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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XL. Home Inspectors

Chapter 1. General Rules

§101. Adoption of Rules

A. This administrative code (rules of the board) and all revisions and additions to these rules shall be adopted in accordance with R.S. 49:950 et seq., the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004).

§103. Domicile; Meetings; Quorum; Service of Process; Publication

A. The board shall be domiciled in Baton Rouge, but may meet in other locations as determined by the board. A majority of the board members shall constitute a quorum of the board for all purposes, including the issuance of licenses and the rulemaking and adjudicative functions of the board.

B. The chief operating officer of the board shall be the agent for service of process. The board shall register the name and address of its agent for service of process as required by law.

C. The board shall publish quarterly a bulletin, which shall be the official journal of the board. This bulletin shall contain notice of all applications filed, board agendas, minutes of open meetings, request for declaratory relief, and generally serve as the board's form notice to licensees and the public. All licensees shall receive the bulletin free of charge. Others may subscribe to the bulleting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2857 (December 2010).

§105. Officers; Election; Secretary-Treasurer; Chief Operating Officer; Board Staff; Duties

A. Officers shall be elected by the board at the last meeting of the preceding year, shall serve a term of one year and may be reelected for additional terms. Officers may be reelected for additional terms. The board shall elect a chairman and a vice chairman.

B. The board shall employ a secretary-treasurer who shall not be a member of the board to serve as the chief operating officer (COO) of the board. The COO shall employ other staff as reasonably necessary with approval of the board, and subject to budgetary limitations. In the

absence of a contrary board pronouncement, the COO shall serve as the board's appointing authority.

1. The COO shall be the custodian of all documents, filings and records of the board, and may issue process in the board's name.

2. The COO shall be responsible for the day to day operations of the board office and shall prepare and submit a budget for the board's consideration and approval.

3. The COO may have other duties and responsibilities as conferred by the board.

4. The board shall fix the COO's compensation.

C. The chairman shall preside at all meetings, approve the agenda and shall be the official custodian of all records.

D. The board shall be represented by the attorney general's office. In lieu of available representation from the attorney general, the board may retain qualified counsel of its choice as according to law and at fees no higher than the schedule provided by the attorney general for special assistant attorneys general. An attorney is qualified if a reasonable portion of their practice and experience is obtained from or devoted to administrative agency practice and procedure or civil litigation. In the event the board needs counsel on a specific area of expertise, an attorney may be retained for that purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2738 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004), 36:2857 (December 2010).

§107. Meetings

A. All meetings shall be held in accordance with the Louisiana open meetings law. Unless otherwise designated by the board, all meetings shall be held at the board's domicile in Baton Rouge.

B. The place, date and time of quarterly meetings are to be published in the official state journal at the beginning of each calendar year.

C. Special meetings shall be held at least two weeks after notification is given to each board member, unless a decision or action is required by the board within two weeks of the scheduling of a special meeting. In that case, each board member shall receive at least 24-hour's notice. The public shall be provided notice of all special meetings as soon as practicable, but no less than 24-hour's notice. Special

meeting agendas are to be posted at the meeting site at least 24 hours prior to the meeting.

D. Notices of all meetings and agendas shall be provided to all persons requesting notice in the same manner as provided to board members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475, and R.S. 42:7.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000).

§109. Definitions

Applicant—a person who seeks to be examined for licensure by the board.

Board—the Louisiana State Board of Home Inspectors.

Code—the professional and occupational standards of home inspectors promulgated in LAC 46:XL.

Credit Hour—one continuing education course classroom hour, comprising at least 50 minutes of instruction.

Law—the Louisiana Home Inspector Licensing Law, R.S. 37:1471-1489.

License Period—one year, expiring on the last day of the month of issuance of the preceding year.

Licensee—any person who has been issued a license by the board in accordance with the provisions of the law and these rules.

LSBHI—an acronym for the Louisiana State Board of Home Inspectors.

Resale Residential Building—a structure intended to be or that is used as a residence and consists of four or less living units, excluding commercial use space or units, which is not for sale for the first time.

Rules—the body of regulations governing the board's discharge of its duties and responsibilities and prescribing the privileges and obligations of persons desiring to engage in the home inspection business in Louisiana under the Louisiana State Home Inspectors Licensing Law.

Timely Filing—a letter or written communication bearing a United States Post Office mark inscribed with the date a filing or report is due at the board's office. Any report or materials for filing bearing the canceled postal mark received on the next business day following the due date are presumed timely filed. Any report or materials for filing received after that time may be deemed timely filed only if evidenced by a return receipt or proof of mailing bearing the due date.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1473 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1686 (August 2004), LR 36:2858 (December 2010).

§111. Licensing

A. Beginning January 1, 2001, no person shall engage in or conduct, or advertise or hold himself out as engaging in or conducting the business of, or acting in the capacity of, a home inspector within the state without first obtaining a license from the board.

B. No license to conduct business as a home inspector shall be issued to a corporation, limited liability company, partnership, firm, or group. The individually licensed inspectors, whether operating a business as a sole proprietorship or working for a company or corporation, shall be ultimately responsible for compliance with these rules, including, but not limited to:

1. payment of all applicable fees;
2. proper retention of records; and
3. all other obligations as prescribed by these rules.

C. Licensing shall be governed by §§113 and 115.

D. All legal persons, business associations or related endeavors whose owners, shareholders, members, or other persons holding a proprietary interest in the endeavor who currently or formerly employ a licensed home inspector or an individual whose activities may be subject to the law or the rules shall permit the inspector or individual to retain copies of all related records of these activities. They shall be provided to the board upon its request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1477 and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000).

§113. Qualifications for Licensure and Application

A. Applicants must have:

1. attained the age of 18 years;
2. successfully completed high school or its equivalent/GED;
3. passed the required training and licensing examinations, unless exempt under §119.C;
4. paid the appropriate fees;
5. submitted an application for licensure on board prescribed forms which shall conform to these rules;
6. proof of insurance as required by these rules; and
7. not had a license revoked or suspended by the home inspector licensing authority of another state.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1475-1477 and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000).

§115. Licensing Applications; Forms; Terms; Renewals; Inactive Status

A. Initial home inspector license applications are to be made on approved forms supplied by the board. Each applicant shall complete all chapters of the application. The application shall also be notarized and accompanied by two current passport sized photographs of the applicant. The application shall contain the applicants Social Security number, however, the number shall be deleted or blackened out from any public record.

B. Upon renewal of a license, the licensee shall submit a copy of a completed inspection report form from the previous licensing period. All client information, including name and address, shall be deleted from the form. Reports must comply with §123.

C. Licenses shall be renewed on an annual basis. Licenses shall expire one year after the last day of the month of issuance of the preceding year. Renewal requests shall be made on approved renewal application forms supplied by the board and must be received at least two weeks prior to the expiration date of the current license. Each applicant shall complete all Chapters of the renewal application.

D. Any licensee who fails to timely renew his license may thereafter obtain renewal upon filing a renewal application and upon paying the appropriate renewal and delinquent fees. The period for delinquent renewal of an expired license shall be limited to the 12-month period immediately following the expiration date of the active license. Failure to renew an expired license during such 12-month period shall require the former licensee to pass the board approved licensing examination, pay the appropriate renewal and delinquent fees, file a renewal application, and complete all continuing education requirements accruing during the period of delinquency. Failure to renew an expired license within the 36-month period immediately following the expiration date of the active license shall, in addition to the above requirements, require the licensee to retake and pass 90 hours of classroom education as set forth in the board rules and take the standards of practice and *Code of Ethics* report writing seminar offered by the board or other board approved education provider. Any home inspection performed during an expiration period is considered a violation and shall subject the licensee to disciplinary action by the board.

E. A licensee may hold inactive status by maintaining license renewals and continuing education requirements, but all insurance requirements are waived provided no home inspections are performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477 and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004), LR 36:2858 (December 2010), LR 37:2405 (August 2011).

§117. Fees; Submission of Report Fees; Timeliness of Filings

A. Fees charged by LSBHI are as follows:

1. application for license—\$200;
2. license renewal—\$100;
3. delinquent renewal (for home inspectors only)—\$100;
4. initial qualifying/continuing education provider—\$200;
5. annual renewal for education provider—\$200;
6. filing for additional course offerings—\$50;
7. inspection report—\$5.

B. Each home inspection performed by an inspector under this law shall be subject to a \$5 state inspection fee per home inspection. This fee is to be made payable to the Louisiana State Board of Home Inspectors and is to be remitted monthly in the following manner.

1. A reporting form, approved by the board, must be filed by the fifteenth day of the month following the inspection. The form shall list the inspections performed and total fees due.

2. Payment must be made by the fifteenth day of each month following the inspection. Payment is considered current if post marked by the fifteenth day. When the fifteenth day of any month falls on a legal holiday, reports are due on the next business day. Reports are timely if they bear a United States Post Office mark or cancellation. Reports bearing the postal mark received on the next business day after that time may be deemed timely filed only if evidenced by a return receipt or proof of mailing bearing the due date.

