

**DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
PERIMETER CENTER
9960 MAYLAND DRIVE
RICHMOND, VIRGINIA 23233**

**HOME INSPECTOR REGULATORY REVIEW COMMITTEE
OF THE
BOARD FOR ASBESTOS, LEAD, AND HOME INSPECTORS**

Tentative AGENDA

**TUESDAY, NOVEMBER 10, 2020, 10:00 A.M.
2nd FLOOR, TRAINING ROOM 2**

- I. CALL TO ORDER**
- II. EMERGENCY EVACUATION PROCEDURES**
- III. COVID-19 SAFETY REMINDERS**
- IV. APPROVAL OF AGENDA**
 - a. Committee Agenda, November 10, 2020
- V. PUBLIC COMMENT PERIOD***
- VI. OVERVIEW**
 - a. Review Purpose of Committee
 - b. Members & Staff
 - c. Primary Responsibilities of the Committee
- VII. RESOURCES AND INFORMATION**
 - a. Chapter 5 of Title 54.1 of the Code of Virginia
 - b. Home Inspector Licensing Regulations
 - c. Regulatory Review Topics
 - d. Home Inspector Entry Requirements from Other States
- VIII. NEW BUSINESS**
 - a. Consider Necessary Regulatory Changes
- IX. OTHER BUSINESS**
 - a. Discuss Topics for Next Meeting
 - b. Set Next Meeting Date(s)
- X. COMPLETE CONFLICT OF INTEREST FORMS AND TRAVEL VOUCHERS**
- XI. ADJOURN**

* Five minute public comment, per person, with the exception of any open disciplinary or application files.

Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-0362 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

PERIMETER CENTER CONFERENCE CENTER
EMERGENCY EVACUATION OF BOARD AND TRAINING ROOMS
(Script to be read at the beginning of each meeting.)

PLEASE LISTEN TO THE FOLLOWING INSTRUCTIONS ABOUT EXITING THE PREMISES IN THE EVENT OF AN EMERGENCY.

In the event of a fire or other emergency requiring the evacuation of the building, alarms will sound. When the alarms sound, leave the room immediately. Follow any instructions given by Security staff

Board Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Room 2

Exit the room using one of the doors at the back of the room. (Point) Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

You may also exit the room using the side door, turn **Right** out the door and make an immediate **Left**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Board Rooms 3 and 4

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **RIGHT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 1

Exit the room using one of the doors at the back of the room. Upon exiting the room, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

Training Room 2

Exit the room using one of the doors at the back of the room. Upon exiting the doors, turn **LEFT**. Follow the corridor to the emergency exit at the end of the hall.

Upon exiting the building, proceed straight ahead through the parking lot to the fence at the end of the lot. Wait there for further instructions.

COVID-19 SAFETY REMINDERS

PUBLIC COMMENT PERIOD

Five minute public comment, per person, with the exception of any open disciplinary or application files.

OVERVIEW

Code of Virginia

Title 54.1. Professions and Occupations

Chapter 5. Asbestos, Lead, and Home Inspection Contractors and Workers

Article 1. General Provisions

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one

to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. 185, 911; 1996, cc. 76, 176, 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436, 527.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 522, 803, 835; 2016, cc. 161, 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance

with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and

8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477;

1993, cc. 499, 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 649, 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-501.1. Applicability.

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-502. Interdepartmental implementation plan.

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not

possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. 185, 911; 1995, cc. 543, 585; 1996, cc. 180, 846; 1997, cc. 560, 885; 1998, c. 739; 2004, c. 133; 2009, c. 819; 2015, c. 411; 2016, cc. 161, 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § 54.1-501.

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-504.1. Notices for handling asbestos.

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. 252.

The chapters of the acts of assembly referenced in the historical citation at the end of this section

may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-505. Qualification for an asbestos contractor's license.

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § 54.1-504, ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-506. Repealed.

Repealed by Acts 1993, c. 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-507. Repealed.

Repealed by Acts 1992, c. 477.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§§ 54.1-508, 54.1-509. Repealed.

Repealed by Acts 1993, c. 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-510. Repealed.

Repealed by Acts 1988, c. 802.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-511. Repealed.

Repealed by Acts 1993, c. 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. 180, 846; 1998, c. 739; 2009, c. 819.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-513. Repealed.

Repealed by Acts 1998, c. 739.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to

work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2001, c. 723; 2009, cc. 358, 819; 2012, cc. 803, 835; 2016, cc. 161, 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § 54.1-307.1.

2004, c. 222.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of

standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. 185, 911; 1996, cc. 180, 846; 1997, c. 885; 1998, c. 739; 2009, c. 819.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Article 2. Home Inspectors

§ 54.1-517.1. Repealed.

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-517.2. Requirements for licensure.

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or
2. An applicant who has successfully:
 - a. Completed the educational requirements as required by the Board;
 - b. Completed the experience requirements as required by the Board; and
 - c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. 723; 2015, c. 411; 2016, cc. 161, 436.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing.

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply

natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Article 3. Mold Inspectors and Remediators

§§ 54.1-517.3 through 54.1-517.5. Repealed.

Repealed by Acts 2012, cc. [803](#) and [835](#), cl. 56.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

COMMONWEALTH OF VIRGINIA
VIRGINIA BOARD FOR ASBESTOS, LEAD, AND HOME
INSPECTORS



HOME INSPECTOR LICENSING REGULATIONS

Last Updated February 1, 2020

STATUTES
Title 54.1, Chapter 5



Department of Professional and Occupational Regulation

9960 Mayland Drive, Suite 400
Richmond, VA 23233
(804) 367-8500
www.dpor.virginia.gov

NOTICE SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Virginia Board for Asbestos, Lead, and Home Inspectors is responsible for promulgating regulations in accordance with the Administrative Process Act ([§ 2.2-4000](#) et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the Home Inspector Licensing Regulations (18 VAC 15-40). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://law.lis.virginia.gov/admincode>.

The following is a brief summary of the changes to the Home Inspector Licensing Regulations effective February 1, 2020, but does not include all changes made to the regulations.

- License renewal and reinstatement fees for licenses are temporarily reduced. For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fee shall be \$40 for home inspector licenses; and \$80 for home inspector licenses with an NRS specialty. For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fee shall be \$120 for home inspector licenses; and \$160 for home inspector licenses with an NRS specialty.

STATEMENT OF PURPOSE

This document contains the information you will need to obtain your Home Inspector License. The law that governs your profession is found in Chapter 5 (§ [54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This document contains a copy of the law and regulations that you will need to know and obey to obtain and keep your Home Inspector License.

BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF PRACTICE AND CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR HOME INSPECTOR LICENSE.

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this document, please write to:

Virginia Board for Asbestos, Lead, and Home Inspectors
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, VA 23233

or call the Agency at (804) 367-8595 or e-mail ALHI@dpor.virginia.gov.

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PART I.
GENERAL

18VAC15-40-10. Definitions.

A. Section [54.1-500](#) of the Code of Virginia provides definitions of the following terms and phrases as used in this chapter:

“Board”

“Home inspection”

“Home inspector”

“Person”

“Residential building”

B. Section [54.1-517.2:1](#) of the Code of Virginia provides definitions of the following terms and phrases as used in 18VAC15-40-130:

“Bonding”

“Corrugated stainless steel tubing or CSST”

“Grounding”

C. The following words and terms when used in this chapter shall have the following meanings unless a different meaning is provided or is plainly required by the context:

“Address of record” means the mailing address designated by the licensee to receive notices and correspondence from the board.

"Adjacent" means adjoining or within three feet of the residential building and that may affect the residential building.

“Applicant” means an individual who has submitted an application for licensure.

“Application” means a completed, board-prescribed form submitted with the appropriate fee and other required documentation.

"Client" means a person who engages the services of a home inspector for a home inspection.

"Compensation" means the receipt of monetary payment or other valuable consideration for services rendered.

"Component" means a part of a system.

"Contact hour" means 50 minutes of participation in a structured training activity.

"CPE" means continuing professional education.

"Department" means the Department of Professional and Occupational Regulation.

"Financial interest" means financial benefit accruing to an individual or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership exceeds 3.0% of the total equity of the business; (ii) annual gross income that exceeds or may be reasonably anticipated to exceed \$1,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, forgiveness of debt, or benefits from the use of property, or any combination of it, paid or provided by a business that exceeds or may be reasonably expected to exceed \$1,000 annually; (iv) ownership of real or personal property if the interest exceeds \$1,000 in value and excluding ownership in business, income, salary, other compensation, fringe benefits, or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds 3.0% percent of the asset value of the business; or (vi) an option for ownership of a business, real property, or personal property if the ownership interest will consist of clause (i) or (iv) of this definition.

"Fireplace" means an interior fire-resistant masonry permanent or prefabricated fixture that can be used to burn fuel and is either vented or unvented.

"Foundation" means the element of a structure that connects to the ground and transfers loads from the structure to the ground. Foundations may be shallow or deep.

"Licensee" means a home inspector as defined in Chapter 5 ([§ 54.1-500](#) et seq.) of Title 54.1 of the Code of Virginia.

"Licensure" means a method of regulation whereby the Commonwealth, through the issuance of a license, authorizes a person possessing the character and minimum skills to engage in the practice of a profession or occupation that is unlawful to practice without such license.

