

By Mr. Kafka of Sharon, petition of Louis L. Kafka for legislation to establish a board of registration of home inspectors. Government Regulations.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO HOME INSPECTORS.

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 at the end the following new sections, sections 148A
3 through 148I: —

4 Section 148A. Definitions. For the purpose of Sec-
5 tions 148A-148I the following words and phrases unless the
6 context otherwise requires, shall have the following meanings:

7 “Board” — the board of registration of home inspectors.

8 “Dwelling” — any single family or multiple family building
9 that has as its principal purpose the “home inspector”. Any person
10 who for another person and for a fee or other valuable
11 consideration or with the intention or in the expectation of upon
12 the promise of receiving or collecting a fee or other valuable
13 consideration engages in the business of inspecting a person’s
14 dwelling and making recommendations including but not limited
15 to the dwelling’s structural, electrical, plumbing, heating, cooling,
16 insulating, ventilating systems. And whose recommendations are
17 relied upon by the potential purchaser of the dwelling.

18 Section 148B. Rules and regulations; records; reports. The
19 board may make and publish necessary rules and regulations for
20 the proper conduct of its duties, and keep a full record of its
21 proceedings and keep a record of names of all persons examined
22 or registered by it, which shall be open to public inspection. The
23 board shall make an annual report containing a full and complete
24 account of all its official acts during the preceeding year.

25 Section 148C. Application for certificate; filing; fees;
26 qualifications of applicant. Every person, before engaging in the
27 practice of home inspection in this commonwealth, shall make
28 application to the board, on a form prescribed and furnished by
29 it, for a certificate to practice home inspection. Said application
30 shall be filed with the secretary of the board at least thirty days
31 before the date of examination, and shall be accompanied by an
32 examination fee as determined annually by the commissioner of
33 administration under the provision of section three B of chap-
34 ter seven or, in the case of reexamination, each applicant shall
35 pay a fee as determined under the aforementioned provision for
36 each subject upon which he is of good moral character, and shall
37 furnish the board with satisfactory proof that he has at least two
38 years experience as a plumber, electrician, architect, structural or
39 electrical engineer and that he is a graduate of a trade school or
40 college approved by the board.

41 Section 148D. Refusal to grant certificate; revocation. The
42 board may refuse to grant a certificate to any person who has been
43 convicted of a felony involving moral turpitude, who has been
44 guilty of unprofessional conduct, and may, for any of said causes,
45 after due notice and hearing, revoke a certificate already issued.

46 Section 148E. Certificate of registration; necessity; display. No
47 person shall represent himself to be a home inspector or use the
48 title home inspector in the commonwealth on any sign, title, card
49 or other device to indicate that such person is a home inspector
50 unless such person shall have secured from the board a certificate
51 of registration as a home inspector. Every holder of a certificate
52 of such registrtrion shall display it in a conspicuous place in his
53 principal office or place of employment within the common-
54 wealth.

55 Section 148F. Examinations; rules and regulations. Examina-
56 tions for registration as a home inspector shall be held by the
57 board at least once each year, provided that applications shall
58 have been received during the time announced. The board shall
59 adopt rules and regulations covering the subjects and scope of the
60 examinations, shall publish appropriate announcements and shall
61 conduct the examinations at the times designated. Except as
62 hereinafter provided, every applicant for registration as a home
63 inspector shall be required, in addition to all other requirements,

64 to establish, by written examination his competency to inspect and
65 give advice as to structural, electrical, plumbing, heating and
66 cooling systems of a dwelling. Each written examination may be
67 supplemented by such oral examinations as the board shall
68 determine.

69 Section 148G. Fees. Fees for home inspectors shall be
70 determined annually by the commissioner of administration under
71 the provision of section three B of chapter seven and shall be paid
72 to the board for the following: —

73 (a) Annual registration fee on or before the thirty-first day of
74 January of each year, if not so paid, a penalty shall be added to
75 the amount thereof.

76 (b) Failure to renew certificate of registration within sixty days
77 after notification by the board that his certificate has expired,
78 shall, before again using the title of home inspector within the
79 commonwealth, be required to reregister, and may be required
80 by the board to be reexamined.

81 (c) Application fee for examination.

82 (d) An original certificate.

83 (e) A duplicate certificate.

84 Section 148H. Suspension or revocation of certificate;
85 reissuance. The board after due notice and hearing, may suspend
86 or revoke the certificate of registration of a home inspector upon
87 proof satisfactory to the board:

88 (a) that the holder of such certificate of registration is in viola-
89 tion of any provision of sections 148A to 148I, inclusive, or of
90 any rule or regulation promulgated by the board;

91 (b) that such certificate of registration was obtained by fraud
92 or misrepresentation;

93 (c) that any money or thing of value, except fees prescribed or
94 authorized by said sections, was paid or received to secure the
95 issuance of such certificate of registration;

96 (d) that the holder of such certificate of registration has been
97 guilty of a felony;

98 (e) that the holder of such certificate of registration has been
99 guilty of fraud or deceit, or of gross negligence, incompetency or
100 misconduct, in the use of the title of home inspector.

101 The board may reissue a certificate of registration to any person
102 whose certificate of registration has been revoked. Application for

103 the reissuance of a certificate of registration shall be made in such
104 manner as the board may direct.

105 Section 148I. Unlawful conduct; penalties. It shall be unlawful
106 for any person to:

107 (a) hold himself as a home inspector unless he is registered
108 under the provisions of sections 148A to 148H, inclusive;

109 (b) present as his own the certificate of registration of another;

110 (c) give false or forged evidence to the board of registration or
111 any member thereof in obtaining a certificate;

112 (d) falsely impersonate any other registrant of like or different
113 name;

114 (e) use or attempt to use a certificate or registration that has
115 been revoked; or

116 (f) otherwise violate any of the provisions of said sections.

117 Each such violation shall be punished by a fine of not less than
118 one hundred dollars nor more than five hundred dollars, or by
119 imprisonment for not more than one year, or both.