
SUBSTITUTE SENATE BILL 6606

State of Washington 60th Legislature 2008 Regular Session

By Senate Labor, Commerce, Research & Development (originally sponsored by Senators Spanel, Kohl-Welles, Honeyford, Prentice, Murray, and Rasmussen)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to the licensing of home inspectors; amending RCW
2 43.24.150; adding a new section to chapter 15.58 RCW; adding a new
3 section to chapter 18.85 RCW; adding a new chapter to Title 18 RCW; and
4 prescribing penalties.

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

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

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

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

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

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

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

17 (6) "Home inspector" means a person who carries out a noninvasive
18 examination of the condition of a home, often in connection with the

1 sale of that home, using special training and education to carry out
2 the inspection.

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

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

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

16 (2) Any person performing the duties of a home inspector on the
17 effective date of this act has until July 1, 2010, to meet the
18 licensing requirements of this chapter. However, if a person
19 performing the duties of a home inspector on the effective date of this
20 act has proof that he or she has worked as a home inspector for at
21 least two years and has conducted at least one hundred home
22 inspections, he or she may apply to the board before September 1, 2009,
23 for licensure without meeting the instruction and training requirements
24 of this chapter.

25 NEW SECTION. **Sec. 3.** DUTIES OF A LICENSED HOME INSPECTOR. A
26 person licensed under this chapter is responsible for performing a
27 visual and noninvasive inspection of the following readily accessible
28 systems and components of a home and reporting on the general condition
29 of those systems and components at the time of the inspection in his or
30 her written report: The roof, foundation, exterior, heating system,
31 air-conditioning system, structure, plumbing and electrical systems,
32 and other aspects of the home as may be identified by the board. The
33 inspection must include looking for certain fire and safety hazards as
34 defined by the board. The standards of practice to be developed by the
35 board will be used as the minimum standards for an inspection. The

1 duties of the home inspector with regard to wood destroying organisms
2 are provided in section 18 of this act.

3 NEW SECTION. **Sec. 4.** HOME INSPECTOR ADVISORY LICENSING BOARD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (6) To establish and review standards of professional conduct,
25 practice, and ethics for adoption by the director. These standards
26 must address what constitutes certain fire and safety hazards as used
27 in section 3 of this act.

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

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

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

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

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

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

5 NEW SECTION. **Sec. 8.** WRITTEN EXAMS. Applicants for licensure
6 must pass an exam that is psychometrically valid, reliable, and legally
7 defensible by the state. The exam is to be developed, maintained, and
8 administered by the department. The board shall recommend to the
9 director whether to use an exam that is prepared by a national entity.
10 If an exam prepared by a national entity is used, a section specific to
11 Washington shall be developed by the director and included as part of
12 the entire exam.

13 NEW SECTION. **Sec. 9.** LICENSE LENGTH AND RENEWAL. (1) Licenses
14 are issued for a term of two years and expire on the last day of the
15 month the license was issued.

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

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

20 NEW SECTION. **Sec. 10.** ADVERTISING. The term "licensed home
21 inspector" and the license number of the inspector must appear on all
22 advertising, correspondence, and documents incidental to a home
23 inspection. However, businesses and organizations that conduct
24 national or interstate general marketing and advertising campaigns may
25 omit the license number of the inspector in advertising so long as it
26 is included on all documents incident to a home inspection.

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

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

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

6 (2) A licensed home inspector, or other licensed home inspectors or
7 employees who work for the same company or for any company in which the
8 home inspector has a financial interest, shall not, from the time of
9 the inspection until one year from the date of the report, perform any
10 work other than home inspection-related consultation on the home upon
11 which he or she has performed a home inspection.

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

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

29 (3) Any person aggrieved by a decision of the director under this
30 section may appeal the decision as provided in chapter 34.05 RCW. The
31 adjudicative proceeding shall be conducted under chapter 34.05 RCW by
32 an administrative law judge appointed pursuant to RCW 34.12.030.

33 NEW SECTION. **Sec. 14.** CIVIL INFRACTIONS. The department has the
34 authority to issue civil infractions under chapter 7.80 RCW in the
35 following instances:

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

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

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

7 (4) Falsely impersonating any other licensee; or

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

9 All fees, fines, and penalties collected or assessed by a court
10 because of a violation of this section must be remitted to the
11 department to be deposited into the business and professions account
12 created in RCW 43.24.150.

