

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1011

DEADLINE FOR RECEIPT: Friday, May 9, 2014

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 7, this fee is for "initial issuance" but what about renewal? As written, this Rule does not allow for a fee for renewal of a license.

Lines 9 and 13, delete "Fee"

Line 13, insert "Continuing Education" between "Unapproved Course" to properly track the statutory authority

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1011 IS AMENDED AS PUBLISHED IN NCR 28:15 1712-1713 AS FOLLOWS:

11 NCAC 08 .1011 FEE SCHEDULE

(a) The following fees apply to the licensure of home inspectors:

Application for Home Inspector License	\$ 35.00
Application for Associate Home Inspector License	\$ 20.00
Home Inspector Examination	\$ 80.00
Initial Issuance or Annual Renewal of Home Inspector License	\$160.00
Initial Issuance or Annual Renewal of Associate Home Inspector License	\$110.00
Late Renewal Penalty Fee - Home Inspector License	\$ 30.00
Late Renewal Penalty Fee - Associate Home Inspector License	\$ 20.00
Copies of Board Rules and License Standards	\$ 5.00 Cost
<u>of printing and mailing</u>	
<u>Unapproved Course Fee</u>	<u>\$ 50.00</u>

(b) The home inspector ~~and the associate home inspector~~ initial issuance license fees are due after successful completion of the examination. The Board shall not issue a license until it receives the appropriate fee. The license is valid from the date of issuance ~~issue~~ until the following September 30.

History Note: Authority G.S. 143-151.49; 143-151.55; 143-151.57;
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. October 1, 2014; October 1, 2010; January 1, 2008.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1020

DEADLINE FOR RECEIPT: Friday, May 9, 2014

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On the form, please complete boxes 7 and 8.

There are three "definition" rules pending for amendment. All three have slightly different format:

11 NCAC 08 .1020 and 11 NCAC 08 .1301 have paragraphs, with Paragraph (b) saying what line 7 says for 11 NCAC 08 .1201.

Pick a consistent format for all three rules

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1020 IS AMENDED AS PUBLISHED IN NCR 28:15 1713 AS FOLLOWS:

11 NCAC 08 .1020 DEFINITIONS

(a) As used in Rules .1020 through .1028 of this Section:

- (1) "Course Sponsor" means a person approved by the Board to conduct home inspection prelicensing courses.
- (2) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of instruction.
- (3) "License period" means October 1 through the following September 30.
- (4) "Licensee" means a home inspector ~~or associate home inspector~~ licensed by the Board under G.S. 143, Article 9F.
- (5) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust, any similar entity, or any combination of the foregoing acting in concert.

(b) The definitions contained in G.S. 143-151.45 apply to this Section.

*History Note: Authority G.S. 143-151.45; 143-151.49; 143-151.51;
Eff. October 1, 2011;
Amended Eff. October 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1103

DEADLINE FOR RECEIPT: Friday, May 9, 2014

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On the form, please complete boxes 7 and 8.

Lines 8 thru 9 references "the Standards of Practice of the North Carolina Home Inspector Licensure Board." Is there something that should be incorporated or cross-referenced to provide information to the regulated public regarding where to find these standards?

Line 10 references "the cost." Are the costs contained in another rule that should be cross-referenced?

Line 13, delete or define the term "readily" that appears twice

Line 13, the phrase "install systems and components listed in this Section" seems cumbersome and vague. Consider tracking the language in lines 16 thru 17 of "install systems and components described in Rules .1106 through .1115 of this Section."

Line 20, delete "so" before "inspected"

Lines 20 thru 21, consider breaking this into two separate subparagraphs, as follows:

State any systems or components inspected that do not function as intended, allowing for normal wear and tear that does not prevent the system or component from functioning as intended;

State any systems or components that poses a safety concern for the dwelling;

The language currently in lines 20 thru 21 does appear to closely restate the statute, but does not perfectly track the statutory language. If this language is necessary for a rule, the above suggested language accurately reflects the content of the statute.

Abigail M. Hammond
Commission Counsel

Date submitted to agency: Friday, April 25, 2014

*Line 23, "component or system" is in a different order than in other locations.
Reorganize as "system or component"*

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1103 IS AMENDED AS PUBLISHED IN NCR 28:15 1713-1714 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;
 - (B) Describe what services shall be provided and ~~their~~ 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 listed in this Section; and
- (3) Submit a written report 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 so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;
 - (D) State whether the condition reported requires repair or subsequent observation, or warrants further investigation by a specialist. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and direct the recipient to a course of action with regard to the condition or refer the recipient to a specialist; and
 - (E) State the name, license number, and signature of the person ~~supervising the inspection and the name, license number, and signature of the person~~ conducting the inspection.

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

- (1) Reporting observations and conditions 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.*

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REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1201

DEADLINE FOR RECEIPT: Friday, May 9, 2014

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Pick a consistent format for all three rules

Lines 17 thru 18 references a Certificate of Service. Rule 5 of G.S. 1A-1 requires that a certificate of service contain language about the method of service, the date sent, and the name and service address of each person being served. This Rule may want to include the language in Rule 5 of G.S. 1A-1 or reference the standards in Rule 5.

