

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1101

**DEADLINE FOR RECEIPT: Friday, September 14, 2018**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (1), line 7, who determines "could"?*

*In (2), line 10, what is "excessively" and "excessive"? Does your regulated public know?*

*In (4), line 15, given the definition of "readily accessible" in Item (21), do you need "and observable"? If you do, should it be "visible" instead, given the definition in Item (23)?*

*In (5), line 17, do you need "superficial"?*

*In (7), will these situations be known to your regulated public?*

*In (9), line 25, insert a comma after "device"*

*On line 26, you are using the term defined to define it, and typically that is not best practice. Is there a better term that can be used here?*

*On line 27, what is "normal"?*

*In (11), line 29, define "reasonable amount of time" Who determines this, based upon what?*

*In (12), line 31, what is a "reasonable flow"? Who determines this, based upon what?*

*In (13), line 33, insert a comma after "eating"*

*In (14), line 35, delete "do"*

*In (22), Page 2, line 12, what is "normal reach" Normal for whom?*

*In (26), line 21, replace "which" with "that"*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

*On line 22, how is “should normally” be determined?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1101 is readopted as published in 32:22 NCR 2406-2407 as follows:

2  
3 **SECTION .1100 - N.C. HOME INSPECTOR STANDARDS OF PRACTICE AND CODE OF ETHICS**

4  
5 **11 NCAC 08 .1101 DEFINITIONS**

6 The following definitions apply to this Section:

7 (1) "Abnormal" means nontypical or unusual conditions that could cause damage to systems and  
8 components of the home.

9 ~~(1)~~(2) "Automatic safety controls" means devices designed and installed to protect systems and  
10 components from excessively high or low pressures and temperatures, excessive electrical current,  
11 loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.

12 ~~(2)~~(3) "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to  
13 more than one room or uses pipes to distribute chilled water to heat exchangers in more than one  
14 room, and that is not plugged into an electrical convenience outlet.

15 ~~(3)~~(4) "Component" means a readily accessible and observable aspect of a system, such as a floor, or wall,  
16 but not individual pieces such as boards or nails where many similar pieces make up the component.

17 ~~(4)~~(5) "Cosmetic damage" means superficial blemishes or defects that do not interfere with the  
18 functionality of the component or system.

19 ~~(5)~~(6) "Cross connection" means any physical connection or arrangement between potable water and any  
20 source of contamination.

21 ~~(6)~~(7) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or  
22 those situations that require the use of special protective clothing or safety equipment.

23 ~~(7)~~(8) "Describe" means report in writing a system or component by its type, or other inspected  
24 characteristics, to distinguish it from other systems or components used for the same purpose.

25 ~~(8)~~(9) "Dismantle" means to take apart or remove any component, device or piece of equipment that is  
26 bolted, screwed, or fastened by other means and that would not be dismantled by a homeowner in  
27 the course of normal household maintenance

28 ~~(9)~~(10) "Enter" means to go into an area to inspect all visible components.

29 ~~(10)~~(11) "Functional drainage" means a drain that empties in a reasonable amount of time and does not  
30 overflow when another fixture is drained simultaneously.

31 ~~(11)~~(12) "Functional flow" means a reasonable flow at the highest fixture in a dwelling when another fixture  
32 is operated simultaneously.

33 ~~(12)~~(13) "Habitable space" means a space in a building for living, sleeping, eating or cooking. "Habitable  
34 space" does not mean a bathroom, toilet room, closet, or any space used or designed for storage.

35 (14) "Harmful" means conditions that do cause damage to systems and components of the home.

36 ~~(13)~~(15) "Inspect" means to make a visual examination.

37 ~~(14)~~(16) "Installed" means attached or connected such that an item requires tools for removal.

~~(15)~~(17) "Normal operating controls" means homeowner operated devices such as a thermostat, wall switch, or safety switch.

~~(16)~~(18) "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.

~~(17)~~(19) "On-site water supply quantity" means the rate of flow of on-site well water.

~~(18)~~(20) "Operate" means to cause systems or equipment to function.

~~(19)~~(21) "Readily accessible" means approachable or enterable for visual inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.

~~(20)~~(22) "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person; and its edges and fasteners are not painted in place. This definition is limited to those panels within normal reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.

~~(21)~~(23) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a flashlight.

~~(22)~~(24) "Representative number" means, for multiple identical components such as windows and electrical outlets, one such component per room; and, for multiple identical exterior components, one such component on each side of the building.

~~(23)~~(25) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.

~~(24)~~(26) "Shut down" means a piece of equipment or a system which cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

~~(25)~~(27) "Solid fuel heating device" means any wood, coal, fossil, or other similar organic fuel burning device, including fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

~~(26)~~(28) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

~~(27)~~(29) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

~~(28)~~(30) "Technically exhaustive" means an inspection involving the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

~~(29)~~(31) "Under floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

1    *History Note:*    *Authority G.S. 143-151.49;*  
2                            *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
3                            *1996;*  
4                            *Temporary Adoption Eff. October 24, 1996;*  
5                            *Eff. July 1, 1998;*  
6                            *Amended Eff. February 1, 2007; April 1, 2005; ~~May 1, 2003.~~ May 1, 2003;*  
7                            *Readopted Eff. October 1, 2018.*

1 11 NCAC 08 .1102 is readopted as published in 32:22 NCR 2407 as follows:

2  
3 **11 NCAC 08 .1102 STANDARDS OF PRACTICE**

4 This Section sets forth the minimum standards of practice required of licensed home inspectors. ~~inspectors and~~  
5 ~~licensed associate home inspectors~~. In this Section, the term "home inspectors" means ~~both~~ licensed home inspectors.  
6 ~~inspectors and licensed associate home inspectors~~.