3. Failure to report and/or pay inspection report fees, if fees are due, can result in suspension of license, fine, or both.

4. The board may inspect any licensee's records to insure compliance with the licensee's obligation to submit reports and remit fees. The failure of a licensee to cooperate with the board's reasonable request for said inspection shall constitute a violation of these rules.

C. The board may charge any additional fee or any additional charge not listed in this schedule as may be provided for under other law or regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477, and R.S. 37:1479.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2740 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 34:1926 (September 2008), LR 36:2858 (December 2010).

§119. Education/Training and Testing; Initial Licensure

A. Initial applicants for licensure must pass a board-approved licensing examination covering home inspection methods and techniques, the standards of practice set forth in §301 et seq., and code of ethics set forth in §501.

B. Any person filing an initial application for licensure shall present evidence to the board that he has satisfactorily completed at least 130 hours of required home inspection instruction and training by training providers and instructors approved by the board.

C. The 130 hours of home inspection instruction and training shall consist of the following:

1. 90 hours of home inspection course work approved by the board and taught by a certified pre-licensing education provider as set forth in §120;

2. 30 hours of in-field platform training from a certified infield trainer;

3. 10 hours of instruction and training from a certified in-field trainer, which shall consist of attending 10 live home inspections at a residential structure where a fee is paid and a report is provided to a client.

4. In addition to completion of the 130 hours of home inspection instruction and in-field training, the applicant shall also attend the report writing seminar conducted on behalf of the board or its approved representative and pass the board approved examination of the Standards of Practice and Code of Ethics.

D.1. The 90 hours of course work as set forth in §119.C.1 above, may only include a combination of any of the following methods of instruction:

a. live lectures by a certified home inspector instructor;

b. DVD, CD ROM, videotape, streaming or other electronic means of video lecture, with a certified home inspector instructor available during classroom hours for questioning and discussion;

c. in-classroom or remote demonstration of techniques; or

d. periodic, in-classroom testing.

2. No credit towards the 90 hours of course work shall be given for:

a. in-classroom study;

b. instruction received from an education provider not duly qualified by the board;

c. time spent listening to audiotapes; or

d. classroom time devoted to non-approved course materials.

3. Before the trainee can be certified as having completed the required 90 hours of course work, the trainee must have:

a. attended and completed the 90 hours of course work within 180 days of commencement;

b. passed, with a grade of 70 percent or higher, the final examination and all periodic examinations given by the educational provider; and

c. mailed a completed LHI Application Form and Education Provider Application Form to the board.

E. Before registering for the 90 hours of course work with a certified pre-licensing educational provider, the trainee must first apply with the board. After enrolling with a certified educational provider, the trainee must provide the board with the name of the provider and the commencement date of instruction.

F. Prior to admission to an infield training program, the trainee shall complete the required 90 hours of course work described in §119.A.

G. Infield training shall consist of platform training and live training.

1. Platform training shall consist of attending 30 hours of hands-on training with a certified infield trainer at a residential structure or using residential components or equipment. All systems of a residential structure shall be examined and inspected during platform training. The applicant shall be given one credit hour for each hour of platform training attended. No more than four applicants may be trained at one time during platform training. Platform training shall not be conducted during a live home inspection where an inspection fee is paid and an inspection report is provided to a client.

2. Live training shall consist of attending 10 live home inspections with a certified infield trainer at a resale residential structure where a fee is paid and a report is provided to the client. The applicant shall be given one credit hour for each live inspection attended. No more than two applicants may be trained at a time during a live home inspection. During each inspection, the trainee shall prepare a mock home inspection report in a format approved by the board that conforms to the requirements of the Standards of Practice for each home inspected during live training. The applicant shall retain these reports for three years from the date of completion of training.

H. Upon registering trainees for a 90 hour course, all certified pre-licensing education providers shall:

1. notify the board of the date of the commencement of each 90 hour course of instruction of each trainee;

2. provide the names, addresses, and telephone numbers of all trainees enrolled for that course;

3. keep records of attendance of each trainee enrolled in the pre-licensing course to confirm satisfactory completion of the required 90 hours of instruction;

4. provide the trainee with an education provider evaluation form approved by the board prior to final testing and completion of the required 90 hours of instruction;

5. provide a final examination and multiple periodic examinations to the trainee covering course contents; and

6. provide a copy of certificates of completion to the board of only those trainees who have successfully completed the full 90 hours of instruction.

I. Certified infield trainers shall:

1. instruct the trainee on how to complete and file the monthly state reporting form;

2. provide the trainee with a copy of the Standards of Practice and Code of Ethics;

3. issue to the trainee a certificate of completion of platform training and/or live training; and

4. maintain for three years a list of all trainees and the dates of training.

J. The board shall adopt and approve a licensing examination, which may be administered by a nationally accepted testing service as determined by the board.

K. The board shall review examination material relative to the adoption and approval of licensing examinations. The board shall have complete authority to enter into confidentiality agreements, which prohibit the public dissemination of information pertaining to review of questions or materials, including any questions or materials certified as proprietary by the person or facility submitting them for evaluation. Any person or testing facility submitting evaluation materials for review, certification, or otherwise, conveys and assigns to the board a right of limited use and license solely for use in the certification process and any related inquiry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2741 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1687 (August 2004), LR 35:1519 (August 2009), LR 36:2858 (December 2010), LR 38:2529 (October 2012), LR 40:1003 (May 2014).

§120. Education Providers; Qualifications

A.1. A *certified education provider* is defined as any individual or entity certified by the Board to provide home inspector pre-license education, in-field training and/or continuing education courses.

2. A *pre-licensing education* provider is defined as any individual or entity certified by the board to provide pre-licensing education.

3. A *continuing education provider* is defined as any individual or entity certified by the board to provide post license continuing education.

4. An *infield trainer* is defined as any individual certified by the board to provide home inspector infield training.

5. A *home inspector instructor* is defined as any individual certified by the board to provide home inspector instruction for an education provider.

6. A *guest lecturer* is defined as an individual licensed and/or certified in a construction related field, who provides pre-license and/or continuing education instruction for an education provider.

B.1. Certifications issued under this Chapter shall be classified in the following categories:

- a. pre-licensing education providers;
- b. continuing education providers; and
- c. infield trainers.

2. Any individual or entity desiring to conduct business in this state as an education provider, continuing education provider or infield trainer shall file an application for certification with the board.

3. The application shall be in such form and detail as prescribed by the board.

4. The board shall approve or deny an application within 90 calendar days after it is received. Incomplete applications or a request from the board for additional information may be cause for delay beyond 90 calendar days.

5. The board may deny an application of an education provider or its director for certification for any of the following reasons.

a. The applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or crime involving moral turpitude in any court of competent jurisdiction.

b. An application contains a false statement of material fact.

c. A professional license or certification held by an applicant or its director has been revoked.

6. The board shall issue a certificate and assign a certificate number to approved applicants that shall be included on all forms, documents, reports, and/or correspondence filed with the board.

C. Education provider certificates shall be renewed by December 31 of each year.

1. Failure to renew a certificate by December 31 shall result in the automatic suspension of all courses approved under the certificate. The board shall not accept any pre-license education, in-field training or continuing education courses for credit, if the courses were offered and/or conducted after the expiration of the certificate.

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2. Applications for delinquent renewal of a certificate shall not be accepted by the board after January 31. Failure to renew an expired certificate during the prescribed delinquent period shall result in the forfeiture of renewal rights. Any education provider that becomes ineligible to renew a certificate shall apply as an initial applicant.

D.1. All education providers shall designate a director, whose duty it shall be to ensure that the operations of the education facility and all training locations adhere to the requirements of the Louisiana Home Inspector License Law and the rules and regulations of the board. The director shall be held responsible to the board for any violations thereof.

2. Directors shall coordinate and disseminate information pertaining to amendments in the license law, rules and regulations, or policies and procedures of the board to all staff, instructors, and employees of the education provider.

E.1. The board or its representative may inspect any educational facility used by an education provider at any time during regular business hours.

2. Education providers shall be subject to periodic audits and review, as determined by the board, to ensure that courses and field training provided are conducted in accordance with the provisions set forth in this Chapter and R.S. 37:1471, et seq. This may include the observation and evaluation of classroom activities, course content, instructor proficiency, and/or the audit of reporting/attendance records.

3. If the education provider is found deficient in any part of this Section, the board shall prepare a report specifying the areas of deficiency and deliver it to the education provider within 30 days of completion of the report.

4. Any education provider that receives a report of deficiencies shall correct the deficiencies by the date designated by the board and shall submit a report to the Board that outlines the corrective action.

F.1. Education providers shall maintain accurate and properly indexed records on all students for at least three years after course completion and shall produce those records for inspection upon request of the board. Electronic records shall be maintained in a readily available format that does not prohibit, delay, or otherwise impede inspection.