"New residential structure" or "NRS" means a residential structure for which the first conveyance of record title to a purchaser has not occurred or the purchaser has not taken possession, whichever occurs later.

"NRS specialty" means a designation granted by the board to a home inspector that authorizes such individual to conduct home inspections on any new residential structure.

"Outbuilding" means any structure on the property that is more than three feet from the residential building and that may affect the residential building.

"Prelicense education course" means an instruction program approved by the board and is one of the requirements for licensure effective July 1, 2017.

"Readily accessible" means available for access without requiring moving or removing of any obstacles.

"Reinstatement" means the process and requirements through which an expired license can be made valid without the licensee having to apply as a new applicant.

"Renewal" means the process and requirements for periodically approving the continuance of a license.

"Residential structure" means a structure consisting of no more than two dwelling units or a townhouse.

"Solid fuel burning appliances" means a hearth and fire chamber or similarly prepared place in which a fire may be built and that 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.

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

"Virginia Residential Code" means the provisions of the Virginia Construction Code (Part I (13VAC5-63-10 et seq.) of 13VAC5-63) applicable to R-5 residential structures and that includes provisions of the International Residential Code as amended by the Board of Housing and Community Development.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 14, eff. April 17, 2017; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.

18VAC15-40-20. Necessity for licensure.

- A. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the board to perform a home inspection for compensation on a residential building.
- B. A home inspection on a new residential structure shall only be conducted by a home inspector with the NRS specialty and who has completed a training module on the Virginia Residential Code.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

PART II.

ENTRY

18VAC15-40-25. Application procedures.

- A. All applicants seeking licensure shall submit an application with the appropriate fee specified in 18VAC15-40-50. Application shall be made on forms provided by the board or its agent.
 - 1. By submitting the application to the department, the applicant certifies that the applicant has read and understands the applicable statutes and the board's regulations.
 - 2. The receipt of an application and the deposit of fees by the board do not indicate approval of the application by the board.
- B. The board may make further inquiries and investigations with respect to the applicant's qualifications to confirm or amplify information supplied. All applications shall be completed in accordance with the instructions contained in this section and on the application. Applications will not be considered complete until all required documents are received by the board.
- C. The applicant will be notified within 30 days of the board's receipt of an initial application if the application is incomplete. An individual who fails to complete the application process within 12 months of receipt of the application in the board's office must submit a new application.
- D. The applicant shall immediately report all changes in information supplied with the application, if applicable, prior to issuance of the license or expiration of the application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-30. General requirements for licensure.

- A. In addition to the provisions of 18VAC15-40-32, every applicant for a home inspector license shall meet the requirements provided in this section.
- B. The applicant shall be at least 18 years old.
- C. The applicant shall provide a mailing address, which shall serve as the address of record. A post office box is only acceptable as the address of record when a physical address is also provided.
- D. In accordance with [§ 54.1-204](#) of the Code of Virginia, each applicant shall disclose the following information:

1. All misdemeanor convictions involving moral turpitude, sexual offense, drug distribution, or physical injury within five years of the date of the application; and
2. All felony convictions during his lifetime.

Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The record of conviction received from a court shall be accepted as prima facie evidence of a conviction or finding of guilt. The board, in its discretion, may deny licensure to any applicant in accordance with [§ 54.1-204](#) of the Code of Virginia.

- E. The applicant for licensure shall be in compliance with the standards of conduct and practice set forth in Part V (18VAC15-40-140 et seq.) of this chapter at the time of application, while the application is under review by the board, and at all times when the license is in effect.
- F. The applicant shall report any suspension, revocation, or surrender of a license, certification, or registration in connection with a disciplinary action or a license, certification, or registration that has been the subject of discipline in any jurisdiction prior to applying for licensure. The board, in its discretion, may deny licensure to any applicant based on prior suspensions, revocations, or surrender of licenses based on disciplinary action by any jurisdiction. The applicant has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia.)
- G. The applicant for licensure shall submit evidence of having obtained general liability insurance with minimum limits of \$250,000 per occurrence. A business liability insurance policy or a commercial general liability insurance policy with minimum limits of \$250,000 may be considered to meet such requirement, so long as the applicant is listed as an additional insured. If for any reason the board cannot reasonably ensure that the applicant is sufficiently covered in accordance with this subsection, the board may require that requisite coverage be obtained in the name of the applicant. Proof of such insurance policy must be submitted in order to obtain the license.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-32. Qualifications for licensure.

- A. An applicant for licensure as a home inspector shall furnish documentation acceptable to the board that one of the qualifications for licensure in Table 1 has been met:

TABLE 1			
	Board-approved prelicense education course contact hours	Experience	Passed the board-approved examination
1.	35	Completion of 100 home inspections prior to July 1, 2017	Yes
2.	35	Completion of 50 home inspections under the direct supervision of a home inspector	Yes
3.	70	Completion of 50 home inspections prior to July 1, 2017	Yes
4.	70	Completion of 25 home inspections under the direct supervision of a home inspector	Yes
5.	None	Verification of 10 years' experience as a home inspector prior to July 1, 2017, with a minimum of 250 home inspections completed during such time period	Yes

- B. Prelicense education courses must be approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter. No more than half of the required hours may be completed using distance or online education technology.
- C. Verification of home inspections completed under the direct supervision of a home inspector must be provided by an individual who was properly licensed or certified by the board during the applicable time period.
- D. The National Home Inspector Examination provided by the Examination Board of Professional Home Inspectors is the board-approved examination pursuant to [§ 54.1-517.2 A 2 c](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-33. Examination conduct.

Procedures and appropriate conduct established by the board or examination organization administering the examination approved by the board, or both, shall be followed by the applicant. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the

date of the examination. Failure to comply with all procedures established by the board or the examination organization with regard to conduct at the examination shall be grounds for denial of the application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-34. Individuals certified or licensed in another jurisdiction; equivalency to Virginia home inspector requirements.

- A. The board may waive the requirements of 18VAC15-40-32 for an applicant who holds an active, current license or certificate as a home inspector in another state, the District of Columbia, or any other territory or possession of the United States provided the requirements and standards under which the license or certificate was issued are substantially equivalent to those established in this chapter.
- B. In considering qualifications pursuant to 18VAC15-40-32, the board may consider experience gained under a licensed (however denominated) home inspector in another state provided the requirements and standards under which the home inspector was licensed are substantially equivalent to those established in this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-35. Qualifications for the new residential structure specialty.

To obtain the NRS specialty, the applicant shall submit the appropriate application form and fee pursuant to 18 VAC 15-40-50 and meet the following qualifications:

- 1. Hold a current and valid home inspector license. An applicant who does not hold a current and valid home inspector license shall apply for such licensure and meet the requirements contained in 18 VAC 15-40-30 and 18VAC 15-40-32.
- 2. Submit proof of successful completion of an NRS training module approved by the board pursuant to Part VI (18VAC15-40-120 et seq.) of this chapter and completed no more than two years prior to the date of application.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-40. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-45. Application denial.

The board may refuse initial licensure due to an applicant's failure to comply with entry requirements or for any of the reasons it may discipline a licensee. The applicant has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2.-4000](#) et seq. of the Code of Virginia).

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-48. General fee requirements.

All fees are nonrefundable and shall not be prorated. The date on which the fee is received by the department or its agent will determine whether the fee is on time. Checks or money orders shall be made payable to the Treasurer of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-50. Fees.

Fee type	Fee amount	When due
Initial home inspector application	\$80	With application for home inspector
Initial NRS specialty application	\$80	With application for NRS specialty designation
Home inspector renewal	\$45	With renewal application
Home inspector with NRS specialty renewal	\$90	With renewal application
Home inspector reinstatement	\$125	With reinstatement application
Home inspector with NRS specialty reinstatement	\$170	With reinstatement application
Prelicense education course approval	\$250	With prelicense education course approval application
NRS training module approval	\$150	With NRS training module approval application
NRS CPE course approval	\$150	With NRS CPE course approval application

For licenses expiring after February 1, 2018, and before February 1, 2020, the renewal fees shall be as follows:

Home inspector renewal	\$25
Home inspector with NRS specialty renewal	\$50

For reinstatement applications received after March 1, 2018, and on or before February 29, 2020, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$105
Home inspector with NRS specialty reinstatement	\$130

For licenses expiring after February 1, 2020, and before February 1, 2022, the renewal fees shall be as follows:

Home inspector renewal	\$40
Home inspector with NRS specialty renewal	\$80

For reinstatement applications received after March 1, 2020, and on or before February 28, 2022, the reinstatement fees shall be as follows:

Home inspector reinstatement	\$120
Home inspector with NRS specialty reinstatement	\$160

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; amended, Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 20, eff. August 1, 2015; Volume 33, Issue 14, eff. April 17, 2017; Volume 34, Issue 8, eff. February 1, 2018; Volume 36, Issue 9, eff. February 1, 2020.

18VAC15-40-52. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; amended, Virginia Register Volume 31, Issue 20, eff. August 1, 2015; repealed, Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

PART III.

RENEWAL AND REINSTATEMENT OF LICENSE

18VAC15-40-60. Renewal required.

Licenses issued under this chapter shall expire two years from the last day of the month in which they were issued.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-70. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-72. Continuing professional education required for home inspector licensure.

