

Title 158 - Construction Industries Board

Chapter 70 - Home Inspectors Act

Editor's Note: Effective 11-1-08, the authority to "adopt, amend, repeal, and promulgate rules as may be necessary to regulate . . . home inspectors" was transferred from the Oklahoma State Department of Health to the Construction Industries Board [see 59 O.S., § 1000.4]. [As of the cutoff date for the 2009 Supplement, the Department of Health had not yet revoked their rules regulating home inspectors in 310:276 and 310:110-5-6.] For additional information about this transfer, see Laws 2008, c. 405.

Subchapter 1 - General Provisions

158:70-1-1. Purpose

The rules in this Chapter implement the Home Inspection Licensing Act, Title 59 O.S. 2001, § 858-621 et seq.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Home Inspection Licensing Act, found at 59 O.S. § 858-621 et seq.

"**Alarm systems**" means warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

"**Applicant**" means any person applying for an examination for a license or registration under the Act.

"**Architectural service**" means any practice involving the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction, including but not specifically limited to, schematic design, design development, preparation of construction contract documents, and administration of the construction contract.

"**Board**" means the Construction Industries Board.

"**Certificates of course completion**" means a document acceptable to the Committee which signifies satisfactory completion of course work and reflects the hours of credit earned.

"**Cheating**" means any unapproved deviation from any official instruction given before, during or after a home inspector license examination for the purpose of affecting or influencing the examination results or otherwise providing an undue advantage to any examinee.

"**Classroom hour**" is equal to fifty (50) minutes out of each sixty (60) minute segment.

"**Client**" means a person with a direct material interest in the outcome of a home inspection who hires and compensates a home inspector for the performance of a home inspection.

"**Committee**" means the Committee of Home Inspector Examiners established by the Home Inspector Licensing Act, 59 O.S. 858-624.

"Component" means a part of a system.

"Continuing education" means education that is approved by the Committee to satisfy education requirements in order to renew licensure as a home inspector.

"Continuing education verification form" means a form acceptable to the Committee and completed by the course provider, that documents compliance with the continuing education requirements.

"Cosmetic" means a condition that affects appearance but not the manner in which the system or component functions.

"Decorative" means ornamental; not required for the operation of the essential systems and components of a home.

"Defect" means a condition, malfunction or problem, which is not decorative or cosmetic, that would have a materially adverse effect on the value of a system or component, or would impair the health or safety of the occupants or client.

"Department" means the Construction Industries Board.

"Describe" means to report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components.

"Dismantle" means to take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine homeowner maintenance.

"Engineering service" means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical and engineering sciences to such professional service or creative work as consultation, investigation, evaluation, planning, design and supervision of construction for the purpose of assuring compliance with the specifications and design, in conjunction with structures, buildings, machines, equipment, works or processes.

"Further evaluation" means examination and analysis by a qualified professional, tradesman or service technician beyond that provided by the home inspection.

"Home" or "residence" means any dwelling, from one to four (1-4) units in design, intended principally for residential purposes by one (1) or more individuals.

"Home inspection" or "inspection" *means a visual examination of any or all of the readily accessible physical real property and improvements to real property consisting of four or fewer dwelling units, including structural, lot drainage, roof, electrical, plumbing, heating and air conditioning and such other areas of concern as are specified in writing to determine if performance is as intended. [59:858-622(5)]*

"Home inspection license unit" means the staff and administrative support unit to the Committee of Home Inspector Examiners.

"Home inspection report" means a written opinion of the functional and physical condition of property written by the licensed home inspector pursuant to home inspection.

"Home inspector" means an individual licensed pursuant to the Home Inspection Licensing Act who, for compensation, conducts home inspections.

"Inspect" means to examine readily accessible systems and components of a building in accordance with these Standards of Practice, using normal operating controls and opening readily openable access panels.

"Installed" means attached such that removal requires tools.

"Instructor" means a person who presents course materials approved for qualifying education and continuing education credit hours that has the experience, training, and/or education in the course subject matter and has been approved by the Committee.

"Normal working order" means the system or component functions without defect for the primary purpose and manner for which it was designed.

"Normal operating controls" means devices such as thermostats, switches or valves intended to be operated by the homeowner.

"Practice of Architecture" means that practice defined in section 46.3 of Title 59 and exempt from the Home Inspector's Licensing Act under Title 59 O.S.858-623(B)(2).

"Professional craftsman" means a person who can demonstrate by certification, education or experience, specialized skill in the construction or repair of homes, duplexes, apartment buildings or similar structures. Persons demonstrating specialized skill by experience alone must be able to show that they have been actively engaged in their profession, trade or craft for at least one (1) year prior to the performance of a single item inspection.