2. Education providers shall maintain the following records on each student:

- a. complete name and address;
- b. total educational hours taken and course title;
- c. dates of attendance;
- d. test scores indications; and
- e. a copy of the student contract.

3. Education providers shall provide any student who requests it with a duplicate copy of his/her course completion records.

G.1. Each pre-licensing education provider shall enter into a written student contract with each student that shall clearly set forth the tuition and fees charged by the provider for the specific course of instruction and the provider's refund policy.

2. A copy of the contract, signed by the director of the education provider, shall be provided to the student immediately after both parties sign the contract.

3. Any additional fees charged for supplies, materials, or required books shall be clearly itemized in the contract and such supplies, materials, or books shall become the property of the student upon payment.

4. All other educational providers shall provide the student with documentation, either electronically or otherwise, which clearly sets forth the title, date, location and cost of the course and the number of continuing education or field training hours that are approved by the board for the course.

H. The board shall be notified within 30 calendar days of any change in the address and/or telephone number of education provider and/or director of any education provider.

I.1. Advertising by certified education providers shall be clear, concise and accurate and shall contain the certificate number of the provider. All advertisements shall be in the name of the education provider as certified by the board. Advertising by education providers shall not be false or misleading.

2. The board may require an education provider to furnish proof of any advertising claims. The board may order the retraction of advertising that violates the provisions of this Section. Such retractions shall be published in the same manner as the original claim and be paid for by the education provider.

3. Education providers shall not guarantee the passing of the home inspector licensing examination.

J.1. In order to qualify as a pre-licensing education provider, an applicant shall:

- a. pay the pre-licensing education provider fee;
- b. provide a syllabus and a course list to the board;
- c. agree, in writing, to defend, indemnify and hold the board harmless against any claim or suit alleging negligent or intentional acts or omissions of the education provider in its training, or otherwise;
- d. remain current on all renewal and other fees;
- e. employ only certified home inspector instructors; and
- f. be approved by the board.

2. In order to qualify as a certified home inspector instructor of a pre-licensing education provider, a person must:

- a. have been actively engaged in the performance of home inspections for the three years prior to certification;

b. have been an actively engaged, Louisiana licensed home inspector for the three years prior to certification;

c. provide evidence that he has performed at least 500 home inspections; or

d. be licensed in the field of the subject matter of the particular course instructed.

3. In order to qualify as an infield trainer, an applicant shall:

a. be a LSBHI licensed home inspector for at least three years;

b. pay the required infield trainer fee(s);

c. be current on all other fees;

d. be current on all continuing education hours;

e. agree, in writing, to defend, indemnify and hold the board harmless against any claim or suit alleging negligent or intentional acts or omissions of the education provider in its training, or otherwise; and

f. be approved by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 30:1687 (August 2004), amended by the Office of the Governor, Board of Home Inspectors, LR 31:2011 (August 2005), LR 35:1520 (August 2009), LR 36:2859 (December 2010), LR 38:2530 (October 2012).

§121. Continuing Education; Instructors

A. As a condition of license renewal, an inspector must certify completion of at least 20 hours of continuing education during the previous licensing period, in courses approved by the board. No more than 10 hours of continuing education credit may be carried over into the following year. Board-approved continuing education instructors may be given continuing education credit for course preparation and other activities as set forth in Paragraph F.3, below.

B. Continuing Education Courses

1. The same continuing education course may be taken only once for continuing education credit during any two year period, unless otherwise approved by the board.

2. For each license period the board may specify mandatory subject matter for one course, such course to be not less than two or more than four credit hours. The remaining courses shall be elective courses covering subject matter to be chosen by the licensee and meeting all other criteria specified in this Chapter.

3. Each course shall last at least one hour and comprise of at least one credit hour.

4. In order to receive credit for completing a continuing education course, a licensee must attend at least 90 percent of the scheduled hours of the course, regardless of the length of the course.

5. The board may approve only up to two hours of credit per licensing period for courses dealing with the construction industry, but outside the scope of the standards of practice.

6. The board may approve up to four hours of credit per licensing period for attending a quarterly or special board meeting or for serving on a committee appointed by the board and up to three hours of credit per appointment and six hours per licensing period for acting as a special investigating entity as described in §707.

7. The board may approve up to two hours of credit per licensing period for each class taken which is taught by a non approved instructor and only upon approval of the chief operating officer prior to the LHI's participation in the course.

8. The board may approve up to eight hours of continuing education credit per licensing period for online and/or streaming video courses.

9. The board may approve up to eight hours of continuing education credit per licensing period for any combination of online courses, streaming video courses, courses given by an unapproved instructor and courses which are outside the scope of the standards of practice.

10. Continuing education credit cannot be received by attending classes designated for pre-license education instruction as set forth in §119.C.1.

11. Continuing education courses must be taught by continuing education providers who meet the criteria set forth in §121.F.1. Qualified guest lecturers may teach courses on behalf of continuing education provider instructors. Last minute guest lecturers may be substituted upon approval by the chief operating officer. The continuing education provider shall be responsible for confirming the qualifications of the guest lecturer.

C.1. The board may approve online, streaming video, and other means of electronic delivery of continuing education courses. Courses taught by online education providers must be certified by the Distance Education Training Council, the International Distance Education Certification Center or the Louisiana Board of Regents and such—certification must be submitted with the education provider's application.

2. All online, streaming video and other electronic delivery courses must be within the scope of the standards of practice.

3. All online, streaming video and other electronic delivery continuing education instructors must meet all continuing education instructor requirements, unless exempt under Paragraph F.2.

4. Streaming video courses must be live and interactive, with the ability for the LHI to communicate immediately with the instructor and ask questions. The instructor must have the ability to immediately verify that the LHI's presence and participation in the course. If the instructor cannot verify the LHI's presence and participation,

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the instructor must dismiss the LHI from the course. No credit will be given for the entire course if the LHI is dismissed.

D.1. The board shall deny continuing education credit claimed by a licensee, and shall withdraw continuing education credit previously awarded by the Board to a licensee if:

a. the licensee provided incorrect or incomplete information to the board concerning continuing education or compliance with this Section;

b. the licensee was mistakenly awarded continuing education credit because of an administrative error; or

c. the licensee failed to comply with the attendance requirement established by Paragraph C of this Section.

2. When continuing education credit is denied or withdrawn by the board under Subsection D of this Section, the licensee remains responsible for satisfying the continuing education requirement. Any license may be suspended until proof of compliance is submitted.

E. It is the duty of every licensee to provide proof of compliance with continuing education requirements on a timely basis. In order to receive credit from the board for completion of continuing education courses under this Section, proof of compliance must be submitted on forms approved by the board and prepared by board-approved continuing education providers.

F.1. In order to qualify as a continuing education provider instructor, an applicant shall:

a. pay the required continuing education provider fee(s);

b. be a licensed home inspector from a state requiring licensure for at least three years;

c. provide evidence that he has completed 300 inspections;

d. not have been found guilty of violating these rules or the Home Inspector Licensing Law within the five years prior to his application; and

e. be approved by the board.

2. Professional trade organizations, accredited technical schools and colleges and certain industry companies may be approved by the board on a case by case basis as a continuing education provider without meeting the requirements set forth in Paragraph F.1 above. However, these entities must submit a completed continuing education instructor application, pay the requisite fee and meet all other requirements set forth in these rules.

3. A licensee, who is also a board-approved continuing education instructor, may qualify to receive up to 10 hours of continuing education requirements per licensing period by presenting satisfactory evidence to the board of participation, other than as a student, in educational processes and programs in home inspection practices or techniques, including but not limited to teaching, program

development, and preparation of textbooks, monographs, articles, or other instructional material subject to approval of the board.

4.a. All continuing education providers must submit the following to the chief operating officer for approval at least 10 days prior to instruction:

i. a syllabus of any course to be taught by that continuing education provider;

ii. the requested number of continuing education credit hours for each course;

iii. the name and qualifications of the guest lecturer teaching on his or its behalf, if applicable; and

iv. the name and qualifications of any guest lecturer teaching on his behalf or, in the event a last minute guest lecturer is substituted, the name and qualifications of the guest lecturer are to be submitted within 10 days after the course is given.

b. The chief operating officer, with direction from the continuing education committee chairman, will determine: the number of hours credit to be given for the continuing education course submitted; whether the course is within the scope of the standards of practice; whether a guest lecturer is approved; and whether the course is approved. Once approved, the provider may teach any approved courses at his discretion.

5. All continuing education providers shall provide sign-in sheets, whether electronic or otherwise, for LHIs to complete upon entering a class, joining a streaming lecture or participating online. At the end of each class, the instructor shall provide the LHI with a certificate of completion. Sign in sheets and certificates of completion shall include the date and time of the course, the number of hours of credit assigned to each course by the board and the name of the instructor teaching the course or courses. The continuing education provider shall forward all sign-in sheets to the board immediately upon request by the board.

