

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 907 Session of 2025

INTRODUCED BY FARRY, PENNYCUICK, VOGEL AND FONTANA, JULY 8, 2025

SENATOR STEFANO, CONSUMER PROTECTION AND PROFESSIONAL LICENSURE, AS AMENDED, MAY 6, 2026

AN ACT

1 ~~Amending the act of July 10, 1990 (P.L.404, No.98), entitled "An~~<--
2 ~~act providing for the certification of real estate~~
3 ~~appraisers; specifying requirements for certification;~~
4 ~~providing for sanctions and penalties; and making an~~
5 ~~appropriation," further providing for title of act, for~~
6 ~~definitions, for State Board of Certified Real Estate~~
7 ~~Appraisers, for powers and duties of board and for~~
8 ~~application and qualifications; providing for application and~~
9 ~~qualifications of home inspectors and home inspectors in~~
10 ~~training and for conduct of home inspection; further~~
11 ~~providing for reciprocity, for certification renewal,~~
12 ~~licensure renewal and records, for disciplinary and~~
13 ~~corrective measures, for reinstatement of certificate or~~
14 ~~license, for reporting of multiple certification, for~~
15 ~~surrender of suspended or revoked certificate or license, for~~
16 ~~penalties and for injunctive relief; providing for remedies~~
17 ~~for home inspection services consumers, for home inspection~~
18 ~~contracts and for home inspection reports; and making a~~
19 ~~repeal.~~

20 AMENDING THE ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9), ENTITLED <--
21 "AN ACT ESTABLISHING THE STATE REAL ESTATE COMMISSION AND
22 PROVIDING FOR THE LICENSING OF REAL ESTATE BROKERS AND
23 SALESMEN," IN DEFINITIONS, FURTHER PROVIDING FOR DEFINITIONS
24 AND FOR STATE REAL ESTATE COMMISSION; IN APPLICATION OF THE
25 ACT AND PENALTIES, FURTHER PROVIDING FOR UNLAWFUL TO CONDUCT
26 BUSINESS WITHOUT LICENSE OR REGISTRATION CERTIFICATE, FOR
27 CIVIL SUITS, FOR CRIMINAL PENALTIES AND FOR CIVIL PENALTY; IN
28 POWERS AND DUTIES OF THE STATE REAL ESTATE COMMISSION -
29 GENERAL, FURTHER PROVIDING FOR DUTY TO ISSUE LICENSES AND
30 REGISTRATION CERTIFICATES AND FOR APPROVAL OF SCHOOLS,
31 PROVIDING FOR CONTINUING EDUCATION FOR LICENSED HOME
32 INSPECTORS AND FURTHER PROVIDING FOR ADMINISTRATION AND
33 ENFORCEMENT; IN QUALIFICATIONS AND APPLICATIONS FOR LICENSES
34 AND REGISTRATION CERTIFICATES, FURTHER PROVIDING FOR

1 REPUTATION AND INACTIVE LICENSEE AND REVOKED LICENSE AND  
2 PROVIDING FOR HOME INSPECTOR LICENSE AND HOME INSPECTOR-IN-  
3 TRAINING REGISTRATION; IN DUTIES OF LICENSEES, FURTHER  
4 PROVIDING FOR RECIPROCAL LICENSES AND FOR BROKER PRICE  
5 OPINION; MAKING A REPEAL; AND MAKING AN EDITORIAL CHANGE.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 ~~Section 1. The title of the act of July 10, 1990 (P.L.404, <--~~  
9 ~~No.98), known as the Real Estate Appraisers Certification Act,~~  
10 ~~is amended to read:~~

11 ~~AN ACT~~

12 ~~Providing for the certification of real estate appraisers and~~  
13 ~~licensure of home inspectors; specifying requirements for~~  
14 ~~certification and licensure; providing for sanctions and~~  
15 ~~penalties; and making an appropriation.~~

16 ~~Section 2. Section 2 of the act is amended by adding~~  
17 ~~definitions to read:~~

18 ~~Section 2. Definitions.~~

19 ~~The following words and phrases when used in this act shall~~  
20 ~~have the meanings given to them in this section unless the~~  
21 ~~context clearly indicates otherwise:~~

22 ~~\* \* \*~~

23 ~~"Client." When the term is applied to a home inspector, a~~  
24 ~~person or person acting through a legal representative who~~  
25 ~~contracts with a licensed home inspector to obtain a home~~  
26 ~~inspection and subsequent written home inspection report.~~

27 ~~"Home inspection." A noninvasive visual examination of the~~  
28 ~~systems and essential components of a residential dwelling~~  
29 ~~designed to identify material defects in those systems and~~  
30 ~~components and performed for a fee in connection with or~~  
31 ~~preparation for a proposed or possible residential real estate~~  
32 ~~transfer. The term:~~

1 ~~(1) Includes a consultation regarding the property that~~  
2 ~~is represented to be a home inspection or that is described~~  
3 ~~by a confusingly similar term.~~

4 ~~(2) Does not include:~~

5 ~~(i) An examination of a single system or component~~  
6 ~~of a residential dwelling, such as an electrical or~~  
7 ~~plumbing system or roof.~~

8 ~~(ii) An examination that is limited to inspection~~  
9 ~~for or of one or more of the following:~~

10 ~~(A) Wood destroying insects.~~

11 ~~(B) Underground tanks and wells.~~

12 ~~(C) Septic systems.~~

13 ~~(D) Swimming pools and spas.~~

14 ~~(E) Alarm and smart home systems.~~

15 ~~(F) Air and water quality.~~

16 ~~(G) Tennis courts and playground equipment.~~

17 ~~(H) Pollutants, toxic chemicals and~~  
18 ~~environmental hazards.~~

19 ~~(iii) An examination associated with moving into or~~  
20 ~~out of a leased home.~~

21 ~~"Home inspection report." A typewritten report on the~~  
22 ~~results of a home inspection.~~

23 ~~"Home inspector." An individual licensed by the board to~~  
24 ~~perform home inspections. The term does not include an~~  
25 ~~individual licensed under any of the following laws when acting~~  
26 ~~under the individual's registration or license:~~

27 ~~(1) The act of May 23, 1945 (P.L.913, No.367), known as~~  
28 ~~the Engineer, Land Surveyor and Geologist Registration Law,~~  
29 ~~as to professional engineers, professional land surveyors and~~  
30 ~~professional geologists.~~

1           ~~(2) The act of January 24, 1966 (1965 P.L.1535, No.537),~~  
2           ~~known as the Pennsylvania Sewage Facilities Act.~~

3           ~~(3) The act of March 1, 1974 (P.L.90, No.24), known as~~  
4           ~~the Pennsylvania Pesticide Control Act of 1973.~~

5           ~~(4) The act of December 14, 1982 (P.L.1227, No.281),~~  
6           ~~known as the Architects Licensure Law.~~

7           ~~(5) The act of July 9, 1987 (P.L.238, No.43), known as~~  
8           ~~the Radon Certification Act.~~

9           ~~"Home inspector in training." A candidate for licensure as a~~  
10          ~~home inspector who has been granted a registration as a home~~  
11          ~~inspector in training.~~

12          ~~"Material defect." A problem with a residential real~~  
13          ~~property or any portion of it that would have a significant~~  
14          ~~adverse impact on the value of the property or that involves an~~  
15          ~~unreasonable risk to people on the property. The fact that an~~  
16          ~~essential component, system or subsystem is near, at or beyond~~  
17          ~~the end of its normal useful life is not by itself a material~~  
18          ~~defect.~~

19          \* \* \*

20          ~~Section 3. Section 4(a), (b), (c.1) and (k) of the act are~~  
21          ~~amended and the section is amended by adding a subsection to~~  
22          ~~read:~~

23          ~~Section 4. State Board of Certified Real Estate Appraisers.~~

24          ~~(a) Creation. There is hereby created the State Board of~~  
25          ~~Certified Real Estate Appraisers as a departmental~~  
26          ~~administrative board in the Department of State. The board shall~~  
27          ~~consist of the following members:~~

28                 ~~(1) The Secretary of the Commonwealth or a designee.~~

29                 ~~(2) The Attorney General or a designee.~~

30                 ~~(3) The Secretary of Banking or a designee.~~

1           ~~(4) [Ten members who are citizens of the United States~~  
2           ~~and who have been residents of this Commonwealth for a two-~~  
3           ~~year period immediately prior to appointment. Six of the~~  
4           ~~members shall be State certified real estate appraisers, two~~  
5           ~~of the members shall be certified Pennsylvania evaluators and~~  
6           ~~two of the members shall be public members. Nothing in this~~  
7           ~~paragraph shall prohibit the appointment of a professional~~  
8           ~~member who is a certified Pennsylvania evaluator and also a~~  
9           ~~State certified real estate appraiser, except that the~~  
10           ~~appointment shall specify in which capacity the member is~~  
11           ~~being appointed.] Fourteen members who are citizens of the~~  
12           ~~United States and who have been residents of this~~  
13           ~~Commonwealth for a two year period immediately prior to~~  
14           ~~appointment. Eight of the members shall be State certified~~  
15           ~~real estate appraisers, two of the members shall be certified~~  
16           ~~Pennsylvania evaluators, two of the members shall be~~  
17           ~~qualified home inspectors and two of the members shall be~~  
18           ~~public members. If a member is qualified in more than one~~  
19           ~~profession specified in this paragraph, the appointment shall~~  
20           ~~specify in which capacity the member is being appointed.~~

21           ~~(b) Term of office. The professional and public members~~  
22           ~~shall serve four year terms, except as provided in subsection~~  
23           ~~(c) or [(c.1)] (c.2), and shall be appointed by the Governor by~~  
24           ~~and with the advice and consent of a majority of the members~~  
25           ~~elected to the Senate.~~

26           ~~\* \* \*~~

27           ~~[(c.1) Initial appointments of certified Pennsylvania~~  
28           ~~evaluators. Within 90 days of the effective date of this~~  
29           ~~subsection, the Governor shall nominate one certified~~  
30           ~~Pennsylvania evaluator to serve a two year term and one~~

1 ~~certified Pennsylvania evaluator to serve a four year term.]~~

2 ~~(c.2) Appointments of certified Pennsylvania evaluators and~~  
3 ~~qualified home inspectors. Within 90 days of the effective date~~  
4 ~~of this subsection, the Governor shall nominate one certified~~  
5 ~~Pennsylvania evaluator and one qualified home inspector to serve~~  
6 ~~a two year term and one certified Pennsylvania evaluator and one~~  
7 ~~qualified home inspector to serve a four year term.~~

8 \* \* \*

9 ~~(k) Notice. Reasonable notice of all meetings shall be~~  
10 ~~given in conformity with [the act of July 3, 1986 (P.L.388,~~  
11 ~~No.84), known as the Sunshine Act] 65 Pa.C.S. Ch. 7 (relating to~~  
12 ~~open meetings).~~

13 \* \* \*

14 ~~Section 4. Sections 5(1), (3) and (6) and 6 heading of the~~  
15 ~~act are amended to read:~~

16 ~~Section 5. Powers and duties of board.~~

17 ~~The board shall have the following powers and duties:~~

18 ~~(1) To pass upon the qualifications and fitness of~~  
19 ~~applicants for certification or licensure and to adopt and~~  
20 ~~revise rules and regulations requiring applicants for~~  
21 ~~registration, certification or licensure to pass examinations~~  
22 ~~relating to their qualifications for registration,~~  
23 ~~certification or licensure.~~

24 \* \* \*

25 ~~(3) To examine for, deny, approve, issue, revoke,~~  
26 ~~suspend or renew certificates of appraisers, registrations of~~  
27 ~~home inspectors in training and licenses of appraiser~~  
28 ~~trainees and home inspectors pursuant to this act and to~~  
29 ~~conduct hearings in connection therewith.~~

30 \* \* \*

1           ~~(6) To establish fees for the operation of the board,~~  
2           ~~including fees for the issuance and renewal of registrations,~~  
3           ~~certificates and licenses and for examinations.~~

4           ~~\* \* \*~~

5           ~~Section 6. Application and qualifications of certified real~~  
6           ~~estate appraisers.~~

7           ~~\* \* \*~~

8           ~~Section 5. The act is amended by adding sections to read:~~

9           ~~Section 6.1. Application and qualifications of home inspectors~~  
10           ~~and home inspectors in training.~~

