

MEMORANDUM

TO: Complainants

FROM: North Carolina Home Inspector Licensure Board

RE: Complaint Information

DATE: March 1, 2009

North Carolina General Statute 143-151.56(a) states as follows:

"The Board [NC Home Inspector Licensure Board] may deny or refuse to issue or renew a license, may suspend or revoke a license, or may impose probationary conditions on a license if the license holder or applicant for licensure has engaged in any of the following conduct:

1. Employed fraud, deceit, or misrepresentation in obtaining or attempting to obtain or renew a license.
2. Committed an act of malpractice, gross negligence, or incompetence in the practice of home inspections.
3. Without having a current license, either performed home inspections for compensation or claimed to be licensed.
4. Engaged in conduct that could result in harm or injury to the public.
5. Been convicted of or pled guilty or nolo contendere to any crime involving moral turpitude.
6. Been adjudicated insane or incompetent and has not presented proof of recovery from the condition.
7. Engaged in any act or practice that violates any of the provisions of this Article [Chapter 143, Article 9F - NC Home Inspector Licensure Board] or any rule issued by the Board, or aided, abetted, or assisted any person in a violation."

Anyone may charge a licensed home inspector with one or more violations from the list above. However, please note that 11 NCAC 8.1202 provides as follows:

1. The complaint shall specifically identify the licensee and describe the conduct complained about.
2. Supporting information shall be included to justify the complaint. Supporting information shall refer to specific violations of the Board's Rules or of the General Statutes. If the complaint involves items included in the Standards of Practice that the licensee did not observe, a list of those items must be submitted with the complaint. Such information may be provided by the complainant, an architect, professional engineer, licensed contractor, another licensed inspector, or other person with knowledge of the Standards of Practice. A copy of the contract agreement, the inspection report, and any reports made by other consultants shall be included with the complaint.

3. The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the complainant's mailing address and a daytime phone number at which the complainant may be reached. The street address of the structure must be included.

A copy of the Board's statutes and rules is attached.

If you do not have access to the above information, please indicate so, but send anything pertinent to your complaint.

In addition, please note:

1. Pursuant to 11 NCAC 8.1202 (f), the Board "shall not consider services that are under the jurisdiction of other regulatory agencies or licensing boards, such as, termite inspections, appraisals, services rendered by licensed architects, engineers, or general contractors, unless the persons rendering those services hold themselves out to be home inspectors."
2. Pursuant to 11 NCAC 8.1202 (g) the Board "has no jurisdiction over persons who make specialized inspections as part of their repair or maintenance business, such as, roofing repair contractors, chimney sweeps, duct cleaning and interior environment specialists."
3. The Board has no jurisdiction over personality conflicts, fees, scheduling, items not required to be inspected by the Standards of Practice, and similar items.
4. The complaint should be filed within 36 months of the date of the inspection report written by the home inspector.
5. The Board has no jurisdiction over conduct by home inspectors that occurred prior to October 1, 1996.

The Engineering Division of the NC Department of Insurance provides technical and administrative staff to the Board and will provide an on-site investigation of the complaint when appropriate. The Engineering Division does not have the personnel to do a complete building, electrical, mechanical and plumbing inspection of houses and buildings, which are the subject of a complaint against an inspector. The purpose of the Engineering Division investigation is to verify whether the alleged defects listed in the complaint are actual violations of the Board's statutes or rules.

The Board encourages you to have an inspection performed by a private consultant such as an architect, engineer, contractor, or licensed home inspector familiar with construction of houses and the Board's Standards of Practice.

The investigation will be reviewed with counsel and/or the investigation's committee for a determination as to appropriate action.

STATE OF NORTH CAROLINA

_____ COUNTY

VERIFICATION

_____, being duly sworn, depose and says that the contents of the foregoing complaint against _____ are true to his/her own knowledge.

(Signature of Complainant)

Sworn to and subscribed before me,
This the _____ day of _____, 20____.

SEAL

Notary Public (Signature)

My commission expires: _____

Please mail complaint package to the North Carolina Home Inspector Licensure Board.

