

CHAPTER 400f HOME INSPECTORS

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Sec. 20-490. Definitions. As used in sections 20-490 to 20-495a, inclusive, unless the context otherwise requires:

(1) "Board" means the Home Inspection Licensing Board.

(2) "Client" means a person who engages or seeks to engage the services of a home inspector for the purpose of obtaining an inspection of and a written report upon the condition of a residential building.

(3) "Commissioner" means the Commissioner of Consumer Protection.

(4) "Department" means the Department of Consumer Protection.

(5) "Engage in home inspection" means to provide or offer to provide a home inspection for compensation or other valuable consideration or to hold oneself out to the public as qualified to provide such a service.

(6) "Home inspection" means an examination and written evaluation of two or more of the following components of a residential building: Heating, cooling, plumbing and electrical systems, structural components, foundation, roof, masonry, structure, exterior and interior components and any other related residential housing components, as set forth in regulations adopted by the commissioner, in accordance with chapter 54, after consultation with the board, but does not include an examination or written evaluation of a mobile manufactured home, which examination or evaluation is conducted or prepared for the purpose of complying with subsection (e) of section 21-79.

(7) "Home inspector" means a person licensed in accordance with the provisions of section 20-492a or subsection (b) of section 20-492b and the regulations adopted pursuant to section 20-491.

(8) "Home inspector intern" means a person who is in training to become a home inspector under the supervision of a home inspector licensed in accordance with the provisions of section 20-492a or subsection (b) of section 20-492b and any regulations adopted pursuant to section 20-491.

(9) "Residential building" means a structure that is intended to be or is in fact used as a residence consisting of from one to four family dwelling units, but does not include commercial use space or units and common areas.

(P.A. 99-254, S. 1, 18; June 30 Sp. Sess. P.A. 03-6, S. 146(c), (d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 99-254 effective July 1, 2000; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Commissioner and Department of Consumer Protection with Commissioner and Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-490a. Home Inspection Licensing Board. (a) There shall be, within the Department of Consumer Protection, a Home Inspection Licensing Board.

(b) The board shall consist of eight members, to be appointed by the Governor not later than six months after July 1, 2000. The Governor shall appoint a chairperson from among the members of the board. Each member shall be, at the time of appointment, a resident of the state of Connecticut. Except as provided in subsection (c) of this section, five of the members shall be home inspectors licensed under section 20-492a or subsection (b) of section 20-492b, who have been engaged in home inspection in this state for at least five years immediately preceding their appointment. Three of the members shall be public members who are owners and residents of a residential building.

(c) For a period of eighteen months from July 1, 2000, the five home inspectors initially appointed as members of the board shall not be required, at the time of their first appointment, to be home inspectors licensed under section 20-492a or subsection (b) of section 20-492b, provided such home inspectors meet or exceed the requirements of subdivisions (1), (2) and (5) of subsection (a) of section 20-492b and provided further, each such home inspector has: (1) Been engaged in home inspection for not less than five years prior to July 1, 2000; and (2) performed not less than five hundred home inspections for compensation or other valuable consideration.

(d) Not later than thirty days after all members have been appointed to the board, and annually thereafter, the board shall meet for the purpose of organizing by electing such officers as the board may deem necessary and appropriate. The board shall meet at least quarterly on a date and at a time and place that it shall determine and at such other times as may be specified upon the call of the chairperson or a majority of the board members. A majority of the members shall constitute a quorum.

(e) Any member who fails to attend three consecutive meetings or who fails to attend fifty per cent of all meetings during any calendar year shall be deemed to have resigned from the board. Members shall not serve for more than two consecutive full terms, except that if no successor has been appointed or approved, such member shall continue to serve until a successor is appointed or approved. The Governor shall fill vacancies by appointment for the unexpired portion of the term.

(f) Members shall not be compensated for their services but shall be reimbursed for necessary expenses incurred in the performance of their duties.

(P.A. 99-254, S. 2, 18; June 30 Sp. Sess. P.A. 03-6, S. 146(d); P.A. 04-169, S. 17; 04-189, S. 1.)

History: P.A. 99-254 effective July 1, 2000; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-169 replaced Department of Consumer Protection with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004.