13 NEW SECTION. **Sec. 15.** RELIEF BY INJUNCTION. The director is
14 authorized to apply for relief by injunction without bond, to restrain
15 a person from the commission of any act that is prohibited under
16 section 14 of this act. In such a proceeding, it is not necessary to
17 allege or prove either that an adequate remedy at law does not exist,
18 or that substantial or irreparable damage would result from continued
19 violation. The director, individuals acting on the director's behalf,
20 and members of the board are immune from suit in any action, civil or
21 criminal, based on disciplinary proceedings or other official acts
22 performed in the course of their duties in the administration and
23 enforcement of this chapter.

24 NEW SECTION. **Sec. 16.** EXEMPTION FROM LICENSING. The following
25 persons are exempt from the licensing requirements of this chapter when
26 acting within the scope of their license or profession:

27 (1) Engineers;

28 (2) Architects;

29 (3) Electricians licensed under chapter 19.28 RCW;

30 (4) Plumbers licensed under chapter 18.106 RCW;

31 (5) Pest control operators licensed under chapter 15.58 RCW; or

32 (6) Structural pest inspectors licensed under chapter 15.58 RCW.

33 NEW SECTION. **Sec. 17.** RECIPROCITY. Persons licensed as home
34 inspectors in other states may become licensed as home inspectors under
35 this chapter as long as the other state has licensing requirements that

1 meet or exceed those required under this chapter and the person seeking
2 a license under this chapter passes the Washington portion of the exam
3 under section 8 of this act.

4 NEW SECTION. **Sec. 18.** STRUCTURAL PEST INSPECTOR. Any person
5 licensed under this chapter who is not also licensed as a pest
6 inspector under chapter 15.58 RCW shall only refer in his or her report
7 to rot or conducive conditions for wood destroying organisms and shall
8 refer the identification of or damage by wood destroying insects to a
9 structural pest inspector licensed under chapter 15.58 RCW.

10 NEW SECTION. **Sec. 19.** Captions used in this chapter are not any
11 part of the law.

12 **Sec. 20.** RCW 43.24.150 and 2005 c 25 s 1 are each amended to read
13 as follows:

14 (1) The business and professions account is created in the state
15 treasury. All receipts from business or professional licenses,
16 registrations, certifications, renewals, examinations, or civil
17 penalties assessed and collected by the department from the following
18 chapters must be deposited into the account:

- 19 (a) Chapter 18.11 RCW, auctioneers;
- 20 (b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;
- 21 (c) Chapter 18.96 RCW, landscape architects;
- 22 (d) Chapter 18.145 RCW, court reporters;
- 23 (e) Chapter 18.165 RCW, private investigators;
- 24 (f) Chapter 18.170 RCW, security guards;
- 25 (g) Chapter 18.185 RCW, bail bond agents;
- 26 (h) Chapter 18.-- RCW, home inspectors (the new chapter created in
27 section 23 of this act);

- 28 (i) Chapter 19.16 RCW, collection agencies;
- 29 ~~((+i))~~ (j) Chapter 19.31 RCW, employment agencies;
- 30 ~~((+j))~~ (k) Chapter 19.105 RCW, camping resorts;
- 31 ~~((+k))~~ (l) Chapter 19.138 RCW, sellers of travel;
- 32 ~~((+l))~~ (m) Chapter 42.44 RCW, notaries public; and
- 33 ~~((+m))~~ (n) Chapter 64.36 RCW, timeshares.

34 Moneys in the account may be spent only after appropriation.
35 Expenditures from the account may be used only for expenses incurred in

1 carrying out these business and professions licensing activities of the
2 department. Any residue in the account shall be accumulated and shall
3 not revert to the general fund at the end of the biennium.

4 (2) The director shall biennially prepare a budget request based on
5 the anticipated costs of administering the business and professions
6 licensing activities listed in subsection (1) of this section, which
7 shall include the estimated income from these business and professions
8 fees.

9 NEW SECTION. **Sec. 21.** A new section is added to chapter 15.58 RCW
10 to read as follows:

11 A person licensed as a home inspector under chapter 18.--- RCW (the
12 new chapter created in section 23 of this act) is exempt from licensing
13 as a structural pest inspector except when reporting on the
14 identification of or damage by wood destroying insects.

15 NEW SECTION. **Sec. 22.** A new section is added to chapter 18.85 RCW
16 to read as follows:

17 The commission must establish procedures, to be adopted in rule by
18 the director, for real estate agents to follow when providing potential
19 home buyers with home inspector referrals.

20 NEW SECTION. **Sec. 23.** Sections 1 through 19 of this act
21 constitute a new chapter in Title 18 RCW.

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