Mailing Address:
1202 Mail Service Center
Raleigh, NC 27699-1202

Location:
322 Chapanoke Rd., Suite-200
Raleigh, NC 27603

SECTION .1100 - NC HOME INSPECTOR STANDARDS OF PRACTICE

.1101 DEFINITIONS

The following definitions apply to this Section:

(1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel leaks, fire, freezing, or other unsafe conditions.

(2) "Central air conditioning" means a system that uses ducts to distribute cooled or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

(3) "Component" means a readily accessible and observable aspect of a system, such as a floor, or wall, but not individual pieces such as boards or nails where many similar pieces make up the component.

(4) "Cosmetic damage" means superficial blemishes or defects that do not interfere with the functionality of the component or system.

(5) "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.

(6) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.

(7) "Describe" means report in writing a system or component by its type, or other inspected characteristics, to distinguish it from other systems or components used for the same purpose.

(8) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be dismantled by a homeowner in the course of normal household maintenance

(9) "Enter" means to go into an area to inspect all visible components.

(10) "Functional drainage" means a drain is functional when it empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

(11) "Functional flow" means a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

(12) "Inspect" means the act of making a visual examination.

(13) "Installed" means attached or connected such that an item requires tools for removal.

(14) "Normal operating controls" means homeowner operated devices such as a thermostat, wall switch, or safety switch.

(15) "On-site water supply quality" means water quality is based on the bacterial, chemical, mineral, and solids content of the water.

(16) "On-site water supply quantity" means the rate of flow of on-site well water.

(17) "Operate" means to cause systems or equipment to function.

(18) "Readily accessible" means approachable or enterable for visual inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.

(19) "Readily openable access panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person; and its edges and fasteners are not painted in place. This definition is limited to those panels within normal reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.

(20) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a flashlight.

(21) "Representative number" means, for multiple identical components such as windows and electrical outlets, one such component per room; and, for multiple identical exterior components, one such component on each side of the building.

(22) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.

(23) "Shut down" means a piece of equipment or a system which cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

(24) "Solid fuel heating device" means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

(25) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

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

(27) "Technically exhaustive" means an inspection involving the use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

(28) "Under floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

.1102 STANDARDS OF PRACTICE

This Section sets forth the minimum standards of practice required of licensed home inspectors and licensed associate home inspectors. In this Section, the term "home inspectors" means both licensed home inspectors and licensed associate home inspectors.

.1103 PURPOSE AND SCOPE

(a) Home inspections performed according to this Section shall provide the client with a better understanding of the property conditions, as inspected at the time of the home inspection.

(b) Home inspectors shall:

(1) Provide a written contract, signed by the client, before the home inspection is performed that shall:

(A) State that the home inspection is in accordance with the Standards of Practice of the North Carolina Home Inspector Licensure Board;

(B) Describe what services shall be provided and their cost; and

(C) State, when an inspection is for only one or a limited number of systems or components, that the inspection is limited to only those systems or components.

(2) Inspect readily visible and readily accessible installed systems and components listed in this Section; and

(3) Submit a written report to the client that shall:

(A) Describe those systems and components required to be described in Rules .1106 through .1115 of this Section;

(B) State which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting;

(C) State any systems or components so inspected that do not function as intended, allowing for normal wear and tear, or adversely affect the habitability of the dwelling;

(D) State whether the condition reported requires repair or subsequent observation, or warrants further investigation by a specialist; and

(E) State the name, license number, and signature of the person supervising the inspection and the name, license number, and signature of the person conducting the inspection.

(c) This Section does not limit home inspectors from:

(1) Reporting observations and conditions or rendering opinions of items in addition to those required in Paragraph (b) of this Rule; or

(2) Excluding systems and components from the inspection if requested by the client, and so stated in the written contract.

(d) Written reports required by this rule for pre-purchase home inspections of three or more systems shall include a separate section labeled "Summary" that includes any system or component that:

(1) does not function as intended or adversely affects the habitability of the dwelling; or

(2) warrants further investigation by a specialist or requires subsequent observation.