11           ~~(a) Qualifications. An applicant shall be considered to be~~  
12           ~~qualified for a license as a home inspector if the applicant~~  
13           ~~submits proof satisfactory to the board of all of the following:~~

14           ~~(1) The applicant is of a good moral character. In~~  
15           ~~assessing the moral character of an applicant with a criminal~~  
16           ~~conviction, the board shall conduct an individualized~~  
17           ~~assessment in accordance with 63 Pa.C.S. § 3113 (relating to~~  
18           ~~consideration of criminal convictions).~~

19           ~~(2) The applicant is at least 18 years of age.~~

20           ~~(3) The applicant has a high school diploma or its~~  
21           ~~equivalent or equivalent life or occupational experience.~~

22           ~~(4) The applicant:~~

23           ~~(i) has completed no less than 80 hours of board~~  
24           ~~approved instruction;~~

25           ~~(ii) is registered as a home inspector in training;~~

26           ~~and~~

27           ~~(iii) has completed no less than 50 mentored home~~

28           ~~inspections completed in the presence and under the~~  
29           ~~direct supervision of a home inspector licensed in this~~

30           ~~Commonwealth. A home inspection report prepared by a home~~

~~inspector in training shall be used for training purposes only and may not be provided to a client.~~

~~(5) The applicant has passed a psychometrically valid licensing examination, which has been board approved and documented as psychometrically valid, to be administered pursuant to section 812.1 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929.~~

~~(6) The application is accompanied by the application fee as established by the board by regulation.~~

~~(7) The applicant is not addicted to the habitual use of alcohol, narcotics or other habit forming drugs.~~

~~(8) There is no criminal history which would impede the applicant's eligibility, determined by the board based on the applicant's submission of the following:~~

~~(i) A report of the applicant's criminal history record information under 18 Pa.C.S. § 9121(b) (relating to general regulations).~~

~~(ii) If the applicant has resided outside this Commonwealth for any time in the five years immediately preceding the date of application, a report to the board of Federal criminal identification and crime records under 28 U.S.C. § 534(a)(4) (relating to acquisition, preservation, and exchange of identification records and information; appointment of officials).~~

~~(b) Issuance of license. The board shall issue a license as a home inspector to an applicant who applies within two years of the effective date of this subsection and complies with all of the following:~~

~~(1) Is an active home inspector.~~

~~(2) Meets the qualifications described in subsection (a)~~

1 ~~(2), (3), (6), (7) and (8).~~

2 ~~(3) Submits proof satisfactory to the board that the~~  
3 ~~applicant has:~~

4 ~~(i) been in active, continuous practice for at least~~  
5 ~~five years immediately preceding the effective date of~~  
6 ~~this section; or~~

7 ~~(ii) performed or participated in 100 home~~  
8 ~~inspections and has passed a recognized or accredited~~  
9 ~~examination testing knowledge of the proper procedures~~  
10 ~~for conducting a home inspection.~~

11 ~~(c) Practice of home inspection. An individual may not~~  
12 ~~practice home inspection or hold himself out as a home inspector~~  
13 ~~unless licensed by the board except for the following:~~

14 ~~(1) An individual licensed as a professional engineer~~  
15 ~~under the act of May 23, 1945 (P.L.913, No.367), known as the~~  
16 ~~Engineer, Land Surveyor and Geologist Registration Law.~~

17 ~~(2) An individual licensed under the act of December 14,~~  
18 ~~1982 (P.L.1227, No.281), known as the Architects Licensure~~  
19 ~~Law.~~

20 ~~(3) A home inspector in training practicing home~~  
21 ~~inspection in the presence and under the direct supervision~~  
22 ~~of a home inspector licensed in this Commonwealth, provided~~  
23 ~~the home inspector in training does not hold himself out as a~~  
24 ~~home inspector.~~

25 ~~(d) Compliance. Notwithstanding subsection (c), a person~~  
26 ~~licensed or registered as a professional engineer under the~~  
27 ~~Engineer, Land Surveyor and Geologist Registration Law, or a~~  
28 ~~person licensed or registered under the Architects Licensure~~  
29 ~~Law, must comply with subsection (i) and sections 6.2, 17.1,~~  
30 ~~17.2 and 17.3 when performing a home inspection. A person~~

~~1 licensed or registered as a professional engineer, or licensed  
2 or registered as an architect, who violates this subsection  
3 shall be subject to disciplinary action, including license or  
4 registration suspension and revocation, and penalties under the  
5 Engineer, Land Surveyor and Geologist Registration Law and the  
6 Architects Licensure Law, respectively.~~

~~7 (e) Use of title. An individual who holds a license or is  
8 maintained on inactive status may use the title "Licensed Home  
9 Inspector" and the abbreviation "L.H.I." No other individual may  
10 use the title "Licensed Home Inspector" or the title "Home  
11 Inspector" or hold himself out to others as a home inspector.  
12 This subsection includes advertising as a home inspector and  
13 adopting or using a title or description, or a derivative of  
14 "Licensed Home Inspector" or "Home Inspector" and their related  
15 abbreviations, which implies directly or indirectly that home  
16 inspection services are being provided.~~

~~17 (f) Nontransferability of license. A license under this  
18 section is not transferable.~~

~~19 (g) Examination not required. The board may issue a home  
20 inspector license without examination to an applicant holding a  
21 home inspector license in another state who submits proof  
22 satisfactory to the board of all of the following:~~

~~23 (1) The applicant is of a good moral character. In  
24 assessing the moral character of an applicant with a criminal  
25 conviction, the board shall conduct an individualized  
26 assessment in accordance with 63 Pa.C.S. § 3113.~~

~~27 (2) The applicant holds an unrestricted and active home  
28 inspector license from another state whose licensure  
29 requirements are substantially equivalent to the requirements  
30 for licensure in this Commonwealth.~~

1       ~~(3) The applicant has submitted an application~~  
2       ~~accompanied by the application fee.~~

3       ~~(4) There is no criminal history which would impede the~~  
4       ~~applicant's eligibility, determined by the board based on the~~  
5       ~~applicant's submission of the following:~~

6             ~~(i) A report of the applicant's criminal history~~  
7             ~~record information under 18 Pa.C.S. § 9121(b).~~

8             ~~(ii) If the applicant has resided outside this~~  
9             ~~Commonwealth for any time in the five years immediately~~  
10            ~~preceding the date of application, a report to the board~~  
11            ~~of Federal criminal identification and crime records~~  
12            ~~under 28 U.S.C. § 534(a)(4).~~

13       ~~(h) Prohibitions. No agency or political subdivision of~~  
14       ~~this Commonwealth, other than the board, shall impose the~~  
15       ~~following on individuals licensed under this section:~~

16             ~~(1) A registration or licensing requirement for~~  
17             ~~conducting home inspections.~~

18             ~~(2) A license fee to obtain a local license, except that~~  
19             ~~this prohibition shall not prevent a local government from~~  
20             ~~imposing an occupational license tax on a person operating as~~  
21             ~~a home inspector within the jurisdiction of the local~~  
22             ~~government.~~

23       ~~(i) Insurance. A person licensed as a home inspector shall~~  
24       ~~maintain insurance against errors and omissions in the~~  
25       ~~performance of a home inspection and general liability, with~~  
26       ~~coverages of not less than \$250,000 per occurrence and \$500,000~~  
27       ~~in the aggregate and with deductibles of not more than \$15,000.~~  
28       ~~An applicant must provide proof that the applicant has obtained~~  
29       ~~professional liability insurance. It is sufficient if the~~  
30       ~~applicant files with the application a copy of a letter from the~~

~~1 applicant's professional liability insurance carrier indicating  
2 that the applicant will be covered against professional  
3 liability in the required amounts effective upon the issuance of  
4 the applicant's license to practice home inspection in this  
5 Commonwealth. Upon issuance of the license, the licensee must,  
6 within 30 days, submit to the board the certificate of insurance  
7 or a copy of the policy declaration page. A home inspector shall  
8 maintain professional liability insurance for at least one year  
9 after the latest home inspection report the home inspector  
10 delivers, unless the home inspection report was delivered prior  
11 to the effective date of this section.~~

~~12 (j) Construction. Nothing in this act shall be construed to  
13 allow a home inspector who is not licensed under any of the  
14 following laws to perform any activity that would constitute the  
15 practice of the profession regulated by that law:~~

~~16 (1) The Engineer, Land Surveyor and Geologist  
17 Registration Law, as to the practice of engineering, land  
18 surveying or geology.~~

~~19 (2) The act of January 24, 1966 (1965 P.L.1535, No.537),  
20 known as the Pennsylvania Sewage Facilities Act.~~

~~21 (3) The act of March 1, 1974 (P.L.90, No.24), known as  
22 the Pennsylvania Pesticide Control Act of 1973.~~

~~23 (4) The Architects Licensure Law.~~

~~24 (5) The act of July 9, 1987 (P.L.238, No.43), known as  
25 the Radon Certification Act.~~

~~26 (k) Other licensees. The requirements of this act relating  
27 to the licensing of home inspectors shall not affect the  
28 obligations or immunities of an individual licensed as other  
29 than a home inspector under this act that are imposed or  
30 provided under this act or 68 Pa.C.S. Ch. 73 (relating to seller~~

~~disclosures) when the individual is acting under the individual's license, nor the obligations or immunities of an individual certified under this act as a real estate appraiser when the individual is acting under the individual's license.~~

~~(1) Home inspector in training registrant.~~

~~(1) The board shall, upon application and payment of the application fee established by the board, issue a home inspector in training registration, without examination, to any person who meets the home inspector in training educational requirements set by the board.~~

~~(2) A home inspector in training registrant shall keep a record of the mentored home inspections completed, which shall, at a minimum, include the following information:~~

~~(i) Date and time of the inspection.~~

~~(ii) Address of the residence inspected.~~

~~(iii) Business name of the supervising inspector.~~

~~(iv) Name of the supervising inspector.~~

~~(v) License number of the supervising inspector.~~

~~(vi) Signature of the supervising inspector.~~

~~Section 6.2. Conduct of home inspection.~~

~~(a) Ethics. A home inspector shall conduct a home inspection with the degree of care that a reasonably prudent home inspector would exercise. In ascertaining the degree of care that would be exercised by a reasonably prudent home inspector, a court shall consider the standards of practice and codes of ethics as established by the board by regulation.~~

~~(b) Immediate threat to health or safety. If an immediate threat to health or safety is observed during the course of a home inspection and the home is occupied, the home inspector shall disclose the immediate threat to health or safety to the~~

1 ~~property owner and occupants of the property at the conclusion~~  
2 ~~of the home inspection. Posting a notice on a form prescribed by~~  
3 ~~the board by regulation on the front door of the occupied home~~  
4 ~~in a position that ensures the occupants see the notice shall~~  
5 ~~constitute proper disclosure.~~

6 Section 6. Section 7 of the act is amended to read:

7 Section 7. Reciprocity.

8 The board shall have the power to grant a reciprocal  
9 certification to an applicant who is certified as an appraiser  
10 or licensed as an appraiser trainee or home inspector in another  
11 state and has demonstrated qualifications which equal or exceed  
12 those required pursuant to this act in the determination of the  
13 board.

14 Section 7. Section 10(a) and (c) of the act are amended and  
15 the section is amended by adding a subsection to read:

16 Section 10. Certification renewal, licensure renewal and  
17 records.

18 (a) Renewal term.—

19 (1) Except as provided under paragraph (2), renewal of  
20 registration, certification or licensure shall be on a  
21 biennial basis for persons in good standing.

22 (2) The board may prescribe limitations on the number of  
23 times a registered home inspector in training and a licensed  
24 appraiser trainee may renew a registration or license.