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Sec. 20-491. Regulations: Home inspectors and home inspector interns. (a) The commissioner, with the advice and assistance of the board, shall adopt regulations in accordance with the provisions of chapter 54 to: (1) Establish such qualifications for the licensing of home inspectors as the commissioner finds necessary for the public interest; (2) establish an application process for persons seeking a license as a home inspector; (3) establish continuing education requirements and standards of professional and ethical conduct for home inspectors; (4) publish a code of ethics for home inspectors; and (5) establish such reasonable rules and regulations as the commissioner may deem necessary or desirable to carry out and enforce the provisions of sections 20-490 to 20-495a, inclusive.

(b) The commissioner, with the advice and assistance of the board, shall adopt regulations in accordance with the provisions of chapter 54 to: (1) Establish the requirements for obtaining a permit as a home inspector intern; (2) establish application procedures for persons seeking a permit as a home inspector intern; (3) prescribe rules and standards concerning the supervision of home inspector interns by licensed home inspectors; and (4) adopt such reasonable regulations as the commissioner may deem necessary or desirable to carry out and enforce the provisions of sections 20-490 to 20-495a, inclusive. Such regulations shall require, as a condition of receiving a permit as a home inspector intern, that the applicant enroll in and complete a board-approved training program which may include a home study course.

(c) The commissioner shall establish rules concerning hearings on any matter under the provisions of sections 20-490 to 20-495a, inclusive.

(P.A. 99-254, S. 3, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-491a. Examinations. The board, with the consent of the commissioner, shall prescribe the form and content of examinations to determine the qualifications of persons who apply for licenses to engage in home inspection. The department shall administer such examinations or may contract with a testing service to provide and conduct such examinations at least three times each year.

(P.A. 99-254, S. 4, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-492. License required. Exemptions. (a) No person shall engage in home inspection without a license issued under section 20-492a or subsection (b) of section 20-492b, except that (1) nothing in sections 20-490 to 20-495a, inclusive, shall be construed to apply to an architect licensed pursuant to the provisions of chapter 390 or a professional engineer licensed pursuant to the provisions of chapter 391, and (2) nothing in sections 20-490 to 20-495a, inclusive, shall be construed to prevent any of the following persons from acting within the scope of their profession:

(A) Any person employed by this state, any department or agency of this state or any political subdivision of this state, when acting within the scope of such employment;

(B) Any person employed by the United States or any of its departments or agencies;

(C) Any school, public or private, offering as part of a vocational education program courses and training in any aspect of home inspection;

(D) Any person holding a current professional or occupational license or registration issued pursuant to the general statutes, provided such person engages only in that work for which such person is licensed, including, but not limited to, an electrical contractor or plumber licensed pursuant to the provisions of chapter 393, a real estate appraiser certified or licensed pursuant to the provisions of chapter 400g or an insurance adjuster;

(E) Any person holding a current home inspector intern permit who conducts home inspections in accordance with subsection (c) of section 20-493b for the purpose of qualifying for licensure as a home inspector; and

(F) Any person who has taken and successfully completed a board-approved training program, earned a home inspector intern permit and performs home inspections in accordance with subsection (c) of section 20-493b.

(b) Any person seeking a license as a home inspector shall apply to the board, in writing, on forms that the department shall provide stating: (1) Such person's name, residence address and business address; (2) a brief description of such person's qualifications, including the length and nature of such person's experience; and (3) such other information as the department may require by regulations adopted in accordance with section 20-491.

(c) Each application for a home inspector license shall be accompanied by a fee of forty dollars.

(P.A. 99-254, S. 5, 18; P.A. 01-116, S. 2, 3; June Sp. Sess. P.A. 01-9, S. 31, 131.)

History: P.A. 99-254 effective July 1, 2000; P.A. 01-116 amended Subsec. (a) by deleting references to Sec. 21a-6, effective July 1, 2001; June Sp. Sess. P.A. 01-9 amended Subsec. (a)(2) to make Subparas. (E) and (F) applicable to persons who conduct home inspections in accordance with Sec. 20-493b(c) rather than under the direct supervision and in the presence of a licensed home inspector, effective July 1, 2001.

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Sec. 20-492a. Issuance of license. Holder to exhibit license, when. License not transferable. Licensee's disclosure requirements. Expiration. Renewal. Register of home inspectors. (a) The department shall issue to each applicant who achieves a passing score on the examination administered by the department pursuant to section 20-491a and who meets the requirements for licensure set forth in subsection (a) of section 20-492b and in regulations adopted by the commissioner pursuant to section 20-491 a home inspector license indicating that the holder is entitled to engage in home inspection, and the holder of such license shall carry it upon such holder's person while engaging in such work. The licensee shall show such license to any client on request. No license shall be transferred to or used by any person other than the person to whom the license was issued.