This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function, efficiency, or safety of the home. This summary shall contain the following statements: "This summary is not the entire report. The complete report may include additional information of concern to the client. It is recommended that the client read the complete report. For information regarding the negotiability of any item in this report under a real estate purchase contract, contact your North Carolina real estate agent or an attorney."

.1104 GENERAL LIMITATIONS

(a) Home inspections done in accordance with this Section are visual and are not technically exhaustive.

(b) This Section applies to buildings with four or fewer dwelling units, and individually owned residential units within multi-family buildings, and their attached garages or carports.

.1105 GENERAL EXCLUSIONS:

(a) Home inspectors are not required to report on:

(1) Life expectancy of any component or system;

(2) The causes of the need for a repair;

(3) The methods, materials, and costs of corrections;

(4) The suitability of the property for any specialized use;

(5) Compliance or non-compliance with codes, ordinances, statutes, regulatory

requirements or restrictions;

- (6) The market value of the property or its marketability;
- (7) The advisability or inadvisability of purchase of the property;
- (8) Any component or system that was not inspected;
- (9) The presence or absence of pests such as wood damaging organisms, rodents, or insects; or

- (10) Cosmetic damage, underground items, or items not permanently installed.

(b) Home inspectors are not required to:

- (1) Offer warranties or guarantees of any kind;
- (2) Calculate the strength, adequacy, or efficiency of any system or component;
- (3) Enter any area or perform any procedure that may damage the property or its components or be dangerous to or adversely affect the health or safety of the home inspector or other persons;

- (4) Operate any system or component that is shut down or otherwise inoperable;

- (5) Operate any system or component that does not respond to normal operating controls;

(6) Move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility;

(7) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to toxins, carcinogens, noise, contaminants in the building or in soil, water, and air;

(8) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;

- (9) Predict future condition, including but not limited to failure of components;

- (10) Project operating costs of components;

- (11) Evaluate acoustical characteristics of any system or component;

(12) Inspect special equipment or accessories that are not listed as components to be inspected in this Section; or

- (13) Disturb insulation, except as required in Rule .1114 of this Section.

(c) Home inspectors shall not:

- (1) Offer or perform any act or service contrary to law; or

(2) Offer or perform engineering, architectural, plumbing, electrical or any other job function requiring an occupational license in the jurisdiction where the inspection is taking place, unless the home inspector holds a valid occupational license, in which case the home inspector shall inform the client that the home inspector is so licensed, and therefore qualified to go beyond this section and perform additional inspections beyond those within the scope of the basic inspection.

.1106 STRUCTURAL COMPONENTS

(a) The home inspector shall inspect structural components including:

- (1) Foundation;

- (2) Floors;

- (3) Walls;

- (4) Columns or piers;

- (5) Ceilings; and

- (6) Roofs.

(b) The home inspector shall describe the type of:

- (1) Foundation;
 - (2) Floor structure;
 - (3) Wall structure;
 - (4) Columns or piers;
 - (5) Ceiling structure; and
 - (6) Roof structure.
- (c) The home inspector shall:
- (1) Probe structural components where deterioration is suspected;
 - (2) Enter under floor crawl spaces, basements, and attic spaces except when access is obstructed, when entry could damage the property, or when dangerous or adverse situations are suspected;
 - (3) Report the methods used to inspect under floor crawl spaces and attics; and
 - (4) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.