7  
8 *History Note: Authority G.S. 143-151.49(a)(2); 143-151.49(a)(13);*

9 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
10 *1996;*

11 *Temporary Adoption Eff. October 24, 1996;*

12 ~~*Eff. July 1, 1998. July 1, 1998;*~~

13 *Readopted Eff. October 1, 2018.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1103

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b)(1)(A), line 8, I know that "Standards of Practice" is part of the name of this Section. Is this what you want your regulated public to state, rather than "in accordance with the Rules in 11 NCAC 08 .1100"?*

*In (b)(3)(B), line 10, you have defined "describe" in Rule .1101. Given that definition, is it the proper term here? Should it be "state"?*

*In (b)(2)(C), consider stating "When an inspection... components, state that..."*

*In (b)(3), line 15, this is not the proper way to remove "(a1)" Please strike the entire citation and insert a new citation, as you did when you published in the Register.*

*In (b)(3)(C) and (D), these are required by G.S. 143-151.58(a1) in the summary page. Are you also requiring them in the report?*

*In (b)(3)(C), lines 21-22, I take it you are using "documented tangible evidence" because it is in statute? Does your regulated public know what this is?*

*In (b)(3)(D), line 23, should the "the" before "system or component" be "each"?*

*Will (b)(3)(D) apply only to the systems or components listed in (b)(3)(C)?*

*On lines 25-26, "subsequent observation" by whom?*

*In (b)(3)(E), end line 27 with a semicolon and "and", rather than a period.*

*In (b)(4), line 28, the term in "statute" is "summary page" Why are you changing the term in Rule?*

*In (c), what is the point of this Paragraph? Why do you need it?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel

Date submitted to agency: September 4, 2018

11 NCAC 08 .1103 is being readopted as published in 32:22 NCR 2407-2408 as follows:

**11 NCAC 08 .1103 PURPOSE AND SCOPE**

(a) Home inspections performed according to this Section shall provide the client with an understanding of the property conditions, as inspected at the time of the home inspection.

(b) Home inspectors shall:

- (1) provide a written contract, signed by the client, before the home inspection is performed that shall:
  - (A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board as set forth in this Section;
  - (B) Describe what services shall be provided and the cost; and
  - (C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components;
- (2) inspect readily visible and readily accessible installed systems and components described in Rules .1106 through .1115 of this Section; ~~and~~
- (3) submit a written report ~~and summary~~, pursuant to G.S. 143-151.58(a1), to the client that shall:
  - (A) Describe those systems and components required to be described in Rules .1106 through .1115 of this Section;
  - (B) State which systems and components present at the home and designated for inspection in this Section were not inspected, and the reason for not inspecting;
  - (C) State any systems or components inspected that do not function as intended, allowing for normal wear and tear, or appear not to function as intended, based upon documented tangible evidence;
  - (D) Describe the system or component; state how the condition is defective; explain the implications of defective conditions listed in the summary; reported; and direct the client to a course of action for repair, further investigation by a specialist, or subsequent observation; and
  - (E) State the name, license number, and signature of the person conducting the inspection.
- (4) submit a summary section pursuant to G.S. 143-151.58(a1).

(c) This Section does not limit home inspectors from:

- (1) reporting observations and conditions, including safety or habitability concerns, or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or
- (2) excluding systems and components from the inspection if requested by the client, and so stated in the written contract.

*History Note: Authority G.S. 143-151.49; 143-151.58;  
Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;*



1                   *Temporary Adoption Eff. October 24, 1996;*  
2                   *Eff. July 1, 1998;*  
3                   *Amended Eff. October 1, 2014; October 1, 2011; March 1, 2010; February 1, 2009; February 1,*  
4                   *2007; April 1, 2005; May 1, 2003; ~~July 1, 2000.~~ July 1, 2000;*  
5                   *Readopted Eff. October 1, 2018.*  
6  
7

1 11 NCAC 08 .1104 is readopted as published in 32:22 NCR 2408 as follows:

2  
3 **11 NCAC 08 .1104            GENERAL LIMITATIONS**

4 (a) Home inspections done in accordance with this Section are not technically exhaustive.

5 (b) This Section applies to buildings with four or fewer dwelling units, and individually owned residential units within  
6 multi-family buildings, and their attached garages or carports.