- A. Each licensee shall have completed 16 contact hours of continuing professional education (CPE) during each license renewal cycle. CPE can be met through classroom instruction, distance learning, or online education technology.
- B. Notwithstanding the provisions of 18VAC15-40-75, the subject matter addressed during CPE contact hours shall be limited to the content areas covered by the board's approved examination.
- C. The licensee shall not receive CPE credit for the same training course more than once during a single license renewal cycle.
- D. A licensee who completes the initial training module required by 18VAC15-40-35 in order to obtain an NRS specialty may count completion of the module towards the required 16 hours of CPE credit for that renewal cycle.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-75. Board-approved new residential structure update continuing professional education course required to maintain new residential structure specialty.

In addition to the CPE requirements of 18VAC15-40-72, to maintain the NRS specialty, the licensee shall submit proof of completion of a four-hour, board-approved NRS CPE course, which can be applied toward the 16 contact hours of CPE required for the license renewal.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-76. Continuing professional education for instructors.

A licensee may receive CPE credit for teaching a course that otherwise meets the requirements of this chapter; however, additional credit shall not be given for subsequent offerings of a course or activity with the same content within the same licensing cycle. In addition, a licensee may receive two hours of CPE no more than once during a single licensing cycle for the initial development or substantial updating of a CPE course.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-78. Maintenance of continuing professional education records.

- A. Each licensee shall maintain evidence of the satisfactory completion of CPE for at least three years following the end of the license renewal cycle for which the CPE was taken. Such documentation shall be provided to the board or its duly authorized agents upon request. The following shall be maintained by the licensee to document completion of the hours of CPE specified in 18VAC15-40-72:
1. Evidence of completion that shall contain the name, address, and telephone number of the training provider;
 2. The dates the applicant participated in the training;
 3. Descriptive material of the subject matter presented documenting that it covers the content areas covered by the board's examination; and
 4. A statement from the provider verifying the number of CPE contact hours completed.
- B. The board may conduct an audit of its licensees to ensure compliance with the applicable CPE requirements. Licensees who are selected for audit shall provide the necessary documentation stipulated in this section.
- C. The licensee may request additional time to meet the CPE requirement; however, CPE hours earned during a license renewal cycle to satisfy the CPE requirement of the preceding license renewal cycle shall be valid only for that preceding license renewal cycle.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-80. Procedures for renewal.

- A. Prior to the expiration date shown on the license, the board shall mail a renewal notice to the licensee's address of record.

- B. Prior to the expiration date shown on the license, the licensee desiring to renew his license shall return to the board the renewal notice, proof of insurance required by 18VAC15-40-30, and the appropriate fee specified in 18VAC15-40-50.
- C. Prior to the expiration date shown on the license, a licensee with the NRS specialty must submit proof of completion of four hours of board-approved NRS CPE, in accordance with 18VAC15-40-75, along with the renewal notice and the appropriate fee specified in 18VAC15-40-50.
- D. Failure to receive the renewal notice does not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the license may be submitted with the required fee and any other required documentation as an application for renewal. The date on which the renewal application is received by the department or its agent will determine whether the renewal application was received on time.
- E. By submitting the renewal application the licensee is affirming that the CPE requirements of 18VAC15-40-72 have been met, and he is in continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-85. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-90. Reinstatement.

- A. If the requirements for renewal of a license, as provided in 18 VAC15-40-80, are not completed by the licensee within 30 days after the expiration date on the license, reinstatement of the license shall be required.
- B. All applicants for reinstatement shall meet all requirements set forth in 18VAC15-40-30, 18VAC15-40-72, and 18VAC15-40-75, as applicable.
- C. A license may be reinstated for up to two years following the expiration date upon submittal of the reinstatement application consisting of (i) payment of the reinstatement fee, (ii) proof of insurance required by 18VAC15-40-30, (iii) proof of CPE in accordance with 18VAC15-40-72, and (iv) proof of CPE to maintain the NRS specialty, if applicable. After two years, the license shall not be reinstated under any circumstances and the individual shall apply as a new applicant, and meet entry requirements current at the time of submittal of the new application.
- D. By submitting the reinstatement application, the individual is affirming that he is in continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 31, Issue 15, eff. May 1, 2015; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-100. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

18VAC15-40-105. Status of licensee during the period prior to reinstatement.

- A. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption and shall remain under the disciplinary authority of the board during this entire period and shall be held accountable for his activities during this period.
- B. Any regulated activity conducted subsequent to the license expiration date may constitute unlicensed activity and be subject to prosecution under Chapter 1 ([§ 54.1-100](#) et seq.) of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-107. Board discretion to deny renewal or reinstatement.

The board may deny renewal or reinstatement of a license for the same reasons as the board may refuse initial licensure or discipline a licensee. The licensee has the right to request further review of any such action by the board under the Administrative Process Act ([§ 2.2-4000](#) et seq. of the Code of Virginia).

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-108. License renewal or reinstatement after July 1, 2017.

A license eligible for renewal or reinstatement on or after July 1, 2017, shall be required to meet the requirements of this part as amended effective July 1, 2017, upon submittal of the renewal or reinstatement application, as applicable.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-110. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011.

PART IV.

MINIMUM STANDARDS FOR CONDUCTING HOME INSPECTIONS

18VAC15-40-120. Home inspection contract.

- A. For the protection of both the client and the licensee, both parties shall sign a legible, written contract clearly specifying the terms, conditions, and limitations and exclusions of the work to be performed.
- B. At a minimum, the written contract shall include:
 1. Name, business name (if applicable), business address, and telephone number of the home inspector.
 2. License number of the home inspector, and notation of NRS specialty, if applicable.
 3. Name of the clients.
 4. Physical address of the residential property to be inspected.
 5. Cost of the home inspection.
 6. A listing of all areas and systems to be inspected, including those inspections that are either partial or limited in scope.
 7. A statement in the contract that the home inspection does not include a review for compliance with regulatory requirements (Virginia Uniform Statewide Building Code or other codes, regulations, laws, ordinances, etc.).
 8. To the extent that any of the following categories are not covered by the home inspection, they shall be noted as exclusions in the inspection contract:
 - a. The condition of systems or components that are not readily accessible.
 - b. The remaining life of any system or component.
 - c. The strength, adequacy, effectiveness, or efficiency of any system or component.
 - d. The causes of any condition or deficiency.
 - e. The methods, materials, or costs of corrections.
 - f. Future conditions including failure of systems and components.
 - g. The suitability of the property for any specialized use.

- h. The market value of the property or its marketability.
- i. The advisability of the purchase of the property.
- j. The presence of diseases harmful to humans or potentially hazardous plants or animals including wood destroying organisms and mold.
- k. The presence of any environmental hazards including toxins, carcinogens, noise, asbestos, lead-based paint, mold, radon, and contaminants in soil, water, and air.
- l. The effectiveness of any system installed or methods utilized to control or remove suspected hazardous substances.
- m. The operating costs of systems or components.
- n. The acoustical properties of any system or component.
- o. The presence of components involved in manufacturer's recalls.
- p. The inspection of outbuildings.

To the extent any other items are not specifically included in the home inspection by agreement of the parties, they shall also be noted as exclusions in the home inspection contract.

- 9. Estimated delivery date to the client of the home inspection report.
 - 10. Dated signatures of both the home inspector and the client or the client's authorized representative.
- C. The home inspection contract shall make written disclosure that the home inspection report is based upon visual observation of existing conditions of the inspected property at the time of the inspection and is not intended to be, or to be construed as, a guarantee, warranty, or any form of insurance. This provision does not prevent a home inspector from offering a separate guarantee, warranty, or any form of insurance if he so chooses.
- D. If the home inspector recommends a person to the client for repairs or modifications to the inspected property, the home inspector shall disclose to the client all financial interests that the home inspector has with the recommended person. The disclosure shall be written within the home inspection contract.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-130. Home inspection report.

A. Home inspection reports shall contain:

1. Information pertaining to the licensee, including:
 - a. Licensee's name;
 - b. Business address;
 - c. Telephone number; and
 - d. License number and expiration date, to be followed by "NRS" if so designated and performing a home inspection on a new residential structure;
2. The name, address, and telephone number of the client or the client's authorized representative, if available at the time of the inspection;
3. The physical address of the residential property inspected; and
4. The date, time (to include both start and finish times of the home inspection), and weather conditions at the time of the home inspection.

B. In conducting a home inspection and reporting its findings, the home inspector, at a minimum, shall inspect the condition of and shall describe in writing the composition or characteristics of the following readily accessible components and readily observable defects, except as may be limited in the home inspection contract agreement:

1. Structural system.
 - a. Foundation.
 - b. Framing.
 - c. Stairs.
 - d. Crawl space, the method of inspecting the crawl space shall be noted and explained in the home inspection report. If the crawl space cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
 - e. Crawl space ventilation and vapor barriers.
 - f. Slab floor, when present.
 - g. Floors, ceilings, and walls.

2. Roof structure, attic, and insulation.

- a. Roof covering. The method of inspecting the roof covering shall be noted and explained in the home inspection report. If the roof covering cannot be inspected, the licensee shall explain in the home inspection report why this component was not inspected.
- b. Roof ventilation.
- c. Roof drainage system, to include gutters and downspouts.
- d. Roof flashings, if readily visible.
- e. Skylights, chimneys, and roof penetrations, but not antennae or other roof attachments.
- f. Roof framing and sheathing.
- g. Attic, unless area is not readily accessible.
- h. Attic insulation.