25 \* \* \*

26 (b.3) Continuing education for home inspectors. A home  
27 inspector shall be required to obtain 32 hours of continuing  
28 education during the biennial renewal period. Continuing  
29 education hours may be earned by completion of continuing  
30 education courses in the field of home inspection during the

1 ~~immediately preceding two years as approved by the board. Three~~  
2 ~~of the total required hours of continuing education must focus~~  
3 ~~on the difference between 42 U.S.C. Ch. 70 (relating to~~  
4 ~~manufactured home construction and safety standards) and the act~~  
5 ~~of May 11, 1972 (P.L.286, No.70), known as the Industrialized~~  
6 ~~Housing Act, and the installation of manufactured and modular~~  
7 ~~homes.~~

8 (c) ~~Records. A record of all persons licensed as appraiser~~  
9 ~~trainees [and] or home inspectors, all persons certified as real~~  
10 ~~estate appraisers and all persons registered as home inspectors~~  
11 ~~in training in this Commonwealth shall be kept in the office of~~  
12 ~~the board, shall be open to public inspection and copying upon~~  
13 ~~payment of a nominal fee for copying the record and shall be~~  
14 ~~accessible on the board's Internet website. Each registrant,~~  
15 ~~certificateholder and licensee shall advise the board of the~~  
16 ~~address of his or her principal place of business.~~

17 Section 8. ~~Sections 11(a) introductory paragraph, (1), (3),~~  
18 ~~(5) and (15) and (b), 12, 13, 14, 15(b) and 17(a) of the act are~~  
19 ~~amended to read:~~

20 Section 11. ~~Disciplinary and corrective measures.~~

21 (a) ~~Authority of board. The board may deny, suspend or~~  
22 ~~revoke registrations, certificates or licenses, or limit,~~  
23 ~~restrict or reprimand a registrant, certificateholder or~~  
24 ~~licensee for any of the following causes:~~

25 (1) ~~Procuring or attempting to procure a registration,~~  
26 ~~certificate or license or renewal of a registration,~~  
27 ~~certificate or license pursuant to this act by knowingly~~  
28 ~~making a false statement, submitting false information or~~  
29 ~~refusing to provide complete information in response to a~~  
30 ~~question in an application for registration, certification or~~

1 ~~licensure or renewal of registration, certification or~~  
2 ~~licensure through any form of fraud or misrepresentation.~~

3 \* \* \*

4 ~~(3) Paying, or offering to pay, any valuable~~  
5 ~~consideration other than provided for by this act to any~~  
6 ~~member or employee of the board to procure a registration,~~  
7 ~~certificate or license under this act.~~

8 \* \* \*

9 ~~(5) Performing an act or omitting an act when such~~  
10 ~~performance or omission involves dishonesty, fraud or~~  
11 ~~misrepresentation with intent to substantially benefit the~~  
12 ~~registrant, certificateholder or licensee in his profession~~  
13 ~~or with the intent to substantially injure another person.~~

14 \* \* \*

15 ~~(15) Having a license or certificate to perform~~  
16 ~~appraisals or home inspections suspended, revoked or refused~~  
17 ~~by an appraisal licensure or certification authority of~~  
18 ~~another state, territory or country, or receiving other~~  
19 ~~disciplinary actions by the appraisal or home inspection~~  
20 ~~licensure or certification authority of another state,~~  
21 ~~territory or country.~~

22 \* \* \*

23 ~~(b) Board action. When the board finds that the~~  
24 ~~registration, certificate or license, application for~~  
25 ~~registration, certification or licensure or renewal of~~  
26 ~~registration, certification or licensure of any person may be~~  
27 ~~denied, revoked, restricted or suspended under the terms of~~  
28 ~~subsection (a), the board may:~~

29 ~~(1) Deny the application for registration, certification~~  
30 ~~or licensure or for renewal of registration, certification or~~

1       ~~licensure.~~

2           ~~(2) Administer a public reprimand.~~

3           ~~(3) Revoke, suspend, limit or otherwise restrict a~~  
4       ~~registration, certificate or license as determined by the~~  
5       ~~board.~~

6           ~~(4) Suspend enforcement of its findings thereof and~~  
7       ~~place a registrant, certificateholder or licensee on~~  
8       ~~probation with the right to vacate the probationary order for~~  
9       ~~noncompliance.~~

10          ~~(5) Restore a suspended registration, certificate or~~  
11       ~~license and impose any disciplinary or corrective measure~~  
12       ~~which it might originally have imposed.~~

13       ~~\*\*\*~~

14       ~~Section 12. Reinstatement of registration, certificate or~~  
15       ~~license.~~

16       ~~Unless ordered to do so by Commonwealth Court or an appeal~~  
17       ~~therefrom, the board shall not reinstate the certificate [or],~~  
18       ~~license or registration of a person to practice as a certified~~  
19       ~~real estate appraiser or as an appraiser trainee or as a~~  
20       ~~licensed home inspector or as a registered home inspector in~~  
21       ~~training, pursuant to this act, which has been revoked. Any~~  
22       ~~person whose certificate [or], license or registration has been~~  
23       ~~revoked may apply for reinstatement, after a period of at least~~  
24       ~~five years, but must meet all of the certification [or],~~  
25       ~~licensure or registration qualifications of this act, including~~  
26       ~~the examination requirement, if he or she desires to hold~~  
27       ~~himself or herself out or to practice as a real estate appraiser~~  
28       ~~or home inspector or home inspector in training pursuant to this~~  
29       ~~act at any time after such revocation.~~

30       ~~Section 13. Reporting of multiple certification or licensure.~~

1       ~~Any appraiser certified in this Commonwealth who is also~~  
2 ~~certified or licensed to perform appraisals in any other state,~~  
3 ~~territory or country shall report this information to the board~~  
4 ~~on the biennial renewal application. Any home inspector licensed~~  
5 ~~in this Commonwealth who is also certified or licensed to~~  
6 ~~perform home inspections in any other state, territory or~~  
7 ~~country shall report this information to the board on the~~  
8 ~~biennial renewal application. Any disciplinary action taken in~~  
9 ~~any other state, territory or country shall be reported to the~~  
10 ~~board on the biennial renewal application, or within 90 days of~~  
11 ~~disposition, whichever is sooner. Multiple licensure or~~  
12 ~~certification shall be noted by the board on the certified~~  
13 ~~appraiser's or licensed home inspector's record, and such state,~~  
14 ~~territory or country shall be notified by the board of any~~  
15 ~~disciplinary actions taken against said certified appraiser or~~  
16 ~~licensed home inspector in this Commonwealth.~~

17 Section 14. ~~Surrender of suspended or revoked registration,~~  
18               ~~certificate or license.~~

19       ~~The board shall require a person whose registration,~~  
20 ~~certificate or license has been suspended or revoked to return~~  
21 ~~the registration, certificate or license in such manner as the~~  
22 ~~board directs. Failure to do so shall be a misdemeanor of the~~  
23 ~~third degree.~~

24 Section 15. ~~Penalties.~~

25       ~~\* \* \*~~

26       ~~(b) Civil penalty. In addition to any other civil remedy or~~  
27 ~~criminal penalty provided for in this act, the board, by a vote~~  
28 ~~of the majority of the maximum number of the authorized~~  
29 ~~membership of the board as provided by law, or by a vote of the~~  
30 ~~majority of the duly qualified and confirmed membership or a~~

1 ~~minimum of three members, whichever is greater, may levy a civil~~  
2 ~~penalty of up to \$10,000 on any certificateholder [or] licensee~~  
3 ~~or registrant who violates any provision of this act [or] any~~  
4 ~~noncertificateholder who holds himself out as a real estate~~  
5 ~~appraiser in this Commonwealth or who performs an appraisal for~~  
6 ~~which certification or licensure is required under the Financial~~  
7 ~~Institutions Reform, Recovery, and Enforcement Act of 1989~~  
8 ~~(Public Law 101-73, 103 Stat. 183) an appraisal in any federally~~  
9 ~~related or nonfederally related transaction or any other~~  
10 ~~appraisal[.] or any nonlicensed individual who holds himself out~~  
11 ~~as a home inspector in this Commonwealth or who performs a home~~  
12 ~~inspection for which certification or licensure is required. The~~  
13 ~~board shall levy this penalty only after affording the accused~~  
14 ~~party the opportunity for a hearing, as provided in 2 Pa.C.S.~~  
15 ~~(relating to administrative law and procedure).~~

16 \* \* \*

17 Section 17. ~~Injunctive relief.~~

18 ~~(a) Injunction. A violation of section 3 or 6.1(c) or (e)~~  
19 ~~may be enjoined by the courts upon petition of the secretary or~~  
20 ~~the board. In any proceeding under this section, it shall not be~~  
21 ~~necessary to show that any person is individually injured by the~~  
22 ~~actions complained of. If the court finds that the respondent~~  
23 ~~has violated section 3 or 6.1(c) or (e), it shall enjoin him or~~  
24 ~~her from so practicing or holding himself or herself out until~~  
25 ~~he or she has been duly certified or licensed. Procedure in such~~  
26 ~~cases shall be the same as in any other injunction suit.~~

27 \* \* \*

28 Section 9. ~~The act is amended by adding sections to read:~~

29 ~~Section 17.1. Remedies for home inspection services consumers.~~

30 ~~(a) Unfair Trade Practices and Consumer Protection Law. The~~

1 ~~performance of a home inspection is a service subject to the act~~  
2 ~~of December 17, 1968 (P.L.1224, No.387), known as the Unfair~~  
3 ~~Trade Practices and Consumer Protection Law.~~

4 ~~(b) Wrongful acts. The following acts engaged in by a home~~  
5 ~~inspector, an employer of a home inspector or another business~~  
6 ~~or person that controls or has a financial interest in the~~  
7 ~~employer of a home inspector shall be deemed to be an unfair or~~  
8 ~~deceptive act or practice as defined by section 2(4) of the~~  
9 ~~Unfair Trade Practices and Consumer Protection Law:~~

10 ~~(1) Performing or offering to perform for an additional~~  
11 ~~fee any repairs to a structure with respect to which the home~~  
12 ~~inspector, the employer of the home inspector or other~~  
13 ~~business or person has prepared a home inspection report~~  
14 ~~within the preceding 12 months, except that this paragraph~~  
15 ~~shall not apply to remediation for radon or wood destroying~~  
16 ~~insects.~~

17 ~~(2) Inspecting for a fee any property in which the home~~  
18 ~~inspector, the employer of the home inspector or other~~  
19 ~~business or person has a financial interest or an interest in~~  
20 ~~the transfer of the property, including receipt of a board as~~  
21 ~~an agent, unless the financial interest or interest in the~~  
22 ~~transfer of the property is disclosed in writing to the buyer~~  
23 ~~before the home inspection is performed and the buyer signs~~  
24 ~~an acknowledgment of receipt of the disclosure.~~

25 ~~(3) Offering or delivering a commission, referral fee or~~  
26 ~~kickback to the seller of the inspected property or to an~~  
27 ~~agent for the seller or buyer for the referral of business to~~  
28 ~~the home inspector, the employer of the home inspector or~~  
29 ~~other business or person.~~

30 ~~(4) Accepting an engagement to perform a home inspection~~

~~or to prepare a home inspection report in which the  
employment itself or the fee payable for the inspection is  
contingent upon the conclusions in the report, preestablished  
or prescribed findings or the closing of the transaction.~~

~~(c) Home warranty company. A home warranty company that is  
affiliated with or retains the home inspector does not violate  
subsection (b) if the home warranty company performs repairs in  
accordance with claims made under a home warranty contract.~~

~~(d) Other remedies. In addition to other remedies available  
under the Unfair Trade Practices and Consumer Protection Law or  
other applicable provision of law, the owner of a property on  
which repairs are performed in violation of subsection (b) (1)  
shall be entitled to a full refund of money paid for those  
repairs, and a promissory note or another obligation to pay  
given to the person performing those repairs shall be void.~~

~~Section 17.2. Home inspection contracts.~~

~~(a) Required provisions. A home inspection contract must be  
typewritten and include all of the following:~~

- ~~(1) Signature of client.~~
- ~~(2) Scope of home inspection.~~
- ~~(3) Fee charged to client.~~
- ~~(4) Contact information of home inspector.~~
- ~~(5) License number of home inspector.~~
- ~~(6) A statement explaining the confidentiality between  
the home inspector and the client.~~

~~(b) Prohibited provisions. The following types of  
provisions in a contract with a home inspector for the  
performance of a home inspection are contrary to public policy,  
and the clause shall be unenforceable as it relates to:~~

- ~~(1) A limitation on the liability of the home inspector~~

1 ~~for gross negligence or willful misconduct.~~

2 ~~(2) A waiver or modification of any provision of this~~  
3 ~~section or section 6.2, 17.1 or 17.3.~~

4 ~~Section 17.3. Home inspection reports.~~

5 ~~(a) Contents. A home inspection report must be typewritten~~  
6 ~~and include all of the following:~~

