

**Chapter 18.280 RCW
HOME INSPECTORS**

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RCW 18.280.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Board" means the home inspector advisory licensing board.
- (2) "Department" means the department of licensing.
- (3) "Director" means the director of the department of licensing.
- (4) "Entity" or "entities" means educational groups or organizations, national organizations or associations, or a national test organization.
- (5) "Home inspection" means a professional examination of the current condition of a house.
- (6) "Home inspector" means a person who carries out a noninvasive examination of the condition of a home, often in connection with the sale of that home, using special training and education to carry out the inspection.
- (7) "Report" means a written report prepared and issued after a home inspection.
- (8) "Wood destroying organism" means insects or fungi that consume, excavate, develop in, or otherwise modify the integrity of wood or wood products. "Wood destroying organism" includes but is not limited to carpenter ants, moisture ants, subterranean termites, dampwood termites, beetles in the family Anobiidae, and wood decay fungi, known as wood rot. [2008 c 119 § 1.]

RCW 18.280.020 Licensure required. (1) Beginning September 1, 2009, a person shall not engage in or conduct, or advertise or hold himself or herself out as engaging in or conducting, the business of or acting in the capacity of a home inspector within this state without first obtaining a license as provided in this chapter.

(2) Any person performing the duties of a home inspector on June 12, 2008, has until July 1, 2010, to meet the licensing requirements of this chapter. However, if a person performing the duties of a home inspector on June 12, 2008, has proof that he or she has worked as a home inspector for at least two years and has conducted at least one hundred home inspections, he or she may apply to the board before September 1, 2009, for licensure without meeting the instruction and training requirements of this chapter.

(3) The director may begin issuing licenses under this section beginning on July 1, 2009. [2008 c 119 § 2.]

RCW 18.280.030 Duties of a licensed home inspector. A person licensed under this chapter is responsible for performing a visual and noninvasive inspection of the following readily accessible systems and components of a home and reporting on the general condition of those systems and components at the time of the inspection in his or her written report: The roof, foundation, exterior, heating system, air-conditioning system, structure, plumbing and electrical systems, and other aspects of the home as may be identified by the board. The inspection must include looking for certain fire and safety hazards as defined by the board. The standards of practice to be developed by the board will be used as the minimum standards for an inspection. The duties of the home inspector with regard to wood destroying organisms are provided in RCW 18.280.190. [2008 c 119 § 3.]

RCW 18.280.040 Home inspector advisory licensing board. (1) The state home inspector advisory licensing board is created. The board consists of seven members appointed by the director, who shall advise the director concerning the administration of this chapter. Of the appointments to this board, six must be actively engaged as home inspectors immediately prior to their appointment to the board, and one must be currently teaching in a home inspector education program. Insofar as possible, the composition of the appointed home inspector members of the board must be generally representative of the geographic distribution of home inspectors licensed under this chapter. No more than two board members may be members of a particular national home inspector association or organization.

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

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

(b) Licensed as a home inspector under this chapter, except for initial appointments; and

(c) Performed a minimum of five hundred home inspections in the state of Washington.

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

(4) Each board member is entitled to compensation for each day spent conducting official business and to reimbursement for travel

expenses in accordance with RCW 43.03.240, 43.03.050, and 43.03.060. [2011 1st sp.s. c 21 § 43; 2008 c 119 § 4.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

RCW 18.280.050 Director's authority. The director has the following authority in administering this chapter:

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

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

(3) To adopt standards of professional conduct, practice, and ethics as approved by the board; and

(4) To adopt fees as provided in RCW 43.24.086. [2008 c 119 § 5.]

RCW 18.280.060 Board's authority. The board has the following authority in administering this chapter:

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

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

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

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

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

(6) To establish and review standards of professional conduct, practice, and ethics for adoption by the director. These standards must address what constitutes certain fire and safety hazards as used in RCW 18.280.030. [2008 c 119 § 6.]

RCW 18.280.070 Qualifications for licensure. In order to become licensed as a home inspector, an applicant must submit the following to the department:

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

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

(3) Proof of up to forty hours of field training supervised by a licensed home inspector;

(4) Evidence of successful passage of the written exam as required in RCW 18.280.080; and

(5) The fee in the amount set by the department. [2008 c 119 § 7.]

RCW 18.280.080 Written exams. Applicants for licensure must pass an exam that is psychometrically valid, reliable, and legally defensible by the state. The exam is to be developed, maintained, and

administered by the department. The board shall recommend to the director whether to use an exam that is prepared by a national entity. If an exam prepared by a national entity is used, a section specific to Washington shall be developed by the director and included as part of the entire exam. [2008 c 119 § 8.]