7  
8 *History Note:     Authority G.S. 143-151.49;*

9 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
10 *1996;*

11 *Temporary Adoption Eff. October 24, 1996;*

12 *Eff. July 1, 1998;*

13 *Amended Eff. ~~October 1, 2010.~~ October 1, 2010;*

14 *Readopted Eff. October 1, 2018.*  
15  
16

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1105

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(5), I take it that the Board interprets G.S. 134-151.58(a2) to be permissive, such that the inspector is not required to report Code violations?*

*On line 9, insert a comma after "regulatory requirements" and what are those? Are they known to your regulated public?*

*In (a)(8), so that I'm clear – you are not prohibiting the inspector from reporting on systems they did not actually report?*

*In (a)(10), line 15, is the term "permanently installed" known to your regulated public?*

*In (a)(11), are these systems known to your regulated public?*

*In (b)(2), line 19, what are "strength, adequacy, or efficiency" Are these terms known to your regulated public?*

*In (b)(3), will this determination be left to the sole discretion of the individual inspector?*

*In (b)(7), line 27, delete "but not limited to"*

*In (b)(13), what is "special equipment"? Is this term known to your regulated public?*

*In (c)(2), Page 2, line 4, insert a comma after "electrical"*

*On line 6, consider breaking up this long sentence. You would do so by ending the sentence after "license." Then state "In that case, the home inspector..."*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

11 NCAC 08 .1105 is readopted as published in 32:22 NCR 2408-2409 as follows:

### **11 NCAC 08 .1105            GENERAL EXCLUSIONS**

(a) Home inspectors are not required to report on:

- (1) Life expectancy of any component or system;
- (2) The causes of the need for a repair;
- (3) The methods, materials, and costs of corrections;
- (4) The suitability of the property for any specialized use;
- (5) Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions;
- (6) The market value of the property or its marketability;
- (7) The advisability or inadvisability of purchase of the property;
- (8) Any component or system that was not inspected;
- (9) The presence or absence of pests such as wood damaging organisms, rodents, or insects; ~~or~~
- (10) Cosmetic damage, underground items, or items not permanently ~~installed~~, installed; or
- (11) The presence or absence of systems installed to control or remove suspected hazardous substances.

(b) Home inspectors are not required to:

- (1) Offer warranties or guarantees of any kind;
- (2) Calculate the strength, adequacy, or efficiency of any system or component;
- (3) Enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely affect the health or safety of the home inspector or other persons;
- (4) Operate any system or component that is shut down or otherwise inoperable;
- (5) Operate any system or component that does not respond to normal operating controls;
- (6) Move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;
- (7) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air;
- (8) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
- (9) Determine House Energy Ratings (HER), insulation R values, system or component efficiencies;
- (10) Inspect heat recovery and similar whole house ventilation systems;
- ~~(9)~~(11) Predict future condition, including failure of components;
- ~~(10)~~(12) Project operating costs of components;
- ~~(11)~~(13) Evaluate acoustical characteristics of any system or component;
- ~~(12)~~(13) Inspect special equipment or accessories that are not listed as components to be inspected in this Section; or

1           ~~(13)~~(14) Disturb insulation, except as required in Rule .1114 of this Section.

2   (c) Home inspectors shall not:

3           (1) Offer or perform any act or service contrary to law; or

4           (2) Offer or perform engineering, architectural, plumbing, electrical or any other job function requiring  
5           an occupational license in the jurisdiction where the inspection is taking place, unless the home  
6           inspector holds a valid occupational license, in which case the home inspector shall inform the client  
7           that the home inspector is so licensed, and therefore qualified to go beyond this Section and perform  
8           additional inspections beyond those within the scope of the Standards of Practice.

9  
10   *History Note:*    *Authority G.S. 143-151.49;*  
11                    *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
12                    *1996;*  
13                    *Temporary Adoption Eff. October 24, 1996;*  
14                    *Eff. July 1, 1998;*  
15                    *Amended Eff. February 1, 2007; April 1, 2005; ~~May 1, 2003.~~ May 1, 2003;*  
16                    *Readopted Eff. October 1, 2018.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1106

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (c)(1), line 19, what is "probe"? Does your regulated public know?*

*And suspected by the inspector, correct?*

*In (c)(2), "under floor" is two words as defined in Rule .1101(31). Should it be two words here?*

*I take it the inspector will determine if the exceptions in (c)(2) are met?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1106 is readopted as published in 32:22 NCR 2409 as follows:

2  
3 **11 NCAC 08 .1106 STRUCTURAL COMPONENTS**

4 (a) The home inspector shall inspect structural components including:

- 5 (1) Foundation;  
6 (2) Floors;  
7 (3) Walls;  
8 (4) Columns or piers;  
9 (5) Ceilings; and  
10 (6) Roofs.

11 (b) The home inspector shall describe the type of:

- 12 (1) Foundation;  
13 (2) Floor structure;  
14 (3) Wall structure;  
15 (4) Columns or piers;  
16 (5) Ceiling structure; and  
17 (6) Roof structure.

18 (c) The home inspector shall:

- 19 (1) Probe structural components where deterioration is suspected;  
20 (2) Enter underfloor crawl spaces, basements, and attic spaces except when access is obstructed, when  
21 entry could damage the property, or when dangerous or adverse situations are suspected;  
22 (3) Report the methods used to inspect underfloor crawl spaces and attics; and  
23 (4) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or  
24 harmful condensation on building components.