3. Exterior of residential building or NRS.

- a. Wall covering, flashing, and trim.
- b. Readily accessible doors and windows, but not the operation of associated security locks, devices, or systems.
- c. Decks, balconies, stoops, steps, porches, attached garages, carports, and any associated railings that are adjacent to the residential building or NRS and on the same property but not associated screening, shutters, awnings, storm windows, detached garages, or storm doors.
- d. Eaves, soffits, and fascias where readily accessible from ground level.
- e. Walkways, grade steps, patios, and driveways, but not fences or privacy walls.
- f. Vegetation, trees, grading, drainage, and any retaining walls adjacent to the residential building or NRS.
- g. Visible exterior portions of chimneys.

4. Interior of residential building or NRS.

- a. Interior walls, ceilings, and floors of residential building or NRS and any adjacent garage.
 - b. Steps, stairways, railings, and balconies and associated railings.
 - c. Countertops and installed cabinets, including hardware.
 - d. Doors and windows, but not the operation of associated security locks, devices, or systems.
 - e. Garage doors and permanently mounted and installed garage door operators. The automatic safety reverse function of garage door openers shall be tested, either by physical obstruction as specified by the manufacturer, or by breaking the beam of the electronic photo eye but only when the test can be safely performed and will not risk damage to the door, the opener, any nearby structure, or any stored items.
 - f. Fireplaces, venting systems, hearths, dampers, and fireboxes, but not mantles, fire screens and doors, seals and gaskets.
 - g. Solid fuel burning appliances, if applicable.
5. Plumbing system.
- a. Interior water supply and distribution systems, including water supply lines and all fixtures and faucets, but not water conditioning systems or fire sprinkler systems.
 - b. Water drainage, waste, and vent systems, including all fixtures.
 - c. Drainage sumps, sump pumps, and related piping.
 - d. Water heating equipment, including energy source and related vent systems, flues, and chimneys, but not solar water heating systems.
 - e. Fuel storage and distribution systems for visible leaks.
6. Electrical system.
- a. Service drop.
 - b. Service entrance conductors, cables, and raceways.
 - c. Service equipment and main disconnects.
 - d. Service grounding.
 - e. Interior components of service panels and sub panels, including feeders.

- f. Conductors.
 - g. Overcurrent protection devices.
 - h. Readily accessible installed lighting fixtures, switches, and receptacles.
 - i. Ground fault circuit interrupters.
 - j. Presence or absence of smoke detectors.
 - k. Presence of solid conductor aluminum branch circuit wiring.
 - l. Arc fault interrupters shall be noted if installed but not tested if equipment is attached to them.
7. Heating system.
- a. Heating equipment, including operating controls, but not heat exchangers, gas logs, built-in gas burning appliances, grills, stoves, space heaters, solar heating devices, or heating system accessories such as humidifiers, air purifiers, motorized dampers, and heat reclaimers.
 - b. Energy source.
 - c. Heating distribution system.
 - d. Vent systems, flues, and chimneys, including dampers.
8. Air conditioning system.
- a. Central and installed wall air conditioning equipment.
 - b. Operating controls, access panels, and covers.
 - c. Energy source.
 - d. Cooling distribution system.
- C. Systems in the home that are turned off, winterized, or otherwise secured so that they do not respond to normal activation using standard operating controls need not be put into operating condition. The home inspector shall state, in writing, the reason these systems or components were not inspected.
- D. In accordance with [§ 54.1-517.2:1](#) of the Code of Virginia, if a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective

May 1, 2008, the home inspector shall include that observation in the report along with the following statement: “Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer’s installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia.”

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017; Volume 33, Issue 26, eff. September 20, 2017.

PART V.

STANDARDS OF CONDUCT AND PRACTICE

18VAC15-40-140. Conflict of interest.

A. The licensee shall not:

1. Design or perform repairs or modifications to a residential building or NRS on which he has performed a home inspection as a result of the findings of the home inspection within 12 months after the date he performed the home inspection, except in cases where the home inspector purchased the residence after he performed the home inspection;
2. Perform a home inspection of a residential building or NRS upon which he has designed or performed repairs or modifications within the preceding 12 months without disclosing to the client in the home inspection contract the specifics of the repairs or modifications he designed or performed;
3. Refer his client to another person to make repairs or modifications to a residential building or NRS on which he has performed a home inspection unless, in accordance with 18VAC15-40-120 D, he provides written documentation to his client that clearly discloses all financial interests that the licensee has or reasonably expects to have with the person who is recommended for the repairs or modifications;
4. Represent the financial interests, either personally or through his employment, of any of the parties to the transfer or sale of a residential building on which he has performed a home inspection; or
5. Perform a home inspection of a residential building or NRS under a contingent agreement whereby any compensation or future referrals are dependent on the reported findings or on the sale of the property.

B. The licensee shall not disclose any information concerning the results of the home inspection without the approval of the client for whom the home inspection was performed. However, the licensee may disclose information in situations where there is an imminent endangerment to life or health.

C. The licensee shall not accept compensation from more than one interested party for the same service on the same property without the consent of all interested parties.

D. The licensee shall not accept nor offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible. Additionally, the licensee shall not enter into any financial relationship with any party that may compromise the licensee's commitment to the best interest of his client.

- E. The home inspection shall not be used as a pretext by the licensee to solicit or obtain work in another field, except for additional diagnostic inspections or testing.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-145. Competency for assignments.

- A. The licensee shall undertake to perform professional assignments only when qualified by education or experience, or both.
- B. A licensee shall not misrepresent to a prospective or existing client or employer his qualifications and the scope of his responsibility in connection with a home inspection.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-150. Grounds for disciplinary action.

The board has the power to place a licensee on probation, impose a monetary penalty in accordance with [§ 54.1-202 A](#) of the Code of Virginia, or revoke, suspend, or refuse to renew a license when the licensee has been found to have violated or cooperated with others in violating any provision of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-152. Notice of adverse action.

- A. A licensee shall notify the board of the following actions against the licensee:
 - 1. Any disciplinary action taken by any jurisdiction, board, or administrative body of competent jurisdiction, including any (i) reprimand; (ii) license or certificate revocation, suspension, or denial; (iii) monetary penalty; (iv) requirement for remedial education; or (v) other corrective action.
 - 2. Any voluntary surrendering of a related license, certificate, or registration done in connection with a disciplinary action in another jurisdiction.
 - 3. Any conviction, finding of guilt, or plea of guilty, regardless of adjudication or deferred adjudication, in any jurisdiction of the United States of any (i) misdemeanor involving moral turpitude, sexual offense, drug distribution, or physical injury or relating to performing a home inspection or (ii) felony, there being no appeal pending therefrom or the time for appeal having lapsed. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia. Any plea of nolo contendere shall be considered a conviction for the purpose of this section.

- B. The notice must be made to the board in writing within 30 days of the action. A copy of the order or other supporting documentation must accompany the notice. The record of conviction, finding, or case decision shall be considered prima facie evidence of a conviction or finding of guilt.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-155. Prohibited acts.

The following acts are prohibited and any violation may result in disciplinary action by the board:

1. Obtaining or attempting to obtain a license by false or fraudulent representation.
2. Performing improvements or repairs to a residential building as a result of the findings of the home inspection within 12 months before or after performing a home inspection on it, except in cases where the home inspector purchased the residential building after he performed the home inspection.
3. Violating or inducing another person to violate any of the provisions of Chapter 1, 2, 3, or 5 of Title 54.1 of the Code of Virginia or this chapter.
4. A licensee having been convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152. Review of convictions shall be subject to the requirements of [§ 54.1-204](#) of the Code of Virginia.
5. Failing to inform the board in writing within 30 days that the licensee was convicted, found guilty, or disciplined in any jurisdiction of any offense or violation enumerated in 18VAC15-40-152.
6. Failing to act as a licensee in such a manner as to safeguard the interests of the public.
7. Engaging in improper, fraudulent, or dishonest conduct in conducting a home inspection.
8. Having performed a home inspection when not qualified by training or experience to competently perform any part of the home inspection.
9. Failing to maintain, through training, the proficiency to perform Virginia home inspections.
10. Conducting a home inspection on any new residential structure without the NRS specialty issued by the board.
11. Failing to maintain the insurance policy required pursuant to 18VAC15-40-30 G.

12. Failing to report a change pursuant to 18VAC15-40-160.
13. Having cited, stated, or represented that there exists a violation of the Virginia Uniform Statewide Building Code (13VAC5-63) in a home inspection report or other document prepared relative to a home inspection.

Historical Notes

Derived from Virginia Register Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-160. Maintenance of licenses, reports, and documentation.

- A. The licensee shall at all times keep the board informed of his current address of record, to include the physical address, as applicable. Changes of address shall be reported to the board in writing within 30 calendar days after such change. A post office box is acceptable as the address of record only when a physical address is also provided. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board of any change of address.
- B. The licensee shall notify the board in writing of a name change within 30 calendar days of any change in the licensee's legal name. Such notification shall be accompanied by a copy of a marriage license, divorce decree, court order, or other documentation that verifies the name change.
- C. The licensee shall retain all records pertaining to home inspections performed to include written reports and supporting documentation for a period of three years from the date of the related home inspection.
- D. The licensee shall report the cancellation, amendment, expiration, or any other change of the insurance policy submitted in accordance with 18VAC15-40-30 G within 30 days of the change.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-170. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-180. Response to inquiry of the board.