.1107 EXTERIOR

- (a) The home inspector shall inspect:
- (1) Wall cladding, flashings, and trim;
 - (2) Entryway doors and a representative number of windows;
 - (3) Garage door operators;
 - (4) Decks, balconies, stoops, steps, areaways, porches and applicable railings;
 - (5) Eaves, soffits, and fascias; and
 - (6) Vegetation, grading, drainage, driveways, patios, walkways, and retaining walls with respect to their effect on the condition of the building.
- (b) The home inspector shall:
- (1) Describe wall cladding materials;
 - (2) Operate all entryway doors and a representative number of windows;
 - (3) Operate garage doors manually or by using permanently installed controls for any garage door operator;
 - (4) Report whether or not any garage door operator will automatically reverse or stop when meeting reasonable resistance during closing; and
 - (5) Probe exterior wood components where deterioration is suspected.
- (c) The home inspector is not required to inspect:
- (1) Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories;
 - (2) Fences;
 - (3) For the presence of safety glazing in doors and windows;
 - (4) Garage door operator remote control transmitters;
 - (5) Geological conditions;
 - (6) Soil conditions;
 - (7) Recreational facilities (including spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities); except as otherwise provided in 11 NCAC 8.1109(d)(5)(F);
 - (8) Detached buildings or structures; or
 - (9) For the presence or condition of buried fuel storage tanks.

.1108 ROOFING

- (a) The home inspector shall inspect:
 - (1) Roof coverings;
 - (2) Roof drainage systems;
 - (3) Flashings;
 - (4) Skylights, chimneys, and roof penetrations; and
 - (5) Signs of leaks or abnormal condensation on building components.
- (b) The home inspector shall:
 - (1) Describe the type of roof covering materials; and
 - (2) Report the methods used to inspect the roofing.
- (c) The home inspector is not required to:
 - (1) Walk on the roofing; or
 - (2) Inspect attached accessories including solar systems, antennae, and lightning arrestors.

.1109 PLUMBING

- (a) The home inspector shall inspect:
 - (1) Interior water supply and distribution system, including: piping materials, supports, and insulation; fixtures and faucets; functional flow; leaks; and cross connections;
 - (2) Interior drain, waste, and vent system, including: traps; drain, waste, and vent piping; piping supports and pipe insulation; leaks; and functional drainage;
 - (3) Hot water systems including: water heating equipment; normal operating controls; automatic safety controls; and chimneys, flues, and vents;
 - (4) Fuel storage and distribution systems including: interior fuel storage equipment, supply piping, venting, and supports; leaks; and
 - (5) Sump pumps.
- (b) The home inspector shall describe:
 - (1) Water supply and distribution piping materials;
 - (2) Drain, waste, and vent piping materials;
 - (3) Water heating equipment; and
 - (4) The location of any main water supply shutoff device.
- (c) The home inspector shall operate all plumbing fixtures, including their faucets and all exterior faucets attached to the house, except where the flow end of the faucet is connected to an appliance.
- (d) The home inspector is not required to:
 - (1) State the effectiveness of anti-siphon devices;
 - (2) Determine whether water supply and waste disposal systems are public or private;
 - (3) Operate automatic safety controls;
 - (4) Operate any valve except water closet flush valves, fixture faucets, and hose faucets;
 - (5) Inspect:
 - (A) Water conditioning systems;
 - (B) Fire and lawn sprinkler systems;
 - (C) On-site water supply quantity and quality;
 - (D) On-site waste disposal systems;
 - (E) Foundation irrigation systems;
 - (F) Bathroom spas, except as to functional flow and functional drainage;
 - (G) Swimming pools;

- (H) Solar water heating equipment; or
- (6) Inspect the system for proper sizing, design, or use of proper materials.

.1110 ELECTRICAL

- (a) The home inspector shall inspect:
 - (1) Service entrance conductors;
 - (2) Service equipment, grounding equipment, main overcurrent device, and main and distribution panels;
 - (3) Amperage and voltage ratings of the service;
 - (4) Branch circuit conductors, their overcurrent devices, and the compatibility of their ampacities and voltages;
 - (5) The operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles located inside the house, garage, and on the dwelling's exterior walls;
 - (6) The polarity and grounding of all receptacles within six feet of interior plumbing fixtures, and all receptacles in the garage or carport, and on the exterior of inspected structures;
 - (7) The operation of ground fault circuit interrupters; and
 - (8) Smoke detectors.
- (b) The home inspector shall describe:
 - (1) Service amperage and voltage;
 - (2) Service entry conductor materials;
 - (3) The service type as being overhead or underground; and
 - (4) The location of main and distribution panels.
- (c) The home inspector shall report the presence of any readily accessible single strand aluminum branch circuit wiring.
- (d) The home inspector shall report on the presence or absence of smoke detectors, and operate their test function, if accessible, except when detectors are part of a central system.
- (e) The home inspector is not required to:
 - (1) Insert any tool, probe, or testing device inside the panels;
 - (2) Test or operate any overcurrent device except ground fault circuit interrupters;
 - (3) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels; or
 - (4) Inspect:
 - (A) Low voltage systems;
 - (B) Security system devices, heat detectors, or carbon monoxide detectors;
 - (C) Telephone, security, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution system; or
 - (D) Built-in vacuum equipment.