25  
26 *History Note: Authority G.S. 143-151.49;*

27 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
28 *1996;*

29 *Temporary Adoption Eff. October 24, 1996;*

30 *Eff. July 1, 1998;*

31 *Amended Eff. April 1, 2005; ~~July 1, 2000.~~ July 1, 2000;*

32 *Readopted Eff. October 1, 2018.*  
33  
34

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1107

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(4), line 8, please insert a comma after "porches"*

*Will your regulated public know what are "applicable" railings?*

*In (b)(3), line 15, what is "permanently installed"? Will your regulated public know?*

*In (b)(5), what is "probe"? Does your regulated public know?*

*And suspected by the inspector, correct?*

*In (c)(1), line 21, what are "seasonal accessories"?*

*In (c)(7), line 28, replace the semicolon after "facilities" with a comma and delete "otherwise"*

*On line 29, I suggest replacing "provided" with "required"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018



1 11 NCAC 08 .1107 is readopted as published in 32:22 NCR 2409 as follows:

2  
3 **11 NCAC 08 .1107 EXTERIOR**

4 (a) The home inspector shall inspect:

- 5 (1) Wall cladding, flashings, and trim;
- 6 (2) Entryway doors and a representative number of windows;
- 7 (3) Garage door operators;
- 8 (4) Decks, balconies, stoops, steps, areaways, porches and applicable railings;
- 9 (5) Eaves, soffits, and fascias;
- 10 (6) Driveways, patios, walkways, and retaining walls; and
- 11 (7) Vegetation, grading, and drainage with respect only to their effect on the condition of the building.

12 (b) The home inspector shall:

- 13 (1) Describe wall cladding materials;
- 14 (2) Operate all entryway doors;
- 15 (3) Operate garage doors manually or by using permanently installed controls for any garage door
- 16 operator;
- 17 (4) Report whether or not any garage door operator will automatically reverse or stop when meeting
- 18 reasonable resistance during closing; and
- 19 (5) Probe exterior wood components where deterioration is suspected.

20 (c) The home inspector is not required to inspect:

- 21 (1) Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
- 22 (2) Fences;
- 23 (3) For the presence of safety glazing in doors and windows;
- 24 (4) Garage door operator remote control transmitters;
- 25 (5) Geological conditions;
- 26 (6) Soil conditions;
- 27 (7) Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts,
- 28 playground equipment, and other exercise, entertainment, or athletic facilities); except as otherwise
- 29 provided in 11 NCAC 08 .1109(d)(5)(F);
- 30 (8) Detached buildings or structures; or
- 31 (9) For the presence or condition of buried fuel storage tanks.

32  
33 *History Note: Authority G.S. 143-151.49;*

34 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
35 *1996;*

36 *Temporary Adoption Eff. October 24, 1996;*

37 *Eff. July 1, 1998;*

1                   *Amended Eff. February 1, 2007; April 1, 2005; ~~July 1, 2000.~~July 1, 2000;*  
2                   *Readopted Eff. October 1, 2018.*

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## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1108

**DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(4), line 8, what are "roof penetrations"? I take it your regulated public knows, but I do not and wanted to ask.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1108 is readopted as published in 33:22 NCR 2409 as follows:

2  
3 **11 NCAC 08 .1108 ROOFING**

4 (a) The home inspector shall inspect:

- 5 (1) Roof coverings;
- 6 (2) Roof drainage systems;
- 7 (3) Flashings;
- 8 (4) Skylights, chimneys, and roof penetrations; and
- 9 (5) Signs of leaks or abnormal condensation on building components.

10 (b) The home inspector shall:

- 11 (1) Describe the type of roof covering materials; and
- 12 (2) Report the methods used to inspect the roofing.

13 (c) The home inspector is not required to:

- 14 (1) Walk on the roofing; or
- 15 (2) Inspect attached accessories including solar systems, antennae, and lightning arrestors.

16  
17 *History Note: Authority G.S. 143-151.49;*  
18 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
19 *1996;*  
20 *Temporary Adoption Eff. October 24, 1996;*  
21 *Amended Eff. April 1, 2005; ~~July 1, 1998.~~ July 1, 1998;*  
22 *Readopted Eff. October 1, 2018.*  
23  
24

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1109

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, and (b), line 14, consider inserting a "the" after "inspect" and "describe"*

*In (d)(2), line 25, is the term "backflow devices" known to your regulated public?*

*In (d)(5)(F), line 34, insert a comma after "whirlpools"*

*In (d)(5)(H), line 37, do not strike "or"*

*In (d)(5)(I), Page 2, line 1, delete the "or" at the end of the line.*

*In (d)(6), line 2, what are "approved" materials? Approved by whom? Does your regulated public know?*

*In (d)(8), line 4, what is "adequacy"? Does your regulated public know?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

11 NCAC 08 .1109 is readopted as published in 32:22 NCR 2409 as follows:

**11 NCAC 08 .1109 PLUMBING**

(a) The home inspector shall inspect:

- (1) Interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and faucets; functional flow; leaks; and cross connections;
- (2) Interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe insulation; leaks; and functional drainage;
- (3) Hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues, and vents;
- (4) Fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and supports; leaks; and
- (5) Sump pumps.

