

Debbie Bartuccio

From: Gary Martin <gmartin@kcbuildinginspections.com>
Sent: Friday, February 15, 2019 3:01 PM
To: Debbie Bartuccio
Subject: Re: State of Kansas SB168 Hearing 2/19 Tuesday. Opponent Comments - will not attend the hearing.

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The Honorable Senator Julia Lynn
C/O Debbie Bartuccio Assistant,

Senate Bill 168 is another additional burden to small businesses and a proposed law that is not necessary. There are already statutes on the books that will protect consumers (such as the Kansas Consumer Protection Act).

This proposed Bill has some of the issues the similar Bill contained back in 2009 (Example - see Section 4 (a)) in that power is given to the Board to adopt a standard of practice and code of ethics. Last time under the Kansas Home Inspectors Professional Competence and Financial Responsibility Act which became effective on July 1, 2008, this power was abused and the Kansas Attorney General in his Opinion No 2008-5 warned the Board that this did not comply with existing law by requiring a membership in private organizations.

Last time, the Board was late in identifying qualified training organizations that held up licensing of new inspectors. This was potentially a liability to the State of Kansas by preventing the licensing to home inspectors seeking licensing under the new law.

Last time, the standard of practice the Board created did not follow any industry standards of practice. The one they created was extremely simplified. Almost all existing Standards of Practice that home inspectors follow are much more extensive and provided more protections than what was enacted by the last Board. The power to expand and regulate this proposed law is given to a few Board members that have the ability to abuse it and to create poorly written useless rules and standards. I point to the example of what happen the last time under a very similar Bill.

This bill requires all licensed home inspectors to submit any documents and testimony deemed as needed without any legal recourse to a non-elected Board as appointed by the Governor. This part of the proposed bill puts too much power in hands of an unregulated Board.

This Bill requires a psychometric evaluation. Without a proper definition or limitations, this highly subjective requirement should have never been inserted into the Bill. The State of Kansas requires other inspectors to be licensed (WDI, Lead, Asbestos, Radon, and other environmental inspectors) but they are not required to submit to a psychometric test.

The industry is already self regulating. Real estate professionals know who the good inspectors are, and who to not recommend. Home inspectors that are good stay busy because the real estate

professionals (realtors) do not recommend bad inspectors. Today's internet provides consumers a way to check references. Even Google has a rating for home inspectors provided by past clients. Upon request I have always provided proof of E & O Insurance. I always require a Pre-Inspection Agreement (contract). We follow a much more strict and professional Standards of Practice than what the State of Kansas allowed to be law a few years ago. In short, there is no justifiable reason to add another burdensome regulation to this industry. It is a waste of resources and time as recognized by the Kansas Governor who let the last similar law Sunset.

Please do not hesitate to contact me if you have any questions.

Thank you,
Gary Martin
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International Association of Certified Home Inspectors – NACHI109121901
Missouri Certification – N5733
Kansas Certification – 21629
Kansas State Registration Fmr No - 0310-0151
Radon NRPP Measurement Certification – 105598RT
Radon NRPP Mitigation Certification - 106196RMT
KDHE Radon Measurement Certification - KS-MS-0057
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