

58-4509. Registration of home inspectors, effective date, requirements. (a) On and after January 1, 2010, all individuals performing home inspections as defined in K.S.A. 2014 Supp. 58-4502, and amendments thereto, shall be required to be registered by the board.

(b) All registrants must:

(1) Be at least 18 years of age;

(2) have successfully completed high school or its equivalent, unless such individual is engaged in the practice of performing home inspections on the effective date of this act;

(3) submit proof of current general liability insurance coverage in an amount of \$100,000 or more;

(4) submit proof of financial responsibility by one of the following:

(A) A policy of errors and omissions insurance coverage;

(B) a surety bond in an amount not less than \$10,000. Each registered home inspector electing to provide the board a surety bond as a condition of registration, shall file with the board a surety bond in the amount of not less than \$10,000 per year. Such bond shall be issued by a corporate surety authorized to do business in this state. The surety bond shall state the effective date and the expiration date. The registered home inspector shall be named as principal. The bond shall be to the state of Kansas and shall be conditioned upon the registered home inspector faithfully performing all contracts entered into and complying with all provisions of this act and acts amendatory thereof and supplemental thereto and following all rules and regulations governing the profession. Regardless of the number of claims made against the bond or the number of years the bond remains in force, the aggregate liability of the surety shall in no event exceed the amount of the bond. The bond may be terminated at any time by the surety upon sending 30 days notice in writing to the principal, the obligee and the board;

(C) an irrevocable letter of credit not less than \$10,000 issued by a bank which is insured by the federal deposit insurance corporation or its successor if such letter of credit is initially issued for a term of at least one year and by its terms is automatically renewed at each expiration date for at least an additional one-year term unless at least 30 days prior written notice of intention not to renew is provided to the board; or

(D) the maintenance of a minimum balance of \$10,000 in an escrow account in a Kansas financial institution as defined in K.S.A. 16-117, and amendments thereto, provided that the escrow account shall maintain the minimum balance through the term of the registrant's registration as a home inspector. The board shall be notified in writing by the financial institution within 10 days if the amount in the escrow account falls below the \$10,000 minimum balance. Upon notification, the board shall suspend such registrant's registration as a home inspector until the escrow account minimum balance is restored to greater than or equal to \$10,000;

(5) have successfully completed and passed a proctored written or electronic exam as approved by the board unless the applicant has been actively engaged as a home inspector as defined in K.S.A. 2014 Supp. 58-4502, and amendments thereto, and met the requirements of subparagraph (B) of paragraph 8 of subsection (b) of this section;

(6) annually obtained a minimum of 16 hours of continuing education approved by the board;

(7) shall retain a copy of each of the following documents pertaining to each home inspection performed by, or at the direction of, the home inspector for a period of 24 consecutive calendar months commencing on the first day of the month in which such document is issued or in which the expiration date of any written agreement for such home inspection occurs, whichever is later:

(A) The pre-inspection notice;

(B) the home inspection agreement;

(C) the home inspection report; and

(D) any other information prescribed by the board by rule and regulation; and

(8) have satisfied one of the following requirements:

(A) Have successfully completed and passed a course of study containing at least 80 hours of classroom and field training offered by an educational provider approved by the board; or

(B) if the individual has been actively engaged in the practice of conducting home inspections for not fewer than two years prior to the effective date of this act and have completed not less than 50 fee-paid home inspections.

(c) The board, by rules and regulations, shall establish the date for renewal of a registration which may be on an annual or biennial basis. A registration that is not renewed in a timely manner shall be deemed expired and may be renewed within 30 days following the expiration date upon completion of a renewal form and payment of a late fee established by the board.

(d) The board may grant inactive status to a registrant who meets all the requirements for renewal except for completion of continuing education upon written request of the registrant and payment of the inactive status fee which shall not exceed \$50. The registration shall become active upon approval of the board following completion of all continuing education requirements and payment of the renewal fee. A registrant whose registration is inactive shall not conduct home inspections during the time the registration is in inactive status.

(e) The board may reinstate a registration that has been expired or revoked for more than 30 days but less than 90 days upon application on a form provided by the board and payment of a reinstatement fee established by the board. The board may establish standards for reinstatement, including a requirement that an applicant whose registration was revoked or that has been expired for more than one year successfully complete an approved examination.

History: L. 2008, ch. 171, § 10; L. 2009, ch. 118, § 6; July 1.