.1111 HEATING

- (a) The home inspector shall inspect permanently installed heating systems including:
 - (1) Heating equipment;
 - (2) Normal operating controls;
 - (3) Automatic safety controls;
 - (4) Chimneys, flues, and vents, where readily visible;
 - (5) Solid fuel heating devices;

- (6) Heat distribution systems including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units, convectors; and
- (7) The presence of an installed heat source in each room.
- (b) The home inspector shall describe:
 - (1) Energy source; and
 - (2) Heating equipment and distribution type.
- (c) The home inspector shall operate the systems using normal operating controls.
- (d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance.
- (e) The home inspector is not required to:
 - (1) Operate heating systems when weather conditions or other circumstances may cause equipment damage;
 - (2) Operate automatic safety controls;
 - (3) Ignite or extinguish solid fuel fires; or
 - (4) Inspect:
 - (A) The interior of flues;
 - (B) Fireplace insert flue connections;
 - (C) Humidifiers;
 - (D) Electronic air filters; or
 - (E) The uniformity or adequacy of heat supply to the various rooms.

.1112 AIR CONDITIONING

- (a) The home inspector shall inspect:
 - (1) Central air conditioning and through-the-wall installed cooling systems including:
 - (A) Cooling and air handling equipment; and
 - (B) Normal operating controls.
 - (2) Distribution systems including:
 - (A) Fans, pumps, ducts and piping, with associated supports, dampers, insulation, air filters, registers, fan-coil units; and
 - (B) The presence of an installed cooling source in each room.
- (b) The home inspector shall describe:
 - (1) Energy sources; and
 - (2) Cooling equipment type.
- (c) The home inspector shall operate the systems using normal operating controls.
- (d) The home inspector shall open readily openable access panels provided by the manufacturer or installer for routine homeowner maintenance
- (e) The home inspector is not required to:
 - (1) Operate cooling systems when weather conditions or other circumstances may cause equipment damage;
 - (2) Inspect window air conditioners; or
 - (3) Inspect the uniformity or adequacy of cool-air supply to the various rooms.

.1113 INTERIORS

- (a) The home inspector shall inspect:

- (1) Walls, ceiling, and floors;
 - (2) Steps, stairways, balconies, and railings;
 - (3) Counters and a representative number of built-in cabinets; and
 - (4) A representative number of doors and windows.
- (b) The home inspector shall:
- (1) Operate a representative number of windows and interior doors; and
 - (2) Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.
- (c) The home inspector is not required to inspect:
- (1) Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors;
 - (2) Carpeting; or
 - (3) Draperies, blinds, or other window treatments.

.1114 INSULATION AND VENTILATION

- (a) The home inspector shall inspect:
- (1) Insulation and vapor retarders in unfinished spaces;
 - (2) Ventilation of attics and foundation areas;
 - (3) Kitchen, bathroom, and laundry venting systems; and
 - (4) The operation of any readily accessible attic ventilation fan, and, when temperature permits, the operation of any readily accessible thermostatic control.
- (b) The home inspector shall describe:
- (1) Insulation in unfinished spaces; and
 - (2) The absence of insulation in unfinished space at conditioned surfaces.
- (c) The home inspector is not required to report on:
- (1) Concealed insulation and vapor retarders; or
 - (2) Venting equipment that is integral with household appliances.
- (d) The home inspector shall:
- (1) Move insulation where readily visible evidence indicates the possibility of a problem; and
 - (2) Move insulation where chimneys penetrate roofs, where plumbing drain/waste pipes penetrate floors, adjacent to earth-filled stoops or porches, and at exterior doors.

