

Regular Session, 2014

SENATE BILL NO. 66

BY SENATOR MILLS

COMMERCIAL REGULATIONS. Provides relative to the Louisiana State Board of Home Inspectors. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 37:1478(A) and to enact R.S. 37:1455(A)(36), relative to home
3 inspections; to prohibit certain persons from recommending or referring a specific
4 home inspector; to provide relative to the written home inspection report; to provide
5 for certain terms, conditions, and procedures; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1478(A) is hereby amended and reenacted and R.S.
8 37:1455(A)(36) is hereby enacted to read as follows:

9 §1455. Causes for censure, suspension, or revocation of license, registration, or
10 certification

11 A. The commission may censure a licensee, registrant, or certificate holder
12 or conditionally or unconditionally suspend or revoke any license, registration, or
13 certificate issued under this Chapter, levy fines or impose civil penalties not to
14 exceed five thousand dollars, or impose continuing education requirements on
15 licensees, registrants, or certificate holders if, in the opinion of the commission, a
16 licensee, registrant, or certificate holder is performing or attempting to perform or
17 has performed or has attempted to perform any of the following acts:

* * *

(36) Engaging in any effort, including referral or recommendation of a specific home inspector, with the intent to deceive or defraud.

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§1478. Written reports; solicitation prohibited

A.**(1)** A licensed home inspector shall provide a written report of the home inspection to each person for whom the inspector performs a home inspection for compensation within five calendar days from the date of the inspection.

(2) A licensed home inspector shall include in his written report of the home inspection the presence of suspected mold or microbial growth if during the course of inspecting the systems and components of the structure in accordance with the provisions of this Chapter and board rules and regulations, the licensed home inspector discovers visually observable evidence of suspected mold or microbial growth.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Mills (SB 66)

Present law provides that the La. Real Estate Commission may censure a licensee, registrant, or certificate holder or conditionally or unconditionally suspend or revoke any license, registration, or certificate issued under the La. Real Estate License Law, levy fines or impose civil penalties not to exceed \$5,000, or impose continuing education requirements on licensees, registrants, or certificate holders if, in the opinion of the commission, a licensee, registrant, or certificate holder is performing or attempting to perform or has performed or has attempted to perform certain acts.

Proposed law provides that a licensee, registrant, or certificate holder shall be subject to the provisions of present law if such licensee, registrant, or certificate holder engages in any effort, including referral or recommendation of a specific home inspector, with the intent to deceive or defraud.

Present law provides for the regulation of home inspectors.

Present law provides that a licensed home inspector shall provide a written report of the home inspector to each person for whom the inspector performs a home inspection for compensation within five calendar days from the date of the inspection.

Proposed law retains present law and provides that a licensed home inspector shall include in his written report of the home inspection the presence of suspected mold or microbial

growth if during the course of inspecting the systems and components of the structure in accordance with the provisions of present law and board rules and regulations, the licensed home inspector discovers visually observable evidence of suspected mold or microbial growth.

Effective August 1, 2014.

(Amends R.S. 37:1478(A); adds R.S. 37:1455(A)(36))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Provides that if a licensee, registrant, or certificate holder of the Real Estate Commission engages in any effort, including referral or recommendation of a specific home inspector, with the intent to deceive or defraud such licensee, registrant, or certificate holder shall be subject to discipline by the commission.
2. Removes provision that provides relative to the scope of practice of home inspectors.
3. Requires a licensed home inspector to include the discovery of suspected mold or microbial growth in his written report of the home inspector if during the course of inspecting the systems and components of the structure, he discovers suspected mold or microbial growth.