6. The names and contact information for all approved continuing education providers will be posted on the board's official website. At the request of a provider, the board will also post announcements of continuing education classes on its website upon written notice by the provider 30 days prior to the class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2860 (December 2010), LR 37:2405 (August 2011), LR 38:2531 (October 2012), LR 40:1003 (May 2014).

§122. Military Trained Applicants

A. Pursuant to R.S. 9:3650 the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully practice home inspection in this state if, upon

application to the board, the applicant satisfies all of the following conditions:

1. has completed a military program of training, been awarded a military occupational specialty, and performed in that specialty at a level that is substantially equivalent to or exceeds the requirements for licensure under these rules;

2. has been actively engaged in the practice of home inspection; and

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

B. Notwithstanding any other provision of law, the LSBHI shall issue a license to a military-trained applicant to allow the applicant to lawfully conduct home inspections in this state if, upon application to the board, the applicant holds a current license, certification, or registration from another jurisdiction and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure under these rules.

C. Notwithstanding any other provision of law, the board shall issue a license to a military spouse to allow the military spouse to lawfully conduct home inspections in this state, if, upon application to the board, the military spouse satisfies all of the following conditions:

1. holds a current license from another state and that jurisdiction's requirements for licensure are substantially equivalent to or exceed the requirements for licensure in this state;

2. can demonstrate competency in the occupation through methods as determined by the board, such as having completed continuing education units or having had recent experience;

3. has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed;

4. is in good standing and has not been disciplined by the agency that issued the license, certification, or permit in another jurisdiction.

D. In order to obtain a license to practice home inspection in this state, the applicant must make application to the board and provide official evidence that the applicant meets the qualifications set forth in Subsections A or B, above.

E. The board shall issue a temporary practice permit to a military-trained applicant or military spouse licensed in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under the provisions of this Section, if that jurisdiction has licensure standards substantially equivalent to the standards for licensure of the board in this state. The military-trained applicant or military spouse may practice under the temporary permit until a license is granted or until a notice

to deny a license is issued in accordance with rules that shall be promulgated by the board.

F. In order to obtain a temporary practice permit, the applicant must make application to the board and provide:

1. a certified copy of the applicant's license issued by another jurisdiction;

2. evidence that the applicant is in good standing and has not been disciplined by the agency that issued the license in another jurisdiction;

3. evidence that the applicant has not been disciplined in any jurisdiction for an act that would have constituted grounds for refusal, suspension, or revocation of a license to practice home inspection in this state at the time the act was committed.

G. An individual possessing a temporary practice permit under the provisions of this Section shall receive priority processing of their application for license in accordance with these rules.

H. Nothing in this Section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure requirements established by the board.

I. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

J. The provisions of this Section shall not apply to a license issued and regulated under the authority of the judicial branch of government.

AUTHORITY NOTE: Promulgated in accordance with Act 276 of the 2012 Legislative Session, R.S. 37:3650 and R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Home Inspectors, LR 40:1003 (May 2014).

§123. Home Inspection Reports; Consumer Protection

A. All home inspection reports shall comply with all requirements as set forth in the standards of practice, these rules and the home inspector licensing law.

B. A copy of the Standards of Practice and Code of Ethics of Home Inspectors shall be provided to every client or his authorized agent, before services are rendered. When this is not practical, copies shall be attached to every completed home inspection report.

C. The board may review any home inspection report and require any change(s) as necessary to comply with Subsections A and B above.

D. Refusal to comply with this Section shall constitute cause for disciplinary action resulting in license revocation, suspension, and/or fine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475-1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000),

§125. Home Inspectors Record Keeping; Inspection; Production Retention

A. It shall be the responsibility of the licensed home inspector to maintain adequate records at all times in compliance with the provisions of the board's rules.

B. Records shall be made available, upon reasonable request, to the board's representatives during normal business hours. Such request shall be made in writing on board stationery. The failure of a licensee to maintain adequate records or the failure to furnish copies of such records within 72 hours receipt of a written request by the board shall constitute a violation of this rule.

C. Records shall be kept for three years from the day the inspection report was provided to the client. Any report questioned by the board or any legal entity shall be retained for a period of five years from the date the inquiry was received by the licensee.

D. To facilitate compliance with record keeping requirements of this Section, copies of all home inspection reports performed by a licensee shall be provided to the licensee upon any separation from employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2860 (December 2010).

§127. Insurance

A. All active, licensed home inspectors shall carry errors and omissions insurance as well as general liability insurance.

1. The LSBHI will establish and/or approve an association or associations for the purposes of availing its licensees to the benefits of group insurance rates. The board shall establish the terms and conditions of coverage, including but not limited to the permissible deductibles and permissible exemptions. Licensees shall have the option of obtaining insurance independently of the approved association or associations that complies with the coverage requirements established by the board.

2. Each licensee shall be notified of the required terms and conditions of coverage for the annual policy at least 30 days prior to the annual renewal date. If the required terms and conditions have not been modified from the previous year's policy, the terms and conditions for the previous year shall apply and the licensee shall not be so notified.

B. Each licensee who chooses not to participate in the group insurance association approved by the board shall file with the board a certificate of coverage showing compliance with the required terms and conditions of insurance coverage by the inspectors annual license renewal date. The certificate, notice of cancellation, renewal or suspension shall be provided to the board directly by the insurance company.

C. Insurance coverage requirements are as follows:

1. errors and omissions insurance:
 - a. minimum coverage \$300,000 per year;
 - b. maximum deductible \$5,000;
2. general liability insurance:
 - a. minimum coverage \$300,000 per year;
 - b. maximum deductible \$5,000.

D. Every licensee shall provide to his clients or the board's representatives proof of all insurance in force upon request.

E. Upon cancellation of any insurance where a gap in coverage may occur, the licensee shall immediately inform the board. When replacement coverage is obtained, evidence shall be immediately transmitted to the board.

F. Failure to maintain insurance is grounds for license revocation, non-renewal or other disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1477 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§129. Reciprocity

A. If an applicant is licensed as a home inspector in another state in which laws, rules and testing standards are similar to, but in no case less stringent than, those of the LSBHI, and the applicant is in good standing with that licensing authority, then that state's license may be accepted as evidence of the applicant's experience and training. However, the applicant shall have satisfactorily completed an examination from a testing agency approved by the board, and shall pay all applicable fees as well as comply with the Louisiana Home Inspector Licensing Law and LSBHI administrative code. Applicants seeking reciprocity shall certify under oath that they are in good standing in any state where a license is held. The board may make inquiries of the licensing authority concerning the applicant and respond to similar requests from other licensing authorities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1484.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000).

§131. Exemptions from Licensure

A. Certain individuals, when acting within the scope of their profession or license, are exempt from licensure requirements when performing inspections within their licensed profession or trade. Those individuals are:

1. persons licensed by the state as professional engineers when acting within the scope of their license;
2. persons licensed by the state as architects when acting within the scope of their license;

3. persons licensed by the state or any political subdivision as electricians when acting within the scope of their license;

4. persons licensed by the state or any political subdivision as plumbers when acting within the scope of their license;

5. persons licensed by the state or any political subdivision as heating and air conditioning technicians when acting within the scope of their license;

6. persons licensed by the state as real estate brokers or real estate sales persons when acting within the scope of their license;

7. persons licensed by the state as real estate appraisers, certified general appraisers, or residential real estate appraisers when acting within the scope of their license;

8. persons licensed by the state as pest control operators when acting within the scope of their license;

9. persons regulated by the state as insurance adjusters when acting within the scope of their profession;

10. persons who are employed as code enforcement officials by the state or any political subdivision when acting within the scope of their employment by such governmental entity;

11. persons licensed by the state or any political subdivision as contractors when acting within the scope of their license;

12. persons certified by the state or any political subdivision as certified energy raters when acting within the scope of their certification;

13. persons who perform warranty evaluations of components, systems, or appliances within resale residential buildings for the purpose of issuance of a home warranty agreement, provided that the warranty evaluation report includes a statement that the warranty evaluation performed is not a home inspection and does not meet the standards of a home inspection under Louisiana law. No home warranty company shall refer to a warranty evaluation as a home inspection in any written materials provided by the warranty company.

B. The board may consider and adopt additional exemptions by rule reasonably necessary to clarify and implement the exemptions in the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1483.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2743 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§133. Report of Address Changes

A. Every licensee shall report any change in office address, residence address, office phone, and residence phone to the board, in writing, within 15 days of such

change. The board shall acknowledge any change, in writing, and shall update all records accordingly.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§135. Display of License

A. Home inspectors shall be issued both a picture I.D. license and a license certificate.

B. The inspector is to have on their person the picture I.D. license when performing inspections. The picture I.D. license shall be produced upon request of interested parties when conducting an inspection.

C. A license certificate shall be displayed at the licensee's place of business. If the licensee operates from home, it is to be readily accessible.