- A. A licensee must respond within 10 days to a request by the board or any of its agents regarding any complaint filed with the department.
- B. Unless otherwise specified by the board, a licensee of the board shall produce to the board or any of its agents within 10 days of the request any document, book, or record concerning any transaction pertaining to a complaint filed in which the licensee was involved, or for which

the licensee is required to maintain records. The board may extend such timeframe upon a showing of extenuating circumstances prohibiting delivery within such 10-day period.

- C. A licensee shall not provide a false, misleading, or incomplete response to the board or any of its agents seeking information in the investigation of a complaint filed with the board.
- D. With the exception of the requirements of subsections A and B of this section, a licensee must respond to an inquiry by the board or its agent within 21 days.

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 33, Issue 19, eff. July 1, 2017.

18VAC15-40-190. (Repealed.)

Historical Notes

Derived from Virginia Register Volume 19, Issue 18, eff. July 1, 2003; Volume 27, Issue 11, eff. April 1, 2011; Volume 33, Issue 19, eff. July 1, 2017.

PART VI.

APPROVAL OF PRELICENSE EDUCATION COURSES, NEW RESIDENTIAL STRUCTURES TRAINING MODULE, AND NEW RESIDENTIAL STRUCTURES CONTINUING PROFESSIONAL EDUCATION

18VAC15-40-200. Prelicense education courses, new residential structures training modules, and new residential structures continuing professional education courses generally.

All prelicense education courses, NRS training modules, and NRS CPE courses proposed for the purposes of meeting the requirements of this chapter must be approved by the board. Prelicense education courses and training modules may be approved retroactively upon request of the provider with the application; however, no applicant will receive credit until such approval is granted by the board.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-210. Approval of prelicense education courses.

A training provider seeking approval of a prelicense education course shall submit an application for prelicense education course approval on a form provided by the board. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Course contact hours;
4. Schedule of prelicense education courses if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for prelicense education course and materials; and
9. Training module syllabus.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-220. Prelicense education course requirements.

A prelicense education course must be a minimum of 35 hours. The syllabus for each type of prelicense education course shall encompass the following subject areas and include methods for identification and inspection, safety and maintenance, and standards for material selection and installation procedures, as applicable:

1. Site conditions;
2. Exterior components of the residential building;
3. Structural system elements;
4. Electrical system elements;
5. Heating and cooling systems;
6. Insulation, moisture management systems, and ventilation systems;
7. Plumbing systems;
8. Interior components;
9. Fireplace and chimney systems;
10. Common permanently installed appliances;
11. Inspection report requirements;
12. Responsibilities to the client, including required contract elements; and
13. Overview of the board's regulations.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-230. Approval of new residential structures training modules and new residential structures continuing professional education.

A training provider seeking approval of an NRS training module or NRS CPE course shall submit an application for NRS training module or NRS CPE course approval on a form provided by the board. NRS training modules and NRS CPE can be provided in a classroom environment,

online, or through distance learning. In addition to the appropriate fee provided in 18VAC15-40-50, the application shall include:

1. The name of the provider;
2. Provider contact person, address, and telephone number;
3. Module or CPE course contact hours;
4. Schedule of training module or CPE course if established, including dates, times, and locations;
5. Method of delivery;
6. Instructor information, including name, license number, if applicable, and a list of trade-appropriate designations, as well as a professional resume with a summary of teaching experience and subject matter knowledge and qualifications acceptable to the board;
7. Materials to be provided to students;
8. Fees for NRS training module or NRS CPE course and materials; and
9. Training module syllabus.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-240. New residential structures training module requirements.

- A. In order to qualify as an NRS training module under 18VAC15-40-35, the training module must include a minimum of eight contact hours and the syllabus shall encompass all of the subject areas set forth in subsection B of this section.
- B. The following subject areas as they relate to the Virginia Residential Code shall be included in all NRS training modules. The time allocated to each subject area must be sufficient to ensure adequate coverage of the subject as determined by the board.
 1. Origin of the Virginia Residential Code.
 - a. Overview of Title 36 of the Code of Virginia.
 - b. Roles and responsibilities of the Board of Housing and Community Development and the Department of Housing and Community Development.

- C. Virginia Uniform Statewide Building Code, Part I (13VAC5-63-10 through 13VAC5-63-390) of 13VAC5-63.
2. Scope of the Virginia Residential Code.
 - a. Purpose of the Virginia Residential Code.
 - b. Exemptions from the Virginia Residential Code.
 - c. Compliance alternatives.
 - d. Code official discretion in administration and enforcement of the Virginia Residential Code.
 - e. Process for amending the Virginia Residential Code.
 - f. Code violations and enforcement.
 - (1) Statute of limitations.
 - (2) Effect of violations.
 - g. Examples of code and non-code violations.
 3. Roles of the building code official and the home inspector, including an overview of [§ 36-105](#) of the Code of Virginia.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-250. New residential structures training modules and new residential structures continuing professional education requirements.

In order to qualify for NRS CPE for the renewal of home inspector licenses with the NRS specialty, the NRS CPE must include a minimum of four contact hours and the syllabus shall encompass all of the topic areas listed in 18VAC15-40-240 for an NRS training module.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-260. Documentation of prelicense education courses, new residential structures training modules, and new residential structures continuing professional education completion requirements.

All prelicense education course, NRS training module, and NRS CPE providers must provide each student who successfully completes the course or training module with a certificate of completion or other documentation that the student may use as proof of course or training

module completion. Such documentation shall contain the contact hours completed, the date of training, and the course identification number assigned by the board.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-270. Maintenance of records.

All providers of approved prelicense education courses, NRS training modules, or NRS CPE courses must establish and maintain a record for each student. The record shall include the student's name and address, the training module or course name and hours attended, the training module or course syllabus or outline, the name or names of the instructors, the date of successful completion, and the board's approved training module or course identification number. Records shall be available for inspection during normal business hours by authorized representatives of the board. Providers must maintain these records for a minimum of five years.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-280. Reporting changes.

Any change in the information provided in 18VAC15-40-210 or 18VAC15-40-230 must be reported to the board within 30 days of the change. Any change in information submitted will be reviewed to ensure compliance with the provisions of this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-290. Withdrawal of approval.

The board may withdraw approval of a prelicense education course, an NRS training module, or an NRS CPE course for the following reasons:

1. The training module or course being offered no longer meets the standards established by the board.
2. The provider, through an agent or otherwise, advertises its services in a fraudulent or deceptive way.
3. The provider, instructor, or contact person of the provider falsifies any information relating to the application for approval, training module, course information, or student records or fails to produce records required by 18VAC15-40-270.
4. A change in the information provided that results in noncompliance with this part.
5. Failure to comply with 18VAC15-40-280.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

18VAC15-40-300. Board authority to audit approved education courses and training modules.

The board may conduct an audit of any board-approved prelicense education course, NRS training module, or NRS CPE course provider to ensure continued compliance with this chapter.

Historical Notes

Derived from Virginia Register Volume 33, Issue 14, eff. April 17, 2017.

Included in this document are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Virginia Board for Asbestos, Lead, and Home Inspectors. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2019 session. Any changes made during the 2019 session became effective July 1, 2019, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

Code of Virginia

Title 54.1, Chapter 5

Article 1 General Provisions

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may

be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § [54.1-1144](#), shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § [54.1-1100](#). As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

1987, c. 579, § 54-145.4; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 49, 73, 823; 1992, c. 152; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1996, cc. [76](#), [176](#), [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#), [527](#).

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be Virginia-licensed home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [522](#), [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ [2.2-4000](#) et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;
2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;
3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;
5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;
6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;
7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties; and
8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

1987, c. 579, § 54-145.5; 1988, c. 765; 1989, c. 397; 1990, cc. 49, 73, 823; 1991, c. 45; 1992, c. 477; 1993, cc. 499, 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [649](#), [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-501.1. Applicability.

The provisions of this chapter shall not apply to any employer, or any employees of such employer, regulated by the federal Occupational Safety and Health Act, and under the enforcement authority of the Occupational Safety and Health Administration.

1992, c. 52.

§ 54.1-502. Interdepartmental implementation plan.

The Board, in conjunction with the Departments of General Services, Health, Labor and Industry, Education, and Environmental Quality, shall develop a plan for the implementation of this chapter which specifies the duties of each agency.

1987, c. 579, § 54-145.6; 1988, cc. 765, 802; 1989, c. 397; 1990, cc. 73, 823; 1993, c. 660.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new

residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

1987, c. 579, § 54-145.7; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 73; 1993, c. 660; 1994, cc. [185](#), [911](#); 1995, cc. [543](#), [585](#); 1996, cc. [180](#), [846](#); 1997, cc. [560](#), [885](#); 1998, c. [739](#); 2004, c. [133](#); 2009, c. [819](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-504. Asbestos supervisor's or worker's license required; exception.

