
SENATE BILL 6606

State of Washington

60th Legislature

2008 Regular Session

By Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray, and Rasmussen

Read first time 01/18/08. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to the licensing of home inspectors; adding a new
2 chapter to Title 18 RCW; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** DEFINITIONS. The definitions in this
5 section apply throughout this chapter unless the context clearly
6 requires otherwise.

7 (1) "Board" means the home inspector advisory licensing board.

8 (2) "Department" means the department of licensing.

9 (3) "Director" means the director of the department of licensing.

10 (4) "Entity" or "entities" means educational groups or
11 organizations, national organizations or associations, or a national
12 test organization.

13 (5) "Home inspection" means a professional examination of the
14 current condition of a house.

15 (6) "Home inspector" means a person who carries out a noninvasive
16 examination of the condition of a home, often in connection with the
17 sale of that home, using special equipment and training to carry out
18 the inspection.

1 (7) "Report" means a written report prepared and issued after a
2 home inspection.

3 (8) "Wood destroying organism" means insects or fungi that consume,
4 excavate, develop in, or otherwise modify the integrity of wood or wood
5 products. "Wood destroying organism" includes but is not limited to
6 carpenter ants, moisture ants, subterranean termites, dampwood
7 termites, beetles in the family Anobiidae, and wood decay fungi, known
8 as wood rot.

9 NEW SECTION. **Sec. 2.** LICENSURE REQUIRED. (1) Beginning September
10 1, 2009, a person shall not engage in or conduct, or advertise or hold
11 himself or herself out as engaging in or conducting, the business of or
12 acting in the capacity of a home inspector within this state without
13 first obtaining a license as provided in this chapter.

14 (2) Any person performing the duties of a home inspector on the
15 effective date of this section has two years within which to meet the
16 licensing requirements of this chapter.

17 NEW SECTION. **Sec. 3.** DUTIES OF A LICENSED HOME INSPECTOR. A
18 person licensed under this chapter is responsible for inspecting the
19 following items and reporting on the condition of those items in his or
20 her report: The roof, the basement, the heating system, the water
21 heater, the air-conditioning system, the home's structure, the
22 plumbing, the electrical, and other aspects of the home looking for
23 improper building practices, those items that require extensive repair,
24 and items that are general maintenance issues, as well as fire, safety,
25 and health hazards. The duties of the home inspector with regard to
26 wood destroying organisms are provided in section 19 of this act.

27 NEW SECTION. **Sec. 4.** HOME INSPECTOR ADVISORY LICENSING BOARD.
28 (1) The state home inspector advisory licensing board is created. The
29 board consists of six members appointed by the governor, who shall
30 advise the director concerning the administration of this chapter. Of
31 the appointments to this board, five must be actively engaged as home
32 inspectors immediately prior to their appointment to the board, and one
33 must be currently teaching in a home inspector certificate program.
34 Insofar as possible, the composition of the appointed home inspector
35 members of the board must be generally representative of the geographic

1 distribution of home inspectors licensed under this chapter. No more
2 than one board member may be a member of a particular national home
3 inspector association or organization.

4 (2) A home inspector must have the following qualifications to be
5 appointed to the board:

6 (a) Actively engaged as a home inspector in the state of Washington
7 for five years;

8 (b) Licensed as a home inspector under this chapter; and

9 (c) Performed a minimum of three hundred fifty home inspections in
10 the state of Washington.

11 (3) Members of the board are appointed for three-year terms. Terms
12 must be staggered so that not more than two appointments are scheduled
13 to be made in any calendar year. Members hold office until the
14 expiration of the terms for which they were appointed. The governor
15 may remove a board member for just cause. The governor may appoint a
16 new member to fill a vacancy on the board for the remainder of the
17 unexpired term. All board members are limited to two consecutive
18 terms.

19 (4) Each board member is entitled to compensation for each day
20 spent conducting official business and to reimbursement for travel
21 expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060.

22 NEW SECTION. **Sec. 5.** DIRECTOR'S AUTHORITY. (1) The director has
23 the following authority in administering this chapter:

24 (a) To adopt, amend, and rescind rules approved by the board as
25 deemed necessary to carry out this chapter;

26 (b) To adopt fees as provided in RCW 43.24.086;

27 (c) To administer licensing examinations approved by the board and
28 to adopt or recognize examinations prepared by other entities as
29 approved by the board; and

30 (d) To adopt standards of professional conduct, practice, and
31 ethics as approved by the board.