7 ~~(1) A description of the scope of the inspection,~~  
8 ~~including identification of the essential components and~~  
9 ~~systems and subsystems covered by the report.~~

10 ~~(2) A description of material defects noted during the~~  
11 ~~inspection, along with a recommendation that certain experts~~  
12 ~~be retained to determine the extent of the defects and the~~  
13 ~~corrective action that should be taken.~~

14 ~~(3) If, at the time of the inspection, there is visible~~  
15 ~~evidence of the presence of interior mold, the home inspector~~  
16 ~~must disclose in the home inspection report the visible~~  
17 ~~evidence and the location and advise the client to obtain a~~  
18 ~~professional evaluation.~~

19 ~~(4) The following statements, set forth conspicuously:~~

20 ~~(i) A home inspection is intended to assist in~~  
21 ~~evaluation of the overall condition of the dwelling. The~~  
22 ~~inspection is based on observation of the visible and~~  
23 ~~apparent condition of the structure and its components on~~  
24 ~~the date of inspection.~~

25 ~~(ii) The results of this home inspection are not~~  
26 ~~intended to make a representation regarding the presence~~  
27 ~~or absence of latent or concealed defects that are not~~  
28 ~~reasonably ascertainable in a competently performed home~~  
29 ~~inspection. No warranty or guaranty is expressed or~~  
30 ~~implied.~~

1           ~~(iii) If the person conducting your home inspection~~  
2           ~~is not a licensed structural engineer or other~~  
3           ~~professional whose license authorizes the rendering of an~~  
4           ~~opinion as to the structural integrity of a building or~~  
5           ~~the building's other component parts, you may be advised~~  
6           ~~to seek a professional opinion as to any defects or~~  
7           ~~concerns mentioned in the report.~~

8           ~~(iv) This home inspection report is not to be~~  
9           ~~construed as an appraisal and may not be used as such for~~  
10           ~~any purpose.~~

11           ~~(b) Delivery of report. Except as otherwise required by~~  
12           ~~this subsection or by law, a home inspector may not deliver a~~  
13           ~~home inspection report to a person other than the client of the~~  
14           ~~home inspector without the client's consent. The property owner~~  
15           ~~shall have the right, upon request, to receive without charge a~~  
16           ~~copy of a home inspection report from the person for whom the~~  
17           ~~home inspection report was prepared. If immediate threats to~~  
18           ~~health or safety are observed during the course of the~~  
19           ~~inspection and if the premises are occupied, the client hereby~~  
20           ~~consents to allow the home inspector to disclose the immediate~~  
21           ~~threats to health or safety to the property owner and occupants~~  
22           ~~of the property.~~

23           ~~(c) Liability. A home inspector shall not be held liable~~  
24           ~~for the contents or omissions of a home inspection report if~~  
25           ~~relied upon by any individual or person other than the client as~~  
26           ~~identified by the executed contract for the specific home~~  
27           ~~inspection.~~

28           ~~(d) Limitation period. An action to recover damages arising~~  
29           ~~from a home inspection report must be commenced within one year~~  
30           ~~after the date the report is delivered regardless of when the~~

1 ~~claim is discovered by the client.~~

2 ~~Section 10. Repeals are as follows:~~

3 ~~(1) The General Assembly declares that the repeal under~~  
4 ~~paragraph (2) is necessary to effectuate this act.~~

5 ~~(2) 68 Pa.C.S. Ch. 75 is repealed.~~

6 ~~Section 11. The State Board of Certified Real Estate~~  
7 ~~Appraisers shall promulgate final regulations to carry out this~~  
8 ~~act within 18 months of the effective date of this section. The~~  
9 ~~board shall report, within 60 days of the effective date of this~~  
10 ~~section and every 30 days thereafter, on the status of the~~  
11 ~~regulations to the Consumer Protection and Professional~~  
12 ~~Licensure Committee of the Senate and the Professional Licensure~~  
13 ~~Committee of the House of Representatives.~~

14 ~~Section 12. This act shall take effect as follows:~~

15 ~~(1) The following provisions shall take effect~~  
16 ~~immediately:~~

17 ~~The amendment of section 4(a) and (b) of the act.~~

18 ~~Section 11 of this act.~~

19 ~~This section.~~

20 ~~(2) The remainder of this act shall take effect in two~~  
21 ~~years.~~

22 SECTION 1. THE DEFINITIONS OF "LICENSE" AND "SCHOOL" IN <--  
23 SECTION 201 OF THE ACT OF FEBRUARY 19, 1980 (P.L.15, NO.9),  
24 KNOWN AS THE REAL ESTATE LICENSING AND REGISTRATION ACT, ARE  
25 AMENDED AND THE SECTION IS AMENDED BY ADDING DEFINITIONS TO  
26 READ:

27 SECTION 201. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
29 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
30 MEANINGS GIVEN TO THEM IN THIS SECTION:

1 \* \* \*

2 "CLIENT." WHEN THE TERM IS APPLIED TO A HOME INSPECTOR, A  
3 PERSON OR PERSON ACTING THROUGH A LEGAL REPRESENTATIVE WHO  
4 CONTRACTS WITH A LICENSED HOME INSPECTOR TO OBTAIN A HOME  
5 INSPECTION AND SUBSEQUENT WRITTEN HOME INSPECTION REPORT.

6 \* \* \*

7 "HOME INSPECTION." A NONINVASIVE VISUAL EXAMINATION OF THE  
8 SYSTEMS AND ESSENTIAL COMPONENTS OF A RESIDENTIAL DWELLING  
9 DESIGNED TO IDENTIFY MATERIAL DEFECTS IN THOSE SYSTEMS AND  
10 COMPONENTS AND PERFORMED FOR A FEE IN CONNECTION WITH OR  
11 PREPARATION FOR A PROPOSED OR POSSIBLE RESIDENTIAL REAL ESTATE  
12 TRANSFER. THE TERM:

13 (1) INCLUDES A CONSULTATION REGARDING THE PROPERTY THAT  
14 IS REPRESENTED TO BE A HOME INSPECTION OR THAT IS DESCRIBED  
15 BY A CONFUSINGLY SIMILAR TERM SUCH AS A HOME SURVEY, HOME  
16 ASSESSMENT, BUILDING SURVEY, HOME WALK-THROUGH OR DWELLING  
17 EXAMINATION.

18 (2) DOES NOT INCLUDE:

19 (I) AN EXAMINATION OF A SINGLE SYSTEM OR COMPONENT  
20 OF A RESIDENTIAL DWELLING, SUCH AS AN ELECTRICAL OR  
21 PLUMBING SYSTEM OR ROOF.

22 (II) AN EXAMINATION THAT IS LIMITED TO INSPECTION  
23 FOR OR OF ONE OR MORE OF THE FOLLOWING:

24 (A) WOOD DESTROYING INSECTS.

25 (B) UNDERGROUND TANKS AND WELLS.

26 (C) SEPTIC SYSTEMS.

27 (D) SWIMMING POOLS AND SPAS.

28 (E) ALARM AND SMART HOME SYSTEMS.

29 (F) AIR AND WATER QUALITY.

30 (G) TENNIS COURTS AND PLAYGROUND EQUIPMENT.

1                   (H) POLLUTANTS, TOXIC CHEMICALS AND  
2                   ENVIRONMENTAL HAZARDS.

3                   (III) AN EXAMINATION ASSOCIATED WITH MOVING INTO OR  
4                   OUT OF A LEASED HOME.

5                   "HOME INSPECTION REPORT." A TYPEWRITTEN REPORT ON THE  
6                   RESULTS OF A HOME INSPECTION.

7                   "HOME INSPECTOR-IN-TRAINING." A CANDIDATE FOR LICENSURE AS A  
8                   LICENSED HOME INSPECTOR WHO HAS BEEN GRANTED A REGISTRATION AS A  
9                   HOME INSPECTOR-IN-TRAINING.

10                  "LICENSE." THE TERM INCLUDES BOTH A STANDARD LICENSE AND A  
11                  RECIPROCAL LICENSE, OR IN THE CONTEXT OF HOME INSPECTION, A HOME  
12                  INSPECTOR LICENSE.

13                  "LICENSED HOME INSPECTOR." AN INDIVIDUAL LICENSED BY THE  
14                  COMMISSION TO PERFORM HOME INSPECTIONS. THE TERM DOES NOT  
15                  INCLUDE AN INDIVIDUAL LICENSED UNDER ANY OF THE FOLLOWING LAWS  
16                  WHEN ACTING UNDER THE INDIVIDUAL'S REGISTRATION OR LICENSE:

17                   (1) THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS  
18                   THE ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW,  
19                   AS A PROFESSIONAL ENGINEER, PROFESSIONAL LAND SURVEYOR AND  
20                   PROFESSIONAL GEOLOGIST.

21                   (2) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535, NO.537),  
22                   KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES ACT.

23                   (3) THE ACT OF MARCH 1, 1974 (P.L.90, NO.24), KNOWN AS  
24                   THE PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973.

25                   (4) THE ACT OF DECEMBER 14, 1982 (P.L.1227, NO.281),  
26                   KNOWN AS THE ARCHITECTS LICENSURE LAW.

27                   (5) THE ACT OF JULY 9, 1987 (P.L.238, NO.43), KNOWN AS  
28                   THE RADON CERTIFICATION ACT.

29                   \* \* \*

30                   "MATERIAL DEFECT." A PROBLEM WITH A RESIDENTIAL PROPERTY OR

1 ANY PORTION OF IT THAT WOULD HAVE A SIGNIFICANT ADVERSE IMPACT  
2 ON THE VALUE OF THE PROPERTY OR THAT INVOLVES AN UNREASONABLE  
3 RISK TO PEOPLE ON THE PROPERTY. THE FACT THAT AN ESSENTIAL  
4 COMPONENT, SYSTEM OR SUBSYSTEM IS NEAR, AT OR BEYOND THE END OF  
5 ITS NORMAL USEFUL LIFE IS NOT BY ITSELF A MATERIAL DEFECT.

6 \* \* \*

7 "SCHOOL." ANY PERSON WHO CONDUCTS CLASSES IN REAL ESTATE  
8 SUBJECTS, INCLUDING HOME INSPECTION, BUT IS NOT A COLLEGE,  
9 UNIVERSITY OR INSTITUTE OF HIGHER LEARNING DULY ACCREDITED BY  
10 THE MIDDLE STATES ASSOCIATION OF COLLEGES AND SECONDARY SCHOOLS  
11 OR EQUIVALENT ACCREDITATION.

12 \* \* \*

13 SECTION 2. SECTION 202 (A), (B) AND (C) OF THE ACT ARE  
14 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO  
15 READ:

16 SECTION 202. STATE REAL ESTATE COMMISSION.

17 (A) THE STATE REAL ESTATE COMMISSION IS HEREBY CREATED AND  
18 SHALL CONSIST OF THE COMMISSIONER OF PROFESSIONAL AND  
19 OCCUPATIONAL AFFAIRS; THE DIRECTOR OF THE BUREAU OF CONSUMER  
20 PROTECTION, OR [HIS] THE DIRECTOR'S DESIGNEE; THREE MEMBERS WHO  
21 SHALL BE PERSONS REPRESENTING THE PUBLIC AT LARGE; [FIVE] SIX  
22 OTHER PERSONS, EACH OF WHOM SHALL AT THE TIME OF [HIS]  
23 APPOINTMENT BE A LICENSED AND QUALIFIED REAL ESTATE BROKER UNDER  
24 THE EXISTING LAW OF THIS COMMONWEALTH, AND SHALL HAVE BEEN  
25 ENGAGED IN THE REAL ESTATE BUSINESS IN THIS COMMONWEALTH FOR A  
26 PERIOD OF NOT LESS THAN TEN YEARS IMMEDIATELY PRIOR TO [HIS] THE  
27 APPOINTMENT; TWO SHALL BE QUALIFIED HOME INSPECTORS; AND ONE  
28 OTHER PERSON WHO SHALL HAVE BEEN LICENSED AS A REAL ESTATE  
29 BROKER, OR CEMETERY BROKER, FOR A PERIOD OF AT LEAST FIVE YEARS  
30 AND SHALL HAVE BEEN ENGAGED IN SELLING CEMETERY LOTS FOR AT

1 LEAST TEN YEARS IMMEDIATELY PRIOR TO [HIS] APPOINTMENT. EACH OF  
2 SAID MEMBERS OF THE COMMISSION SHALL BE APPOINTED BY THE  
3 GOVERNOR. FOR A MEMBER TO QUALIFY AS A HOME INSPECTOR, THE  
4 MEMBER MUST MEET THE REQUIREMENTS OF A LICENSED HOME INSPECTOR  
5 EVEN IF THE LICENSE HAS NOT BEEN GRANTED, BUT MUST OBTAIN A  
6 LICENSE WITHIN ONE MONTH OF THE LICENSE BEING AVAILABLE TO  
7 REMAIN ON THE COMMISSION.

