

By Mr. Galvin of Boston, petition of William F. Galvin for legislation to require the licensing of persons who perform inspections of real property. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT REQUIRING THE LICENSING OF PERSONS WHO PERFORM INSPECTIONS OF REAL PROPERTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 112 of the General Laws is hereby amended by adding
2 after section 87DDDD the following eight sections: —

3 *Section 87EEEE.* For the purposes of sections eighty-seven
4 EEEE to eighty-seven LLLL, inclusive, the following words and
5 phrases, unless the context requires otherwise, shall have the fol-
6 lowing meanings: —

7 “Board”, the board of registration of real estate brokers and
8 salesmen.

9 “Inspector of Real Property”, hereinafter referred to as inspec-
10 tor, any person who holds himself out to the public as being
11 trained and qualified to inspect improvements to real property,
12 including structural items and/or equipment and systems, and
13 who for a fee, commission or other valuable consideration or upon
14 the promise of receiving a fee, commission or other valuable
15 consideration, accepts employment for the purpose of conducting
16 such an inspection for a buyer or seller of real property.

17 *Section 87FFFF.* Except as otherwise provided, no person
18 shall hold himself out to the public as being trained and qualified
19 to inspect real property or engage in the business of real property
20 inspection except pursuant to a license granted by the board as set
21 forth in section 87EEEE to 87LLLL inclusive.

22 *Section 87GGGG.* Each person desiring to obtain a license as
23 an inspector of real property shall make an application therefor to
24 the board upon such form and in such manner as the board shall

25 prescribe. At the time of filing the application, an applicant for
26 licensure shall pay the board a fee which shall be set by the
27 secretary of administration and finance.

28 No inspector of real property license shall be issued or renewed
29 until the applicant gives to the board a bond in the form approved
30 by said board in the sum of twenty-five thousand dollars, executed
31 by the applicant and by a surety company authorized to do
32 business within the Commonwealth, or by the applicant and by
33 two good and sufficient sureties approved by the board. Any
34 person so aggrieved may bring suit on the bond in his own name;
35 provided, however, that the aggregate liability of the surety to all
36 such persons shall, in no event exceed the sum of such bond. The
37 board may revoke the license of any broker whenever the bond
38 filed by him ceases to be in full force and effect.

39 *Section 87HHHH.* Contract requirements: Disclosure of obliga-
40 tions.

41 (a) Prior to any inspection, every inspector shall deliver to the
42 buyer or seller of real property a contract in writing which shall
43 state in at least 10 point boldface type the following:

44 NOTICE TO BUYER: THIS INSPECTION IS NOT MAN-
45 DATORY FOR THE PURCHASE AND SALE OF THE REAL
46 PROPERTY.

47 *Section 87IIII.* Report requirements: Disclosure of obligations.

48 (a) every inspector shall provide the buyer or seller of real
49 property a report in writing which shall contain the following:

50 (i) a description of the present condition and expected longevity
51 of each major component of the real property.

52 (ii) suggestions and estimated costs for maintenance repairs
53 and renovation of the real property.

54 (b) each report shall state in at least 10 point boldface type the
55 following:

56 NOTICE: THIS REPORT DOES NOT GUARANTEE THE
57 CONDITION OF THE REAL PROPERTY NOR RELIEVE
58 ANY OBLIGATION OF THE SELLER.

59 *Section 87JJJJ.* The board shall make such reasonable rules
60 and regulations as are necessary for the proper implementation
61 and enforcement of sections 87EEEE to 87LLLL inclusive, pro-
62 vided however, that the board shall not promulgate any rule or
63 regulation providing for the automatic licensure of real estate
64 brokers and salesmen as real property inspectors.

65 *Section 87KKKK.* Any person who violates any provision of
66 sections 87EEEE to 87JJJJ inclusive shall be punished by a fine of
67 not less than two hundred nor more than one thousand dollars and
68 shall be subject to the provisions of chapter ninety-three A.

69 *Section 87LLLL.* The provisions of sections 87EEEE to 87KKKK
70 shall not apply to any licensed electrician, plumber or carpenter
71 who is conducting an inspection in relation to his particular trade,
72 any person conducting lead paint inspection under the provisions
73 of chapter one hundred eleven, any person in the pest control or
74 extermination business engaged to inspect real property for pests
75 or any person inspecting real property for the purpose of conduct-
76 ing a residential energy audit pursuant to chapter 465 of the acts of
77 1980.