32 (2) In the event of a stalemate by the board, the director has the
33 authority to provide the deciding vote.

34 NEW SECTION. **Sec. 6.** BOARD'S AUTHORITY. The board has the
35 following authority in administering this chapter:

1 (1) To establish rules, including board organization and assignment
2 of terms, and meeting frequency and timing, for adoption by the
3 director;

4 (2) To establish the minimum qualifications for licensing
5 applicants as provided in this chapter;

6 (3) To approve the method of administration of examinations
7 required by this chapter or by rule as established by the director;

8 (4) To approve the content of or recognition of examinations
9 prepared by other entities for adoption by the director;

10 (5) To set the time and place of examinations with the approval of
11 the director; and

12 (6) To establish and review standards of professional conduct,
13 practice, and ethics for adoption by the director.

14 NEW SECTION. **Sec. 7.** QUALIFICATIONS FOR LICENSURE. In order to
15 become licensed as a home inspector, an applicant must submit the
16 following to the department:

17 (1) An application on a form developed by the department;

18 (2) The fee in an amount set by the department and approved by the
19 board;

20 (3) Proof of a minimum of one hundred twenty hours of classroom
21 instruction approved by the board;

22 (4) Proof of up to forty hours of field training supervised by a
23 licensed home inspector; and

24 (5) Evidence of successful passage of the written exam as required
25 in section 8 of this act.

26 NEW SECTION. **Sec. 8.** WRITTEN EXAMS. Applicants for licensure
27 must pass an exam that is psychometrically valid, reliable, and legally
28 defensible by the state. The exam is to be developed, maintained, and
29 administered by the department. The board shall recommend to the
30 director whether to use an exam that is prepared by a national entity.
31 If an exam prepared by a national entity is used, a section specific to
32 Washington shall be developed by the director and included as part of
33 the entire exam.

34 NEW SECTION. **Sec. 9.** LICENSE LENGTH AND RENEWAL. (1) Licenses

1 are issued for a term of two years and expire on the last day of the
2 month the license was issued.

3 (2) The director, with the assistance of the board, shall set the
4 expiration and renewal cycles of the license.

5 (3) The director may charge a fee for initial and renewal licenses
6 under RCW 43.24.086.

7 NEW SECTION. **Sec. 10.** ADVERTISING. The term "licensed home
8 inspector" and the license number of the inspector must appear on all
9 advertising, correspondence, and documents incidental to a home
10 inspection.

11 NEW SECTION. **Sec. 11.** CONTINUING EDUCATION REQUIREMENTS. (1) As
12 a condition of renewing a license under this chapter, a licensed home
13 inspector shall present satisfactory evidence to the board of having
14 completed the continuing education requirements provided for in this
15 section.

16 (2) Each applicant for license renewal shall complete at least
17 twenty-four hours of instruction in courses approved by the board every
18 two years.

19 NEW SECTION. **Sec. 12.** WRITTEN REPORTS. (1) A licensed home
20 inspector shall provide a written report of the home inspection to each
21 person for whom the inspector performs a home inspection within a time
22 period set by the board in rule. The issues to be addressed in the
23 report shall be set by the board in rule.

24 (2) A licensed home inspector shall not, from the time of the
25 inspection until one year from the date of the report, perform any work
26 other than home inspection-related consultation on the home upon which
27 he or she has performed a home inspection.

28 NEW SECTION. **Sec. 13.** HOME INSPECTOR'S ACCOUNT. The home
29 inspector's account is created in the custody of the state treasurer.
30 All receipts from fines and fees collected under this chapter must be
31 deposited into the account. Expenditures from the account may be used
32 only to carry out the duties required for the operation and enforcement
33 of this chapter. Only the director may authorize expenditures from the

1 account. The account is subject to allotment procedures under chapter
2 43.88 RCW, but an appropriation is not necessary.