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1201 IS AMENDED AS PUBLISHED IN NCR 28:15 1714 AS FOLLOWS:

SECTION .1200 - N.C. HOME INSPECTOR DISCIPLINARY ACTIONS

11 NCAC 08 .1201 DEFINITIONS

The following definitions are used in this Section:

- (1) The definitions in G.S. 143-151.45 are incorporated into this Section by reference. ~~"Associate home inspector" is included where reference is made to "home inspector" or "licensee".~~
- ~~(2)~~ ~~"File or filing" means to place the paper or item to be filed into the care and custody of the presiding officer, and acceptance thereof by him, except that the Board may permit the papers to be filed with the Board, in which event the Board shall note thereon the filing date. All documents filed with the presiding officer or the Board, except exhibits, shall be duplicate in letter size 8 1/2" by 11".~~
- ~~(3)~~(2) "Party" means the Board, the licensee, or an intervenor who qualifies under G.S. 150B-38(f). "Party" does not include a complainant unless the complainant is allowed to intervene under G.S. 150B-38(f).
- ~~(4)~~(3) "Service or serve" means personal delivery or, unless otherwise provided by law or rule, delivery by first class United States Postal Service mail or a licensed overnight express mail service, addressed to the person to be served at his or her last known address. A Certificate of Service by the person making the service shall be appended to every document requiring service under these Rules. Service by mail or licensed overnight express mail is complete upon addressing, enveloping, and placing the item to be served, in an official depository of the United States Postal Service or delivering the item to an agent of an overnight express mail service.

History Note: Authority G.S. 143-151.49; 150B-38(h);
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. October 1, 2014.

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1301

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Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

1 **11 NCAC 08 .1301 IS AMENDED AS PUBLISHED IN NCR 28:15 1714 AS FOLLOWS:**

2
3 **SECTION .1300 - HOME INSPECTOR CONTINUING EDUCATION**

4
5 **11 NCAC 08 .1301 DEFINITIONS**

6 (a) As used in this Section:

7 (1) "Credit hour" means one continuing education course hour, comprising at least 50 minutes of
8 instruction.

9 (2) "License period" means October 1 through the following September 30.

10 (3) "Licensee" means a home inspector ~~or associate home inspector~~ licensed by the Board under G.S. 143,
11 Article 9F and Section .1000 of this Chapter.

12 (4) "Person" means an individual, partnership, firm, association, corporation, joint-stock company, trust,
13 any similar entity, or any combination of the foregoing acting in concert.

14 (b) The definitions contained in G.S. 143-151.45 apply to this Section.

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16 *History Note: Authority G.S. 143-151.49; 143-151.55;*

17 *Eff. August 1, 1998;*

18 *Amended Eff. October 1, 2014; July 18, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1302

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On the form, please complete boxes 7 and 8.

Line 4, add a "the" between "for license"

Line 5, delete "have completed, during the license renewal period," and replace with "complete"

Line 6, add "during the license renewal period" after "hours"

Line 10, delete "must" and replace with "shall"

Line 14, fix alignment of "and"

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1302 IS AMENDED AS PUBLISHED IN NCR 28:15 1714 AS FOLLOWS:

11 NCAC 08 .1302 CONTINUING EDUCATION REQUIRED FOR RENEWAL OF ACTIVE LICENSE

(a) In order to renew an active home inspector ~~or associate home inspector~~ license for license renewal periods beginning on or after October 1, ~~2011, 2014,~~ the licensee shall have completed, during the license renewal period, ~~46~~12 credit hours, except as described in Paragraph (b) of this Rule.

(b) In order to renew an active home inspector license for license renewal periods beginning on or after October 1, ~~2011,~~ 2014, home inspectors who are newly licensed on or after October 1, ~~2011, 2014,~~ who have not completed the pre-licensing education program established pursuant to G.S. ~~143-151.51(1)(5)(a), 143-151.51(a)(5)a~~ or its equivalent pursuant to ~~11 NCAC 08 .1004(e), Rule .1004(c) of this Chapter,~~ must complete ~~20~~16 hours of continuing education per year for the first three years of licensure that include the following:

- (1) Four hours of a Board approved ~~mandatory course;~~ course consisting of the following:
 - (A) for the first year, a Board approved course on the Standards of Practice and Report Writing;
 - and
 - (B) for each of the second and third years, a Board approved course of the home inspector's choosing.
- (2) Four hours of the update course component described in ~~11 NCAC 08 .1309;~~ Rule .1309 of this Chapter; and
- (3) ~~42~~Eight hours of Board approved elective courses.

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

*History Note: Authority G.S. 143-151.49; 143-151.51; 143-151.55; 143-151.64;
Eff. August 1, 1998;
Amended Eff. October 1, 2014; February 1, 2011; July 18, 2002.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Home Inspectors Licensure Board

RULE CITATION: 11 NCAC 08 .1318

DEADLINE FOR RECEIPT: Friday, May 9, 2014

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Line 9, consider the following re-write:

The approval authorizes the sponsor to conduct...

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

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, April 25, 2014

11 NCAC 08 .1318 IS AMENDED AS PUBLISHED IN NCR 28:15 1714-1715 AS FOLLOWS:

11 NCAC 08 .1318 ELECTIVE COURSE COMPONENT

(a) Licensee Requirements: To renew a license on active status, a licensee shall complete ~~12~~eight classroom hours of instruction in ~~three~~two or more Board approved elective courses within the licensure period ~~one year preceding license expiration~~ in addition to satisfying the continuing education mandatory update course requirement described in Rule .1309 of this Section.

(b) Sponsor Requirements: Approval of an elective course requires approval of the sponsor and instructor(s) as well as the course itself. Such approval authorizes the sponsor to conduct the approved course using the instructor(s) who have been found by the Board to satisfy the instructor requirements set forth in Rule .1322 of this Section. The sponsor may conduct the course at any location as frequently as is desired during the approval period. However, the sponsor may not conduct any session of an approved course for home inspector continuing education purposes between September 10 and September 30, inclusive, of any approval period.

History Note: Authority G.S. 143-151.49(13); 143-151.64;
Eff. July 18, 2002;
Amended Eff. October 1, 2014; October 1, 2011.