

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 671

H.P. 492

House of Representatives, February 7, 2019

An Act To Require Professional Licensure for Property Inspectors

Reference to the Committee on Innovation, Development, Economic Advancement and Business suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative KESSLER of South Portland.
Cosponsored by Senator CHIPMAN of Cumberland and
Representatives: BABINE of Scarborough, DOUDERA of Camden, HOBBS of Wells,
HUBBELL of Bar Harbor, INGWERSEN of Arundel.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA c. 147** is enacted to read:

3 **CHAPTER 147**

4 **PROPERTY INSPECTORS**

5 **§18601. Definitions**

6 As used in this chapter, unless the context otherwise indicates, the following terms
7 have the following meanings.

8 **1. Commissioner.** "Commissioner" means the Commissioner of Professional and
9 Financial Regulation.

10 **2. Department.** "Department" means the Department of Professional and Financial
11 Regulation.

12 **3. Practice of property inspection.** "Practice of property inspection" means
13 performing or offering to perform for the public for a fee or other compensation services
14 involving the physical inspection of real property structures and other improvements in
15 order to evaluate the condition of the property, including any safety issues or material
16 defects.

17 **4. Property inspector.** "Property inspector" means a person who engages in the
18 practice of property inspection.

19 **§18602. License required**

20 **1. Unlawful activities.** Except as provided in subsection 3, it is unlawful for a
21 person to engage in any of the following without a license issued under this chapter or
22 during any period when that person's license has expired or been suspended or revoked:

23 A. Beginning January 1, 2021, practice property inspecting; or

24 B. Profess to be licensed in this State to practice property inspection or use in
25 connection with a name any words, letters, signs or figures that imply that a person is
26 a licensed property inspector.

27 **2. Penalty.** A person who violates subsection 1 is subject to the provisions of Title
28 10, section 8003-C.

29 **3. Exceptions for professional training.** The department shall:

30 A. Adopt rules to establish curriculum standards and a process to certify professional
31 training programs for professional property inspectors; and

32 B. Allow an individual enrolled in a professional training program for property
33 inspectors that is certified under paragraph A to practice property inspection as part
34 of the program's curriculum. An individual enrolled in a certified professional

1 training program may not practice property inspection except as part of the program's
2 approved curriculum.

3 **§18603. Duties of the department**

4 **1. General duties.** The department shall:

5 A. Provide information to applicants regarding the specific requirements for
6 licensure under this chapter;

7 B. Receive applications for licensure and issue licenses to applicants qualified under
8 this chapter; and

9 C. Review disciplinary matters in accordance with section 18605.

10 **2. Advisor appointees.** After July 1, 2021, the commissioner shall appoint property
11 inspectors to serve as advisors in matters relating to property inspection. The
12 commissioner shall:

13 A. Appoint 2 property inspectors for 5-year staggered terms to serve at the
14 commissioner's pleasure as advisors. One of the initial appointments may be for less
15 than a 5-year term;

16 B. Ensure that each appointee:

17 (1) After January 1, 2021, is licensed as a property inspector in this State;

18 (2) Has engaged in the practice of property inspection for at least 5 years
19 immediately preceding appointment; and

20 (3) Is actively engaged in the practice of property inspection during the term
21 served as an advisor appointee; and

22 C. Seek the advice of the appointees in carrying out the provisions of this chapter.

23 **§18604. Applications; qualifications; renewal**

24 **1. Application.** Applications for licensure under this section and license renewal
25 under this section must be on forms provided by the department. Each application must
26 contain a statement under oath stating that the applicant meets the requirements for
27 licensure or renewal and must be accompanied by a fee of \$100.

28 **2. Eligibility for licensure.** The department may not grant a license under this
29 section unless the applicant:

30 A. Is at least 18 years of age and holds a high school diploma or high school
31 equivalency diploma; and

32 B. Holds a home inspector certification from a nationally accredited home inspection
33 organization. The department shall adopt rules to identify acceptable organizations
34 for certification.

35 **3. License renewals.** The department shall renew licenses under this section every 2
36 years on a schedule determined by the department upon application and payment of a fee
37 of \$100. The department shall:

- 1 A. Suspend a license that has not been renewed, beginning on the expiration date of
2 the license;
- 3 B. Renew a license that has lapsed after payment of the biennial fee and a late fee, as
4 established by the department by rule; and
- 5 C. At its discretion, adopt rules necessary for the protection of the public to ensure
6 that an applicant whose license has lapsed or who has not worked for more than 5
7 years as a property inspector is professionally qualified for license renewal.

8 **§18605. Refusal to renew; suspension; revocation; reapplication**

9 **1. Refusal to renew; suspension; revocation.** The department may refuse to renew
10 a license, after a hearing in accordance with Title 5, chapter 375, subchapter 4, and a
11 District Court may suspend or revoke the license of any person licensed under this
12 chapter on any one or more of the following grounds:

- 13 A. The application, any documents made a part of the application, any notice or any
14 statement filed with the department by an applicant for licensure or renewal under
15 this chapter contained a material misstatement;
- 16 B. The licensee is ineligible to hold a license under this chapter; or
- 17 C. The licensee failed to comply with any of the rules adopted by the department
18 under this chapter.

19 **2. Reapplication.** A person to whom the department has refused to issue a license
20 under this chapter or to renew a license issued under this chapter, or who has had a
21 license under this chapter revoked, is not eligible for reapplication until the expiration of
22 5 years from the date of refusal to renew or date of revocation.

23 **§18606. Rulemaking**

24 The department shall adopt rules to implement this chapter. Rules adopted pursuant
25 to this section are routine technical rules as defined in Title 5, chapter 375, subchapter
26 2-A.

27 **SUMMARY**

28 This bill requires that all property inspectors be licensed by the Department of
29 Professional and Financial Regulation. The bill also directs the department to adopt rules
30 to establish standards and procedures for licensure.