D. All correspondence, inspection reports and advertisements shall identify the licensee with the term *licensed home inspector* along with the license number of the inspector.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§137. LSBHI Funds; Deposits and Disbursements; Board Members; Reimbursement

A. All board funds received shall be paid to the Louisiana State Board of Home Inspectors through its secretary-treasurer and deposited to the board's operating account established for that purpose. Disbursements made by board shall be signed by the chairman and the secretary-treasurer. In absence of the chairman or the secretary-treasurer, the vice chairman may sign all documents with the remaining authorized signatory.

B. All fees and moneys received by the board shall be used solely to effectuate the provisions of the law and these rules. Such use may include, but is not limited to expenditures necessary for office fixtures, equipment and supplies and all other charges necessary to conduct the business of the board.

C. No board member shall receive a per diem but shall be reimbursed for actual expenses incurred when attending a meeting of the board or any of its committees and for the time spent on behalf of the board on official business not to exceed 10 days in any one month. Each board member shall be reimbursed upon approval of the board as evidenced by voucher for all necessary travel and incidental expenses incurred in carrying out the provisions of the rules of the board. No reimbursement, other than for lawful travel and mileage shall be allowed for attending any regular or special board meetings or for board related activities outside Louisiana. Reimbursement for time spent may be allowed if the board member is engaged in board business in Louisiana for the following, non-exclusive activities: participation as

an appointed member of a special investigating entity; inspecting records of persons subject to the law and these rules; and reviewing and processing applications for licensure unconnected with preparation for a board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475, and R.S. 37:1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000).

§139. Prohibited Acts: Penalties and Costs

A. The board may suspend or revoke any license, or censure, fine, or impose probationary or other restrictions on any licensee for good cause shown which shall include but not be limited to the following:

1. being convicted of a felony or the entering of a plea of guilty or nolo contendere to a felony charge under the laws of the United States or any other state;
2. deceit or misrepresentation in obtaining a license;
3. providing false testimony before the board;
4. attempting to deceive or defraud the public;
5. professional incompetence or gross negligence;
6. rendering, submitting, subscribing, or verifying false, deceptive, misleading, or unfounded opinions or reports;
7. violating any rule or regulation adopted by the board or any provision of these rules or the law;
8. aiding or abetting a person to evade the provisions of this Chapter or knowingly combining or conspiring with an unlicensed person with the intent to evade the provisions of these rules or the law;
9. violating any Standard of Conduct adopted by the board;
10. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license;
11. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

B. The board may fine any applicant or any member of the public for good cause shown, for activities which include, but are not limited to, the following:

1. aiding or abetting a person to evade the provisions of this Chapter or knowingly conspiring with any licensed or unlicensed person with the intent to evade the provisions of this Chapter;
2. engaging in conduct or advertising or holding oneself out as engaging in or conducting the business or acting in the capacity of a home inspector without possessing a valid license;

3. falsely representing oneself as being the holder of a valid license by using the title "licensed home inspector" or any title, designation, or abbreviation deceptively similar or likely to create the impression that such person is licensed.

C. Violators of any of the provisions of these rules or the law may be fined by the board in an amount not to exceed \$1,000 per each separate violation.

D. Revocation of a license as a result of disciplinary action by the board may prohibit the re-issuance of a license to such licensee for a period of up to one year from the date of revocation. No license may be granted, renewed or re-issued until any and all fines have been paid. The license of an applicant whose license has been revoked may be reissued by the board upon the successful completion by the applicant of the required examination and upon competent evidence of completion of 20 hours of continuing education as prescribed by the board. A licensee on probation may have his license reinstated upon certification by the board that the licensee is in compliance with the terms of his probation.

E. The board, as a probationary condition or as a condition of a revocation or suspension, may require a licensee to pay all costs of the board proceedings, including but not limited to those expenses related to the services of investigators, stenographers, and attorneys, and any court, agency or board costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1486-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2744 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1688 (August 2004).

§141. Cease and Desist Orders; Injunctive Relief

A. In addition to or in lieu of the criminal penalties and administrative sanctions provided for in the law and these rules, the board may issue an order to any person engaged in any activity, conduct or practice constituting a violation of any provision of these rules to cease and desist from such activity, conduct or practice. Such order shall be issued in the name of the state and under the official seal of the board.

B. If the person directed by cease and desist order does not cease and desist the prohibited activity, conduct, or practice within two days of service of such order by certified mail, the board may seek a writ of injunction in any court of competent jurisdiction and proper venue enjoining such person from engaging in the activity, conduct or practice, and recovery of all related costs of the type described in §139.

C. Upon proper showing of the board that such person or firm has engaged in any activity, conduct or practice prohibited by this Chapter, the court shall issue a temporary restraining order restraining the person or firm from engaging in the unlawful activity, conduct or practice, pending hearing on a preliminary injunction. A permanent injunction shall issue after hearing commanding the cessation of the unlawful activity, conduct or practice complained of, all without the necessity of the board having to give bond as usually required in such cases. A temporary

restraining order, preliminary injunction or permanent injunction issued enjoining such person or firm shall not be subject to being released upon bond.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1488.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004).

Chapter 3. Standards of Practice

§301. Minimum Standards

A. This Chapter sets forth the minimum Standards of Practice required of licensed home inspectors.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000).

§303. Definitions

A. The definitions in §109 of this Part are incorporated into this Chapter by reference. The following definitions apply to this Chapter.

Alarm System—warning devices, whether installed or free standing, including but not limited to, carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

Automatic Safety Control—devices designed and installed to protect systems and components from unsafe conditions.

Cooling System—a central system that uses ducts to distribute cooled air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, which system is not plugged into an electrical convenience outlet.

Client—the person with whom a licensed home inspector contracts to perform a home inspection, whether individually or through that person's agent.

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

Cross Connection—any physical connection or arrangement between potable water and any source of contamination.

Dangerous or Adverse Situations—situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment.

Describe—to report, in writing, a system or component by its type, or other observed characteristics, to distinguish it from other systems or components.

Dismantle—to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means that would not be taken apart by a homeowner in the course of normal household maintenance.

Enter—to go into an area to observe all visible components.

Functional Drainage—a drain which empties in a reasonable amount of time and does not overflow when another fixture is drained simultaneously.

Functional Flow—a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

Functioning—performing as expected and in accordance with its intended design and purpose.

Further Evaluation—examination and analysis by a qualified professional or service technician whose services and qualifications exceed those possessed by a home inspector.

Heating System—a central system that uses ducts to distribute heated air to more than one room which system is not plugged into an electrical convenience outlet.

Home Inspection—the process by which a Home Inspector visually examines the readily accessible systems and components of a home and describes those systems and components in accordance with the Standards of Practice.

Home Inspection Report—a written evaluation of two or more of the following systems of a resale residential building:

- a. electrical system;
- b. exterior system;
- c. interior system;
- d. heating and cooling systems;
- e. plumbing system;
- f. roofing system;
- g. structural system;
- h. insulation and ventilation system;
- i. appliance system; or
- j. any other related residential housing system as defined in the standards of practice prescribed by the board.

Home Inspector—any person who, in accordance with the provisions of these rules, holds himself out to the general public and engages in the business of performing home inspections on resale residential buildings for compensation and who examines any component of a building, through visual means and through normal user controls, without the use of mathematical sciences.

Inaccessible—unable to open with the use of Standard Inspection Tools or hidden from visual inspection by

furniture, stored items, wall or floor coverings or other obstructions.

Inspect—to examine readily accessible systems and components of a building in accordance with the Standards of Practice, using normal operating controls and opening readily openable access panels.

Installed—attached such that removal requires tools.

LHI—an acronym for Licensed Home Inspector.

Method of Access—a means by which the inspector gains entry, ingress and/or a visual advantage.

Normal Operating Controls—devices such as thermostats, switches, or valves intended to be operated by the homeowner.

Normal Operating Cycle—the standard period during which a system or component operates by the use of Normal Operating Controls

Observe—the act of making a visual examination.

On-Site Water Supply Quality—water quality based on the bacterial, chemical, mineral and solids contents of the water.

On-Site Water Supply Quantity—water quantity based on the rate of flow of water.

Operate—to cause systems or equipment to function.

Recreational Facilities—spas, saunas steam baths, swimming pools, tennis courts, and exercise, entertainment, athletic, playground or other equipment and associated accessories.

Readily Accessible—available for visual inspection without requiring the moving of personal property, the dismantling, disconnecting, unplugging or destroying of equipment, or any action which may involve a risk to persons or property.

Readily Openable Access Panel—a panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, is not sealed in place and is not blocked by stored items, furniture, or building components.

Representative Number—for multiple identical interior components such as windows and electrical outlets - one such component per room.

Roof Drainage Components—gutters, downspouts, leaders, splash blocks, scuppers, and similar components used to carry water off a roof and away from a building.

Shut Down—a state in which a system or component cannot be operated by normal user controls.

Significantly Deficient—a condition that, in the inspector’s professional opinion, adversely and materially affects the performance of a system or component.

Solid Fuel Heating Device—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 central furnaces, and combinations of these devices.

