

ASSEMBLY BILL

No. 1118

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend Section 7195 of, and to add Section 7195.5 to, the Business and Professions Code, relating to home inspectors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as introduced, Hayashi. Home inspectors.

Existing law provides that it is the duty of a home inspector, as defined, who is not licensed as a general contractor, structural pest control operator, or architect, or registered as a professional engineer, to conduct a home inspection with the degree of care that a reasonably prudent home inspector would exercise. Existing law provides that certain actions by a home inspector, a company that employs the inspector, or a company that is controlled by a company that also has a financial interest in a company employing a home inspector, constitute an unfair business practice.

This bill would declare the intent of the Legislature to adopt minimum qualifications for certification as a home inspector in California, and would make conforming changes to a related provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7195 of the Business and Professions
- 2 Code is amended to read:

1 7195. For purposes of this chapter, the following definitions
2 apply:

3 (a) (1) “Home inspection” is a noninvasive, physical
4 examination, performed for a fee in connection with a transfer, as
5 defined in subdivision (e), of real property, of the mechanical,
6 electrical, or plumbing systems or the structural and essential
7 components of a residential dwelling of one to four units designed
8 to identify material defects in those systems, structures and
9 components. “Home inspection” includes any consultation
10 regarding the property that is represented to be a home inspection
11 or any confusingly similar term.

12 (2) “Home inspection,” if requested by the client, may include
13 an inspection of energy efficiency . Energy efficiency items to be
14 inspected may include the following:

15 (A) A noninvasive inspection of insulation R-values in attics,
16 roofs, walls, floors, and ducts.

17 (B) The number of window glass panes and frame types.

18 (C) The heating and cooling equipment and water heating
19 systems.

20 (D) The age and fuel type of major appliances.

21 (E) The exhaust and cooling fans.

22 (F) The type of thermostat and other systems.

23 (G) The general integrity and potential leakage areas of walls,
24 window areas, doors, and duct systems.

25 (H) The solar control efficiency of existing windows.

26 (b) A “material defect” is a condition that significantly affects
27 the value, desirability, habitability, or safety of the dwelling. Style
28 or aesthetics shall not be considered in determining whether a
29 system, structure, or component is defective.

30 (c) A “home inspection report” is a written report prepared for
31 a fee and issued after a home inspection. The report clearly
32 describes and identifies the inspected systems, structures, or
33 components of the dwelling, any material defects identified, and
34 any recommendations regarding the conditions observed or
35 recommendations for evaluation by appropriate persons.

36 (d) A “home inspector” is any individual who performs a home
37 inspection *and meets the qualifications of Section 7195.5.*

38 (e) “Transfer” is a transfer by sale, exchange, installment land
39 sales contract, as defined in Section 2985 of the Civil Code, lease
40 with an option to purchase, any other option to purchase, or ground

1 lease coupled with improvements, of real property or residential
2 stock cooperative, improved with or consisting of not less than
3 one nor more than four dwelling units.

4 SEC. 2. Section 7195.5 is added to the Business and Professions
5 Code, to read:

6 7195.5. It is the intent of the Legislature to adopt minimum
7 qualifications for certification as a home inspector in California.

O