

CHAPTER 392
FORMERLY
HOUSE BILL NO. 384
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO THE LICENSURE OF HOME INSPECTORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4109, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4109. Home inspector trainee; requirements of supervision.

(a) Persons, who are presented to the Board by a supervising home inspector for registration as a home inspector trainee, shall provide a notarized statement to the Board that the trainee:

(1) Shall perform only those specific functions, which have been delineated in the supervising home inspector's statement;

(2) Shall practice only under the direct supervision of a licensed home inspector;

(3) Shall identify themselves to the public as a home inspector trainee;

(4) Shall not have been convicted of a crime that is substantially related to the practice of home inspection; however, after a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (a)(4), if it finds all of the following:

a. For waiver of a felony conviction, more than 5 years have elapsed since the date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole, or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service;

b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service;

c. The applicant is capable of practicing home inspection in a competent and professional manner; and

d. The granting of the waiver will not endanger the public health, safety or welfare.

(5) Has acquired the required training and experience requirements to act as a home inspector trainee as may be established by the Board, including any educational courses of study as established by the Board.

(b) An applicant, who has been registered by the Board as a home inspector trainee, may assist in the completion of a home inspection report, and may co-sign a home inspection, provided that the home inspector trainee is actively and personally supervised by a licensed home inspector.

(c) In addition, the supervising licensed home inspector shall review and sign all home inspection reports prepared under the supervising licensed home inspector's supervision by the home inspector trainee and shall accept total responsibility for the home inspection report.

(d) No person, while registered as a home inspector trainee, shall be required to pay any fee, charge or other thing of value to a supervising licensed home inspector, or be required to execute a covenant not to compete with a supervising licensed home inspector, as a condition of satisfying the home inspector trainee requirements of this subchapter.

~~(e)~~ The Board in its regulations shall determine the number of home inspector trainees that a supervising home inspector may supervise and the requirements of their supervision.

Section 2. Amend §4111, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4111. Endorsement.

(a) Upon payment of the appropriate fee and submission and acceptance of a written application on forms provided by the Board, the Board shall grant a license to each applicant, who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, whose standards for licensure are substantially similar to those of this State. A license in "good standing" is defined in § 4108(a)(4), (5), (6), and (7) of this title.

(b) An applicant, who is licensed in good standing, as defined in section (a), in a state whose standards are not substantially similar to those of this State, shall be licensed by endorsement if such person:

i. has practiced for a minimum of one year, performed at least 75 fee-paid home inspections, and holds the designation of Inspector or Certified Inspector as a member of the American Society of Home Inspectors ("ASHI") or the designation of Regular Member or Certified Real Estate Inspector as a member of the National Association of Home Inspectors ("NAHI"); or

ii. ~~shall have~~ has practiced for a minimum of 5 years after licensure; provided however, that the applicant meets all other qualifications for endorsement in this section.

(c) An applicant, who is a graduate of a foreign college or university or who has completed formal training as a home inspector in a foreign jurisdiction, and who is not licensed in another state, the District of Columbia, or territory of the United States, shall submit a certified copy of the applicant's college or university record or documentation evidencing formal training as a home inspector for evaluation by the Board, in addition to fulfilling the applicable requirements for licensure of §§ 4108 and 4109 of this title.

Approved August 06, 2014