RCW 18.280.090 License length and renewal. Licenses are issued for a term of two years and expire on the applicant's second birthday following issuance of the license. [2008 c 119 § 9.]

RCW 18.280.100 Advertising. The term "licensed home inspector" and the license number of the inspector must appear on all advertising, correspondence, and documents incidental to a home inspection. However, businesses and organizations that conduct national or interstate general marketing and advertising campaigns may omit the license number of the inspector in advertising so long as it is included on all documents incident to a home inspection. [2008 c 119 § 10.]

RCW 18.280.110 License renewal—Continuing education requirements. (1) As a condition of renewing a license under this chapter, a licensed home inspector shall present satisfactory evidence to the board of having completed the continuing education requirements provided for in this section.

(2) Each applicant for license renewal shall complete at least twenty-four hours of instruction in courses approved by the board every two years. [2008 c 119 § 11.]

RCW 18.280.120 Written reports—Limitation on work. (1) A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection within a time period set by the board in rule. The issues to be addressed in the report shall be set by the board in rule.

(2) A licensed home inspector, or other licensed home inspectors or employees who work for the same company or for any company in which the home inspector has a financial interest, shall not, from the time of the inspection until one year from the date of the report, perform any work other than home inspection-related consultation on the home upon which he or she has performed a home inspection. [2008 c 119 § 12.]

RCW 18.280.130 Suspension of license—Appeal. (1) The director shall immediately suspend the license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a child support order. If the person has continued to meet all other requirements for a license under this chapter during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the child support order. The procedure in RCW 74.20A.320 is the exclusive administrative remedy for

contesting the establishment of noncompliance with a child support order, and suspension of a license under this subsection, and satisfies the requirements of RCW 34.05.422.

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

(3) Any person aggrieved by a decision of the director under this section may appeal the decision as provided in chapter 34.05 RCW. The adjudicative proceeding shall be conducted under chapter 34.05 RCW by an administrative law judge appointed pursuant to RCW 34.12.030. [2008 c 119 § 13.]

RCW 18.280.140 Civil infractions. The department has the authority to issue civil infractions under chapter 7.80 RCW in the following instances:

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

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

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

(4) Falsely impersonating any other licensee; or

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

All fines and penalties collected or assessed by a court because of a violation of this section must be remitted to the department to be deposited into the business and professions account created in RCW 43.24.150. [2008 c 119 § 14.]

RCW 18.280.150 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2008 c 119 § 15.]

RCW 18.280.160 Relief by injunction—Director and board immunity. The director is authorized to apply for relief by injunction without bond, to restrain a person from the commission of any act that is prohibited under RCW 18.280.140. In such a proceeding, it is not necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from continued violation. The director, individuals acting on the director's behalf, and members of the board are immune from suit in any action, civil or criminal, based on disciplinary proceedings or other official acts performed in the course of their duties in the administration and enforcement of this chapter. [2008 c 119 § 16.]

RCW 18.280.170 Exemption from licensing. The following persons are exempt from the licensing requirements of this chapter when acting within the scope of their license or profession:

(1) Engineers;

- (2) Architects;
- (3) Electricians licensed under chapter 19.28 RCW;
- (4) Plumbers licensed under chapter 18.106 RCW;
- (5) Pesticide operators licensed under chapter 17.21 RCW;
- (6) Structural pest inspectors licensed under chapter 15.58 RCW;

or

(7) Certified real estate appraisers licensed under chapter 18.140 RCW. [2008 c 119 § 17.]

RCW 18.280.180 Reciprocity. Persons licensed as home inspectors in other states may become licensed as home inspectors under this chapter as long as the other state has licensing requirements that meet or exceed those required under this chapter and the person seeking a license under this chapter passes the Washington portion of the exam under RCW 18.280.080. [2008 c 119 § 18.]

RCW 18.280.190 Structural pest inspector. Any person licensed under this chapter who is not also licensed as a pest inspector under chapter 15.58 RCW shall only refer in his or her report to rot or conducive conditions for wood destroying organisms and shall refer the identification of or damage by wood destroying insects to a structural pest inspector licensed under chapter 15.58 RCW. [2008 c 119 § 19.]

RCW 18.280.200 Military training or experience. An applicant with military training or experience satisfies the training or experience requirements of this chapter unless the director determines that the military training or experience is not substantially equivalent to the standards of this state. [2011 c 351 § 15.]