Specialized Tools—diagnostic devices and other equipment, including but not limited to, thermal imaging devices, gas leak detection equipment, environmental testing equipment, elevation determination devices and ladders capable of reaching surfaces over one story above the ground.

Standard Inspection Tools—a flashlight, outlet tester, ladder and appropriate screwdriver.

Structural Component—a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

System—a combination of interactive or interdependent components assembled to carry out one or more functions.

Technically Exhaustive—an inspection involving the extensive use of measurements, instruments, testing, calculations, or other means used to develop scientific or engineering findings, conclusions, and recommendations.

Under Floor Crawl Space—the area within the confines of the foundation between the ground and the underside of the lowest floor structural component.

Unsafe—a condition of a readily accessible, installed system or component which, in the opinion of the inspector, is judged to be a significant risk of personal injury or property damage during normal use or under the circumstances.

Wiring Methods—manner or general type of electrical conductors or wires installed in the structure such as non-metallic sheath cable, armored cable, knob and tube, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2745 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1689 (August 2004), LR 36:2861 (December 2010), LR 38:2532 (October 2012).

§305. Purpose and Scope

A. The purpose of these Standards of Practice is to establish a minimum and uniform standard for Louisiana state licensed home inspectors. Home inspections performed pursuant to these Standards of Practice are intended to provide the client with information regarding the condition of the systems and components of the home as observed at the time of inspection.

B. Home inspectors shall:

1. provide the client with a written pre-inspection contract, whenever possible, which shall:

a. state that the home inspection is to be done in accordance with the Standards of Practice of the Louisiana State Board of Home Inspectors;

b. describe what inspection services will be provided and their cost;

c. state that the inspection is limited to only those systems or components agreed upon by the client and the inspector; and

d. contain copies of the Standards of Practice and Code of Ethics;

2. inspect readily accessible installed systems and components listed in this Chapter and/or as contractually agreed upon;

3. submit a written report to the client within five days of the inspection which shall:

a. describe those systems specified to be described in §§311-329, and/or as contractually agreed upon;

b. state which systems 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, in the professional opinion of the inspector, are significantly deficient, unsafe or non-functioning; and

d. state the name, license number, and contain the signature of the person conducting the inspection.

C. This Chapter does not limit home inspectors from:

1. reporting observations and conditions or rendering opinions of items in addition to those required in Subsection B of this rule;

2. excluding systems and components from the inspection, if requested by the client and so stated in the written contract;

3. inspecting systems and components in addition to those required by these Standards of Practice; or

4. specifying needed repairs, provided that the inspector is appropriately qualified to make such recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004), LR 38:2532 (October 2012).

§307. General Limitations

A. Home inspections done in accordance with this Chapter are visual and are not technically exhaustive.

B. This Chapter applies only to residential resale buildings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000).

§309. General Exclusions

A. Home inspectors are not required to inspect or report on:

1. life expectancy of any component or system;
2. the causes of any condition or deficiency;
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, special utility, insurance or restrictions;

6. solicit to perform repair services on any system or component of the home which the inspector noted as significantly deficient, non-functioning or unsafe in his home inspection report for a period of one year from the date of the inspection;

7. the presence or absence of any suspected or actual adverse environmental condition or hazardous substance, including but not limited to asbestos, radon lead, mold, contaminated drywall or building components, carcinogens, noise, or contaminants, whether in the building or in soil, water, or air; however, if during the course of inspecting the systems and components of the building in accordance with the law and these rules, the home inspector discovers visually observable evidence of suspected mold or microbial growth, he shall report it;

8. decorative or cosmetic items, underground items, or items not permanently installed;

9. hidden, concealed or latent defects;

10. items not visible for inspection including the condition of systems or components which are not readily accessible; or

11. future conditions, including but not limited to, the likelihood of failure or the expected life of systems and components.

B. Home inspectors are not required to:

1. offer warranties or guarantees of any kind;

2. calculate or determine the strength, adequacy, or efficiency of any system or component;

3. enter the under-floor crawl spaces, attics, or any area which, in the opinion of the home inspector, is not readily accessible;

4. operate any system or component that is shut down or otherwise inoperable;

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5. operate any system or component that does not respond to normal operating controls;

6. . disturb or move insulation, personal items, panels, furniture, equipment, soil, snow, ice, plant life, debris or other items that may obstruct access or visibility;

7. determine the effectiveness of any system installed to control or remove suspected hazardous substances;

8. project operating costs of components;

9. evaluate acoustical characteristics of any system or component;

10. inspect special equipment or accessories that are not listed as components to be inspected in this Chapter;

11. operate shut-off valves;

12. inspect detached structures, other than garages and carports;

13. inspect common elements or areas in multi-unit housing, such as condominium properties or cooperative housing;

14. dismantle any system or component, except as specifically required by these standards of practice;

15. perform air or water intrusion tests or other tests upon roofs, windows, doors or other components of the structure to determine its resistance to air or water penetration.

16. perform air or water intrusion tests or other tests upon roofs, windows, doors or other components of the structure to determine its resistance to air or water penetration.

C. Home inspectors shall not:

1. offer or perform any act or service contrary to law;

2. report on the market value of the property or its marketability;

3. report on the advisability or inadvisability of purchase of the property;

4. report on any component or system that was not inspected;

5. report on the presence or absence of pests such as wood damaging organisms, rodents or insects; however the home inspector may advise the client of damages to the building and recommend further inspection by a licensed wood destroying insect inspector;

6. advertise or solicit to perform repair services on any system or component of the home which the inspector noted as deficient, significantly deficient or unsafe in his home inspection report from the time of the inspection until the date of the act of sale on the home inspected.

AUTHORITY

Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

NOTE:

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012).

§311. Structural Systems

A. The home inspector shall inspect structural components including:

1. foundation;
2. framing;
3. columns; and
4. piers.

B. The home inspector shall describe the type of:

1. foundation;
2. floor structure;
3. wall structure;
4. columns;
5. piers;
6. ceiling structure; and
7. roof structure.

C. The home inspector shall:

1. probe structural components only where deterioration is visible, except where probing would damage any surface;

2. enter readily accessible under floor crawl spaces, basements, and attic spaces and, if applicable, report the reason why an area was not readily accessible;

3. report the methods used to inspect or access 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.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004).

§313. Exterior System

A. The home inspector shall inspect:

1. wall cladding, flashings and trim;
2. all doors, including garage doors and storm doors;
3. all readily accessible windows;
4. decks, balconies, stoops, steps, porches, and applicable railings;
5. eaves, soffits, and fascias where visible from the ground level; 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;
3. operate garage doors and test the electronic safety beam reverse feature by interrupting the electronic beam (if present); and
4. report whether or not the garage door operator is equipped with a pressure sensitive safety reverse feature and whether that feature was tested.

C. The home inspector is not required to inspect:

1. shutters, awnings, and similar seasonal accessories;
2. fences;
3. presence of safety glazing in doors and windows;
4. garage door operator remote control transmitters;
5. geological conditions;
6. soil conditions;
7. recreational facilities;
8. detached buildings or structures other than garages and carports;
9. the presence or condition of buried fuel storage tanks;
10. sea walls, break walls or docks;
11. erosion control and earth stabilization measures; or
12. garage door operator pressure sensitive reverse failure devices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012).

§315. Roofing System

A. The home inspector shall inspect:

1. roof coverings;
2. roof drainage components;
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 system and any limitations.

C. The home inspector is not required to:

1. walk on the roofing;
2. inspect interiors of flues or chimneys which are not readily accessible;
3. inspect attached accessories including but not limited to solar systems, antennae, and lightning arrestors; or
4. disturb or lift roofing materials, jacks or flashing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012).

§317. Plumbing System

A. The home inspector shall inspect:

1. water supply and distribution systems, including:
 - a. piping materials, supports, insulation;
 - b. fixtures and faucets;
 - c. functional flow;
 - d. visible leaks; and
 - e. 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, drainage sumps, and related piping.

B. The home inspector shall describe:

1. water supply and distribution piping materials;
2. drain, waste and vent piping materials;
3. water heating equipment;
4. location of main water supply shutoff device; and
5. the location of main gas supply shutoff device.

C. The home inspector shall operate all plumbing and 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 or winterized equipment.

D. The home inspector is not required to:

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1. determine 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. determine whether the system is properly sized or utilizes proper materials;
6. 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. spas;
 - g. swimming pools;
 - h. solar water heating equipment; or
 - i. wells, well pumps, or water storage related equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004).

§319. Electrical System

- A. The home inspector shall inspect:
1. service drop and entrance conductors cables and raceways;
 2. service equipment, main disconnect device, main and sub-panels, interior panel components, and service grounding;
 3. branch circuit conductors, their overcurrent devices, and their compatibility;
 4. the operation of a representative number of installed ceiling fans, lighting fixtures, switches and receptacles;
 5. the polarity and grounding of all receptacles tested; and
 6. test ground fault circuit interrupters and arc fault circuit interrupters, unless, in the opinion of the inspector, such testing is likely to cause damage to any installed items or components of the home or interrupt service to an electrical device or equipment located in or around the home.