"Provider" means a person, corporation, professional association or its local affiliates, or any other entity, which is approved by the Committee and provides approved qualifying and continuing education to home inspectors.

"Readily accessible" means available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property.

"Readily openable access panel" means a panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.

"Reciprocity agreement" means an agreement whereby a home inspector who is licensed in other states with substantially similar or greater licensure requirements may be licensed in this State after payment of a fee for licensing by reciprocity.

"Recreational facilities" means spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

"Report" means to communicate in writing.

"Roof drainage systems" means components used to carry water off a roof and away from a building.

"Shut down" means a state in which a system or component cannot be operated by normal operating controls.

"Solid fuel burning appliances" means a hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

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

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Technically exhaustive" means an investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

"Under-floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the floor.

"Unsafe" means a condition in a readily accessible, installed system or component which is judged to be a significant risk of personal injury during normal operation. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

"Wiring methods" means identification of electrical conductors or wires by their general type, such as "non-metallic sheathed cable" ("Romex"), "armored cable" ("bx") or "knob and tube", etc.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-1-3. Standards of workmanship and practice

(a) General requirements.

(1) These standards of practice are the minimum levels of inspection practice required of inspectors for the components and systems identified in these rules. Home inspections performed in accordance with these standards of practice are intended to provide the client with information regarding the condition of the systems and components at the time of the inspection.

(2) The inspector shall be governed by the following general requirements:

(A) The inspector shall inspect all readily accessible installed systems and components listed in these standards of practice.

(B) The inspector shall complete a written inspection report in accordance with these standards and submit the report to the client within an agreed upon time frame.

(C) The inspector shall identify in any written report the client, the inspector who performed the inspection by name and license number and the address of the inspected property.

(D) The inspector shall report:

(i) those systems and components inspected, which in the professional opinion of the inspector, are in normal working order;

(ii) those systems and components inspected which, in the professional opinion of the inspector, are not in normal working order and the reason, if not self evident;

(iii) those systems and components inspected which, in the professional opinion of the inspector, could impair the safety of the occupants or client and the reason, if not self evident;

(iv) the inspector's recommendations to have corrected, further evaluated or monitored any reported condition or defect; and,

(v) any systems and components designated for inspection in these standards, which were present at the time of the Home Inspection but were not inspected and the reason they were not inspected.

(3) These standards of practice are not intended to limit inspectors from:

- (A) including other inspection services or inspecting other systems or components in addition to those required by these Standards;
- (B) providing a higher level of inspection performance than required by these Standards;
- (C) reporting other observations or conditions in addition to those required by these Standards; or,
- (D) excluding systems and components from the inspection, if requested by the client in writing.

(4) Beginning July 1, 2006 all home inspectors shall maintain a log or record of all home inspections performed, for a minimum period of five years from the date of inspection. The log or record shall include the name of the client, the address of the property, and the date of the inspection. The home inspector shall maintain a copy of all home inspections completed within the past 36 months. The log or record and inspection reports may be a hard file or an electronic file and shall be maintained at the home inspector's principal business address. The files shall be available for review upon request of an authorized representative of the Construction Industries Board.

(5) A home inspector who visually examines any portion of a residential unit that is part of a real property consisting of more than four (4) dwelling units, shall advise, in writing, the person requesting the visual examination that the visual examination being conducted by the home inspector is not governed by the Act and these rules.

(b) General limitations and exclusions.

(1) The inspector is not required to perform any action or make any determination not specifically stated in these Standards of Practice.

(2) Inspections performed in accordance with these standards are not required to be technically exhaustive, will not identify concealed conditions or latent defects and are only applicable to buildings with four or fewer dwelling units and their garages, both attached and detached, or carports.

(3) The inspector is not required to:

- (A) perform any action or make any determination unless specifically stated in these Standards, except as may be required by lawful authority;
- (B) determine the condition of systems or components which are not readily accessible;
- (C) determine the remaining life of any system or component;
- (D) determine the strength, adequacy, effectiveness, efficiency or insurability of any system or component;
- (E) determine the causes of any condition or defect;
- (F) determine the methods or materials for repair or correction of any defect;
- (G) determine future conditions including, but not limited to, failure of systems and components;
- (H) determine the suitability of the property for any specialized use or compliance with any regulatory requirements other than this Chapter;

