

By: Representative White

To: Judiciary A

HOUSE BILL NO. 815

1 AN ACT TO REENACT SECTIONS 73-60-1, 73-60-3, 73-60-7,  
 2 73-60-23, 73-60-29 AND 73-60-45, MISSISSIPPI CODE OF 1972, WHICH  
 3 RELATE TO CERTAIN POWERS AND DUTIES OF THE MISSISSIPPI REAL ESTATE  
 4 COMMISSION WHICH PREVIOUSLY WERE EXERCISED BY THE HOME INSPECTOR  
 5 REGULATORY BOARD BEFORE IT WAS ABOLISHED; TO AMEND SECTION 8,  
 6 CHAPTER 442, LAWS OF 2013, TO EXTEND THE DATE OF THE REPEALER ON  
 7 THOSE STATUTES; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 73-60-1, Mississippi Code of 1972, is  
 10 reenacted as follows:

11 73-60-1. The following words shall have the meaning ascribed  
 12 in this section unless the context clearly indicates otherwise:

13 (a) "Client" means any person who engages or seeks to  
 14 engage the services of a home inspector for the purpose of  
 15 obtaining an inspection of and written report on the conditions of  
 16 a residential building.

17 (b) "Home inspection" means the process by which a home  
 18 inspector examines the observable systems and components of  
 19 improvements to residential real property that are readily  
 20 accessible.



21 (c) "Home inspection report" means a written evaluation  
22 prepared and issued by a home inspector concerning the condition  
23 of the improvements to residential real property.

24 (d) "Home inspector" means any person, who for  
25 compensation, conducts a home inspection.

26 (e) "Residential real property" means a structure  
27 intended to be, or that is in fact, used as a residence and  
28 consisting of one (1) to four (4) family dwelling units.

29 (f) "Commission" means the Mississippi Real Estate  
30 Commission as established under Section 73-35-5, Mississippi Code  
31 of 1972.

32 **SECTION 2.** Section 73-60-3, Mississippi Code of 1972, is  
33 reenacted as follows:

34 73-60-3. This chapter shall be administered and enforced by  
35 the Mississippi Real Estate Commission, which shall have the  
36 duties and powers to:

37 (a) Receive applications for licensure as a home  
38 inspector under this chapter, establish appropriate administrative  
39 procedures for the processing of applications and issue licenses  
40 to qualified applicants pursuant to the provisions of this  
41 chapter;

42 (b) Implement recommendations made to the commission  
43 with respect to upgrading and improving the experience, education  
44 and examination requirements that are required for a home  
45 inspector license;



46 (c) Adopt and publish a code of ethics and standards of  
47 practice for persons licensed under this chapter;

48 (d) Collect all licensing fees required or permitted by  
49 this chapter;

50 (e) Take appropriate action upon a decision and the  
51 related findings of fact made by the commission, or a hearing  
52 officer employed by the commission, if, after an administrative  
53 hearing, the commission or hearing officer (i) determines that a  
54 licensed home inspector under this chapter has violated the code  
55 of ethics and standards established under this section, and (ii)  
56 recommends that the license of the home inspector be suspended or  
57 revoked, that renewal be denied, or that some other disciplinary  
58 action be taken;

59 (f) Develop and adopt a licensing examination, which  
60 would meet nationally recognized standards, to determine the  
61 knowledge of an applicant of the home inspector profession;

62 (g) Solicit bids and enter into contracts with one (1)  
63 or more educational testing services or organizations approved by  
64 the board for the preparation of questions and answers for  
65 licensure examinations under this chapter;

66 (h) Develop the application and license forms;

67 (i) Adopt rules and regulations for the administration  
68 of this chapter that are not inconsistent with the provisions of  
69 this chapter or the Constitution and laws of Mississippi or of the  
70 United States;



71 (j) Employ an assistant to the commission administrator  
72 who shall keep a record of all proceedings, transactions,  
73 communications and official acts of the commission and perform  
74 such other duties as the commission may require; and

75 (k) Employ such other staff and technical assistance as  
76 may be necessary to properly administer the requirements of this  
77 chapter.

78 **SECTION 3.** Section 73-60-7, Mississippi Code of 1972, is  
79 reenacted as follows:

80 73-60-7. (1) The Mississippi Real Estate Commission shall  
81 have the duties and powers to:

82 (a) Be responsible for matters relating to home  
83 inspectors' code of ethics and standards, home inspector  
84 qualifications, testing standards and disciplinary functions.