(b) The home inspector shall describe:

- (1) Water supply and distribution piping materials;
- (2) Drain, waste, and vent piping materials;
- (3) Water heating equipment, including fuel or power source, storage ~~capacity, capacity or tankless~~ point of use demand systems, and location; and
- (4) The location of any main water supply shutoff device.

(c) The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance.

(d) The home inspector is not required to:

- (1) State the requirement for or effectiveness of anti-siphon devices;
- (2) Determine whether water supply and waste disposal systems are public or ~~private, private or the~~ presence or absence of backflow devices;
- (3) Operate automatic safety controls;
- (4) Operate any valve except water closet flush valves, fixture faucets, and hose faucets;
- (5) Inspect:
  - (A) Water conditioning systems;
  - (B) Fire and lawn sprinkler systems;
  - (C) On-site water supply quantity and quality;
  - (D) On-site waste disposal systems;
  - (E) Foundation irrigation systems;
  - (F) Bathroom spas, whirlpools or air jet tubs except as to functional flow and functional drainage;
  - (G) Swimming pools;
  - (H) Solar water heating equipment; ~~or~~

- 1                    (I)        Fixture overflow devices or shower pan liners; or  
2                    (6)        Inspect the system for proper sizing, design, or use of ~~proper materials,~~ approved materials;  
3                    (7)        Report on the absence or presence of thermal expansion tanks; or  
4                    (8)        Report on the adequacy of the reported water heater capacity.

5  
6    *History Note:*    *Authority G.S. 143-151.49;*  
7                    *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
8                    *1996;*  
9                    *Temporary Adoption Eff. October 24, 1996;*  
10                  *Eff. July 1, 1998;*  
11                  *Amended Eff. February 1, 2007; ~~April 1, 2005;~~ April 1, 2005;*  
12                  *Readopted Eff. October 1, 2018.*  
13  
14

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1110

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(2), line 7 and (a)(3), line 10, what are "panelboard enclosures"? Does your regulated public know?*

*On lines 7 and 10, what are "unsafe conditions"? Who determines them and who reports them? Is this going to be determined by the individual inspector and reported by that inspector?*

*In (a)(5), line 11, insert a comma after "switches"*

*In (a)(8), line 16 and (d), lines 24-25, what is "permanently installed"? Does your regulated public know?*

*In (d), line 25, insert a comma after "appliances"*

*On line 26, should this be "readily accessible" to comply with the defined term in Rule .1101?*

*In (e)(4)(F), Page 2, line 2, insert a comma after "wind"*

*In (e)(4)(H), line 5, insert a comma after "spas"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018



1 11 NCAC 08 .1110 is readopted as published in 32:22 NCR 2409-2410 as follows:

2  
3 **11 NCAC 08 .1110 ELECTRICAL**

4 (a) The home inspector shall inspect:

- 5 (1) Electrical service entrance conductors;
- 6 (2) Electrical service equipment, grounding equipment, main overcurrent device, and ~~main and~~  
7 ~~distribution panels; interiors of panelboard enclosures unless unsafe conditions are reported;~~
- 8 (3) Amperage and voltage ratings of the electrical service;
- 9 (4) Branch circuit conductors, their overcurrent devices, and the compatibility of their ~~ampacities;~~  
10 ~~ampacities at the interiors of panelboard enclosures unless unsafe conditions are reported;~~
- 11 (5) The operation of a representative number of installed ceiling fans, lighting fixtures, switches and  
12 receptacles located inside the house, garage, and on the dwelling's exterior walls;
- 13 (6) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all  
14 receptacles in the garage or carport, and on the exterior of inspected structures;
- 15 (7) The operation of ground fault circuit interrupters; and
- 16 (8) Smoke detectors and permanently installed carbon monoxide alarms.

17 (b) The home inspector shall describe:

- 18 (1) Electrical service amperage and voltage;
- 19 (2) Electrical service entry conductor materials;
- 20 (3) The electrical service type as being overhead or underground; and
- 21 (4) The location of main and distribution panels.

22 (c) The home inspector shall report in writing the presence of any readily accessible single strand aluminum branch  
23 circuit wiring.

24 (d) The home inspector shall report in writing on the presence or absence of smoke detectors, and permanently  
25 installed carbon monoxide alarms in any homes with fireplaces, fuel fired appliances or attached garages, and operate  
26 their test function, if accessible, except when detectors are part of a central alarm system.