- (I) determine the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms, mold, mildew, fungi, or diseases harmful to humans;
 - (J) determine the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, or air;
 - (K) determine the effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances;
 - (L) determine the operating costs of any system or component;
 - (M) determine the acoustical properties of any system or component;
 - (N) perform engineering or architectural services or perform work in any trade or professional service other than home inspections;
 - (O) provide warranties or guarantees of any kind;
 - (P) operate any system or component which is shut down or otherwise inoperable or turn on any utility services;
 - (Q) operate any system or component which does not respond to normal operating controls, or shut-off valves;
 - (R) enter any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or may damage the property or its systems or components;
 - (S) enter the under-floor crawl spaces, attics or any area which, in the opinion of the inspector, is not readily accessible;
 - (T) inspect or determine the integrity of underground systems or components, including, but not limited to, main drain lines connecting to sewers, water lines, gas lines, electrical lines and underground storage tanks or other underground indications of their presence whether abandoned or active;
 - (U) inspect systems or components which are not installed, decorative items, systems or components located in areas that are not entered in accordance with these Standards, detached structures other than garages and carports, or common elements and areas in multi-unit housing, such as condominium properties or cooperative housing;
 - (V) move suspended ceiling tiles, personal property, furniture, equipment, plants, soil, snow, ice, or debris;
 - (W) dismantle any system or component, except as explicitly required by these rules; or,
 - (X) light any standing gas pilot light that does not have a spark-ignitor, including but not limited to heating systems, water heaters and fireplaces; or,
 - (Y) determine the cost to correct any defect or provide cost estimates.
- (4) The inspector shall not:
- (A) offer or perform any act or service contrary to law;
 - (B) determine or report on the market value of the property or its marketability;
 - (C) report on the advisability of the purchase of the property; or,

(D) advertise or solicit to perform repair services on the inspected home for a period of one (1) year from the date of the inspection.

(c) Structural system inspection requirements.

(1) The inspector shall inspect:

(A) the foundation structure including slabs, piers, columns, posts, stem walls;

(B) the floor structure including beams, girders, joists, trusses, sill plates, blocking, bracing, drilling, notching and sub floors;

(C) the wall structure;

(D) the roof structure including rafters, trusses, sheathing, blocking, bracing, drilling, notching and fire stops;

(E) the ceiling structure including joists, trusses, blocking, bracing, drilling, notching and fire stops at ceiling penetrations; and,

(F) the crawlspace, basement and attic moisture conditions and indicators of harmful water penetration or condensation on structural components.

(2) The inspector is required to:

(A) describe the foundation, floor structure, roof structure, ceiling structure and wall structure;

(B) describe indicators of foundation or structural movement;

(C) enter the crawlspace and attic to determine the general condition of the components;

(D) report the method used to observe the crawlspace and attic if the inspector did not enter; and,

(E) probe structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is not required where no deterioration is visible.

(3) The inspector is not required to:

(A) enter a crawlspace or any foundation area where the headroom is less than 18 inches, the access opening is less than 18 inches by 24 inches, where the area is excessively wet, or where the inspector reasonably determines the conditions or materials are hazardous to the safety of the inspector;

(B) enter an attic space where head room is less than 30 inches, the access opening is less than 18 inches wide by 24 inches long, or where the inspector reasonably determines conditions or materials are hazardous to the safety of the inspector; or

(C) perform any invasive or destructive inspection.

(d) Exterior inspection requirements.

(1) The inspector shall inspect:

(A) the exterior wall covering, trim, flashings, caulking and protective coatings;

(B) all exterior doors and locking devices;

(C) overhead garage doors and garage door openers including safety mechanisms;

(D) storm windows and doors;

- (E) attached decks/patios, balconies, stoops, steps, porches, and their associated railings;
 - (F) eaves, soffits and fascias;
 - (G) driveways and walkways leading to dwelling entrances;
 - (H) vegetation, grading, surface drainage, and retaining walls on the property when any of these are likely to have an adverse affect on the structure; and,
 - (I) the primary garage or carport.
- (2) The inspector shall describe:
- (A) the exterior wall covering;
 - (B) attached decks/patios and balconies;
 - (C) driveways; and,
 - (D) walkways.
- (3) The inspector is not required to inspect:
- (A) screening, shutters, awnings, and similar seasonal accessories;
 - (B) fences;
 - (C) geotechnical or hydrological conditions;
 - (D) recreational facilities;
 - (E) detached structures except the primary garage or carport;
 - (F) seawalls, break-walls, and docks; or,
 - (G) erosion control and earth stabilization measures.
- (e) **Roof system inspection requirements.**
- (1) The inspector shall inspect the:
- (A) roof covering;
 - (B) roof drainage systems;
 - (C) flashings;
 - (D) skylights;
 - (E) chimneys;
 - (F) attic ventilation covers; and,
 - (G) other roof penetrations.
- (2) The inspector shall describe:
- (A) the roof covering;
 - (B) The inspector shall report;
 - (C) the number of layers of roof covering;
 - (D) asphalt/composition shingles over wood shingles; and,
 - (E) the methods used to inspect the roof.
- (3) The inspector is not required to inspect:
- (A) the interiors of flues or chimneys;
 - (B) antennae; or,
 - (C) other installed accessories.
- (f) **Plumbing system inspection requirements.**
- (1) The inspector shall inspect:
- (A) the interior water supply and distribution systems and components;
 - (B) the connections, flow and drainage of fixtures, and fittings at bathtubs, showers, sinks, toilets and the exterior hose bibs immediately adjacent to the structure;

