

By: Senator(s) Parks, Dearing

To: Business and Financial  
Institutions

SENATE BILL NO. 2017

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 PROVIDE FOR THE LICENSURE OF HOME INSPECTORS BY THE MISSISSIPPI  
4 REAL ESTATE COMMISSION; TO AMEND SECTION 8, CHAPTER 442, LAWS OF  
5 2013, TO EXTEND THE DATE OF REPEAL ON THE AFOREMENTIONED SECTIONS;  
6 AND FOR RELATED PURPOSES.

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

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

10 73-60-1. The following words shall have the meaning ascribed  
11 in this section unless the context clearly indicates otherwise:

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

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



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

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

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

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

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

33 73-60-3. This chapter shall be administered and enforced by  
34 the Mississippi Real Estate Commission, which shall have the  
35 duties and powers to:

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

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



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

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

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

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

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

65           (h) Develop the application and license forms;

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



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

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

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

79 73-60-7. (1) The Mississippi Real Estate Commission shall  
80 have the duties and powers to:

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

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

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



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

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

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

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

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

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

118 73-60-23. (1) Each person who applies for renewal of his  
119 license shall successfully complete home inspector continuing



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

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

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

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

135 73-60-29. The commission shall charge and collect  
136 appropriate fees for its services under this chapter. The fees  
137 charged shall not exceed the amounts indicated below and shall be  
138 set by the commission.

139 **LICENSURE FEES:**

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

143 **SERVICES:**

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



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

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

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

165 73-60-45. The commission may employ legal counsel to  
166 represent it in any proceedings when legal counsel is required.

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



169           **SECTION 8.** This act shall take effect and be in force from  
170 and after July 1, 2013, and shall stand repealed on July 1, \* \* \*  
171 2021.

172           **SECTION 9.** This act shall take effect and be in force from  
173 and after July 1, 2017.