27 (e) The home inspector is not required to:

- 28 (1) Insert any tool, probe, or testing device inside the panels;
- 29 (2) Test or operate any overcurrent device except ground fault circuit interrupters;
- 30 (3) Dismantle any electrical device or control other than to remove the covers of ~~the main and auxiliary~~  
31 ~~distribution panels; panelboard enclosures;~~ or
- 32 (4) Inspect:
  - 33 (A) Low voltage systems;
  - 34 (B) Security systems and heat detectors;
  - 35 (C) Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the  
36 primary electrical distribution system;
  - 37 (D) Built-in vacuum equipment;

- 1 (E) Back up electrical generating equipment; ~~or~~  
2 (F) Other alternative electrical generating or renewable energy systems such as solar, wind or  
3 hydro ~~power.~~ power;  
4 (G) Battery or electrical automotive charging systems; or  
5 (H) Electrical systems to swimming pools or spas including bonding and grounding.  
6

7 *History Note:* Authority G.S. 143-151.49; 143-151.58;  
8 Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,  
9 1996;  
10 Temporary Adoption Eff. October 24, 1996;  
11 Eff. July 1, 1998;  
12 Amended Eff. September 1, 2013; February 1, 2007; ~~April 1, 2005.~~ April 1, 2005;  
13 Readopted Eff. October 1, 2018.  
14  
15  
16

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1111

**DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (b), line 13, please insert "the" after "describe"*

*In (e)(2), line 23, did you intend to keep the term "damage" and insert additional language in the sentence? Right now, this is an incomplete sentence. "... may cause equipment or when inappropriate to weather conditions ..." What are you trying to say here?*

*In (e)(5)(F), line 33, what are "adequacy" and "uniformity"? Does your regulated public know?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

11 NCAC 08 .1111 is readopted as published in 32:22 NCR 2410 as follows:

**11 NCAC 08 .1111 HEATING**

(a) The home inspector shall inspect permanently installed heating systems including:

- (1) Heating equipment;
- (2) Normal operating controls;
- (3) Automatic safety controls;
- (4) Chimneys, flues, and vents, where readily visible;
- (5) Solid fuel heating devices;
- (6) Heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
- (7) The presence or absence of an installed heat source for each habitable space.

(b) The home inspector shall describe:

- (1) Energy source; and
- (2) Heating equipment and distribution type.

(c) The home inspector shall operate the systems using normal operating ~~controls~~ controls appropriate to weather conditions at the time of the inspection.

(d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance. The home inspector shall report the method of inspection used to inspect the heating system and whether or not access panels were removed.

(e) The home inspector is not required to:

- (1) Operate heating systems when weather conditions or other circumstances may cause equipment ~~damage; or when inappropriate to weather conditions at the time of inspection;~~
- (2) Operate automatic safety controls;
- (3) Ignite or extinguish solid fuel fires;
- (4) Ignite a pilot light; or
- (5) Inspect:
  - (A) The interior of flues;
  - (B) Fireplace insert flue connections;
  - (C) Heat exchangers;
  - (D) Humidifiers;
  - (E) Electronic air filters;
  - (F) The uniformity or adequacy of heat supply to the various rooms; or
  - (G) Solar space heating equipment.

*History Note: Authority G.S. 143-151.49;*

1           *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
2           *1996;*  
3           *Temporary Adoption Eff. October 24, 1996;*  
4           *Eff. July 1, 1998;*  
5           *Amended Eff. February 1, 2007; ~~April 1, 2005.~~ April 1, 2005;*  
6           *Readopted Eff. October 1, 2018.*  
7  
8

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1112

**DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(1), is the term "through-the-wall installed cooling system" known to your regulated public?*

*In (a)(2), what are "distribution systems"? Is this known to your regulated public? And I note that Rule .0111(a)(6), you say "heat distribution systems." Should this be "cooling distribution systems"?*

*In (b), line 12, please insert "the" after "describe"*

*In (e)(1), will the determination of the possibility for equipment damage be within the opinion of the inspector?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1112 is readopted as published in 32:22 NCR 2410-2411 as follows:

2  
3 **11 NCAC 08 .1112 AIR CONDITIONING**

4 (a) The home inspector shall inspect:

5 (1) Central air conditioning and through-the-wall installed cooling systems including:

6 (A) Cooling and air handling equipment; and

7 (B) Normal operating controls.

8 (2) Distribution systems including:

9 (A) Fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters,  
10 registers, fan-coil units; and

11 (B) The presence or absence of an installed cooling source for each habitable space.

12 (b) The home inspector shall describe:

13 (1) Energy sources; and

14 (2) Cooling equipment type.

15 (c) The home inspector shall operate the systems using normal operating ~~controls~~ controls appropriate to weather  
16 conditions at the time of the inspection.

17 (d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine  
18 homeowner maintenance. The home inspector shall report the method used to inspect the air conditioning system and  
19 whether or not access panels were removed.

20 (e) The home inspector is not required to:

21 (1) Operate cooling systems when weather conditions or other circumstances may cause equipment  
22 damage;

23 (2) Inspect window air conditioners; or

24 (3) Inspect the uniformity or adequacy of cool-air supply to the various rooms.

25  
26 *History Note: Authority G.S. 143-151.49;*

27 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
28 *1996;*

29 *Temporary Adoption Eff. October 24, 1996;*

30 *Eff. July 1, 1998;*

31 *Amended Eff. February 1, 2007; April 1, 2005; ~~May 1, 2003~~ May 1, 2003;*

32 *Readopted Eff. October 1, 2018.*

11 NCAC 08 .1113 is readopted as published in 32:22 NCR 2411 as follows:

**11 NCAC 08 .1113 INTERIORS**

(a) The home inspector shall inspect:

- (1) Walls, ceiling, and floors;
- (2) Steps, stairways, balconies, and railings;
- (3) Counters and a representative number of built-in cabinets; and
- (4) A representative number of doors and windows.