- (C) the clothes washing machine faucets and drains, unless a washing machine is in place;
 - (D) drain, waste and vent systems and components;
 - (E) the shower and bathtub enclosure surfaces;
 - (F) the water heating equipment, safety devices/valves, clearances, vent systems, flues and chimneys, gas supply piping and gas shut off valves;
 - (G) the fuel storage and/or fuel distribution systems; and,
 - (H) the drainage sumps, sump pumps and related piping.
- (2) The Inspector shall describe:
- (A) water supply piping materials;
 - (B) drain, waste, and vent piping materials;
 - (C) the water heating equipment and the energy sources; and,
 - (D) the location of the main water shut-off, main fuel shut-off and the house sewer cleanout.
- (3) The inspector is not required to:
- (A) inspect the interiors of flues or chimneys, wells, well pumps, or water storage related equipment, water conditioning systems, solar water heating systems, fire and lawn sprinkler systems, or private waste disposal systems,
 - (B) determine the quantity or quality of the water supply;
 - (C) determine whether water supply and waste disposal are public or private;
 - (D) operate safety valves, shut-off valves or washing machine hose connections, if installed appliances are present; or,
 - (E) use technically exhaustive techniques to determine the water tightness or integrity of shower pans or enclosures.
- (g) **Electrical system inspection requirements.**
- (1) Except as provided in 158:70-1-3(b), the Inspector shall inspect:
- (A) The service drop;
 - (B) the service entrance conductors, cables, and raceways;
 - (C) the service equipment and main disconnects;
 - (D) the service grounding;
 - (E) the interior components of service panels and sub panels by removing the panel dead front covers;
 - (F) the branch circuit conductors, over current protection devices and the compatibility of the conductors with the device;
 - (G) conduit, wiring and splicing including the basement, crawl space and attic;
 - (H) interior and exterior installed lighting fixtures, switches and ceiling fans;
 - (I) receptacles including polarity and grounding, ground fault circuit interrupters and arc fault circuit interrupters; and,
 - (J) exterior electrical components that provide service to a qualifying garage or carport.
- (2) The Inspector shall describe:
- (A) the amperage and voltage rating of the service;

- (B) the wiring methods;
 - (C) the location of main disconnect(s), distribution panels and sub panels;
 - (D) the presence of solid conductor aluminum branch circuit wiring; and,
 - (E) the absence of smoke detectors.
- (3) The inspector is not required to:
- (A) inspect remote control devices unless the device is the only control device, alarm systems and components, low voltage wiring systems and components or ancillary wiring systems and components not a part of the primary electrical power distribution system;
 - (B) measure amperage, voltage/voltage drop, or impedance;
 - (C) insert any tool, probe or testing device inside panels or dismantle any electrical device or control other than to remove the dead front covers of the main and sub panels; or,
 - (D) test or operate any over current protection device except ground fault and arc fault circuit interrupters.
- (h) **Heating, Air conditioning and distribution system inspection requirements.**
- (1) **Heating systems.**
- (A) The inspector shall open readily openable access panels
 - (B) The inspector shall inspect:
 - (i) the installed heating equipment including backup heating devices;
 - (ii) controls;
 - (iii) heating operation;
 - (iv) burners and burner chambers in fuel fired heating systems;
 - (v) combustion air provisions;
 - (vi) gas supply piping and shut off valve;
 - (vii) electrical supply provisions and disconnects;
 - (viii) clearances;
 - (ix) vent systems, flues, and chimneys; and,
 - (x) bathroom supplemental heating appliances.
 - (C) The inspector shall describe the heating methods by their distinguishing characteristics and the energy sources.
 - (D) The inspector is not required to:
 - (i) inspect the interiors of flues or chimneys, humidifiers or dehumidifiers, solar space heating systems, and heat exchangers;
 - (ii) measure amperage of electric heating elements.
- (2) **Air conditioning systems.**
- (A) The inspector shall open readily openable access panels.
 - (B) The inspector shall inspect:
 - (i) installed cooling equipment;
 - (ii) cooling operation;
 - (iii) condensate disposal provisions;
 - (iv) the electrical supply provisions and disconnect; and,
 - (v) the refrigerant lines.