.1115 BUILT-IN KITCHEN APPLIANCES

- (a) The home inspector shall inspect and operate the basic functions of the following kitchen appliances:
- (1) Permanently installed dishwasher(s), through a normal cycle;
 - (2) Range(s), cook top(s), and permanently installed oven(s);
 - (3) Trash compactor(s);
 - (4) Garbage disposal(s);
 - (5) Ventilation equipment or range hood(s); and
 - (6) Permanently installed microwave oven(s).
- (b) The home inspector is not required to inspect:
- (1) Clocks, timers, self-cleaning oven functions, or thermostats for calibration or automatic operation;
 - (2) Non built-in appliances; or

(3) Refrigeration units.

(c) The home inspector is not required to operate:

(1) Appliances in use; or

(2) Any appliance that is shut down or otherwise inoperable.

.1116 CODE OF ETHICS

(a) Licensees shall discharge their duties with fidelity to the public, their clients, and with fairness and impartiality to all.

(b) Opinions expressed by licensees shall only be based on their education, experience, and honest convictions.

(c) A licensee shall not disclose any information about the results of an inspection without the approval of the client for whom the inspection was performed, or the client's designated representative.

(d) No licensee shall accept compensation or any other consideration from more than one interested party for the same service without the consent of all interested parties.

(e) No licensee shall accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible.

(f) No licensee shall express, within the context of an inspection, an appraisal or opinion of the market value of the inspected property.

(g) Before the execution of a contract to perform a home inspection, a licensee shall disclose to the client any interest in a business that may affect the client. No licensee shall allow his or her interest in any business to affect the quality or results of the inspection work that the licensee may be called upon to perform.

(h) Licensees shall not engage in false or misleading advertising or otherwise misrepresent any matters to the public.

NORTH CAROLINA GENERAL STATUTES

Chapter 143, Article 9F

North Carolina Home Inspector Licensure Board

Note: The following Statutes were selected from Article 9F as being pertinent to the process of filing a complaint against an inspector.

143-151.45. Definitions.

The following definitions apply in this Article:

(1) Associate home inspector. - An individual who is employed by a licensed home inspector to conduct a home inspection of a residential building on behalf of the licensed home inspector.

(2) Board. - The North Carolina Home Inspector Licensure Board.

(3) Compensation. - A fee or anything else of value.

(4) Home inspection. - A written evaluation of two or more of the following components of a residential building: heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components, or any other related residential housing component.

(5) Home inspector. - An individual who engages in the business of performing home inspections for compensation.

(6) Residential building. - A structure intended to be, or that is in fact, used as a residence by one or more individuals.

§ 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 on or after October 1, 1996, or to claim to be a licensed home inspector or a licensed associate home inspector on or after that date, 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 or licensed associate 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.

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) Have minimum net assets or a bond in an amount determined by the Board. The amount may not be less than five thousand dollars (\$5,000) nor more than ten thousand dollars (\$10,000).

(4) Pay the applicable fees.

(5) Meet one of the following three conditions:

- a. Have a high school diploma or its equivalent, have been engaged as a licensed associate home inspector for at least one year, and have completed 100 home inspections for compensation.
- b. Have education and experience the Board considers to be equivalent to that required by subpart a. of this subdivision.
- c. Be licensed 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.

§ 143-151.52. Requirements to be licensed as an associate home inspector.

To be licensed as an associate home inspector, a person 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) Pay the applicable fees.
- (4) Have a high school diploma or its equivalent.

(5) Be affiliated or intend to be affiliated with a licensed home inspector and submit a sworn statement by the licensed home inspector with whom the applicant is or intends to be affiliated certifying that the licensed home inspector will actively supervise and train the applicant.

§ 143-151.55. Renewal of license; inactive 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.

(b) Late Renewal. - The Board may provide for the late renewal of a license upon the payment of a late fee, but no late renewal of a license may be granted more than five years after the license expires.