After July 1, 1988, it shall be unlawful for an individual who does not have an asbestos supervisor's license or worker's license to work on an asbestos project. No asbestos supervisor's license or worker's license shall be required for a supervisor or worker in the installation, maintenance, repair or removal of asbestos-containing roofing, flooring or siding material, provided that such supervisor or worker shall satisfy any training requirements promulgated by the Board pursuant to § [54.1-501](#).

1987, c. 579, § 54-145.8; 1988, c. 765; 1989, c. 397; 1993, c. 660.

§ 54.1-504.1. Notices for handling asbestos.

The Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

2016, c. [252](#).

§ 54.1-505. Qualification for an asbestos contractor's license.

To qualify for an asbestos contractor's license, an applicant shall:

1. Except as provided in § [54.1-504](#), ensure that each of his employees or agents who will come into contact with asbestos or who will be responsible for an asbestos project is licensed as an asbestos supervisor or worker; and
2. Demonstrate to the satisfaction of the Board that the applicant and his employees or agents are familiar with and are capable of complying fully with all applicable requirements, procedures and standards of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, the Department of Labor and Industry, and the State Air Pollution Control Board covering any part of an asbestos project.

1987, c. 579, § 54-145.9; 1988, cc. 765, 802; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#).

§ 54.1-506. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-507. Repealed.

Repealed by Acts 1992, c. 477 .

§ 54.1-508. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-510. Repealed.

Repealed by Acts 1988, c. 802.

§ 54.1-511. Repealed.

Repealed by Acts 1993, c. 660 .

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ [8.01-195.1](#) et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project or renovation, if all of the asbestos or lead abatement work or renovation is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.

G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.

1987, c. 579, § 54-145.10:6; 1988, cc. 765, 807; 1989, c. 397; 1993, c. 660; 1996, cc. [180](#), [846](#); 1998, c. [739](#); 2009, c. [819](#).

§ 54.1-513. Repealed.

Repealed by Acts 1998, c. 739.

§ 54.1-514. Award of contracts by state agencies and political subdivisions.

A state agency or a political subdivision shall not award a contract in connection with an asbestos project to a person who does not hold an asbestos contractor's, inspector's, management planner's or project designer's license at the time the bid is submitted unless the general contractor to whom the contract is awarded will be contractually committed to have all asbestos related work performed by its own subcontractors who are appropriately licensed as asbestos contractors, inspectors, management planners or project designers pursuant to this chapter.

1987, c. 579, § 54-145.10:8; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 105; 1996, cc. [180](#), [846](#).

§ 54.1-515. Employer discrimination; penalty.

Any employer who discriminates against or otherwise penalizes an employee who complains to or cooperates with the Board or any other governmental agency in administering this chapter is subject to the penalties in § [54.1-517](#).

1987, c. 579, § 54-145.10:9; 1988, c. 765; 1993, cc. 499, 660.

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, renovation contractor, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual

without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

1987, c. 579, § 54-145.10:10; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2001, c. [723](#); 2009, cc. [358](#), [819](#); 2012, cc. [803](#), [835](#); 2016, cc. [161](#), [436](#).

§ 54.1-516.1. Summary suspension of licenses or approvals; allegations to be in writing.

The Board may suspend the license or the approval of any (i) accredited training program, (ii) training manager or (iii) principal instructor of any person holding a license issued by it without a hearing simultaneously with the institution of proceedings for a hearing or an informal fact finding conference, if the relevant board finds that there is a substantial danger to the public health or safety that warrants this action. The Board may meet by telephone conference call when summarily suspending a license or the approval of an accredited training program, training manager or principal instructor if a good faith effort to assemble a quorum of the Board has failed and, in the judgment of a majority of the members of the Board, the continued practice by the licensee or approved individual or training program constitutes a substantial danger to the public health or safety. Institution of proceedings for a hearing or an informal fact finding conference shall be provided simultaneously with the summary suspension. Such hearing or conference shall be scheduled within a reasonable time of the date of the summary suspension. Allegations of violations of this section shall be made in accordance with § [54.1-307.1](#).

2004, c. [222](#).

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers, renovators, dust sampling technicians, renovation contractors, and accredited asbestos training programs, accredited lead training programs, accredited renovator training programs, training managers or principal instructors may be assessed a civil penalty by the Board of not more than \$1,000 for an initial violation and \$5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

1987, c. 579, § 54-145.10:11; 1988, cc. 765, 802; 1989, c. 397; 1990, c. 823; 1993, c. 660; 1994, cc. [185](#), [911](#); 1996, cc. [180](#), [846](#); 1997, c. [885](#); 1998, c. [739](#); 2009, c. [819](#).

Article 2 Home Inspectors

§ 54.1-517.1 Repealed.

Repealed by Acts cc. 161 and 436, cl. 2, effective July 1, 2017.

§ 54.1-517.2. Requirements for licensure.

A. The Board shall issue a license to practice as a home inspector in the Commonwealth to:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or

2. An applicant who has successfully:

a. Completed the educational requirements as required by the Board;

b. Completed the experience requirements as required by the Board; and

c. Passed the examination approved by the Board.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

2001, c. [723](#); 2015, c. [411](#); 2016, cc. [161](#), [436](#).

§ 54.1-517.2:1. Home inspection; required statement related to the presence of yellow shaded corrugated stainless steel tubing.

A. As used in this section:

"Bonding" means connecting metallic systems to establish electrical continuity and conductivity.

"Corrugated stainless steel tubing" or "CSST" means a flexible stainless steel pipe used to supply natural gas or propane in residential, commercial, and industrial structures.

"Grounding" means connecting to the ground or to a conductive body that extends to ground connection.

B. If a home inspector observes the presence of any shade of yellow corrugated stainless steel tubing during a home inspection in a home that was built prior to the adoption of the 2006 Virginia Construction Code, effective May 1, 2008, he shall include that observation in the report along with the following statement: "Manufacturers believe that this product is safer if properly bonded and grounded as required by the manufacturer's installation instructions. Proper bonding and grounding of the product should be determined by a contractor licensed to perform the work in the Commonwealth of Virginia."

2017, c. [805](#).

Board for Asbestos, Lead, and Home Inspectors

Home Inspector Licensing Regulations

2020 General Regulatory Review

The following list of topics are items that have been discussed at Board meetings and/or presented to staff and that the Board may wish to consider during the general review of the Home Inspector Licensing Regulations. This list is not inclusive of all items that the Board may present for amendment.

General

- Exclude course of construction inspections
- Exclude inspections of specific components

Definitions

- “Solid fuel burning appliance”
- “Describe”
- “Direct supervision”

Entry Requirements


- Verification of experience
 - Documentation
 - Acceptable verifiers
 - Out-of-state experience/reciprocity
 - Acceptable tasks to use towards gaining experience under a licensed home inspector (i.e., ride-alongs)
- Limitation on online education hours

Renewal and Reinstatement

- Requirement for NRS CPE if initial NRS training taken within one year

Home Inspection Contract Requirements

- Clarify that both parties must sign contract before work is to commence

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§16-3A-03.

An applicant for a home inspector license shall:

(1) have completed a minimum of 72 hours of an on-site training course approved by a national home inspection organization and the Commission that at a minimum requires successful completion of the National Home Inspector Examination or its equivalent as determined by the Commission;

(2) have a high school diploma or its equivalent;

(3) have insurance as required under § 16-4A-04 of this title;

(4) submit to the Commission an application on the form that the Commission provides; and

(5) pay to the Commission an application fee set by the Commission.

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§16-3A-04.

(a) Except as provided in subsection (c) of this section, subject to the licensing provisions of this section, the Commission may issue a license by reciprocity under this section for an applicant who is licensed to provide home inspection services in another state.

(b) The Commission may issue a license by reciprocity under this section for an applicant who is licensed to provide home inspection services in another state only if the applicant:

(1) pays to the Commission an application fee as set by the Commission; and

(2) provides adequate evidence that the applicant:

(i) meets the qualifications otherwise required by this subtitle;

(ii) holds an active license in good standing from the other state;

(iii) became licensed in the other state after meeting, in that or another state, requirements that were at least equivalent to those then required by the laws of this State; or

(iv) at the time of the application for a license by reciprocity under this section, the applicant meets the requirements currently required by the laws of this State.

(c) Subject to the licensing provisions in this section, the Commission may issue a license by reciprocity to provide home inspection services to an individual who satisfies to the Commission that the applicant is qualified based on a combination of comparable education, training, and experience in providing home inspection services.

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NORTH CAROLINA HOME INSPECTOR LICENSURE BOARD

HOME INSPECTOR LICENSURE ACT

N.C. GENERAL STATUTES CHAPTER 143, ARTICLE 9F

AND

**NORTH CAROLINA ADMINISTRATIVE CODE
(Rules of the Board)**

- **EQUIVALENT EXPERIENCE**
- **FEE SCHEDULE**
- **STANDARDS OF PRACTICE**
- **CODE OF ETHICS**
- **DISCIPLINARY ACTION**
- **CONTINUING EDUCATION**

North Carolina Home Inspector Licensure Board Office

**Mailing Address:
1202 Mail Service Center
Raleigh, NC 27699-1202
Phone: 919-647-0000
Fax: 919-715-0067**

**Location:
325 N Salisbury St.
Raleigh, NC 27603
Website: www.nchilb.com
Facebook: www.facebook.com/nchilb**

Effective October 1, 2018

(c) **Vacancies.** – Vacancies in the Board occurring for any reason shall be filled for the unexpired term by the appointing official making the original appointment. Vacancies in positions appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate or the Speaker of the House of Representatives shall be filled in accordance with G.S. 120-122.