- (C) The inspector shall describe the cooling methods by their distinguishing characteristics and the energy sources.
- (D) The inspector is not required to:
 - (i) verify sizing or component matching; or,
 - (ii) operate equipment when outdoor temperatures may cause damage to the equipment.
- (3) **Heat and air conditioning distribution systems.**
 - (A) The inspector shall inspect:
 - (i) plenums and ducts with associated supports, insulation, supply registers and return grills;
 - (ii) radiators and piping;
 - (iii) filters; and,
 - (iv) main air handlers fans and blowers.
 - (B) The inspector shall describe the type of conditioned air distribution system.
 - (C) The inspector is not required to:
 - (i) inspect electronic air filters, heat reclamation equipment or dampers;
 - (ii) determine duct leakage or calculate duct sizing; or,
 - (iii) determine the uniformity, adequacy, or distribution balance of the heat or cooling supply to habitable rooms.
- (i) **Interior inspection requirements.**
 - (1) The inspector shall inspect:
 - (A) walls, ceilings and floors of the dwelling and garage;
 - (B) steps, stairways, balconies and railings;
 - (C) doors and windows including operation, glazing and thermal pane seals;
 - (D) installed cabinets and countertops; and,
 - (E) indicators of harmful water penetration or condensation on interior and structural components.
 - (2) The inspector shall describe the walls, ceilings and floors.
 - (3) The inspector is not required to inspect:
 - (A) paint, wallpaper, and other finish treatments;
 - (B) carpeting and other floor coverings;
 - (C) window treatments;
 - (D) the operation of interior door locks, latches and devices; or,
 - (E) recreational facilities.
- (j) **Insulation and ventilation inspection requirements.**
 - (1) The inspector shall inspect:
 - (A) insulation and vapor retarders/barriers in unfinished spaces,
 - (B) ventilation of attics and foundation areas,
 - (C) mechanical ventilation systems
 - (D) the clothes dryer exhaust system.
 - (2) The inspector shall describe:
 - (A) the insulation and vapor retarders or barriers in unfinished spaces; and,

- (B) the absence of insulation in unfinished spaces at conditioned surfaces.
- (3) The inspector is not required to:
 - (A) disturb insulation or vapor retarders or barriers;
 - (B) operate powered attic vents; or,
 - (C) determine indoor air quality.
- (k) **Appliance inspection requirements.**
 - (1) The inspector shall inspect the:
 - (A) Food waste disposal;
 - (B) range/stove, regardless of whether it is an installed or free standing appliance;
 - (C) cook top;
 - (D) oven(s);
 - (E) dishwasher;
 - (F) ventilation equipment or range hoods;
 - (G) installed microwave;
 - (H) trash compactor; and,
 - (I) gas appliance connectors and shut off valves.
 - (2) The inspector shall describe the range/stove, cook top and oven(s) by the energy source.
 - (3) The inspector is not required to:
 - (A) operate appliances in all modes or self cleaning cycles; or,
 - (B) inspect clocks, timers, thermostats or household appliances not listed in these standards.
- (l) **Fireplaces and solid fuel burning appliances inspection requirements.**
 - (1) The inspector shall inspect the:
 - (A) hearth and hearth extension;
 - (B) damper;
 - (C) gas supply; and,
 - (D) the firebox, vent systems, flues and chimneys.
 - (2) The inspector shall describe:
 - (A) the fireplaces;
 - (B) solid fuel burning appliances; and,
 - (C) chimneys.
 - (3) The inspector is not required to:
 - (A) inspect the interiors of flues or chimneys, the fire screens and doors, the seals and gaskets, the automatic fuel feed devices, the mantels and fireplace surrounds, the combustion make-up air devices, the heat distribution assists whether gravity controlled or fan assisted or free standing solid fuel burning appliances;
 - (B) ignite or extinguish fires;
 - (C) determine draft characteristics; and,
 - (D) move fireplace inserts, stoves or firebox contents.

Subchapter 3 - Procedures of the Committee

158:70-3-1. Procedures of the Committee.