(c) Inactive License. - A license holder may apply to the Board to be placed on inactive status. An applicant for inactive status must follow the procedure set by the Board. A license holder who is granted inactive status is not subject to the license renewal requirements during the period the license holder remains on inactive status.

A license holder whose application is granted and is placed on inactive status may apply to the Board to be reinstated to active status at any time. The Board may set conditions for reinstatement to active status. An individual who is on inactive status and applies to be reinstated to active status must comply with the conditions set by the Board.

§ 143-151.56. Suspension, revocation, and refusal to renew license.

(a) The Board may deny or refuse to issue or renew a license, may suspend or revoke a license, or may impose probationary conditions on a license if the license holder or applicant for licensure has engaged in any of the following conduct--.

(1) Employed fraud, deceit, or misrepresentation in obtaining or attempting to obtain or renew a license.

(2) Committed an act of malpractice, gross negligence, or incompetence in the practice of home inspections.

(3) Without having a current license, either performed home inspections for compensation or claimed to be licensed.

(4) Engaged in conduct that could result in harm or injury to the public.

(5) Been convicted of or pled guilty or nolo contendere to any crime involving moral turpitude.

(6) Been adjudicated insane or incompetent and has not presented proof of recovery from the condition.

(7) Engaged in any act or practice that violates any of the provisions of this Article or any rule issued by the Board, or aided, abetted, or assisted any person in a violation.

(b) A denial of licensure, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license holder may be ordered by the Board after a hearing held in accordance with Chapter 150B of the General Statutes and rules adopted by the Board. An application may be made to the Board for reinstatement of a revoked license if the revocation has been in effect for at least one year.

§ 143-151.58. Duties of licensed home inspector or licensed associate home inspector.

A licensed home inspector or licensed associate home inspector must give to each person for whom the inspector performs a home inspection for compensation a written report of the home inspection. The inspector must give the person the report by the date set in a written agreement by the parties to the home inspection. If the parties to the home inspection did not agree on a date in a written agreement, the inspector must give the person the report within three business days after the inspection was performed.

§ 143-151.59. Violation is a misdemeanor.

A person who violates a provision of this Article is guilty of a Class 2 misdemeanor. Each unlawful act or practice constitutes a distinct and separate offense.

§ 143-151.60. Injunctions.

The Board may make application to any appropriate court for an order enjoining violations of this Article. Upon a showing by the Board that any person has violated or is about to violate this Article, the court may grant an injunction or a restraining order or take other appropriate action.

§ 143-151.61. Certain applicants do not have to be licensed as an associate home inspector before being eligible for licensure as a home inspector.

The requirement that an applicant for licensure as a home inspector first have a license as an associate home inspector does not apply to a person who, prior to October 1, 1996, had been engaged in the business of performing home inspections for compensation for at least one year and had conducted at least 100 home inspections for compensation. All other requirements for licensure as a home inspector, including passing a licensing examination provided by the Board, apply to an applicant who is exempted by this section from the requirement of prior licensure as an associate home inspector.

143-151.62. Persons and practices not affected.

This Article does not apply to any of the following:

(1) A person who is employed as a code enforcement official by the State or a political subdivision of the State and is certified pursuant to Article 9C of Chapter 143 of the General Statutes, when acting within the scope of that employment.

(2) A plumbing or heating contractor who does not claim to be a home inspector and is licensed under Article 2 of Chapter 87 of the General Statutes, when acting pursuant to that Article.

(3) An electrical contractor who does not claim to be a home inspector and is licensed under Article 4 of Chapter 87 of the General Statutes, when acting pursuant to that Article.

(4) A real estate broker or a real estate sales representative who does not claim to be a home inspector and is licensed under Article I of Chapter 93A of the General Statutes, when acting pursuant to that Article.

(5) A structural pest control licensee licensed under the provisions of Article 4C of Chapter 106 of the General Statutes, an employee of the licensee, or a certified applicator licensed under the provisions of Article 4C of Chapter 106 of the General Statutes who does not claim to be a home inspector, while performing structural pest control activities pursuant to that Article.