§ 143-151.47. Compensation of Board members.

Members of the Board shall receive no salary for serving on the Board. Members may be reimbursed for their travel and other expenses in accordance with G.S. 93B-5 but may not receive the per diem authorized by that statute.

§ 143-151.48. Election of officers; meetings of Board.

(a) **Officers.** – Within 30 days after making appointments to the Board, the Governor shall call the first meeting of the Board. The Board shall elect a chair and a vice-chair who shall hold office according to rules adopted by the Board.

(b) **Meetings.** – The Board shall hold at least two regular meetings each year as provided by rules adopted by the Board. The Board may hold additional meetings upon the call of the chair or any two Board members. A majority of the Board membership constitutes a quorum.

§ 143-151.49. Powers and responsibilities of Board.

(a) **General.** – The Board has the power to do all of the following:

- (1) Examine and determine the qualifications and fitness of applicants for a new or renewed license.
- (2) Adopt and publish a code of ethics and standard of practice for persons licensed under this Article.
- (3) Issue, renew, deny, revoke, and suspend licenses under this Article.
- (4) Conduct investigations, subpoena individuals and records, and do all other things necessary and proper to discipline persons licensed under this Article and to enforce this Article.
- (5) Employ professional, clerical, investigative, or special personnel necessary to carry out the provisions of this Article.
- (6) Purchase or rent office space, equipment, and supplies necessary to carry out the provisions of this Article.
- (7) Adopt a seal by which it shall authenticate its proceedings, official records, and licenses.
- (8) Conduct administrative hearings in accordance with Article 3A of Chapter 150B of the General Statutes.
- (9) Establish fees as allowed by this Article.
- (10) Publish and make available upon request the licensure standards prescribed under this Article and all rules adopted by the Board.
- (11) Request and receive the assistance of State educational institutions or other State agencies.
- (11a) Establish education requirements for licensure.
- (12) Establish continuing education requirements for persons licensed under this Article.
- (13) Adopt rules necessary to implement this Article.

(b) **Education Requirements.** – The education program adopted by the Board may not consist of more than 200 hours of instruction. The instruction may include field training, classroom instruction, distance learning, peer review, and any other educational format approved by the Board.

§ 143-151.50. License required to perform home inspections for compensation or to claim to be a "licensed home inspector".

(a) **Requirement.** – To perform a home inspection for compensation or to claim to be a licensed home inspector, an individual must be licensed by the Board. An individual who is not licensed by the Board may perform a home inspection without compensation.

(b) **Form of License.** – The Board may issue a license only to an individual and may not issue a license to a partnership, an association, a corporation, a firm, or another group. A licensed home inspector, however, may perform home inspections for or on behalf of a partnership, an association, a corporation, a firm, or another group, may conduct business as one of these entities, and may enter into and enforce contracts as one of these entities.

§ 143-151.51. Requirements to be licensed as a home inspector.

(a) **Licensure Eligibility.** – To be eligible to be licensed as a home inspector, an applicant must do all of the following:

- (1) Submit a completed application to the Board upon a form provided by the Board.
- (2) Pass a licensing examination prescribed by the Board.
- (3) Repealed by Session Law 2009-509, s. 2.2, effective October 1, 2011.

- (4) Pay the applicable fees.
 - (5) Meet one of the following three conditions:
 - a. Have a high school diploma or its equivalent and satisfactorily complete an education program approved by the Board. The program must be completed within three years of the date the applicant submits an application for licensure under this section.
 - b. Have education and experience the Board considers to be equivalent to that required by sub-subdivision a. of this subdivision.
 - c. Be licensed for at least six months as a general contractor under Article 1 of Chapter 87 of the General Statutes, as an architect under Chapter 83A of the General Statutes, or as a professional engineer under Chapter 89C of the General Statutes. A person qualifying under this sub-subdivision on or after October 1, 2011, must remain in good standing with the person's respective licensing board.
- (b) License. – Upon compliance with the conditions of licensure under subsection (a) of this section, to be eligible to be licensed as a home inspector, an applicant must meet all of the insurance requirements of this subsection.
- (1) General liability insurance in the amount of two hundred fifty thousand dollars (\$250,000), which insurance may be individual coverage or coverage under an employer policy, with coverage parameters established by the Board.
 - (2) One of the following:
 - a. Minimum net assets in an amount determined by the Board, which amount may not be less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).
 - b. A bond in an amount determined by the Board, which amount may not be less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).
 - c. Errors and omissions insurance in the amount of two hundred fifty thousand dollars (\$250,000), which insurance may be individual coverage or coverage under an employer policy, with coverage parameters established by the Board.

§ 143-151.52. [Repealed by Session Law 2009-509, s.3.3 effective October 1, 2013]

§ 143-151.53. Notification to applicant following evaluation of application.

If the Board finds that the applicant has not met fully the requirements for licensing, the Board shall refuse to issue the license and shall notify in writing the applicant of the denial, stating the grounds of the denial. The application may also be denied for any reason for which a license may be suspended or revoked or not renewed under G.S. 143-151.56. Within 30 days after service of the notification, the applicant may make a written demand upon the Board for a review to determine the reasonableness of the Board's action. The review shall be completed without undue delay, and the applicant shall be notified promptly in writing as to the outcome of the review. Within 30 days after service of the notification as to the outcome, the applicant may make a written demand upon the Board for a hearing under Article 3A of Chapter 150B of the General Statutes if the applicant disagrees with the outcome.

§ 143-151.54. Miscellaneous license provisions.

(a) License as Property of the Board and Display of License. – A license issued by the Board is the property of the Board. If the Board suspends or revokes a license issued by it, the individual to whom it is issued must give it to the Board upon demand. An individual who is licensed by the Board must display the license certificate in the manner prescribed by the Board. A license holder whose address changes must report the change to the Board.

(b) Report Criminal Convictions and Disciplinary Actions. – A license holder who is convicted of any felony or misdemeanor or is disciplined by any governmental agency in connection with any other occupational or professional license shall file with the Board a written report of the conviction or disciplinary action within 60 days of the final judgment, order, or disposition of the case.

§ 143-151.55. Renewal of license; inactive licenses; lapsed licenses.

(a) Renewal. – A license expires on September 30 of each year. A license may be renewed by filing an application for renewal with the Board and paying the required renewal fee. The Board must notify license holders at least 30 days before their licenses expire. The Board must renew the license of a person who files an application for renewal, pays the required renewal fee, has fulfilled the continuing education requirements set by the Board, and is not in violation of this Article when the application is filed. If the Board imposes a continuing education requirement as a condition of renewing a license, the Board must ensure that the courses needed to fulfill the requirement are available in all geographic areas of the State.

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Tenn. Code Ann. § 62-6-305

Copy Citation

Current through the 2020 Regular Session.

[TN - Tennessee Code Annotated](#) [Title 62 Professions, Businesses and Trades](#) [Chapter 6 Contractors and Contracting](#) [Part 3 Tennessee Home Inspector License Act of 2005](#)

62-6-305. Application for licensure — Prerequisites and qualifications.

Any person who applies for licensure as a home inspector must submit an application on a form prescribed by the commissioner. The application shall be accompanied by the fee specified in § 62-6-303. Applicants for licensure shall furnish evidence satisfactory to the commissioner that the applicant:

- (1) Is at least eighteen (18) years of age;
- (2) Has graduated from high school or earned a general education development (GED®) certificate;
- (3) Has not been convicted of a crime that has a direct bearing on the applicant's ability to perform competently and fully as a licensee;
- (4) Is not the subject of a disciplinary or enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors;
- (5) Has successfully completed ninety (90) hours of a commissioner-approved training program or course of study involving the performance of home inspections and the preparation of home inspection reports;
- (6) Has passed a commissioner-approved competency examination administered by the state or an entity selected by the state; and
- (7) Has obtained a certificate of insurance in an amount required by the commissioner for general liability as well as errors and omissions to cover all activities contemplated under this part.

History

Acts 2005, ch. 65, § 6; 2006, ch. 959, § 1.

TENNESSEE CODE ANNOTATED

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(Rule 0780-05-12-.02, continued)

Authority: T.C.A. §§ 62-6-302 and 62-6-303(a)(5) [effective July 1, 2006]; and Chapter 65 of the Public Acts of 2005, §§ 3, 4, 11, and 12. **Administrative History:** Public necessity rule filed April 7, 2006; effective through September 19, 2006. Original rule filed July 3, 2006; effective September 16, 2006. Repeal and new rule filed August 6, 2014; effective November 4, 2014.

0780-05-12-.03 APPLICATION FOR LICENSE.

- (1) Any person who seeks to be licensed as a home inspector shall complete an application on a form prescribed by the commissioner and submit the completed application to the commissioner.
- (2) Applications for licensure are available upon request from the commissioner.
- (3) Any application submitted which lacks required information or reflects a failure to meet any requirement for licensure will be returned to the applicant with written notification of the information that is lacking or the reason(s) the application does not meet the requirements for licensure and will be held in "pending" status until satisfactorily completed within a reasonable period of time, not to exceed sixty (60) days from the date of application.
- (4) Any application submitted may be withdrawn; provided, however, that the application fee will not be refunded.