8 (A.1) WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS  
9 SUBSECTION, THE GOVERNOR SHALL NOMINATE TWO QUALIFIED HOME  
10 INSPECTORS TO SERVE.

11 (B) THE TERM OF OFFICE OF EACH OF SAID MEMBERS SHALL BE FIVE  
12 YEARS FROM [HIS] THE APPOINTMENT, OR UNTIL [HIS] A SUCCESSOR HAS  
13 BEEN APPOINTED AND QUALIFIED BUT NOT LONGER THAN SIX MONTHS  
14 BEYOND THE FIVE-YEAR PERIOD. IN THE EVENT THAT ANY OF SAID  
15 MEMBERS SHALL DIE OR RESIGN DURING [HIS] THE TERM OF OFFICE,  
16 [HIS] A SUCCESSOR SHALL BE APPOINTED IN THE SAME WAY AND WITH  
17 THE SAME QUALIFICATIONS AS ABOVE SET FORTH AND SHALL HOLD OFFICE  
18 FOR THE UNEXPIRED TERM. NO MEMBER SHALL BE ELIGIBLE TO SERVE  
19 MORE THAN TWO CONSECUTIVE TERMS.

20 (C) A MAJORITY OF THE MEMBERS CURRENTLY SERVING ON THE  
21 COMMISSION SHALL CONSTITUTE A QUORUM. THE COMMISSION SHALL ELECT  
22 A CHAIRMAN, VICE-CHAIRMAN AND SECRETARY FROM AMONG ITS MEMBERS.  
23 A COMMISSION MEMBER WHO FAILS TO ATTEND THREE CONSECUTIVE  
24 MEETINGS SHALL FORFEIT [HIS] THE MEMBER'S SEAT UNLESS THE  
25 COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, UPON  
26 WRITTEN REQUEST FROM THE MEMBER, FINDS THAT THE MEMBER SHOULD BE  
27 EXCUSED FROM A MEETING BECAUSE OF ILLNESS OR THE DEATH OF A  
28 FAMILY MEMBER.

29 \* \* \*

30 SECTION 3. SECTIONS 301, 302, 303, 305, 401, 402 AND 404.1

1 HEADING OF THE ACT ARE AMENDED TO READ:

2 SECTION 301. UNLAWFUL TO CONDUCT BUSINESS WITHOUT LICENSE OR  
3 REGISTRATION CERTIFICATE.

4 IT SHALL BE UNLAWFUL FOR ANY PERSON, DIRECTLY OR INDIRECTLY,  
5 TO ENGAGE IN OR CONDUCT, OR TO ADVERTISE OR HOLD [HIMSELF]  
6 ONESELF OUT AS ENGAGING IN OR CONDUCTING THE BUSINESS, OR ACTING  
7 IN THE CAPACITY OF A BROKER OR SALESPERSON, CEMETERY BROKER,  
8 CEMETERY SALESPERSON, CAMPGROUND MEMBERSHIP SALESPERSON, TIME-  
9 SHARE SALESPERSON, BUILDER-OWNER SALESPERSON, RENTAL LISTING  
10 REFERRAL AGENT, LICENSED HOME INSPECTOR, HOME INSPECTOR-IN-  
11 TRAINING OR CEMETERY COMPANY WITHIN THIS COMMONWEALTH WITHOUT  
12 FIRST BEING LICENSED OR REGISTERED AS PROVIDED IN THIS ACT,  
13 UNLESS [HE] THE PERSON IS EXEMPTED FROM OBTAINING A LICENSE OR  
14 REGISTRATION CERTIFICATE UNDER THE PROVISIONS OF SECTION 304 OR  
15 599.1(C).

16 SECTION 302. CIVIL SUITS.

17 NO ACTION OR SUIT SHALL BE INSTITUTED, NOR RECOVERY BE HAD,  
18 IN ANY COURT OF THIS COMMONWEALTH BY ANY PERSON FOR COMPENSATION  
19 FOR ANY ACT DONE OR SERVICE RENDERED, THE DOING OR RENDERING OF  
20 WHICH IS PROHIBITED UNDER THE PROVISIONS OF THIS ACT BY A PERSON  
21 OTHER THAN A LICENSED BROKER, SALESPERSON, CEMETERY BROKER,  
22 CEMETERY SALESPERSON, CAMPGROUND MEMBERSHIP SALESPERSON, TIME-  
23 SHARE SALESPERSON, BUILDER-OWNER SALESPERSON OR RENTAL LISTING  
24 REFERRAL AGENT, UNLESS SUCH PERSON WAS DULY LICENSED AND  
25 REGISTERED HEREUNDER AS BROKER OR SALESPERSON AT THE TIME OF  
26 OFFERING TO PERFORM ANY SUCH ACT OR SERVICE OR PROCURING ANY  
27 PROMISE OR CONTRACT FOR THE PAYMENT OF COMPENSATION FOR ANY SUCH  
28 CONTEMPLATED ACT OR SERVICE OR THE PERSON IS A LICENSED HOME  
29 INSPECTOR PROVIDING HOME INSPECTION SERVICES.

30 SECTION 303. CRIMINAL PENALTIES.

1 ANY PERSON WHO SHALL ENGAGE IN OR CARRY ON THE BUSINESS, OR  
2 ACT IN THE CAPACITY OF A BROKER, SALESPERSON, CEMETERY BROKER,  
3 CEMETERY SALESPERSON, CAMPGROUND MEMBERSHIP SALESPERSON, TIME-  
4 SHARE SALESPERSON, BUILDER-OWNER SALESPERSON, RENTAL LISTING  
5 REFERRAL AGENT, LICENSED HOME INSPECTOR, HOME INSPECTOR-IN-  
6 TRAINING OR CEMETERY COMPANY, WITHIN THIS COMMONWEALTH, WITHOUT  
7 A LICENSE OR REGISTRATION CERTIFICATE, OR SHALL CARRY ON OR  
8 CONTINUE BUSINESS AFTER THE SUSPENSION OR REVOCATION OF ANY SUCH  
9 LICENSE OR REGISTRATION CERTIFICATE ISSUED TO [HIM] THE PERSON,  
10 OR SHALL EMPLOY ANY PERSON AS A SALESPERSON OR CEMETERY  
11 SALESPERSON TO WHOM A LICENSE HAS NOT BEEN ISSUED, OR WHOSE  
12 LICENSE OR REGISTRATION CERTIFICATE AS SUCH SHALL HAVE BEEN  
13 REVOKED OR SUSPENDED, SHALL BE GUILTY OF A SUMMARY OFFENSE AND  
14 UPON CONVICTION THEREOF FOR A FIRST OFFENSE SHALL BE SENTENCED  
15 TO PAY A FINE NOT EXCEEDING \$500 OR SUFFER IMPRISONMENT, NOT  
16 EXCEEDING THREE MONTHS, OR BOTH AND FOR A SECOND OR SUBSEQUENT  
17 OFFENSE SHALL BE GUILTY OF A FELONY OF THE THIRD DEGREE AND UPON  
18 CONVICTION THEREOF, SHALL BE SENTENCED TO PAY A FINE OF NOT LESS  
19 THAN \$2,000 BUT NOT MORE THAN \$5,000 OR TO IMPRISONMENT FOR NOT  
20 LESS THAN ONE YEAR BUT NOT MORE THAN TWO YEARS, OR BOTH.

21 SECTION 305. CIVIL PENALTY.

22 IN ADDITION TO ANY OTHER CIVIL REMEDY OR CRIMINAL PENALTY  
23 PROVIDED FOR IN THIS ACT, THE COMMISSION, BY A VOTE OF THE  
24 MAJORITY OF THE MAXIMUM NUMBER OF THE AUTHORIZED MEMBERSHIP OF  
25 THE COMMISSION AS PROVIDED BY LAW, OR BY A VOTE OF THE MAJORITY  
26 OF THE DULY QUALIFIED AND CONFIRMED MEMBERSHIP OR A MINIMUM OF  
27 FIVE MEMBERS, WHICHEVER IS GREATER, MAY LEVY A CIVIL PENALTY OF  
28 UP TO \$1,000 ON ANY CURRENT LICENSEE WHO VIOLATES ANY PROVISION  
29 OF THIS ACT OR ON ANY PERSON WHO PRACTICES REAL ESTATE OR AS A  
30 LICENSED HOME INSPECTOR OR HOME INSPECTOR-IN-TRAINING WITHOUT

1 BEING PROPERLY LICENSED OR REGISTERED TO DO SO UNDER THIS ACT.  
2 THE COMMISSION SHALL LEVY THIS PENALTY ONLY AFTER AFFORDING THE  
3 ACCUSED PARTY THE OPPORTUNITY FOR A HEARING, AS PROVIDED IN  
4 TITLE 2 OF THE PENNSYLVANIA CONSOLIDATED STATUTES (RELATING TO  
5 ADMINISTRATIVE LAW AND PROCEDURE).

6 SECTION 401. DUTY TO ISSUE LICENSES AND REGISTRATION  
7 CERTIFICATES.

8 IT SHALL BE THE DUTY OF THE DEPARTMENT TO ISSUE LICENSES AND  
9 REGISTRATION CERTIFICATES TO ANY PERSON WHO SHALL COMPLY WITH  
10 THE PROVISIONS OF THIS ACT. THE COMMISSION MAY ESTABLISH LIMITS  
11 ON THE NUMBER OF TIMES A HOME INSPECTOR-IN-TRAINING MAY RENEW A  
12 REGISTRATION.

13 SECTION 402. APPROVAL OF SCHOOLS.

14 ANY SCHOOL WHICH SHALL OFFER OR CONDUCT ANY COURSE OR COURSES  
15 OF STUDY IN REAL ESTATE OR HOME INSPECTION SHALL FIRST OBTAIN  
16 APPROVAL FROM, AND THEREAFTER ABIDE BY THE RULES AND REGULATIONS  
17 OF THE COMMISSION COVERING SUCH SCHOOLS.

18 SECTION 404.1. CONTINUING EDUCATION FOR REAL ESTATE BROKERS AND  
19 REAL ESTATE SALESPERSONS.

20 \* \* \*

21 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ:

22 SECTION 404.2. CONTINUING EDUCATION FOR LICENSED HOME  
23 INSPECTORS.

24 A LICENSED HOME INSPECTOR SHALL BE REQUIRED TO OBTAIN 32  
25 HOURS OF CONTINUING EDUCATION DURING THE BIENNIAL RENEWAL  
26 PERIOD. CONTINUING EDUCATION HOURS MAY BE EARNED BY COMPLETION  
27 OF CONTINUING EDUCATION COURSES IN THE FIELD OF HOME INSPECTION  
28 DURING THE IMMEDIATELY PRECEDING TWO YEARS AS APPROVED BY THE  
29 COMMISSION. THREE OF THE TOTAL REQUIRED HOURS OF CONTINUING  
30 EDUCATION MUST FOCUS ON THE DIFFERENCE BETWEEN 42 U.S.C. CH. 70

1 (RELATING TO MANUFACTURED HOME CONSTRUCTION AND SAFETY  
2 STANDARDS) AND THE ACT OF MAY 11, 1972 (P.L.286, NO.70), KNOWN  
3 AS THE INDUSTRIALIZED HOUSING ACT, AND THE INSTALLATION OF  
4 MANUFACTURED AND MODULAR HOMES.

5 SECTION 5. SECTION 406 OF THE ACT IS AMENDED BY ADDING A  
6 PARAGRAPH TO READ:

7 SECTION 406. ADMINISTRATION AND ENFORCEMENT.

8 THE COMMISSION SHALL HAVE THE POWER AND ITS DUTY SHALL BE TO  
9 ADMINISTER AND ENFORCE THE LAWS OF THE COMMONWEALTH RELATING TO:

10 \* \* \*

11 (4) THOSE ACTIVITIES INVOLVING HOME INSPECTION FOR WHICH  
12 LICENSING OR REGISTRATION IS REQUIRED UNDER THIS ACT AND TO  
13 INSTRUCT AND REQUIRE ITS AGENTS TO BRING PROSECUTIONS FOR  
14 UNAUTHORIZED OR UNLAWFUL ACTIVITIES.