B. The home inspector shall describe:

1. service amperage and voltage;

2. wiring methods employed; and
3. the location of main and distribution panels.

C. The home inspector shall report any observed solid conductor aluminum branch circuit wiring for 120 volt circuits.

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 and arc fault circuit interrupters in accordance with §319.A.6;
3. dismantle any electrical device or control other than to remove the dead front covers of the main and auxiliary distribution panels; or
4. inspect:
 - a. low voltage systems;
 - b. security system devices, heat detectors, carbon monoxide detectors or smoke detectors that are not part of a central system;
 - c. telephone, security, cable TV, intercoms, or other ancillary wiring that is not part of the primary electrical distribution system; or
 - d. remote controlled device unless the device is the only control device; or
5. measure amperage, voltage or impedance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2863 (December 2010), LR 38:2533 (October 2012).

§321. Air Conditioning and Heating System

A. The home inspector shall inspect permanently installed heating and cooling systems including:

1. heating, cooling and air handling equipment installed through the wall;
2. normal operating controls;
3. chimneys, flues, and vents, where readily accessible;
4. solid fuel heating devices, including fireplaces;
5. air distribution systems including fans, pumps, ducts and piping, with associated supports, insulation, air filters, registers, radiators, fan coil units, convectors; and

6. the presence of an installed heat and/or cooling source in each habitable room.

B. The home inspector shall describe:

1. energy sources; and
2. the heating and cooling methods by their distinguishing characteristics.

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. inspect or operate air duct dampers; or
4. inspect:
 - a. heat exchangers;
 - b. humidifiers;
 - c. dehumidifiers;
 - d. electronic air filters;
 - e. the uniformity, adequacy or balance of heat or cooling supply to habitable rooms;
 - f. solar space heating systems;
 - g. components of solid fuel heating devices, such as firescreens and doors, seals and gaskets, automatic fuel feed devices, mantles and fireplace surrounds, combustion make-up air devices, heat distribution assists, whether gravity controlled or fan assisted; or
 - h. ignite or extinguish fires, determine draft characteristics, or move fireplace inserts, stoves or fireboxes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2748 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004), LR 36:2863 (December 2010), repromulgated LR 38:2533 (October 2012).

§325. Interior System

A. The home inspector shall inspect:

1. walls, ceiling, and floors;
2. steps, stairways, balconies, and railings;
3. countertops and a representative number of cabinets and drawers;
4. all doors; and
5. all readily accessible windows.

B. The home inspector shall:

1. operate a representative number of windows and interior doors;

2. report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components;

3. report the presence of suspected mold or microbial growth if, during the course of inspecting the systems and components of the structure in accordance with the home inspector licensing law and these rules, the licensed home inspector discovers visually observable evidence of suspected mold or microbial growth.

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;
3. draperies, blinds, or other window treatments; or
4. interior recreational facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004), LR 37:2406 (August 2011), LR 38:2533 (October 2012).

§327. Insulation and Ventilation System

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 system; 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 and vapor retarders in unfinished spaces; and
2. 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 is not required to:

1. disturb insulation or vapor retarders; or
2. determine indoor air quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749

(December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

§329. Built-In Kitchen Appliances

A. The home inspector shall inspect and operate the basic functions of the following appliances:

1. permanently installed dishwasher; through its normal cycle;
2. range, cook top, and permanently installed oven;
3. trash compactor;
4. garbage disposal;
5. ventilation equipment or range hood;
6. permanently installed microwave oven; and
7. any other built-in appliance.

B. The home inspector is not required to inspect:

1. clocks, timers, self-cleaning oven function, or thermostats for calibration or automatic operation;
2. non built-in appliances such as clothes washers and dryers;
3. refrigeration units such as freezers, refrigerators and ice makers; or
4. central vacuum system.

C. The home inspector is not required to operate:

1. appliances in use; or
2. any appliance that is shut down or otherwise inoperable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1692 (August 2004).

Chapter 5. Code of Ethics

§501. Code of Ethics

A. Purpose. Integrity, honesty, and objectivity are fundamental principles embraced by this Code of Ethics, which sets forth the obligations of ethical conduct for the Licensed Home Inspector (LHI). The Louisiana State Board of Home Inspectors (LSBHI) has enacted this Code to provide high ethical standards to safeguard the public and the profession. LHIs in Louisiana shall comply with this Code, shall avoid association with any enterprise whose practices violate this Code, and shall strive to uphold, maintain, and improve the integrity, reputation, and practice of the home inspection profession.

B. Ethical Obligations

1. The LHI shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.

2. The LHI shall not inspect properties for compensation in which he has or expects to have, a financial interest.

3. The LHI shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent upon reported or non-reported findings or on the sale of a property.

4. The LHI shall not directly or indirectly compensate real estate agents, brokers, or any other parties having a financial interest in the closing/settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.

5. The LHI shall not receive compensation from more than one party per inspection unless agreed to by the client(s).

6. The LHI shall not accept compensation, directly or indirectly, for referring or recommending contractors or other service providers or products to inspection clients or other parties having an interest in inspected properties, unless disclosed and scheduled prior to the home inspection.

7. The LHI shall not advertise or solicit to repair, replace or upgrade for compensation, any system or component of the home which the inspector noted as significantly deficient or unsafe in his home inspection report, or any other type of service on the home upon which he has performed a home inspection, from the time of the inspection until the date of the act of sale on the home inspected.

8. The LHI shall act in good faith toward each client and other interested parties.

9. The LHI shall perform services and express opinions based upon genuine conviction and only within his areas of education, training or experience.

10. The LHI shall be objective in his reporting and shall not knowingly understate or overstate the significance of observed conditions.

11. The LHI shall not disclose inspection results or a client's personal information without approval of the client or the clients designated representative. At his discretion, the LHI may immediately disclose to occupants or interested parties safety hazards observed to which they may be exposed.

12. The LHI shall avoid activities that may harm the public, discredit him or reduce public confidence in the profession.

13. The LHI shall not disseminate or distribute advertising, marketing, or promotional materials which are fraudulent, false, deceptive, or misleading with respect to the education, experience, or qualifications of the LHI or the company with which he is affiliated.

14. The LHI shall include his license number on all advertising, marketing and promotional material.

15. The LHI shall report substantial and willful violations of this Code to the LSBHI.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004), LR 36:2863 (December 2010), LR 37:2406 (August 2011).

Chapter 7. Disciplinary Actions

§701. Definitions

A. The following definitions are used in this Chapter. The definitions in the law and these rules are incorporated into Chapter 1, Chapter 3, and Chapter 5 by reference.

File or Filing—to place the document or item to be filed into the care and custody of the board. The board shall note thereon the filing date. All documents filed with the board, except exhibits, shall be filed in duplicate on letter size 8" by 11" paper.

Party—the board, the licensee, and/or any other person who has an administratively cognizable interest in a particular board proceeding.

Service—personal delivery or, unless otherwise provided by law or rule, delivery by certified mail through the United States Postal Service, return receipt requested, addressed to the person to be served at his or her last known address. A Certificate of Service shall be appended to every document requiring service under these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004).

§703. Complaints

A. Anyone with knowledge that a licensee or member of the public is or has been engaged in any conduct proscribed by the law or these rules, may file a written complaint with the board against that person.

B. An information memorandum approved by the board containing instructions for filing a complaint shall be mailed to anyone requesting such information from the board and shall be made available on the board's official website.

C. The complaint shall specifically identify the licensee or member of the public and describe the misconduct.

D. The complaint shall refer to specific violations of these rules or of the Home Inspector Licensing Law. If the complaint involves violations of the standards of practice that the licensee did not observe or report, a list of those items must be submitted with the complaint along with the corresponding violation of the standards of practice. A copy of any documentation supporting the allegations shall be filed with the complaint, if available, including but not limited to, photographs, the pre-inspection agreement, the

inspection report, and any reports made by any other consultant.

E. The complaint shall be in writing, signed by the complainant, and dated. The complaint shall include the complainant's mailing address, a daytime phone number at which the complainant may be reached, and the street address of the structure made the basis of the complaint, if applicable.

F. The board shall not consider complaints against those performing services that are under the jurisdiction of other regulatory agencies or licensing boards, such as, wood destroying insect inspections, appraisals, or services rendered by licensed architects, engineers, or general contractors, unless the persons rendering those services are licensed home inspectors or hold themselves out as, or engage in the business of, a home inspector.

G. Based upon a review of the records of the board kept in the ordinary course of business, the Chief Operating Officer of the board may initiate a complaint against a licensee based upon the licensee's delinquency or failure to make timely payment of fees, fines or assessments or upon the licensee's failure to comply with reporting requirements, continuing education requirements, insurance requirements, or other requirements of the licensee. In all such cases, the Chief Operating Officer shall send the licensee notification by certified mail specifically outlining the delinquency or violation, including any amounts due. The licensee shall either, pay any fees due, comply with any requirements stated or respond, in writing, within 14 days receipt of the notice disputing the claim or amounts due. A licensee's failure to respond within the delays shall be prima facie proof of his noncompliance subjecting the licensee to immediate suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1483, and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004), LR 40:1004 (May 2014).

