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L-127-0207-4

### MEMORANDUM

To: The Honorable Michelle G. Schneider  
Ohio House of Representatives

From: Julie A. Rishel, Attorney *JAR*

Date: January 15, 2008

Subject: Sub. H.B. 257 of the 127th General Assembly

Enclosed is the legislation you requested, L-127-0207-4, which is a substitute version of H.B. 257 of the 127th General Assembly. H.B. 257 regulates the performance of home inspectors. The table below describes the changes made to H.B. 257 by the enclosed version of the bill. If you have any questions or if I may be of further assistance, please contact me at 387-0605.

Topic	H.B. 257 (As Introduced)	Sub. H.B. 257 (LSC 127-0207-4)
<b>Licensure of home inspectors</b>	Requires an individual who wishes to conduct a home inspection or represent a qualification to conduct a home inspection for compensation to obtain a certification from the Superintendent of Real Estate and Professional Licensing (sec. 4768.02). Refers to a home inspector who obtains that certification as a "certified home inspector" throughout the bill.	Changes "certification" to "license" and the term "certified home inspector" to "licensed home inspector" throughout the bill.

Topic	H.B. 257 (As Introduced)	Sub H.B. 257 (LSC 127-02074)
<p><b>Standards of practice, requirements for home inspections, and conflict of interest prohibitions</b></p>	<p>Specifies standards of practice requirements and conflict of interest prohibitions for home inspectors and requirements for conducting home inspections (secs. 4768.01, 4768.10, 4768.11, and 4768.12).</p>	<p>Removes proposed standards of practice requirements, conflict of interest prohibitions, and requirements for conducting home inspections. Requires the Superintendent to adopt as rules the home inspection requirements, standards of practice requirements, and conflict of interest prohibitions published by a national organization that consists of and represents home inspectors, to the extent that those provisions do not conflict with the bill's provisions concerning reasons for which the Superintendent may refuse to issue or renew a license (secs. 4768.01 and 4768.04(A)(12)).</p>
<p><b>Education requirements for applicants for licensure</b></p>	<p>Requires an applicant, when applying for a license under the bill's regular requirements or under the bill's grandfather provision, to submit proof of successfully completing a course of education of at least eight hours that includes instruction about compliance with the bill's requirements and other topics specified in the bill, but need not include</p>	<p>Requires an applicant to submit proof of successfully completing an education curriculum approved by the Superintendent that includes a requirement that an individual complete at least 40 hours of classroom instruction. Removes proposed exception that instruction need not contain information about the technical knowledge necessary to evaluate the</p>

<b>Topic</b>	<b>H.B. 257 (As Introduced)</b>	<b>Sub. H.B. 257 (LSC 127-0207-4)</b>
	instruction about the technical knowledge necessary to evaluate the condition of a residential building or the functionality of its individual components (sec. 4768.05(A)(6) and Section 5).	condition or functionality of a residential building. Removes requirement that an applicant applying for a license through the bill's grandfathering provisions complete any education requirements. (Secs. 4768.04(D) and 4768.05(A)(5).)
<b>Experience requirements for applicants for licensure</b>	Requires applicants to submit proof of having performed at least ten parallel inspections, as defined in the bill, in the on-site presence of a certified home inspector to satisfy the experience requirements to receive a certification (sec. 4768.05(A)(4)).	Allows an applicant to complete ten parallel inspections or to complete a curriculum of experience approved by the Superintendent that includes at least forty hours of work in the home inspection field to satisfy the experience requirement to obtain a license (secs. 4768.04(A)(6) and (E) and 4768.05(A)(6)).
<b>Examination requirement for applicant</b>	Requires an applicant to successfully pass a home inspector examination administered by the Examination Board of Professional Home Inspectors or any other national standardized home inspector examination that the Superintendent considers, in accordance with the bill's requirements, to be an appropriate measure of whether a person is competent to	Requires an applicant to successfully pass a nationally recognized examination that the Superintendent determines is valid and reliable and that the Superintendent approved and administers (secs. 4768.04(A)(5) and (C) and 4768.05(A)(4)).

Topic	H.B. 257 (As introduced)	Sub. H.B. 257 (LSC 127-0207-4)
	practice as a certified home inspector (sec. 4768.05(A)(5) and (B)).	
<b>Architects and engineers</b>	Specifies that the bill's prohibitions do not apply to a person holding a valid certificate to practice architecture issued under the Architects Law (R.C. Chapter 4703.) or a person registered as a professional engineer under the Professional Engineers and Professional Surveyors Law (R.C. 4733.) if those persons are acting within the scope of practice of their respective professions (sec. 4768.03).	Retains the proposed architects' and professional engineers' exemption, but also specifies that those certified architects or registered engineers who wish to obtain a home inspector's license need not satisfy the education and experience requirements other applicants must satisfy to obtain a license (sec. 4768.05(A) and (B)).
<b>Continuing education providers</b>	Requires the Superintendent to adopt rules to establish procedures to approve an institution, organization, company, or individual who desires to provide continuing education courses or programs. Requires the Superintendent to approve only continuing education courses or programs offered by a person who satisfies requirements specified <i>in the bill</i> . (Secs. 4768.04(A)(6) and 4768.06.)	Retains the proposed requirement that the Superintendent approve continuing education courses and programs offered by providers that the Superintendent approves. Removes the proposed requirements specified <i>in the bill</i> that such a person must satisfy to receive approval from the Superintendent and instead requires the Superintendent to establish those requirements <i>in rules</i> (secs. 4768.04(A)(7) and 4768.06).

<b>Topic</b>	<b>HB 257 (As Introduced)</b>	<b>Sub HB 257 (LSC 127-0207-4)</b>
<b>Performing work on a home that a home inspector inspected</b>	Allows the Superintendent to refuse to issue or renew a certification to anyone who has repaired, replaced, or upgraded, or solicited to repair, replace, or upgrade, for compensation, systems or components specified in the bill, in a residential building within one year after completing a home inspection of that residential building (sec. 4768.15(C)).	Specifies that the Superintendent's license refusal authority applies if a home inspector performs such work during the time period after completing a home inspection of that residential building but prior to the close of the real estate transaction associated with that home inspection and the resolution of all contingent issues involving that building and transaction (sec. 4768.13(C)).

Enclosure: L-127-0207-4

L0207-4.doc/ss