15 SECTION 6. SECTION 501(A) AND (C) OF THE ACT ARE AMENDED TO  
16 READ:

17 SECTION 501. REPUTATION; INACTIVE LICENSEE; REVOKED LICENSE.

18 (A) LICENSES SHALL BE GRANTED ONLY TO AND RENEWED ONLY FOR  
19 PERSONS WHO BEAR A GOOD REPUTATION FOR HONESTY, TRUSTWORTHINESS,  
20 INTEGRITY AND COMPETENCE TO TRANSACT THE BUSINESS OF BROKER,  
21 SALESPERSON, CEMETERY BROKER, CEMETERY SALESPERSON, CAMPGROUND  
22 MEMBERSHIP SALESPERSON, TIME-SHARE SALESPERSON, BUILDER-OWNER  
23 SALESPERSON, LICENSED HOME INSPECTOR, HOME INSPECTOR-IN-TRAINING  
24 OR RENTAL LISTING REFERRAL AGENT, IN SUCH MANNER AS TO SAFEGUARD  
25 THE INTEREST OF THE PUBLIC, AND ONLY AFTER SATISFACTORY PROOF OF  
26 SUCH QUALIFICATIONS HAS BEEN PRESENTED TO THE COMMISSION AS IT  
27 SHALL BY REGULATION REQUIRE. AN APPLICANT FOR RENEWAL OF A  
28 RECIPROCAL LICENSE SHALL PROVIDE EVIDENCE THAT THE APPLICANT  
29 CONTINUES TO HOLD A CURRENT LICENSE IN THE STATE WHERE THE  
30 APPLICANT'S PRINCIPAL PLACE OF BUSINESS IS LOCATED.

1 \* \* \*

2 (C) UNLESS ORDERED TO DO SO BY COMMONWEALTH COURT, THE  
3 COMMISSION SHALL NOT REINSTATE THE LICENSE OR REGISTRATION,  
4 WITHIN FIVE YEARS OF THE DATE OF REVOCATION, OF ANY PERSON WHOSE  
5 LICENSE OR REGISTRATION HAS BEEN REVOKED UNDER THIS ACT. ANY  
6 PERSON WHOSE LICENSE OR REGISTRATION HAS BEEN REVOKED MAY  
7 REAPPLY FOR A LICENSE OR REGISTRATION AT THE END OF THE FIVE-  
8 YEAR PERIOD BUT MUST MEET ALL OF THE LICENSING OR REGISTRATION  
9 QUALIFICATIONS OF THIS ACT FOR THE LICENSE OR REGISTRATION  
10 APPLIED FOR, TO INCLUDE THE EXAMINATION REQUIREMENT.

11 SECTION 7. CHAPTER 5 OF THE ACT IS AMENDED BY ADDING A  
12 SUBCHAPTER TO READ:

13 SUBCHAPTER K

14 HOME INSPECTOR LICENSE AND HOME INSPECTOR-IN-TRAINING  
15 REGISTRATION

16 SECTION 599.1. QUALIFICATIONS FOR LICENSURE.

17 (A) QUALIFICATIONS.--AN APPLICANT SHALL BE CONSIDERED TO BE  
18 QUALIFIED FOR A LICENSE AS A HOME INSPECTOR IF THE APPLICANT  
19 SUBMITS PROOF SATISFACTORY TO THE COMMISSION OF ALL OF THE  
20 FOLLOWING:

21 (1) THE APPLICANT IS OF A GOOD MORAL CHARACTER. IN  
22 ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
23 CONVICTION, THE COMMISSION SHALL CONDUCT AN INDIVIDUALIZED  
24 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113 (RELATING TO  
25 CONSIDERATION OF CRIMINAL CONVICTIONS).

26 (2) THE APPLICANT IS AT LEAST 18 YEARS OF AGE.

27 (3) THE APPLICANT HAS A HIGH SCHOOL DIPLOMA OR ITS  
28 EQUIVALENT OR EQUIVALENT LIFE OR OCCUPATIONAL EXPERIENCE.

29 (4) THE APPLICANT:

30 (I) HAS COMPLETED NO LESS THAN 80 HOURS OF

1 COMMISSION-APPROVED INSTRUCTION;

2 (II) IS REGISTERED AS A HOME INSPECTOR-IN-TRAINING;

3 AND

4 (III) HAS COMPLETED NO LESS THAN 50 MENTORED HOME  
5 INSPECTIONS COMPLETED IN THE PRESENCE AND UNDER THE  
6 DIRECT SUPERVISION OF A LICENSED HOME INSPECTOR IN THIS  
7 COMMONWEALTH. A HOME INSPECTION REPORT PREPARED BY A HOME  
8 INSPECTOR-IN-TRAINING SHALL BE USED FOR TRAINING PURPOSES  
9 ONLY AND MAY NOT BE PROVIDED TO A CLIENT.

10 (5) THE APPLICANT HAS PASSED A PSYCHOMETRICALLY SOUND  
11 LICENSING EXAMINATION, WHICH HAS BEEN COMMISSION-APPROVED AND  
12 DOCUMENTED AS PSYCHOMETRICALLY SOUND, ADMINISTERED PURSUANT  
13 TO SECTION 812.1 OF THE ACT OF APRIL 9, 1929 (P.L.177,  
14 NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929.

15 (6) THE APPLICATION IS ACCOMPANIED BY THE APPLICATION  
16 FEE AS ESTABLISHED BY THE COMMISSION BY REGULATION.

17 (7) THE APPLICANT IS NOT ADDICTED TO THE HABITUAL USE OF  
18 ALCOHOL, NARCOTICS OR OTHER HABIT-FORMING DRUGS.

19 (8) THERE IS NO CRIMINAL HISTORY WHICH WOULD IMPEDE THE  
20 APPLICANT'S ELIGIBILITY, DETERMINED BY THE COMMISSION BASED  
21 ON THE APPLICANT'S SUBMISSION OF THE FOLLOWING:

22 (I) A REPORT OF THE APPLICANT'S CRIMINAL HISTORY  
23 RECORD INFORMATION UNDER 18 PA.C.S. § 9121(B) (RELATING  
24 TO GENERAL REGULATIONS).

25 (II) IF THE APPLICANT HAS RESIDED OUTSIDE THIS  
26 COMMONWEALTH FOR ANY TIME IN THE FIVE YEARS IMMEDIATELY  
27 PRECEDING THE DATE OF APPLICATION, A REPORT TO THE  
28 COMMISSION OF FEDERAL CRIMINAL IDENTIFICATION AND CRIME  
29 RECORDS UNDER 28 U.S.C. § 534(A) (4) (RELATING TO  
30 ACQUISITION, PRESERVATION, AND EXCHANGE OF IDENTIFICATION

1 RECORDS AND INFORMATION; APPOINTMENT OF OFFICIALS).

2 (B) ISSUANCE OF LICENSE.--THE COMMISSION SHALL ISSUE A  
3 LICENSE AS A HOME INSPECTOR TO AN APPLICANT WHO APPLIES WITHIN  
4 TWO YEARS OF THE EFFECTIVE DATE OF THIS SUBSECTION AND COMPLIES  
5 WITH ALL OF THE FOLLOWING:

6 (1) IS AN ACTIVE HOME INSPECTOR.

7 (2) MEETS THE QUALIFICATIONS DESCRIBED IN SUBSECTION (A)  
8 (2), (3), (6), (7) AND (8).

9 (3) SUBMITS PROOF SATISFACTORY TO THE COMMISSION THAT  
10 THE APPLICANT HAS:

11 (I) BEEN IN ACTIVE, CONTINUOUS PRACTICE FOR AT LEAST  
12 FIVE YEARS IMMEDIATELY PRECEDING THE EFFECTIVE DATE OF  
13 THIS SECTION; OR

14 (II) PERFORMED OR PARTICIPATED IN 100 HOME  
15 INSPECTIONS AND HAS PASSED A RECOGNIZED OR ACCREDITED  
16 EXAMINATION TESTING KNOWLEDGE OF THE PROPER PROCEDURES  
17 FOR CONDUCTING A HOME INSPECTION.

18 (C) PRACTICE OF HOME INSPECTION.--AN INDIVIDUAL MAY NOT  
19 PRACTICE HOME INSPECTION OR HOLD ONESELF OUT AS A HOME INSPECTOR  
20 UNLESS LICENSED BY THE COMMISSION EXCEPT FOR THE FOLLOWING:

21 (1) AN INDIVIDUAL LICENSED AS A PROFESSIONAL ENGINEER  
22 UNDER THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS THE  
23 ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW.

24 (2) AN INDIVIDUAL LICENSED UNDER THE ACT OF DECEMBER 14,  
25 1982 (P.L.1227, NO.281), KNOWN AS THE ARCHITECTS LICENSURE  
26 LAW.

27 (3) A HOME INSPECTOR-IN-TRAINING PRACTICING HOME  
28 INSPECTION IN THE PRESENCE AND UNDER THE DIRECT SUPERVISION  
29 OF A LICENSED HOME INSPECTOR IN THIS COMMONWEALTH, PROVIDED  
30 THE HOME INSPECTOR-IN-TRAINING DOES NOT HOLD ONESELF OUT AS A

1 HOME INSPECTOR.

2 (D) COMPLIANCE.--NOTWITHSTANDING SUBSECTION (C), A PERSON  
3 LICENSED OR REGISTERED AS A PROFESSIONAL ENGINEER UNDER THE  
4 ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW, OR A  
5 PERSON LICENSED OR REGISTERED UNDER THE ARCHITECTS LICENSURE  
6 LAW, MUST COMPLY WITH SUBSECTION (I) AND SECTIONS 599.2, 599.3,  
7 599.4 AND 599.5 WHEN PERFORMING A HOME INSPECTION. A PERSON  
8 LICENSED OR REGISTERED AS A PROFESSIONAL ENGINEER, OR LICENSED  
9 OR REGISTERED AS AN ARCHITECT, WHO VIOLATES THIS SUBSECTION  
10 SHALL BE SUBJECT TO DISCIPLINARY ACTION, INCLUDING LICENSE OR  
11 REGISTRATION SUSPENSION AND REVOCATION, AND PENALTIES UNDER THE  
12 ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW AND THE  
13 ARCHITECTS LICENSURE LAW, RESPECTIVELY.

14 (E) USE OF TITLE.--AN INDIVIDUAL WHO HOLDS A LICENSE OR IS  
15 MAINTAINED ON INACTIVE STATUS MAY USE THE TITLE "LICENSED HOME  
16 INSPECTOR" AND THE ABBREVIATION "L.H.I." NO OTHER INDIVIDUAL MAY  
17 USE THE TITLE "LICENSED HOME INSPECTOR" OR THE TITLE "HOME  
18 INSPECTOR" OR HOLD ONESELF OUT TO OTHERS AS A HOME INSPECTOR.  
19 THIS SUBSECTION SHALL INCLUDE ADVERTISING AS A HOME INSPECTOR  
20 AND ADOPTING OR USING A TITLE OR DESCRIPTION, OR A DERIVATIVE OF  
21 "LICENSED HOME INSPECTOR" OR "HOME INSPECTOR" AND THEIR RELATED  
22 ABBREVIATIONS, WHICH IMPLIES DIRECTLY OR INDIRECTLY THAT HOME  
23 INSPECTION SERVICES ARE BEING PROVIDED.

24 (F) NONTRANSFERABILITY OF LICENSE.--A LICENSE UNDER THIS  
25 SECTION IS NOT TRANSFERABLE.

26 (G) EXAMINATION NOT REQUIRED.--THE COMMISSION MAY ISSUE A  
27 HOME INSPECTOR LICENSE WITHOUT EXAMINATION TO AN APPLICANT  
28 HOLDING A HOME INSPECTOR LICENSE IN ANOTHER STATE WHO SUBMITS  
29 PROOF SATISFACTORY TO THE COMMISSION OF ALL OF THE FOLLOWING:

30 (1) THE APPLICANT IS OF A GOOD MORAL CHARACTER. IN

1 ASSESSING THE MORAL CHARACTER OF AN APPLICANT WITH A CRIMINAL  
2 CONVICTION, THE COMMISSION SHALL CONDUCT AN INDIVIDUALIZED  
3 ASSESSMENT IN ACCORDANCE WITH 63 PA.C.S. § 3113.