(a) Committee meetings are generally, and unless otherwise stated by the Committee, held at the offices of the Construction Industries Board at 2401 N.W. 23rd Street, Suite 5, Oklahoma City, Oklahoma 73107. The committee shall meet as often as is necessary, but at least once each quarter. Meetings of the committee will comply with the Oklahoma Open Meetings Act.

(b) The Committee shall provide oversight to the overall licensure examination process; shall set minimum standards for certifying qualified applicants; may write examinations; may recommend regulations to the Administrator and to the Board; and, shall act as advisor to the Administrator on home inspection licensing and standards enforcement matters.

(c) The only formal procedure available to the public is to apply for a home inspection license. Application for a home inspection license shall be accomplished by filling out an application for examination on a form provided by the committee.

(d) The public may communicate with the Committee in person or by mail through the Agency. The Agency will make available all forms and instructions used by the Committee, rules, and all other written statements of policy or interpretations, all final orders, decisions and opinions. Copies of same may be provided in accordance with OAC 158:1-3-5.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

Subchapter 5 - License Requirements, License Fees, License Period, Re-Examination, Display and Insurance

158:70-5-1. Home inspection license requirements

No person, on behalf of himself or a firm or company engaged in home inspection work shall engage or offer to engage in, by advertisement or otherwise, any home inspection work who does not possess a valid and appropriate license from the Agency, unless otherwise exempt by law.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-5-2. License fees, license period, re-examination, display, and insurance requirements

- (a) **Initial license fees.** The following fees apply to home inspection industry licensure:
- (1) Approval fees for schools, instructors and home inspection organizations - \$100.00
 - (2) Approval fees for educational course content - \$50.00
 - (3) Application for license - \$30.00
 - (4) Licensure for reciprocity - \$50.00
 - (5) Examination fee - \$200.00
 - (6) License fee - \$250.00
 - (7) License renewal - \$150.00
 - (8) License reactivation - \$50.00

(b) **License period.**

(1) A license shall expire twelve months after issuance, and may be renewed without penalty during the month following expiration.

(2) A license which has been expired for more than one (1) year shall not be renewed. An individual may obtain a valid license by successful completion of the appropriate examination and other licensure requirements.

(c) **Re-examination.** Any applicant who fails an examination must wait thirty (30) days before retaking the home inspection examination.

(d) **License display.** The state issued license number shall be placed on all letterhead stationery, business cards, bids, estimates and printed advertisements, and shall be included in electronic media advertisements. Decals and yard signs shall display the state issued license number.

(e) **Personal license display.** All persons subject to these rules shall possess the state issued card any time the person is working. The card shall be shown when requested.

(f) **Insurance requirements.** Each licensee must maintain insurance coverage and furnish and maintain in effect a certificate of insurance therefore which indicates that the licensee has a comprehensive general liability policy. Limits of liability are to be no less than \$50,000.00 combined single limit for bodily injury and property damage. The certificate of insurance shall provide for thirty (30) days notice to the Home Inspection License Unit, prior to cancellation or material alteration of the required insurance.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

Subchapter 9 - Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity

158:70-9-1. Qualifications and examination applications

Applicants for home inspection license examinations must be eighteen (18) years of age or older and be of good moral character, and every application must be accompanied by evidence of successful completion of fifty (50) clock hours of home inspection training that is approved pursuant to 158: 70-9-3, or its equivalent.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-2. Examinations

(a) Home inspection license examinations may include, without limitation, written questions, consisting of open book, closed book and problems, based on current national standards, and other related questions.

(b) The maximum grade value of each part of the examination shall be 100 points. A passing score is 70% or more on each part.

(c) Each applicant shall pay the examination fee before undertaking any examination. Reexamination fees shall be the same as the initial examination fees.

(d) Unless authorized by the Committee, only examinees shall be permitted in the examination area.

(e) Applicants shall present positive identification before undertaking an examination.

(f) Any applicant who fails an examination must wait thirty (30) days before retaking the home inspection examination.

(g) An examinee cheating or fraudulently representing an applicant shall immediately be expelled from the examination. A written record of the proceedings shall be made and become a part of the applicant's file. The Committee shall determine when the applicant may retake the exam, which time shall be no fewer than three hundred sixty-five (365) days.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-3. Course approval requirements

(a) Any person or entity seeking to conduct an approved course for qualifying or continuing education credits shall make application and submit documents, statements and forms as may reasonably be required by the Committee in accordance with Section 158:70-5-2.

