

1 HB173
2 204333-1
3 By Representative Bracy
4 RFD: Boards, Agencies and Commissions
5 First Read: 06-FEB-20

SYNOPSIS: Under existing law, persons who are engaged in the business of performing home inspections for compensation are licensed and regulated by the Division of Construction Management within the Department of Finance. Existing law does not define an aggrieved party for the purpose of violations of the code of ethics or standards of practice by a home inspector.

This bill would define the term "aggrieved party" for the purpose violations of the code of ethics or standards of practice by home inspectors. The bill would also provide that the Alabama Home Inspectors Registration Act would be subject to sunset review.

A BILL
TO BE ENTITLED
AN ACT

1 Relating to the licensure and regulation of home
2 inspectors by the Division of Construction Management within
3 the Department of Finance; to amend Sections 34-14B-1 and
4 34-14B-2 of the Code of Alabama 1975; to define the term
5 "aggrieved party" for the purposes of the Alabama Home
6 Inspectors Registration Act and to provide that the act would
7 be subject to sunset review.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. Sections 34-14B-1 and 34-14B-2 of the
10 Code of Alabama 1975, is amended to read as follows:

11 "§34-14B-1.

12 "(a) This chapter shall be known and may be cited as
13 "The Alabama Home Inspectors Registration Act."

14 "(b) This chapter shall be subject to the Alabama
15 Sunset Law, Chapter 20, Title 41, as an enumerated agency
16 pursuant Section 40-20-3, and shall have a termination date of
17 October 1, 2021, and every four years thereafter, unless
18 continued pursuant to the Alabama Sunset Law.

19 "§34-14B-2.

20 "The following words shall have the following
21 meanings:

22 "(1) AGGRIEVED PARTY. Any person or entity that is a
23 party to the sale or purchase of real estate and whose
24 financial, personal, or property rights or interests are
25 adversely affected by the actions of a home inspector due to a
26 violation by a home inspector of the code of ethics or
27 standards of practice adopted pursuant to this chapter.

1 "~~(1)~~ (2) BUILDING COMMISSION. The ~~Building~~
2 ~~Commission established pursuant to Article 6, commencing with~~
3 ~~Section 41-9-140, Division 1, Chapter 9, Title 41~~ Division of
4 Construction Management within the Department of Finance
5 established pursuant to Section 41-4-400.

6 "~~(2)~~ (3) EXTERIOR INSULATION AND FINISH SYSTEMS
7 (EIFS) INSPECTOR. A person who engages in the business of
8 performing inspections of exterior insulation and finish
9 systems for compensation and who, in the pursuit of that
10 independent business, undertakes or offers to undertake, or
11 submits a bid to, or contracts or undertakes to inspect, or
12 assumes charge of, in a supervisory capacity or otherwise, or
13 inspects the condition of or the installation of EIFS on a
14 private, commercial, or other building on behalf of another
15 person.

16 "~~(3)~~ (4) HOME INSPECTOR. A person who engages in the
17 business of performing home inspections for compensation and,
18 who, in the pursuit of that independent business, undertakes
19 or offers to undertake, or submits a bid to, or contracts or
20 undertakes to inspect, or assumes charge, in a supervisory
21 capacity or otherwise, or inspects the condition of, the
22 construction of or erection of a private residence on behalf
23 of another person.

24 "~~(4)~~ (5) PERSON. Any natural person, limited or
25 general partnership, association, corporation, or other legal
26 entity, or any combination thereof.

1 "~~(5)~~ (6) RESIDENCE. Any dwelling, from one to four
2 units in design intended principally for residential purposes
3 by one or more individuals."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.