4 (2) THE APPLICANT HOLDS AN UNRESTRICTED AND ACTIVE HOME  
5 INSPECTOR LICENSE FROM ANOTHER STATE WHOSE LICENSURE  
6 REQUIREMENTS ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS  
7 FOR LICENSURE IN THIS COMMONWEALTH.

8 (3) THE APPLICANT HAS SUBMITTED AN APPLICATION  
9 ACCOMPANIED BY THE APPLICATION FEE.

10 (4) THERE IS NO CRIMINAL HISTORY WHICH WOULD IMPEDE THE  
11 APPLICANT'S ELIGIBILITY, DETERMINED BY THE COMMISSION BASED  
12 ON THE APPLICANT'S SUBMISSION OF THE FOLLOWING:

13 (I) A REPORT OF THE APPLICANT'S CRIMINAL HISTORY  
14 RECORD INFORMATION UNDER 18 PA.C.S. § 9121(B).

15 (II) IF THE APPLICANT HAS RESIDED OUTSIDE THIS  
16 COMMONWEALTH FOR ANY TIME IN THE FIVE YEARS IMMEDIATELY  
17 PRECEDING THE DATE OF APPLICATION, A REPORT TO THE  
18 COMMISSION OF FEDERAL CRIMINAL IDENTIFICATION AND CRIME  
19 RECORDS UNDER 28 U.S.C. § 534(A)(4).

20 (H) PROHIBITIONS.--NO AGENCY OR POLITICAL SUBDIVISION OF THE  
21 COMMONWEALTH, OTHER THAN THE COMMISSION, SHALL IMPOSE THE  
22 FOLLOWING ON INDIVIDUALS LICENSED UNDER THIS SECTION:

23 (1) A REGISTRATION OR LICENSING REQUIREMENT FOR  
24 CONDUCTING HOME INSPECTIONS.

25 (2) A LICENSE FEE TO OBTAIN A LOCAL LICENSE, EXCEPT THAT  
26 THIS PROHIBITION SHALL NOT PREVENT A LOCAL GOVERNMENT FROM  
27 IMPOSING AN OCCUPATIONAL LICENSE TAX ON A PERSON OPERATING AS  
28 A LICENSED HOME INSPECTOR WITHIN THE JURISDICTION OF THE  
29 LOCAL GOVERNMENT.

30 (I) INSURANCE.--A LICENSED HOME INSPECTOR SHALL MAINTAIN

1 INSURANCE AGAINST ERRORS AND OMISSIONS IN THE PERFORMANCE OF A  
2 HOME INSPECTION AND GENERAL LIABILITY, WITH COVERAGES OF NOT  
3 LESS THAN \$250,000 PER OCCURRENCE AND \$500,000 IN THE AGGREGATE  
4 AND WITH DEDUCTIBLES OF NOT MORE THAN \$15,000. AN APPLICANT MUST  
5 PROVIDE PROOF THAT THE APPLICANT HAS OBTAINED PROFESSIONAL  
6 LIABILITY INSURANCE. IT IS SUFFICIENT IF THE APPLICANT FILES  
7 WITH THE APPLICATION A COPY OF A LETTER FROM THE APPLICANT'S  
8 PROFESSIONAL LIABILITY INSURANCE CARRIER INDICATING THAT THE  
9 APPLICANT WILL BE COVERED AGAINST PROFESSIONAL LIABILITY IN THE  
10 REQUIRED AMOUNTS EFFECTIVE UPON THE ISSUANCE OF THE APPLICANT'S  
11 LICENSE TO PRACTICE HOME INSPECTION IN THIS COMMONWEALTH. UPON  
12 ISSUANCE OF THE LICENSE, THE LICENSEE MUST, WITHIN 30 DAYS,  
13 SUBMIT TO THE COMMISSION THE CERTIFICATE OF INSURANCE OR A COPY  
14 OF THE POLICY DECLARATION PAGE. A LICENSED HOME INSPECTOR SHALL  
15 MAINTAIN PROFESSIONAL LIABILITY INSURANCE FOR AT LEAST ONE YEAR  
16 AFTER THE LATEST HOME INSPECTION REPORT THE LICENSED HOME  
17 INSPECTOR DELIVERS, UNLESS THE HOME INSPECTION REPORT WAS  
18 DELIVERED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

19 (J) CONSTRUCTION.--NOTHING IN THIS ACT SHALL BE CONSTRUED TO  
20 ALLOW A HOME INSPECTOR WHO IS NOT LICENSED UNDER ANY OF THE  
21 FOLLOWING LAWS TO PERFORM ANY ACTIVITY THAT WOULD CONSTITUTE THE  
22 PRACTICE OF THE PROFESSION REGULATED BY THAT LAW:

23 (1) THE ENGINEER, LAND SURVEYOR AND GEOLOGIST  
24 REGISTRATION LAW, AS TO THE PRACTICE OF ENGINEERING, LAND  
25 SURVEYING OR GEOLOGY.

26 (2) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535, NO.537),  
27 KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES ACT.

28 (3) THE ACT OF MARCH 1, 1974 (P.L.90, NO.24), KNOWN AS  
29 THE PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973.

30 (4) THE ARCHITECTS LICENSURE LAW.

1           (5) THE ACT OF JULY 9, 1987 (P.L.238, NO.43), KNOWN AS  
2           THE RADON CERTIFICATION ACT.

3           (K) OTHER LICENSEES.--THE REQUIREMENTS OF THIS ACT RELATING  
4           TO THE LICENSURE OF HOME INSPECTORS SHALL NOT AFFECT THE  
5           OBLIGATIONS OR IMMUNITIES OF AN INDIVIDUAL LICENSED UNDER  
6           ANOTHER PROVISION OF THIS ACT THAT ARE IMPOSED OR PROVIDED UNDER  
7           THIS ACT OR 68 PA.C.S. CH. 73 (RELATING TO SELLER DISCLOSURES)  
8           WHEN THE INDIVIDUAL IS ACTING UNDER THE INDIVIDUAL'S LICENSE,  
9           NOR THE OBLIGATIONS OR IMMUNITIES OF AN INDIVIDUAL CERTIFIED  
10           UNDER THE REAL ESTATE APPRAISERS CERTIFICATION ACT WHEN THE  
11           INDIVIDUAL IS ACTING UNDER THAT CERTIFICATION.

12           (L) HOME INSPECTOR-IN-TRAINING REGISTRATION.--

13           (1) THE COMMISSION SHALL, UPON APPLICATION AND PAYMENT  
14           OF THE APPLICATION FEE ESTABLISHED BY THE COMMISSION, ISSUE A  
15           HOME INSPECTOR-IN-TRAINING REGISTRATION, WITHOUT EXAMINATION,  
16           TO ANY PERSON WHO MEETS THE HOME INSPECTOR-IN-TRAINING  
17           EDUCATIONAL REQUIREMENTS SET BY THE COMMISSION.

18           (2) A HOME INSPECTOR-IN-TRAINING SHALL KEEP A RECORD OF  
19           THE MENTORED HOME INSPECTIONS COMPLETED, WHICH SHALL, AT A  
20           MINIMUM, INCLUDE THE FOLLOWING INFORMATION:

21                   (I) DATE AND TIME OF THE INSPECTION.

22                   (II) ADDRESS OF THE RESIDENCE INSPECTED.

23                   (III) BUSINESS NAME OF THE SUPERVISING INSPECTOR

24                   (IV) NAME OF THE SUPERVISING INSPECTOR.

25                   (V) LICENSE NUMBER OF THE SUPERVISING INSPECTOR.

26                   (VI) SIGNATURE OF THE SUPERVISING INSPECTOR.

27           (M) REPORTING OF MULTIPLE LICENSURE.--A LICENSED HOME  
28           INSPECTOR IN THIS COMMONWEALTH WHO IS ALSO CERTIFIED OR LICENSED  
29           TO PERFORM HOME INSPECTIONS IN ANY OTHER STATE, TERRITORY OR  
30           COUNTRY SHALL REPORT THIS INFORMATION TO THE COMMISSION ON THE

1 BIENNIAL RENEWAL APPLICATION. ANY DISCIPLINARY ACTION TAKEN IN  
2 ANY OTHER STATE, TERRITORY OR COUNTRY SHALL BE REPORTED TO THE  
3 COMMISSION ON THE BIENNIAL RENEWAL APPLICATION, OR WITHIN 90  
4 DAYS OF DISPOSITION, WHICHEVER IS SOONER. MULTIPLE LICENSURE  
5 SHALL BE NOTED BY THE COMMISSION ON THE LICENSED HOME  
6 INSPECTOR'S RECORD, AND THE STATE, TERRITORY OR COUNTRY SHALL BE  
7 NOTIFIED BY THE COMMISSION OF ANY DISCIPLINARY ACTION TAKEN  
8 AGAINST THE LICENSED HOME INSPECTOR IN THIS COMMONWEALTH.

9 SECTION 599.2. CONDUCT OF HOME INSPECTION.

10 (A) ETHICS.--A LICENSED HOME INSPECTOR SHALL CONDUCT A HOME  
11 INSPECTION WITH THE DEGREE OF CARE THAT A REASONABLY PRUDENT  
12 LICENSED HOME INSPECTOR WOULD EXERCISE. IN ASCERTAINING THE  
13 DEGREE OF CARE THAT WOULD BE EXERCISED BY A REASONABLY PRUDENT  
14 LICENSED HOME INSPECTOR, A COURT SHALL CONSIDER THE STANDARDS OF  
15 PRACTICE AND CODES OF ETHICS AS ESTABLISHED BY THE COMMISSION BY  
16 REGULATION.

17 (B) IMMEDIATE THREAT TO HEALTH OR SAFETY.--IF AN IMMEDIATE  
18 THREAT TO HEALTH OR SAFETY IS OBSERVED DURING THE COURSE OF A  
19 HOME INSPECTION AND THE HOME IS OCCUPIED, THE LICENSED HOME  
20 INSPECTOR SHALL DISCLOSE THE IMMEDIATE THREAT TO HEALTH OR  
21 SAFETY TO THE PROPERTY OWNER AND OCCUPANTS OF THE PROPERTY AT  
22 THE CONCLUSION OF THE HOME INSPECTION. POSTING A NOTICE ON A  
23 FORM PRESCRIBED BY THE COMMISSION BY REGULATION ON THE FRONT  
24 DOOR OF THE OCCUPIED HOME IN A POSITION THAT ENSURES THE  
25 OCCUPANTS SEE THE NOTICE SHALL CONSTITUTE PROPER DISCLOSURE.

26 SECTION 599.3. REMEDIES FOR HOME INSPECTION SERVICES CLIENTS.

27 (A) UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW.--THE  
28 PERFORMANCE OF A HOME INSPECTION IS A SERVICE SUBJECT TO THE ACT  
29 OF DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR  
30 TRADE PRACTICES AND CONSUMER PROTECTION LAW.

1 (B) WRONGFUL ACTS.--THE FOLLOWING ACTS ENGAGED IN BY A  
2 LICENSED HOME INSPECTOR, AN EMPLOYER OF A LICENSED HOME  
3 INSPECTOR OR ANOTHER BUSINESS OR PERSON THAT CONTROLS OR HAS A  
4 FINANCIAL INTEREST IN THE EMPLOYER OF A LICENSED HOME INSPECTOR  
5 SHALL BE DEEMED TO BE AN UNFAIR OR DECEPTIVE ACT OR PRACTICE AS  
6 DEFINED BY SECTION 2(4) OF THE UNFAIR TRADE PRACTICES AND  
7 CONSUMER PROTECTION LAW:

8 (1) PERFORMING OR OFFERING TO PERFORM FOR AN ADDITIONAL  
9 FEE ANY REPAIRS TO A STRUCTURE WITH RESPECT TO WHICH THE  
10 LICENSED HOME INSPECTOR, THE EMPLOYER OF THE LICENSED HOME  
11 INSPECTOR OR OTHER BUSINESS OR PERSON HAS PREPARED A HOME  
12 INSPECTION REPORT WITHIN THE PRECEDING 12 MONTHS, EXCEPT THAT  
13 THIS PARAGRAPH SHALL NOT APPLY TO REMEDIATION FOR RADON OR  
14 WOOD-DESTROYING INSECTS.