(b) The home inspector shall:

- (1) Operate a representative number of windows and interior doors; and
- (2) Report signs of water penetration into the building or signs of abnormal or harmful condensation on building components.

(c) The home inspector is not required to inspect:

- (1) Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
- (2) Carpeting; ~~or~~
- (3) Draperies, blinds, or other window treatments. ~~treatments; or~~
- (4) Coatings on and hermetic seals between panes of glass in windows and doors.

*History Note: Authority G.S. 143-151.49;*

*Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;*

*Temporary Adoption Eff. October 24, 1996;*

*Eff. July 1, 1998;*

*Amended Eff. February 1, 2007; April 1, 2005; ~~May 1, 2003.~~ May 1, 2003;*

*Readopted Eff. October 1, 2018.*



## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1114

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a)(4), how will the determination of "when temperature permits"? The inspector? And it's entirely in his or her discretion?*

*In (c)(2), line 15, how will the determination of "integral" be made? Is this known?*

*In (d)(1), line 17, what is "possibility" here? Does your regulated public know?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1114 is readopted as published in 32:22 NCR 2411 as follows:

2  
3 **11 NCAC 08 .1114 INSULATION AND VENTILATION**

4 (a) The home inspector shall inspect:

- 5 (1) Insulation and vapor retarders in unfinished spaces;  
6 (2) Ventilation of attics and foundation areas;  
7 (3) Kitchen, bathroom, and laundry venting systems; and  
8 (4) The operation of any readily accessible attic ventilation fan, and, when temperature permits, the  
9 operation of any readily accessible thermostatic control.

10 (b) The home inspector shall describe:

- 11 (1) Insulation in unfinished spaces; and  
12 (2) The absence of insulation in unfinished space at conditioned surfaces.

13 (c) The home inspector is not required to report on:

- 14 (1) Concealed insulation and vapor retarders; or  
15 (2) Venting equipment that is integral with household appliances.

16 (d) The home inspector shall:

- 17 (1) Move insulation where readily visible evidence indicates the possibility of a problem; and  
18 (2) Move floor insulation where plumbing drain/waste pipes penetrate floors, adjacent to earth-filled  
19 stoops or porches, and at exterior doors.  
20

21 *History Note: Authority G.S. 143-151.49;*

22 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
23 *1996;*

24 *Temporary Adoption Eff. October 24, 1996;*

25 *Eff. July 1, 1998;*

26 *Amended Eff. February 1, 2007; April 1, 2005; ~~May 1, 2003~~ May 1, 2003;*

27 *Readopted Eff. October 1, 2018.*  
28  
29

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1115

**DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, what are "basic functions"? Are they known to your regulated public?*

*In (a)(1), line 5, and elsewhere the term is used in this Rule, what is "permanently installed"? Does your regulated public know?*

*In (a)(1), line 5, is "normal cycle" as labeled on the individual dishwasher? If not, what is the "normal cycle"?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

1 11 NCAC 08 .1115 is readopted as published in 32:22 NCR 2411 as follows:

2  
3 **11 NCAC 08 .1115 BUILT-IN KITCHEN APPLIANCES**

4 (a) The home inspector shall inspect and operate the basic functions of the following kitchen appliances:

- 5 (1) Permanently installed, dishwasher(s) through a normal cycle;
- 6 (2) Range(s), cook top(s), and permanently installed oven(s);
- 7 (3) Trash compactor(s);
- 8 (4) Garbage disposal(s);
- 9 (5) Ventilation equipment or range hood(s); and
- 10 (6) Permanently installed microwave oven(s).

11 (b) The home inspector is not required to inspect:

- 12 (1) Clocks, timers, self-cleaning oven functions, or thermostats for calibration or automatic operation;
- 13 (2) Non built-in appliances; or
- 14 (3) Refrigeration units.

15 (c) The home inspector is not required to operate:

- 16 (1) Appliances in use; or
- 17 (2) Any appliance that is shut down or otherwise inoperable.

18  
19 *History Note: Authority G.S. 143-151.49;*  
20 *Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15,*  
21 *1996;*  
22 *Temporary Adoption Eff. October 24, 1996;*  
23 *Eff. July 1, 1998;*  
24 *Amended Eff. ~~April 1, 2005.~~ April 1, 2005;*  
25 *Readopted Eff. October 1, 2018.*  
26  
27

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1116

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), line 4, define "fidelity" and "fairness and impartiality"*

*In (b), line 6, what are "honest convictions"*

*In (c), line 8, what is a "designated representative"? Designated how?*

*In (d), line 10, can the consent be oral?*

*In (g), line 18, how will they know this? What do you mean by "affect the client"?*

*In (k), line 25, define "injure" "maliciously" "falsely" "directly or indirectly"*

