Any license issued under this section shall expire one 1032  
year after the date the license was issued. A licensed home 1033  
inspector may renew the licensed home inspector's license in 1034  
accordance with section 4768.09 of the Revised Code, as enacted by 1035  
this act. 1036

(C) As used in this section, "home inspection" and 1037  
"residential building" have the same meanings as in section 1038  
4768.01 of the Revised Code, as enacted by this act. "Home 1039  
inspector" means an individual who conducts home inspections for 1040  
compensation. 1041