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To: Judiciary A

HOUSE BILL NO. 352

1 AN ACT TO CREATE NEW SECTION 73-60-47, MISSISSIPPI CODE OF
2 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A HOME INSPECTOR TO
3 UNDERGO CERTAIN BACKGROUND CHECKS; TO AMEND SECTIONS 73-60-11 AND
4 73-60-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED
5 PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section
8 73-60-47, Mississippi Code of 1972:

9 73-60-47. (1) (a) To qualify for a Mississippi home
10 inspector license, an applicant must have successfully been
11 cleared for licensure through an investigation that shall consist
12 of a determination that the applicant does not possess a
13 background which calls into question public trust, as set forth
14 below in subsection (2), and verification that the prospective
15 licensee is not guilty of or in violation of any statutory ground
16 for denial of licensure as set forth in Section 73-60-31.

17 (b) To assist the commission in conducting its
18 licensure investigation, on or after July 1, 2021, all applicants
19 for a Mississippi home inspector license, and all applicants for



20 renewal of any home inspector license shall undergo a
21 fingerprint-based criminal history records check of the
22 Mississippi central criminal database and the Federal Bureau of
23 Investigation criminal history database. Each applicant shall
24 submit a full set of the applicant's fingerprints in a form and
25 manner prescribed by the commission, which shall be forwarded to
26 the Mississippi Department of Public Safety (department) and the
27 Federal Bureau of Investigation Identification Division for this
28 purpose.

29 (c) Any and all state or national criminal history
30 records information obtained by the commission that is not already
31 a matter of public record shall be deemed nonpublic and
32 confidential information restricted to the exclusive use of the
33 commission, its members, officers, investigators, agents and
34 attorneys in evaluating the applicant's eligibility or
35 disqualification for licensure, and shall be exempt from the
36 Mississippi Public Records Act of 1983. Except when introduced
37 into evidence in a hearing before the commission to determine
38 licensure, no such information or records related thereto shall,
39 except with the written consent of the applicant or by order of a
40 court of competent jurisdiction, be released or otherwise
41 disclosed by the commission to any other person or agency.

42 (d) The commission shall provide to the department the
43 fingerprints of the applicant, any additional information that may
44 be required by the department, and a form signed by the applicant



45 consenting to the check of the criminal records and to the use of
46 the fingerprints and other identifying information required by the
47 state or national repositories.

48 (e) The commission shall charge and collect from the
49 applicant, in addition to all other applicable fees and costs,
50 such amount as may be incurred by the commission in requesting and
51 obtaining state and national criminal history records information
52 on the applicant.

53 (2) (a) The commission must ensure that applicants for home
54 inspector licenses do not possess a background that could call
55 into question public trust. An applicant found by the commission
56 to possess a background which calls into question the applicant's
57 ability to maintain public trust shall not be issued a home
58 inspector license.

59 (b) The commission shall not issue a home inspector
60 license if:

61 (i) The applicant has had a home inspector license
62 revoked in any governmental jurisdiction within the five-year
63 period immediately preceding the date of the application;

64 (ii) The applicant has been convicted of, or pled
65 guilty or nolo contendere to, a felony in a domestic or foreign
66 court involving an act of fraud, dishonesty or a breach of trust,
67 or money laundering at any time preceding the date of the
68 application if, in the discretion of the commission following



notice to the applicant and a hearing, good cause exists to deny or not renew licensure.

(c) Applicants for a home inspector license or renewal of a home inspector license who hold any other license falling under the jurisdiction of the commission requiring a background check shall not be required to pay for more than one (1) background check during a calendar year.

(d) The commission shall adopt rules and regulations necessary to implement, administer and enforce the provisions of this section.

SECTION 2. Section 73-60-11, Mississippi Code of 1972, is amended as follows:

73-60-11. (1) An application for an original license shall be made in writing to the commission on forms as the commission may prescribe and shall be accompanied by the required fee and proof of liability insurance and errors and omissions insurance.

(2) To qualify for a license under this chapter, a person shall:

(a) Have successfully completed high school or its equivalent;

(b) Be at least twenty-one (21) years of age;

(c) Have successfully completed an approved course of study of at least sixty (60) hours that may include field work as prescribed by the commission;



(d) Have passed an examination as prescribed by the
commission; * * *

(e) Provide a certificate of insurance for errors and
omissions and general liability insurance (in the required
amounts) pursuant to Section 73-60-15 * * *; and

(f) Have passed a background investigation pursuant to
Section 73-60-47.

(3) The commission must review each application for a
license submitted to it and must notify each applicant that the
application is either accepted or rejected. The commission must
send notification of acceptance or rejections to the applicant at
the address provided by the applicant in the application within
thirty (30) days of receiving the application. If the application
is rejected, the notice sent to the applicant must state the
reasons for the rejection.

SECTION 3. Section 73-60-31, Mississippi Code of 1972, is
amended as follows:

73-60-31. The commission may refuse to issue or to renew or
may revoke or suspend a license or may place on probation,
censure, reprimand, or take other disciplinary action with regard
to any license issued under this chapter, including the issuance
of fines for each violation, for any one (1) or combination of the
following causes:

(a) Violations of this chapter or the commission's
rules promulgated pursuant hereto;



118 (b) Violation of terms of license probation;
119 (c) Conviction of a felony or making a plea of guilty
120 or nolo contendere within five (5) years prior to the date of
121 application;
122 (d) Operating without adequate insurance coverage
123 required for licensees; * * *
124 (e) Fraud in the procurement or performance of a
125 contract to conduct a home inspection * * *;
126 (f) Failure to submit to or pass a background
127 investigation pursuant to Section 73-60-47.

128 **SECTION 4.** This act shall take effect and be in force from
129 and after July 1, 2021.