(b) Prior to performing a home inspection, each licensee shall inform the client, in writing, that the licensee's work is subject to regulation by the department and that inquiries and complaints concerning the licensee's work may be directed to the department.

(c) All licenses issued under the provisions of this section shall expire biennially and may be renewed upon application and payment to the department of a renewal fee in the amount of two hundred dollars.

(d) The department shall maintain a register containing the names of all persons to whom such licenses are issued which shall be open to public inspection.

(P.A. 99-254, S. 6, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-492b. Qualifications for license. Exemptions. (a) To be eligible for a home inspector license, an applicant shall:

- (1) Have successfully completed high school or its equivalent;
- (2) Have earned a home inspector intern permit and performed not less than one hundred home inspections in accordance with subsection (c) of section 20-493b;
- (3) Have passed an oral, written or electronic competency examination administered by the department; and
- (4) Paid a fee of two hundred dollars.

(b) During the first three hundred sixty-five days following July 1, 2001, the board shall issue to an individual, upon application, a home inspector license, provided the applicant meets the requirements of subdivisions (1), (3) and (4) of subsection (a) of this section and provided further, the individual:

- (1) Became engaged in the practice of home inspections for compensation prior to July 1, 2000; and
- (2) Has performed not less than eighty home inspections for compensation prior to July 1, 2001.

(P.A. 99-254, S. 7, 8, 18; P.A. 01-116, S. 1, 3; June Sp. Sess. P.A. 01-9, S. 30, 131.)

History: P.A. 99-254 effective July 1, 2000; P.A. 01-116 amended Subsec. (a)(2) by eliminating requirements that applicants engage as an intern for not less than one year and perform not less than two hundred inspections or complete an approved training program, and amended Subsec. (b) by extending grandfather clause from July 1, 2000, to July 1, 2001, by adding reference to Subsec. (a)(3), by eliminating requirement that inspectors engage in practice for not less than two years and by reducing number of home inspections from one hundred sixty to eighty, effective July 1, 2001; June Sp. Sess. P.A. 01-9 amended Subsec. (a)(2) to provide that one hundred home inspections must be performed in accordance with Sec. 20-493b(c), rather than under the direct supervision and in the presence of a license home inspector, effective July 1, 2001.

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Sec. 20-492c. Licensure of out-of-state licensees. Fee. Upon payment to the department of a fee in the amount of one hundred dollars and the submission of a written application provided by the department, the department shall issue a home inspector license to any person who holds a valid license issued by another state with standards substantially equivalent to or exceeding the standards of this state, as determined by the department.

(P.A. 99-254, S. 9, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-493. Application for home inspector intern permit. Fee. (a) Any person seeking a permit as a home

inspector intern shall apply to the board, in writing, on forms that the department shall provide stating: (1) Such person's name and residence address; (2) the name of a licensed home inspector who has agreed to supervise the applicant; and (3) such other information as the department may require by regulations adopted in accordance with section 20-491.

(b) Each application for a home inspector permit shall be accompanied by a fee of twenty dollars. All such fees shall be paid to the department.

(P.A. 99-254, S. 10, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-493a. Issuance of intern permit. Holder to exhibit, when. Permit not transferable. Expiration. Renewal. Register of home inspector interns. (a) The department shall issue to each applicant who meets the eligibility requirements set forth in section 20-493b and the regulations adopted by the commissioner pursuant to section 20-491 a home inspector intern permit indicating that the holder is entitled to engage in home inspection under the supervision of a licensed home inspector, and the holder of such permit shall carry it upon such holder's person while engaging in such work. Such permit shall state that it must be shown to any properly interested person on request. No permit shall be transferred to or used by any person other than the person to whom the permit was issued.

(b) All permits issued under the provisions of this section shall expire biennially and may be renewed upon application and payment to the department of an application fee in the amount of one hundred dollars.

(c) The department shall keep a register containing the names of all persons to whom such permits are issued which shall be open to public inspection.

(P.A. 99-254, S. 11, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-493b. Home inspector interns: Qualifications for permit; training program; supervision by licensed home inspector. (a) To be eligible for a home inspector intern permit, an applicant shall:

(1) Have successfully completed high school or its equivalent;

(2) Have enrolled in and completed a board-approved training program that meets the requirements of regulations adopted by the commissioner pursuant to section 20-491;

(3) Have an identified supervisor who (A) is licensed as a home inspector under section 20-492a or subsection (b) of section 20-492b, (B) is in good standing with the state as a home inspector, and (C) has agreed to perform supervisory functions as described in subsection (c) of this section; and

(4) Have paid a fee in the amount of one hundred dollars.