15 (2) INSPECTING FOR A FEE ANY PROPERTY IN WHICH THE  
16 LICENSED HOME INSPECTOR, THE EMPLOYER OF THE LICENSED HOME  
17 INSPECTOR OR OTHER BUSINESS OR PERSON HAS A FINANCIAL  
18 INTEREST OR AN INTEREST IN THE TRANSFER OF THE PROPERTY,  
19 INCLUDING RECEIPT OF A COMMISSION AS AN AGENT, UNLESS THE  
20 FINANCIAL INTEREST OR INTEREST IN THE TRANSFER OF THE  
21 PROPERTY IS DISCLOSED IN WRITING TO THE BUYER BEFORE THE HOME  
22 INSPECTION IS PERFORMED AND THE BUYER SIGNS AN ACKNOWLEDGMENT  
23 OF RECEIPT OF THE DISCLOSURE.

24 (3) OFFERING OR DELIVERING A COMMISSION, REFERRAL FEE OR  
25 KICKBACK TO THE SELLER OF THE INSPECTED PROPERTY OR TO AN  
26 AGENT FOR THE SELLER OR BUYER FOR THE REFERRAL OF BUSINESS TO  
27 THE LICENSED HOME INSPECTOR, THE EMPLOYER OF THE LICENSED  
28 HOME INSPECTOR OR OTHER BUSINESS OR PERSON.

29 (4) ACCEPTING AN ENGAGEMENT TO PERFORM A HOME INSPECTION  
30 OR TO PREPARE A HOME INSPECTION REPORT IN WHICH THE

1 EMPLOYMENT ITSELF OR THE FEE PAYABLE FOR THE INSPECTION IS  
2 CONTINGENT UPON THE CONCLUSIONS IN THE REPORT, PREESTABLISHED  
3 OR PRESCRIBED FINDINGS OR THE CLOSING OF THE TRANSACTION.

4 (C) HOME WARRANTY COMPANY.--A HOME WARRANTY COMPANY THAT IS  
5 AFFILIATED WITH OR RETAINS THE LICENSED HOME INSPECTOR DOES NOT  
6 VIOLATE SUBSECTION (B) IF THE HOME WARRANTY COMPANY PERFORMS  
7 REPAIRS IN ACCORDANCE WITH CLAIMS MADE UNDER A HOME WARRANTY  
8 CONTRACT.

9 (D) OTHER REMEDIES.--IN ADDITION TO OTHER REMEDIES AVAILABLE  
10 UNDER THE UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION LAW OR  
11 OTHER APPLICABLE PROVISION OF LAW, THE OWNER OF A PROPERTY ON  
12 WHICH REPAIRS ARE PERFORMED IN VIOLATION OF SUBSECTION (B) (1)  
13 SHALL BE ENTITLED TO A FULL REFUND OF MONEY PAID FOR THOSE  
14 REPAIRS, AND A PROMISSORY NOTE OR ANOTHER OBLIGATION TO PAY  
15 GIVEN TO THE PERSON PERFORMING THOSE REPAIRS SHALL BE VOID.  
16 SECTION 599.4. HOME INSPECTION CONTRACTS.

17 (A) REQUIRED PROVISIONS.--A HOME INSPECTION CONTRACT MUST BE  
18 TYPEWRITTEN AND INCLUDE ALL OF THE FOLLOWING:

- 19 (1) SIGNATURE OF CLIENT.
- 20 (2) SCOPE OF HOME INSPECTION.
- 21 (3) FEE CHARGED TO CLIENT.
- 22 (4) CONTACT INFORMATION OF THE LICENSED HOME INSPECTOR.
- 23 (5) SIGNATURE OF THE LICENSED HOME INSPECTOR.
- 24 (6) LICENSE NUMBER OF THE LICENSED HOME INSPECTOR.
- 25 (7) A STATEMENT EXPLAINING THE CONFIDENTIALITY BETWEEN  
26 THE LICENSED HOME INSPECTOR AND THE CLIENT.

27 (B) PROHIBITED PROVISIONS.--THE FOLLOWING TYPES OF  
28 PROVISIONS IN A CONTRACT WITH A LICENSED HOME INSPECTOR FOR THE  
29 PERFORMANCE OF A HOME INSPECTION ARE CONTRARY TO PUBLIC POLICY,  
30 AND THE CLAUSE SHALL BE UNENFORCEABLE AS IT RELATES TO:

1           (1) A LIMITATION ON THE LIABILITY OF THE LICENSED HOME  
2           INSPECTOR FOR GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

3           (2) A WAIVER OR MODIFICATION OF ANY PROVISION OF THIS  
4           SECTION OR SECTION 599.2, 599.3 OR 599.5.

5           SECTION 599.5. HOME INSPECTION REPORTS.

6           (A) CONTENTS.--A HOME INSPECTION REPORT MUST BE TYPEWRITTEN  
7           AND INCLUDE ALL OF THE FOLLOWING:

8           (1) A DESCRIPTION OF THE SCOPE OF THE INSPECTION,  
9           INCLUDING IDENTIFICATION OF THE ESSENTIAL COMPONENTS AND  
10           SYSTEMS AND SUBSYSTEMS COVERED BY THE REPORT.

11           (2) A DESCRIPTION OF MATERIAL DEFECTS NOTED DURING THE  
12           INSPECTION, ALONG WITH A RECOMMENDATION THAT CERTAIN EXPERTS  
13           BE RETAINED TO DETERMINE THE EXTENT OF THE DEFECTS AND THE  
14           CORRECTIVE ACTION THAT SHOULD BE TAKEN.

15           (3) IF, AT THE TIME OF THE INSPECTION, THERE IS VISIBLE  
16           EVIDENCE OF THE PRESENCE OF INTERIOR MOLD, THE LICENSED HOME  
17           INSPECTOR MUST DISCLOSE IN THE HOME INSPECTION REPORT THE  
18           VISIBLE EVIDENCE AND THE LOCATION AND ADVISE THE CLIENT TO  
19           OBTAIN A PROFESSIONAL EVALUATION.

20           (4) THE FOLLOWING STATEMENTS, SET FORTH CONSPICUOUSLY:

21           (I) A HOME INSPECTION IS INTENDED TO ASSIST IN  
22           EVALUATION OF THE OVERALL CONDITION OF THE DWELLING. THE  
23           INSPECTION IS BASED ON OBSERVATION OF THE VISIBLE AND  
24           APPARENT CONDITION OF THE STRUCTURE AND ITS COMPONENTS ON  
25           THE DATE OF INSPECTION.

26           (II) THE RESULTS OF THIS HOME INSPECTION ARE NOT  
27           INTENDED TO MAKE A REPRESENTATION REGARDING THE PRESENCE  
28           OR ABSENCE OF LATENT OR CONCEALED DEFECTS THAT ARE NOT  
29           REASONABLY ASCERTAINABLE IN A COMPETENTLY PERFORMED HOME  
30           INSPECTION. NO WARRANTY OR GUARANTY IS EXPRESSED OR

1           IMPLIED.

2           (III) IF THE PERSON CONDUCTING YOUR HOME INSPECTION  
3           IS NOT A LICENSED STRUCTURAL ENGINEER OR OTHER  
4           PROFESSIONAL WHOSE LICENSE AUTHORIZES THE RENDERING OF AN  
5           OPINION AS TO THE STRUCTURAL INTEGRITY OF A BUILDING OR  
6           THE BUILDING'S OTHER COMPONENT PARTS, YOU MAY BE ADVISED  
7           TO SEEK A PROFESSIONAL OPINION AS TO ANY DEFECT OR  
8           CONCERN MENTIONED IN THE REPORT.

9           (IV) THIS HOME INSPECTION REPORT IS NOT TO BE  
10           CONSTRUED AS AN APPRAISAL AND MAY NOT BE USED AS SUCH FOR  
11           ANY PURPOSE.

12           (B) DELIVERY OF REPORT.--EXCEPT AS OTHERWISE REQUIRED BY  
13           THIS SUBSECTION OR BY LAW, A LICENSED HOME INSPECTOR MAY NOT  
14           DELIVER A HOME INSPECTION REPORT TO A PERSON OTHER THAN THE  
15           CLIENT OF THE LICENSED HOME INSPECTOR WITHOUT THE CLIENT'S  
16           CONSENT. THE PROPERTY OWNER SHALL HAVE THE RIGHT, UPON REQUEST,  
17           TO RECEIVE WITHOUT CHARGE A COPY OF A HOME INSPECTION REPORT  
18           FROM THE PERSON FOR WHOM THE HOME INSPECTION REPORT WAS  
19           PREPARED. IF IMMEDIATE THREATS TO HEALTH OR SAFETY ARE OBSERVED  
20           DURING THE COURSE OF THE INSPECTION AND IF THE PREMISES ARE  
21           OCCUPIED, THE CLIENT HEREBY CONSENTS TO ALLOW THE LICENSED HOME  
22           INSPECTOR TO DISCLOSE THE IMMEDIATE THREATS TO HEALTH OR SAFETY  
23           TO THE PROPERTY OWNER AND OCCUPANTS OF THE PROPERTY.

24           (C) LIABILITY.--A LICENSED HOME INSPECTOR SHALL NOT BE HELD  
25           LIABLE FOR THE CONTENTS OR OMISSIONS OF A HOME INSPECTION REPORT  
26           IF RELIED UPON BY ANY INDIVIDUAL OR PERSON OTHER THAN THE CLIENT  
27           AS IDENTIFIED BY THE EXECUTED CONTRACT FOR THE SPECIFIC HOME  
28           INSPECTION.

29           (D) LIMITATION PERIOD.--AN ACTION TO RECOVER DAMAGES ARISING  
30           FROM A HOME INSPECTION REPORT MUST BE COMMENCED WITHIN ONE YEAR

1 AFTER THE DATE THE REPORT IS DELIVERED REGARDLESS OF WHEN THE  
2 CLAIM IS DISCOVERED BY THE CLIENT.

3 SECTION 8. SECTIONS 602(A) AND 608.6(H) OF THE ACT ARE  
4 AMENDED TO READ:

5 SECTION 602. RECIPROCAL LICENSES.

6 (A) ANY PERSON WHO HOLDS A CURRENT LICENSE TO PROVIDE REAL  
7 ESTATE SERVICES OR HOME INSPECTION SERVICES ISSUED BY ANOTHER  
8 STATE AND WHOSE PRINCIPAL PLACE OF BUSINESS FOR THE PROVISION OF  
9 THOSE SERVICES IS OUTSIDE OF THIS COMMONWEALTH MAY BE ISSUED A  
10 RECIPROCAL LICENSE UNDER THIS ACT IN ACCORDANCE WITH THIS  
11 SECTION. THE RECIPROCAL LICENSE SHALL BE THE TYPE OF LICENSE  
12 THAT THE COMMISSION DETERMINES IS MOST SIMILAR TO THE TYPE OF  
13 LICENSE ISSUED BY THE OTHER STATE.

14 \* \* \*

15 SECTION 608.6. BROKER PRICE OPINION.

16 \* \* \*

17 (H) A REGISTERED APPRAISAL MANAGEMENT COMPANY MAY RECRUIT,  
18 ENGAGE AND NEGOTIATE FEES WITH A BROKER TO PREPARE BROKER PRICE  
19 OPINIONS AND MAY RECEIVE ORDERS FOR AND SUBMIT BROKER PRICE  
20 OPINIONS TO [CLIENTS] CONSUMERS.

21 \* \* \*

22 SECTION 9. REPEALS ARE AS FOLLOWS:

23 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER  
24 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THIS ACT.

25 (2) 68 PA.C.S. CH. 75 IS REPEALED.

26 SECTION 10. THE STATE REAL ESTATE COMMISSION SHALL  
27 PROMULGATE FINAL REGULATIONS TO IMPLEMENT THIS ACT WITHIN 18  
28 MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

29 SECTION 11. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

30 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT

1 IMMEDIATELY:

2 (I) THE AMENDMENT OF SECTION 202(A) AND (B) OF THE  
3 ACT.

4 (II) SECTION 10 OF THIS ACT.

5 (III) THIS SECTION.

6 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN TWO  
7 YEARS.