Authority: T.C.A. §§ 62-6-303(a)(5) and 62-6-305 [effective July 1, 2006]; and Chapter 65 of the Public Acts of 2005, §§ 4, 6, 11, and 12. **Administrative History:** Public necessity rule filed April 7, 2006; effective through September 19, 2006. Original rule filed July 3, 2006; effective September 16, 2006.

0780-05-12-.04 APPLICATION REQUIREMENTS.

- (1) Any person who desires to obtain a license as a home inspector shall submit an application to the commissioner, along with the required application fee.
- (2) An applicant for licensure shall furnish evidence satisfactory to the commissioner that the applicant:
 - (a) Is at least eighteen (18) years of age;
 - (b) Has graduated from high school or earned a general education development ("GED") certificate;
 - (c) Has not been convicted of a crime that has a direct bearing on the applicant's ability to perform competently and fully as a licensee;
 - (d) Is not the subject of a disciplinary enforcement action by another state or a local jurisdiction in connection with the performance of home inspections or the licensing or certification of home inspectors;
 - (e) Has successfully completed ninety (90) hours of education approved by the commissioner in the performance of home inspections and the preparation of home inspection reports;
 - (f) Has passed the National Home Inspector Examination developed by the Examination Board of Professional Home Inspectors (EBPHI);
 - (g) Has a current certificate of general liability insurance in the amount of at least five hundred thousand dollars (\$500,000.00); and

(Rule 0780-05-12-.04, continued)

- (h) Has a current certificate of errors and omissions insurance to cover all home inspection activities contemplated under T.C.A. § 62-6-301 et seq. and these rules.
- (3) Reciprocity. The commissioner may grant a license as a home inspector to an individual who holds a like, unexpired license in good standing as a home inspector in that state if the requirements for licensure are at least equivalent to the requirements for licensure in Tennessee. Such applicant shall file with the commissioner the required application form and fee, along with proof that the applicant holds a current, valid license as a home inspector in another state.
- (4) Temporary Practice Permit: An applicant for licensure as a home inspector, who holds an active home inspector license in another state whose licensure requirements are not considered substantially equivalent for reciprocity and whose spouse is an active member of the armed forces of the United States, who is the subject of a military transfer to Tennessee may be granted a temporary practice permit for up to six (6) months to complete specific education and/or examination requirements where the state of original licensure is not deemed to be substantially equivalent to the licensure requirements in Tennessee as specified in 0780-05-12-.04(3).
 - (a) In addition to the requirements of 0780-05-12-.04 (1) & (2) Temporary Practice Permit applicants must provide:
 - (i) Evidence that applicant's spouse is a member of the armed forces and is subject to a military transfer to Tennessee;
 - (b) The temporary practice permit will expire six (6) months from the date of issuance or upon issuance of a license as a home inspector in Tennessee which ever may occur first.
 - (c) No renewal of the temporary practice permit will be granted.
 - (d) If a temporary practice permit holder's out-of-state license is revoked, suspended, denied renewal or restricted, then the Commissioner may revoke, suspend, or restrict a permit holder's temporary practice permit.

Authority: T.C.A. §§ 62-6-303(a)(5) and 62-6-305 [effective July 1, 2006]; Public Chapter No. 230 and Chapter 65 of the Public Acts of 2005, §§ 4, 6, 11, and 12. **Administrative History:** Public necessity rule filed April 7, 2006; effective through September 19, 2006. Original rule filed July 3, 2006; effective September 16, 2006. Repeal and new rule filed August 6, 2014; effective November 4, 2014.

0780-05-12-.05 RENEWAL REQUIREMENTS.

- (1) A license issued to a home inspector pursuant to this chapter shall expire two (2) years from the date of its issuance and shall become invalid on such date unless renewed.
- (2) A home inspector may renew a current, valid license by submitting an application form approved by the commissioner, the required renewal fee, proof of having completed thirty-two (32) hours of commissioner-approved continuing education and any other information required for renewal, to the commissioner no earlier than one hundred twenty (120) days nor later than thirty (30) days prior to the expiration date of the license.
- (3) If a course has been taken more than once during the same renewal period the hourly educational credit will be counted once for purposes of satisfying the educational requirements for renewal.

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Certification of Home Inspectors

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4067

SECTION 64-6-2 (b), PASSED ON March 5, 2014

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: July 1, 2014



Authorized Signature

§87-5-3. Exemptions.

3.1. This rule does not apply to, and a certification is not required for, the following persons:

- a. A person, employed by a governmental entity, who inspects residential dwellings as part of his or her official duties and responsibilities for that entity;
- b. A person performing an inspection of a residential dwelling on behalf of a bank, savings and loan association or credit union for the sole purpose of monitoring the progress of the construction of the dwelling;
- c. A person employed as a residential property manager when conducting inspections as part of his or her duties in that position and when that person does not receive separate compensation for the act of inspecting the residences; or
- d. A person, regulated in another profession, when acting within the scope of that person's license, registration or certificate.

§87-5-4. Qualifications for Certification.

4.1. As an initial requirement and qualification to obtain a certification as a home inspector, every applicant:

- a. Shall have passed the National Home Inspector Examination offered by the Examination Board of Professional Home Inspectors or other, comparable examination, as determined or designated by the State Fire Marshal; and
- b. Shall either present proof of having conducted business as a home inspector for three years prior to the effective date of this rule, or proof of satisfactory completion of at least eighty (80) hours of instruction which, as determined by the State Fire Marshal, directly relates to the performance of professional home inspections.
- c. Successfully completed high school or its equivalent.
- d. Present proof of, and shall maintain, general liability insurance in the amount of not less than two hundred fifty thousand dollars (\$250,000.00). The certified home inspector shall forward proof of renewal to the State Fire Marshal's office prior to the expiration date of the policy and the proof of renewal shall cover, at a minimum, the period for which the Home Inspector Certification is issued.
- e. Applicants shall be required to provide fingerprints for examination by the West Virginia State Police Criminal Investigation Bureau and the Federal Bureau of Investigation. If the applicant has been fingerprinted by the State Fire Marshal or State Fire Commission within the previous thirty-six (36) months, then the State Fire Marshal may accept the previous fingerprints or require new fingerprints. If fingerprints are required to be provided by an applicant, the applicant shall provide a signed authorization for the release of information by the examining agencies. The costs of fingerprinting and fingerprint analysis shall be paid by the applicant.

§87-5-5. Procedure for application.

5.1. An applicant requesting certification under the provisions of this rule shall, as a condition precedent to the issuance of certification, provide the State Fire Marshal with:

- a. A completed application on forms furnished by the State Fire Marshal;
- b. A copy of a valid West Virginia business license issued by the West Virginia Department of Tax and Revenue; and
- c. Any other documentation required by the State Fire Marshal to ensure compliance with qualifications for certification.
- d. The appropriate application fee.

5.2. The State Fire Marshal shall deny a certificate to any person who fails to meet the required minimum qualifications. If a certificate is denied for failure to meet the minimum qualifications, the applicant shall forfeit his or her application fee. Any applicant who attains the minimum requirements at a subsequent date shall submit to the State Fire Marshal a new application for certification, application fee and certification fee.

5.3. After review and approval by the State Fire Marshal of an application and receipt of the certification fee, the State Fire Marshal shall issue the home inspector's certification to the applicant.

5.4. Any applicant who has been denied a license may request a hearing before the State Fire Commission.

§87-5-6. Expiration and Renewal.

6.1. Expiration. -- All home inspectors' certifications issued by the State Fire Marshal expire on the last day of the anniversary month (twelve months) from the date of issuance of the certification. (i.e., certification issued on August 15, 2013 will expire on August 31, 2014 and on August 31st each successive year).

6.2. Renewal Fee Required. -- Any certified home inspector, in good standing, may renew his or her certificate prior to the expiration date by submitting the authorized renewal certification fee to the State Fire Marshal. It is the individual home inspector's responsibility to submit his or her application for renewal to the State Fire Marshal prior to the expiration date of the current certification.

6.3. Renewal After Expiration. -- Any previously certified home inspector who has not renewed his or her certificate in accordance with the preceding subsection of this rule shall, if the certification has been expired for three years or less, submit a renewal application to the State Fire Marshal, along with proof of all required Continuing Education credits for the time period of expired certification and for the last certified period. If the certificate has been expired for greater than three years, the applicant shall submit a new application, with proof that the applicant has met the requirements of § 87-5-4 of this rule, the testing having been completed within the last three years. A person may not perform home inspection work during the period of time his or her certification is expired. A person failing to renew his or her certification shall reapply for the home inspector's certification for which he or she qualifies in accordance with this rule.

6.4. As a condition of renewing any home inspector's certificate, the home inspector shall provide proof of completion of sixteen (16) Continuing Education Units annually. A continuing education unit is defined as 1.0 hours for every fifty minutes of instruction. Upon receipt of the required documentation, the State Fire Marshal shall issue the certification. All continuing education shall be related directly to health, life safety, construction and maintenance of residential properties. Approval for courses shall be

CONSIDER NECESSARY REGULATORY CHANGES

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FORMS AND
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