§705. Special Investigating Entity

A. For all complaints filed pursuant to §703.A, the board shall appoint a committee, board member, employee, or other qualified licensee to verify whether the allegations listed in the complaint may indicate violations of these rules, the standards of practice, *Code of Ethics* or the law. This committee, board member, employee or licensee shall be referred to as the "special investigating entity." The chairman may appoint a special investigating entity at any time to commence review of a complaint. This appointment shall be ratified by the board in executive session at its next meeting.

AUTHORITY

Promulgated in accordance with R.S. 37:1475.

NOTE:

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board

of Home Inspectors, LR 30:1694 (August 2004), LR 40:1004 (May 2014).

§707. Investigations; Special Investigating Entity; Board Review

A. Upon receipt of a complaint filed pursuant to §703.A and conforming with this Chapter, the board shall assign a docket number to the complaint and refer it to an SIE. Any individual or member of a committee appointed to serve as an SIE shall:

1. have been a Louisiana licensed home inspector for at least three years prior to the appointment;
2. be current on all continuing education, fees and other requirements for licensure;
3. have no pending complaints against him; and
4. have performed over 300 home inspections pursuant to this Chapter.

B. A copy of the complaint shall be served upon the home inspector or member of the public (respondent) in accordance with §707.D. The respondent shall submit a written response to the special investigating entity within two weeks after receipt of the copy of the complaint.

C. The SIE shall make an investigation of the charges and responses, with the sole purpose of determining whether or not the allegations listed in the complaint indicate a violation of these Rules or the Home Inspector Licensing Law. The SIE shall not visit or inspect the property at issue during the investigative process, but may contact the parties involved, and any third parties, to request any further information or documentation needed to conduct the investigation. The SIE may review photographs, reports, correspondence and other documentation submitted by any party or third party in conducting the investigation. The SIE shall prepare a report of its findings within 30 days of the completion of the investigation, and file the report with the board.

D. A copy of the report of the SIE shall be mailed by the COO to the complainant and to the respondent by certified mail. The report shall contain:

1. the docket number;
2. the names of the parties involved;
3. a list of the documents reviewed in connection with the investigation; and
4. a list of the persons contacted in connection with the investigation and the manner in which that contact was made (e.g. telephone, email, mail, etc..).

E. The report shall state whether each specific allegation of the complaint has or lacks sufficient evidence to meet the threshold for a hearing before the board.

F. If the report states that any or all allegations of the complaint lack sufficient evidence to indicate a violation of these rules or the licensing law, the chief operating officer shall advise the complainant and respondent in writing that

the evidence was insufficient to support a particular or all allegations in the complaint. The chief operating officer shall also advise the complainant and respondent that, in order for the lacking allegations of the complaint to be reviewed by the board, the complainant must make a written request for review by the board within 15 days of mailing of the report, must support the complaint with additional documentation and must set forth specific reasons why the SIE's determination on each allegation is incorrect.

G. If the complainant makes a written request for review by the board, the board shall review the report and the complainant's documentation. If the board finds that the allegations are unsupported by the evidence, the chief operating officer shall advise the complainant in writing that the board has concurred with the special investigating entity's conclusion that the complaint lacks sufficient evidence to support the allegations in the complaint.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2750 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004), LR 36:2863 (December 2010), LR 40:1004 (May 2014).

§709. Disciplinary Hearing; Procedure

A. If the special investigating entity's report or the board's review finds that there is sufficient evidence to support the allegations in the complaint, the board shall fix a time and place for a disciplinary hearing and give notice to the licensee and complainant. The disciplinary hearing shall be held in accordance with the adjudication provisions of the Administrative Procedure Act.

B. The notice required under §709.A shall:

1. include a statement of the time, place, and nature of the hearing;
2. include a statement of the legal authority under which the hearing is to be held;
3. include reference to the particular sections of the statutes and rules involved;
4. include a short and plain statement of the matters asserted; and
5. be sent by certified mail.

C. In all contested case hearings before the board, the chairman of the board shall serve as presiding officer. In the absence of the chairman, the vice chairman shall serve as presiding officer, or a presiding officer shall be selected by the board.

D. No board member, committee member or employee serving as part of the special investigating entity shall participate in the consideration or decision of the matter or confection of the board's decision, order or opinion. However, any member of the special investigating entity may prosecute the case against the licensee or respondent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004), LR 36:2863 (December 2010).

§711. Pre-Hearing Resolution

A. The board's staff and the licensee or other person against whom a complaint has been brought may attempt to resolve the complaint by means of a consensual agreement. Such consensual agreement may impose upon the respondent penalties or conditions which include, but are not limited to, requiring the licensee to complete additional training or educational courses, placing the inspector on probation, issuing a letter of reprimand, imposing fines of up to \$1,000 per separate violation, and/or suspending or revoking the inspectors license, all as authorized in the law or these rules.

B. The proposed consent agreement shall then be presented to the board at its next meeting. The board may accept the consent agreement as written, modify the agreement and send it back to the licensee for acceptance, or reject the consent agreement. Accepted agreements shall be filed in the record of the docket.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475, R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1694 (August 2004).

§713. Hearing Procedure; Decision; Notice; Effective Date; Rehearing

A. If no consent agreement is reached, the matter shall be heard by the board at its next regularly scheduled board meeting or special meeting which is to be held not less than 10 days prior to giving notice to all interested parties. The board shall consider the law and the evidence presented or in the record and base its decision accordingly.

B. No attorney, board member or employee serving as the prosecuting officer for the board shall participate in the consideration or formulation of the board's decision, any opinion related thereto, or any procedural matter.

C. The board shall render any final decision or order by majority vote of the board in open session. The date of the decision or order shall be indicated on the decision or order.

D. All parties of record shall receive notice of the board's decision within 30 days of the vote on the matter.

E. A board decision or order may be reconsidered by the board at the next board meeting on its own motion, or on motion by a party of record, for good cause shown pursuant to a written request filed at the board's office within 10 days following the decision date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1485-1487.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home inspectors, LR 26:2751 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1695 (August 2004), LR 38:2533 (October 2012).

Chapter 9. Declaratory Orders

§901. Purpose

A. The purpose of this Chapter is to settle and afford relief from any uncertainty and insecurity with respect to the rules of the board or the law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§903. Declaratory Relief

A. The board may declare rights, status, and other legal relations of any interested person whose rights may be affected by the rules of the board or by the law. Any person whose rights, status, or other legal relations are affected by these rules may have determined any question of construction or validity arising under these rules or the law and obtain a declaration of rights, status or other legal relations thereunder from the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§905. Applications; Petitions; Parties

A. An application for declaratory order shall be made on a form provided by the board. The application for declaratory order must include the name, address and telephone number, both business and home, of the person bringing the application for declaratory order, the specific rule or rules at issue, and the specific question directed to the board. The application for declaratory order shall also advise the board of the name, address and telephone numbers of all persons who have or may claim any interest which may be affected by any decision or determination of the board. The board shall docket the application for declaratory order. The board shall provide notice of the application, along with a copy of the application for declaratory order to the person(s) identified who have or may claim an interest affected by any decision or determination of the board. Those persons who have or claim an interest shall confirm same in writing to the board within 15 days from the date of the board's notice containing the application for declaratory order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2751 (December 2000).

§907. Governing Law

A. When an action is initiated under this Chapter, all proceedings shall be in accordance with the rules of the

board, the Administrative Procedure Act, and other applicable Louisiana law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

§909. Hearings; Decisions; Rehearing; Time

A. All hearings on applications for declaratory orders filed at least 10 days prior to a scheduled board meeting shall be set for hearing at that meeting unless the board desires the matter be set prior thereto, in which case the parties will be notified of the earlier hearing date, time and place.

B. The board shall render its decision in open session and transmit written confirmation to parties of record within 30 days of its decision.

C. The board may decline to address the question presented and dismiss the application for declaratory order.

D. board decisions may be reconsidered by the board at the next board meeting on its own motion or on the motion of a party of record for good cause shown pursuant to a written request filed at the board office within 10 days following the decision date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

Chapter 11. Judicial Review

§1101. Judicial Review; Venue; Time

A. Any party of record aggrieved by a final board order or decision in an adjudication, rulemaking or declaratory order shall be entitled to judicial review whether or not application has been made to the board for rehearing. Such judicial review shall be initiated by the filing of a petition setting forth the objections to the board's decision or order with the Nineteenth Judicial District Court within 30 days of the date of mailing of the final board order or decision as provided for in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489 and R.S. 49:964-966.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).

§1103. Appeals

A. Any party of record may obtain a review of final judgment of the Nineteenth Judicial District Court by the First Circuit Court of Appeal as provided for in the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1471-1489 and R.S. 49:964-966.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2752 (December 2000).