(b) Applications shall include the following information:

- (1) Name and address of the provider;
- (2) Contact person and his or her address, telephone number and fax number;
- (3) The location of the courses or programs;
- (4) The number and type of education credit hours requested for each course;
- (5) Topic outlines, which list the summarized topics, covered in each course and upon request a copy of any course materials;
- (6) If a prior approved course has substantially changed, a summarization of these records;
- (7) The names and qualifications of each instructor who is qualified in accordance with Section 158:70-9-4, and
- (8) Information as to how the proposed course meets the standard provided in Section 158:70-9-5-(b).

(c) The Agency may automatically accept without further review, courses pre-approved by the Committee.

(d) The Committee may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.

(e) No person or entity sponsoring or conducting a course shall advertise that it is endorsed, recommended, or accredited by the Committee. Such person or entity may indicate that the Committee has approved a course of study if that course of study has been pre-approved by the committee before it is advertised or held.

(f) The Committee may decline to renew, or revoke the approval of any qualifying course or any instructor or entity previously approved to conduct a pre-licensing course upon a showing or demonstration that the course, instructor or entity has substantially failed to adequately prepare its attendees or participants to pass the national Home Inspection Examination or similar qualifying examination.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-4. Instructor requirements

(a) **Instructor qualifications.** An instructor should have one of the following qualifications:

- (1) Three (3) years of recent experience in the subject matter being taught; or
 - (2) A degree related to the subject area being taught; or
 - (3) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of college credit and/or vocational technical school technical credit hours in the subject being taught.
 - (4) Other educational, teaching, or professional qualifications determined by the Committee which constitute an equivalent to one or more of the qualifications in the previously stated sub-paragraphs (1), (2), and (3) of this paragraph.
- (b) **Instructor renewal.** In order to maintain approved status, an instructor must furnish evidence that the instructor has taught a Committee approved course, or any other CEU course the Committee determines to be equivalent, within a required thirty-six (36) month period.
- (c) **Re-application.** Any instructor not meeting the requirements of this subsection will be required to re-apply as an original instructor applicant.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-5. Continuing education

- (a) **Continuing education hours.** No home inspection license shall be renewed unless the licensee has completed at least five (5) clock hours of continuing education prior to the date of renewal.
- (b) **Special Approval requirements for continuing education.** All continuing education providers shall abide by the following requirements:
- (1) Course content should be designed to update knowledge and improve inspection skills directly related to the components and systems described in Subchapter 1 of this Chapter.
 - (2) All courses shall be at least two (2) hours in length.
 - (3) Unless provided after regular working hours, the training location shall be outside the regular work place.
 - (4) Each attendee shall complete a course evaluation on a form provided by the Agency. The CEU provider shall return the completed evaluation forms to the home inspection license unit with the sign-in sheets.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-6. Denied application appeal

- (a) **Denied instructor/provider application.** If the Committee fails to approve or rejects any proposed instructor or entity seeking to conduct an approved course, the Committee shall give written notice of the rejection and the cause therefore within fifteen (15) days after such decision. The applicant may appeal the decision by filing a written request for a hearing before the Committee within thirty (30) days after notice of denial. The Committee shall set the matter for hearing to be conducted within sixty (60) days thereafter. No part of the application fee
Is refundable.
- (b) **Denied course application.** If the Committee fails to approve or rejects any proposed continuing education offering or fifty (50) hour home inspection training course, the Committee shall give written notice of the rejection and the cause therefore

within fifteen (15) days after such decision to the party applying for approval. Upon the written request from such party, filed within thirty (30) days after such notice of denial, the Committee shall set the matter for hearing to be conducted within sixty (60) days thereafter for an appeal of the determination of the cause for rejection. No portion of the fee is refundable.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-9-8. Substantial compliance and reciprocity

(a) In addition to accepting courses approved as described in this Subchapter, qualifying and continuing education credits may be granted to an individual in such case that said individual supplies acceptable documentation showing that the offering meets applicable Committee requirements for the category of credit applied for, including proof that said individual attended and successfully completed the offering.

(b) If a non-resident licensee satisfies a continuing education requirement in another state for license renewal, the Committee will exempt the non-resident licensee from the continuing education requirement in the state. In order to qualify for the exemption, the non-resident licensee must file with the license renewal of this state a certificate from the state in which the continuing education was satisfied stating that the non-resident licensee had completed the continuing education requirement for license renewal in that state. The certificate from the state verifying the non-resident's compliance with continuing education in the other state must be received by the Committee within sixty (60) days of issuance by the other state and must be received in conjunction with license renewal.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

Subchapter 11 - License Revocation and Suspension and Additional Prohibited Acts

158:70-11-1. License revocation and suspension

(a) The employment or use of unlicensed individuals may be grounds to suspend, revoke, or deny renewal of the license of the person so employing or using unlicensed individuals.