(b) Upon completion of a board-approved training program that meets the requirements of the regulations adopted by the commissioner pursuant to section 20-491, the home inspector intern may take the home inspector licensure

examination administered under section 20-491a. If such intern does not pass such licensure examination, such intern may take up to two additional examinations during the one-year period commencing on the date of the applicant's first examination application. If the applicant does not pass a third examination the applicant may not be examined again until one year after the date of such third examination.

(c) A home inspector intern shall perform functions of a home inspector only under the supervision of a licensed home inspector and in accordance with rules and regulations adopted by the commissioner in accordance with the provisions of section 20-491. Such supervision shall be direct supervision for a minimum of the first ten inspections, and then may be indirect for the remaining training period. For the purpose of this section, "direct supervision" means the supervisor shall be present at the site of a home inspection where the home inspector intern is assigned one hundred per cent of the time and such supervisor shall countersign all documents prepared and completed by the home inspector intern.

(d) The licensed home inspector supervising the home inspector intern shall be responsible for all inspections done by the home inspector intern under the licensed home inspector's charge.

(P.A. 99-254, S. 12, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-494. Disciplinary action. Discontinuance, suspension or rescission of disciplinary action. (a) The board may, by majority vote of the entire board and upon a finding of any cause specified in subsection (c) of section 21a-9:

(1) Revoke, suspend or refuse to issue a home inspector license or home inspector intern permit;

(2) Issue a letter of reprimand to a home inspector and send a copy of such letter to a complainant or to a state or local official;

(3) Place a home inspector on probationary status and require the home inspector to report regularly to the board on the matter that is the basis for probation;

(4) Limit the home inspector's practice to areas prescribed by the board; or

(5) Order a home inspector to continue or renew the home inspector's education until the home inspector has attained a satisfactory level of competence in any area that is the basis for probation.

(b) By majority vote of the entire board and upon a finding that a person applying for or renewing a home inspector license or home inspector intern permit is subject to the registration requirements of chapter 969, the board may refuse to issue or renew the home inspector license or home inspector intern permit.

(c) The board may discontinue, suspend or rescind any action taken under subsection (a) or (b) of this section.

(P.A. 99-254, S. 13, 18; P.A. 01-155, S. 4.)

History: P.A. 99-254 effective July 1, 2000; P.A. 01-155 added new Subsec. (b) re refusal of license or permit for any person subject to registration under chapter 969, redesignated existing Subsec. (b) as Subsec. (c) and made conforming changes therein.

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Sec. 20-494a. Fines. Civil penalties. (a) Except as otherwise provided in sections 20-490 to 20-495a, inclusive, any person who (1) conducts home inspection without having first obtained the license or permit required by said sections, (2) employs or supplies for employment a person who does not have a license or permit to conduct home inspection, (3) falsely pretends to qualify to conduct home inspection, (4) engages in or practices any of the work for which a license or permit is required by said sections after the expiration of such license or permit, or (5) violates any other provision of said sections, unless the penalty is otherwise specifically prescribed, shall be fined not more than two hundred dollars for each such violation.

(b) The board may, after notice and hearing, impose a civil penalty on any person who (1) engages in or practices the work for which a license or permit is required by sections 20-490 to 20-495a, inclusive, without having first obtained such a license or permit, (2) employs or supplies for employment a person who does not have such a license or permit, (3) falsely pretends to qualify to engage in or practice such work, (4) engages in or practices any of the work for which a license or permit is required by said sections after the expiration of such person's license or permit, or (5) violates any of the provisions of said sections or the regulations adopted pursuant to said sections. Such penalty shall not exceed five thousand dollars for each violation, except that any individual employed as a home inspector intern but improperly registered shall not be penalized for a first offense.

(P.A. 99-254, S. 14, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-495. Hearings. The board may hold hearings on any matter under the provisions of sections 20-490 to 20-495a, inclusive. Such hearings shall be conducted in accordance with the regulations adopted by the commissioner in accordance with section 20-491.

(P.A. 99-254, S. 15, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Sec. 20-495a. Appeals. Any person aggrieved by an order or decision of the board may appeal from such order or decision in accordance with the provisions of section 4-183.

(P.A. 99-254, S. 16, 18.)

History: P.A. 99-254 effective July 1, 2000.

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Secs. 20-496 to 20-499. Reserved for future use.

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