85 (b) Hold meetings, public hearings and administrative  
86 hearings and prepare examination specifications for licensed home  
87 inspectors.

88 (c) Conduct investigations, subpoena individuals and  
89 records, administer oaths, take testimony and receive evidence and  
90 to do all other things necessary and proper to discipline a person  
91 licensed under this chapter and to enforce this chapter. In case  
92 of contumacy by, or refusal to obey a subpoena issued to, any  
93 person, the Chancery Court of the First Judicial District of Hinds  
94 County, Mississippi, upon application by the commission, may issue  
95 to this person an order requiring him to appear before the



96 commission, or the officer designated by him, there to produce  
97 documentary evidence if so ordered or to give evidence touching  
98 the matter under investigation or in question. Failure to obey  
99 the order of the court may be punished by the court as contempt of  
100 court.

101 (d) Further define by regulation, the type of  
102 educational experience, home inspector experience and equivalent  
103 experience that will meet the statutory requirements.

104 (e) Suspend or revoke licenses pursuant to the  
105 disciplinary proceedings provided for in this chapter.

106 (f) Present an annual budget to the Mississippi  
107 Legislature for approval. A copy of the budget shall be given to  
108 the commission.

109 (2) The members of the commission shall be immune from any  
110 civil action or criminal prosecution for initiating or assisting  
111 in any lawful investigation of the actions of, or participating in  
112 any disciplinary proceeding concerning, a home inspector licensed  
113 pursuant to this chapter, provided that such action is taken  
114 without malicious intent and in the reasonable belief that the  
115 action was taken pursuant to the powers and duties vested in the  
116 members of the commission under this chapter.

117 **SECTION 4.** Section 73-60-23, Mississippi Code of 1972, is  
118 reenacted as follows:

119 73-60-23. (1) Each person who applies for renewal of his  
120 license shall successfully complete home inspector continuing



121 education courses approved by the commission at the rate of twenty  
122 (20) hours every two (2) years. No license may be renewed except  
123 upon the successful completion of the required courses or their  
124 equivalent or upon a waiver of those requirements for good cause  
125 shown as determined by the commission pursuant to rule.

126 (2) The commission shall establish criteria for certifying  
127 providers of continuing education for home inspectors. All such  
128 continuing education providers must be approved by the commission.

129 (3) Each renewal applicant shall certify, on his or her  
130 renewal application, full compliance with continuing education  
131 requirements. The provider of approval of continuing education  
132 shall retain and submit to the commission, after the completion of  
133 each course, evidence of those successfully completing the course.

134 **SECTION 5.** Section 73-60-29, Mississippi Code of 1972, is  
135 reenacted as follows:

136 73-60-29. The commission shall charge and collect  
137 appropriate fees for its services under this chapter. The fees  
138 charged shall not exceed the amounts indicated below and shall be  
139 set by the commission.

140 **LICENSURE FEES:**

141 Application and examination.....\$175.00  
142 Initial and renewal license.....\$325.00  
143 Delinquent renewal penalty.....100% of renewal fee

144 **SERVICES:**

145 For each change of address.....\$ 25.00



146 For each duplicate license.....\$ 25.00  
147 To change status as a licensee from active  
148 to inactive.....\$ 25.00  
149 For each bad check received by the commission.....\$ 25.00

150 All fees charged and collected under this chapter shall be  
151 paid by the commission at least once a week, accompanied by a  
152 detailed statement thereof, to the credit of the fund known as the  
153 "Home Inspector License Fund," hereby created in the State  
154 Treasury. All monies which are collected under this chapter shall  
155 be paid into and credited to such fund for the use of the  
156 commission in carrying out the provisions of the chapter including  
157 the payment of salaries and expenses, printing an annual directory  
158 of licensees, and for educational purposes. All interest earned  
159 on the Home Inspector License Fund shall be retained by the  
160 commission for purposes consistent with this chapter. The  
161 commission shall prepare an annual statement of income and  
162 expenses related to its regulatory related administrative  
163 function.

164 **SECTION 6.** Section 73-60-45, Mississippi Code of 1972, is  
165 reenacted as follows:

166 73-60-45. The commission may employ legal counsel to  
167 represent it in any proceedings when legal counsel is required.

168 **SECTION 7.** Section 8, Chapter 442, Laws of 2013, is amended  
169 as follows:



170 Section 8. This act shall take effect and be in force from  
171 and after July 1, 2013, and shall stand repealed on July 1, \* \* \*  
172 2020.

173 **SECTION 8.** This act shall take effect and be in force from  
174 and after July 1, 2017.