(b) The repeated violation of any rule or provision of the Act, or the violation of multiple sections of this Chapter or provisions of the Act, may be grounds to suspend or revoke a licensee's license.

(c) Any person convicted in a court of competent jurisdiction of forgery, fraud, conspiracy to defraud, or any similar offense, or pleading guilty or nolo contendere to any such offense may be subject to license suspension or revocation.

(d) Any person failing to comply with a fine assessment or other administrative order of the Agency within ninety (90) days of issuance of such assessment or order shall be subject to license suspension.

(e) Any person whose license is suspended pursuant to these Rules may not perform a home inspection and, prior to reinstatement, must make application therefor, which must be accompanied by evidence of successful completion of the continuing education requirements set forth in OAC 158:70-9-3.

(f) Any person whose license is revoked pursuant to these rules may not perform a home inspection before attaining licensure pursuant to OAC 158:70-9-1.

(g) Failure to cooperate or provide information regarding an investigation may be grounds to suspend or revoke a licensee's home inspection license.

(h) Failure to maintain and furnish a certificate of insurance coverage as provided in OAC 158: 70-5-2(f) may be grounds to suspend or revoke a licensee's home inspection license.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]

158:70-11-2. Additional prohibited acts

(a) No person, entity, or firm may perform home inspection work without first obtaining a license or registration pursuant to these Rules.

(b) No person shall offer to engage in work as a home inspector during the period his or her license is suspended or revoked.

(c) No employing home inspection firm shall employ or use an unlicensed home inspector to perform home inspection work.

(d) No person, entity, or firm may transfer a license or registration.

(e) No home inspector, licensed pursuant to this Chapter, shall enter into an agreement for the use of his or her license with any firm or person who is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Agency.

(f) No person shall make a materially false or fraudulent statement in an application for license or for approval of continuing education, engage in cheating, or otherwise commit an act in violation of 158:70-9-2(g).

(g) No person shall falsify or fail to disclose in a home inspection report a material defect.

(h) No person shall accept inspection assignments when the employment itself is contingent upon reporting a predetermined estimate, analysis or opinion.

(i) No person shall accept inspection assignments when the fee to be paid is contingent upon the opinion, the conclusion, analysis, or report reached, or upon the consequences resulting from such assignments.

(j) No person shall perform a home inspection upon a home, or any part thereof, where the home inspector has solicited or performed any work or repair service therein upon a system or component described in Subchapter 1 of this Chapter, within the previous thirty days. If the person performing the home inspection has performed such work within the previous one-hundred eighty days, such prior work must be disclosed to the client.

(k) No person shall solicit or perform work or repair services upon, a home, or any part thereof, that the home inspector has inspected for one (1) year after the date of the inspection.

(l) No person shall knowingly accept compensation from more than one client for a single home inspection, unless the home inspector has informed all clients who are paying a fee for that home inspection that such compensation is sought or anticipated.

(m) Unless upon demand in writing by the Agency, a law enforcement agency, or by order of a court of competent jurisdiction, no person shall disclose the results of a home inspection to any person other than the client without the written consent of the client.

(n) No person shall fail to disclose to the client any conflict of interest of which the inspector knows or should have known that may adversely affect the client. Based upon the potentially adverse affect to the home inspector's ability to produce an unbiased

report, some circumstances or conditions are presumed to adversely affect the client and must be disclosed to the client in writing prior to the inspection. These include, but are not limited to, the following:

- (1) Situations where the payment of remuneration or other consideration is made by the home inspector to a third party and representing a reward or compensation to the third party for the home inspector receiving inspection employment.
 - (2) Situations where the payment of remuneration or other consideration is received by the home inspector from a third party and representing a reward or compensation for the home inspector recommending services or products to the client or other persons having an interest in the
 - (3) In those cases where the client is the buyer of real property, situations where the home inspector has had some prior connection, relationship or association with the seller, his or her assigns or family members related to the seller within the second degree.
 - (4) Situations where prior reports or inspections have been made or conducted upon any system or component of the real property that the home inspector has agreed to inspect.
- (o) No person shall fail to submit a written home inspection report within a reasonable time as determined by the Agency to the client after compensation has been paid to the home inspector.

[Source: Added at 26 Ok Reg 390, eff 11-14-08 (emergency); Added at 26 Ok Reg 2463, eff 7-11-09]