3 NEW SECTION. **Sec. 14.** SUSPENSION OF LICENSE. (1) The director
4 shall immediately suspend the license of a person who has been
5 certified pursuant to RCW 74.20A.320 by the department of social and
6 health services as a person who is not in compliance with a child
7 support order. If the person has continued to meet all other
8 requirements for a license under this chapter during the suspension,
9 reissuance of the license is automatic upon the board's receipt of a
10 release issued by the department of social and health services stating
11 that the licensee is in compliance with the child support order. The
12 procedure in RCW 74.20A.320 is the exclusive administrative remedy for
13 contesting the establishment of noncompliance with a child support
14 order, and suspension of a license under this subsection, and satisfies
15 the requirements of RCW 34.05.422.

16 (2) The director, with the assistance of the board, shall establish
17 by rule under what circumstances a home inspector license may be
18 suspended or revoked. These circumstances shall be based upon accepted
19 industry standards and the board's cumulative experience.

20 (3) Any person aggrieved by a decision of the director under this
21 section may appeal the decision as provided in chapter 34.05 RCW.

22 NEW SECTION. **Sec. 15.** CIVIL INFRACTIONS. The department has the
23 authority to issue civil infractions under chapter 7.80 RCW in the
24 following instances:

25 (1) Conducting or offering to conduct a home inspection without
26 being licensed in accordance with this chapter;

27 (2) Presenting or attempting to use as his or her own the home
28 inspector license of another;

29 (3) Giving any false or forged evidence of any kind to the director
30 or his or her authorized representative in obtaining a license;

31 (4) Falsely impersonating any other licensee; or

32 (5) Attempting to use an expired or revoked license.

33 All fees, fines, and penalties collected or assessed by a court
34 because of a violation of this section must be remitted to the
35 department to be deposited into the home inspector's account created in
36 section 13 of this act.

1 NEW SECTION. **Sec. 16.** RELIEF BY INJUNCTION. The director is
2 authorized to apply for relief by injunction without bond, to restrain
3 a person from the commission of any act that is prohibited under
4 section 15 of this act. In such a proceeding, it is not necessary to
5 allege or prove either that an adequate remedy at law does not exist,
6 or that substantial or irreparable damage would result from continued
7 violation. The director, individuals acting on the director's behalf,
8 and members of the board are immune from suit in any action, civil or
9 criminal, based on disciplinary proceedings or other official acts
10 performed in the course of their duties in the administration and
11 enforcement of this chapter.

12 NEW SECTION. **Sec. 17.** EXEMPTION FROM LICENSING. The following
13 persons are exempt from the licensing requirements of this chapter as
14 long as they are acting within the scope of their license or profession
15 at the time the home inspection is conducted:

- 16 (1) Engineers;
- 17 (2) Architects;
- 18 (3) Electricians licensed under chapter 19.28 RCW;
- 19 (4) Plumbers licensed under chapter 18.106 RCW;
- 20 (5) Pest control operators licensed under chapter 15.58 RCW; or
- 21 (6) Structural pest inspectors licensed under chapter 15.58 RCW.

22 NEW SECTION. **Sec. 18.** RECIPROCITY. Persons licensed as home
23 inspectors in other states may become licensed as home inspectors under
24 this chapter as long as the other state has licensing requirements that
25 meet or exceed those required under this chapter and the person seeking
26 a license under this chapter passes the Washington portion of the exam
27 under section 8 of this act.

28 NEW SECTION. **Sec. 19.** STRUCTURAL PEST INSPECTOR. Any person
29 licensed under this chapter who is not also licensed as a pest
30 inspector under chapter 15.58 RCW shall only refer in his or her report
31 to conducive conditions for wood destroying organisms or rot and shall
32 refer the care of such conditions to a structural pest inspector
33 licensed under chapter 15.58 RCW.

1 NEW SECTION. **Sec. 20.** REAL ESTATE AGENT/HOME INSPECTOR
2 RELATIONSHIP. Any real estate agent providing a potential home buyer
3 with the names of home inspectors must provide the buyer with at least
4 three names of home inspectors each of which must work independently of
5 the other.

6 NEW SECTION. **Sec. 21.** Captions used in this chapter are not any
7 part of the law.

8 NEW SECTION. **Sec. 22.** Sections 1 through 21 of this act
9 constitute a new chapter in Title 18 RCW.

--- END ---