*On line 26, define "prospects"*

*On line 26, insert a comma after "practice" and define that term*

*On line 26, why are you capitalizing "Home Inspector" and later on this line, you refer to "Inspector" Should the terms be the same? And why are you using this term when you use "licensee" elsewhere throughout this Rule?*

*On line 26, define "indiscriminately criticize"*

*On line 27, define "in public"*

*On line 27, why is "Inspector" capitalized?*

*On line 27, what is "illegal practice"?*

*On lines 27-28, are you creating an affirmative duty for a licensee to report suspected misconduct or illegal practice to the Board? If so, why not simply state that?*

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

*In the History Note, please change the statutory citation to G.S. 143-151.49(a)(2), since that is the specific authority for a code of ethics.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018

11 NCAC 08 .1116 is readopted as published in 32:22 NCR 2411 as follows:

**11 NCAC 08 .1116 CODE OF ETHICS**

(a) Licensees shall discharge their duties with fidelity to the public and to their clients, with fairness and impartiality to all.

(b) Opinions expressed by licensees shall be based only on their education, experience, and honest convictions.

(c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for whom the inspection was performed, or the client's designated representative.

(d) No licensee shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.

(e) No licensee shall compensate, either financially or through other services or benefits, realty agents or other parties with a financial interest in closing or settlement of real estate transactions for the following:

(1) Referral of inspections; or

(2) Inclusion on a list of recommended inspectors or preferred providers.

(f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.

(g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest he or she has in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the licensee may be called upon to perform.

(h) A licensee shall not solicit for repairs of systems or components found defective in the course of a home inspection performed by the licensee or that licensee's company.

(i) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

(j) Licensees shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.

(k) A licensee shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of another Home Inspector, nor indiscriminately criticize another Inspector's work in public. If the licensee believes that another Inspector is guilty of misconduct or illegal practice, such information shall be presented to the North Carolina Home Inspector Licensure Board.

*History Note: Authority G.S. 143-151.49;*

*Codifier determined that agency findings did not meet criteria for temporary rule Eff. October 15, 1996;*

*Temporary Adoption Eff. October 24, 1996;*

*Eff. July 1, 1998;*

*Amended Eff. May 1, 2013; October 1, 2010; ~~July 1, 2000.~~ July 1, 2000;*

*Readopted Eff. October 1, 2018.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Home Inspector Licensure Board

RULE CITATION: 11 NCAC 08 .1302

### **DEADLINE FOR RECEIPT: Friday, September 14, 2018**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

*In (a), lines 5-6, do you need to retain "for the license renewal periods beginning on or after October 1, 2014"? Since that was four years ago, can't you simply state "In order to renew an active home inspector license, the licensee shall complete..."?*

*Please note the same question for (b), lines 8-9.*

*In (b), so that I'm clear, this will only apply to individuals who were licensed pursuant to G.S. 143-151.51(a)(5)a? If so, you might want to state that clearly. For example, "In order to renew an active home inspector license, home inspectors licensed pursuant to G.S. 143-151.51(a)(5)a. who have not completed the pre-licensing education program or its equivalent ..."*

*In (b)(1), line 13, (b)(1)(A), line 14, (b)(1)(B), and (b)(3), please hyphenate "Board-approved"*

*Also, so that I'm clear – Board-approved courses will be courses approved by the Board pursuant to other rules in this Section?*

*In (b)(1)(B), line 16, I suggest you delete "each of"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amanda J. Reeder  
Commission Counsel  
Date submitted to agency: September 4, 2018



1 11 NCAC 08 .1302 is readopted as published in 32:22 NCR 2411 as follows:

2  
3 **11 NCAC 08 .1302 CONTINUING EDUCATION REQUIRED FOR RENEWAL OF ACTIVE**  
4 **LICENSE**

5 (a) In order to renew an active home inspector license for the license renewal periods beginning on or after October  
6 1, 2014, the licensee shall complete 12 credit hours during the license renewal period, except as described in Paragraph  
7 (b) of this Rule.

8 (b) In order to renew an active home inspector license for license renewal periods beginning on or after October 1,  
9 2014, home inspectors who are newly licensed on or after October 1, 2014, who have not completed the pre-licensing  
10 education program established pursuant to G.S. 143-151.51(a)(5)a or its equivalent pursuant to Rule .1004(c) of this  
11 Chapter, shall complete 16 hours of continuing education per year for the first three years of licensure that include the  
12 following:

13 (1) Four hours of a Board approved course consisting of the following:

- 14 (A) for the first year, a Board approved course on the Standards of Practice and Report Writing;  
15 and  
16 (B) for each of the second and third years, a Board approved course of the home inspector's  
17 choosing.

18 (2) Four hours of the update course component described in Rule .1309 of this Chapter; and

19 (3) Eight hours of Board approved elective courses.

20 (c) A licensee who is newly licensed on or after June 1 is exempt from this Section for the initial license period.

21  
22 *History Note: Authority G.S. 143-151.49; 143-151.51; 143-151.55; 143-151.64;*

23 *Eff. August 1, 1998;*

24 *Amended Eff. October 1, 2014; February 1, 2011; ~~July 18, 2002~~; July 18, 2002;*

25 *Readopted Eff. October 1, 2018.*  
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