



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 211

132nd General Assembly

(H. Economic Development, Commerce, and Labor)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_0847-2)
Home Inspector Board – membership	<p>Requires the Governor to appoint three licensed home inspectors to the Ohio Home Inspector Board who each represent different national organizations consisting of and representing home inspectors; one member must be an independent licensed home inspector and one must be a member or representative of a home inspection franchise.</p> <p>Prohibits more than three members of the Board from being members of the same political party. (R.C. 4764.04.)</p>	<p>Increases the number of licensed home inspectors appointed by the Governor to five and removes any requirement that the appointees represent an organization or follow a specific business model.</p> <p>Increases the number of Board members that can belong to the same political party to four. (R.C. 4764.04.)</p>

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<p>Board duties</p>	<p>Requires the Board to adopt rules establishing standards governing disciplinary proceedings and the reinstatement of licenses suspended or revoked by the Board pursuant to those proceedings (R.C. 4764.05(A)).</p> <p>Requires the Board to adopt the American Society of Home Inspectors' standards of practice and code of ethics as the minimum requirements that a licensed home inspector must follow (R.C. 4764.05(D)).</p> <p>No provision.</p> <p>No provision.</p>	<p>Adds that the Board also must adopt rules establishing standards governing the issuance, renewal, suspension, and revocation of licenses and other sanctions (R.C. 4764.05(A)).</p> <p>Requires the Board to adopt rules establishing a set of standards of practice and canons of ethics for the home inspection industry (R.C. 4764.05(A)).</p> <p>Requires the Board to adopt rules establishing directions for the Superintendent of Real Estate and Professional Licensing to follow regarding the scheduling, instruction, and offerings of home inspection courses a person must successfully complete to obtain a license (R.C. 4764.05(A)).</p> <p>Requires the Board to do all of the following:</p> <ul style="list-style-type: none"> • Review, on appeal or on its own motion, any order of or application determination made by the Superintendent, and as the Board determines necessary, reverse, vacate, modify, or sustain the order or determination; • Hear appeals from orders of the Superintendent regarding claims against the Home Inspection Recovery Fund created by the bill; • Disseminate information relative to Board activities and decisions; • Notify licensees of changes in state and federal law related to home inspections and inform licensees that they are subject to disciplinary action if they do not comply with the changes (R.C. 4765.05(B)).



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Initial licensing and renewal	<p>Prohibits the Superintendent from renewing a license if any of the following conditions apply:</p> <ul style="list-style-type: none"> • The licensee violates any Board rule; • The licensee fails to submit proof of holding the required insurance policies; • The licensee fails to submit proof of satisfying the bill's continuing education requirements (<i>R.C. 4764.09(C)</i>), by reference to <i>R.C. 4764.05, 4764.08, and 4764.11</i>). <p>Requires an applicant to have the required amount of experience as demonstrated by successfully completing a Board-approved curriculum of experience, by completing equivalent experience as determined by the Board, or completing ten parallel inspections (<i>R.C. 4764.07</i>).</p> <p>Requires a home inspector seeking renewal of a license to comply with the Standard License Renewal Procedure Law (<i>R.C. 4764.09(B)(1)(a)</i> and <i>R.C. 4745.01</i>).</p>	<p>Grants the Superintendent discretion to refuse to issue or renew a license for any of the listed reasons and adds both of the following:</p> <ul style="list-style-type: none"> • Failure to comply with the bill; • Failure to cooperate with an investigation conducted by the Superintendent (<i>R.C. 4764.14(G)</i> through (<i>J</i>)). <p>Removes equivalent experience as a way to demonstrate experience (<i>R.C. 4764.07</i>).</p> <p>Requires the Board to adopt rules establishing procedures for providing licensees with notice and applications for renewal (<i>R.C. 4764.05(A)(12)</i> and <i>4764.09(B)(1)(a)</i>).</p>
Criminal records checks	<p>Requires each home license applicant to have a criminal records check through the Bureau of Criminal Identification and Investigation to obtain a license and includes having criminal records checks performed in the list of the Superintendent's duties under the bill (<i>R.C. 4764.06(A)</i> and <i>4764.07</i>).</p>	<p>Eliminates having criminal records checks performed from the list of Superintendent duties, but retains the requirement that the checks be performed (<i>R.C. 4764.06</i> and <i>4764.07(B)</i>).</p>
Disclosures	<p>Requires a home inspector to disclose written information about business interests that may affect a client in connection with an inspection within ten business days (<i>R.C. 4764.09(E)</i>).</p>	<p>Requires the home inspector to disclose the information to the client in writing before entering a contract for services (<i>R.C. 4764.09(E)</i>).</p>

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Insurance	Requires a home inspector to maintain, or be covered by, an errors and omissions insurance policy with coverage limits of not less than \$1 million (<i>R.C. 4764.07, 4764.09, 4764.11(A), and Section 6</i>).	No provision.
Record keeping	Requires a licensed home inspector to retain either physical or electronic copies of all license application materials submitted to the Superintendent for a period of five years (<i>R.C. 4764.11(B)</i>).	No provision.
Real estate brokers and salespersons	No provision.	<p>Requires a real estate broker or salesperson who recommends a home inspector to a person in connection with a real estate transaction to provide the person with a list of at least three licensed home inspectors who operate within 20 miles of the subject real estate.</p> <p>Exempts a real estate broker or salesperson from the requirement if fewer than three licensed home inspectors operate within 20 miles of the subject real estate and does not require a real estate broker or salesperson to recommend a home inspector (<i>R.C. 4735.22</i>).</p> <p>Allows the Superintendent to discipline or cite a real estate broker or salesperson who fails to comply with the requirement (<i>R.C. 4735.181</i>).</p>
Recovery fund	No provision.	<p>Creates the Home Inspection Recovery Fund administered by the Superintendent.</p> <p>Requires the Board to impose a special assessment not to exceed \$3 to \$5 per year for each year of a licensing period on each licensee applying to renew a home inspector license based on the amount in the Fund as of the preceding July 1 (<i>R.C. 4764.05 and 4764.21(A)</i>).</p>



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		<p>Allows a person who obtains a final judgment against a licensed home inspector based on a transaction that can only be performed by a licensed home inspector to file an application in the Franklin County Court of Common Pleas requesting a payment from the Fund, provided the home inspector's conduct violated the bill or rules adopted by the Board (<i>R.C. 4764.21(B)(1)</i>).</p> <p>Specifies application procedures and requirements (<i>R.C. 4764(B)</i>).</p> <p>Suspends, automatically, a home inspector's license if the Superintendent makes a payment from the Fund to settle a claim or satisfy a judgment against the home inspector; and prohibits the Superintendent from reactivating the license until the home inspector repays the amount plus an amount of interest calculated under continuing law (<i>R.C. 4764.21(E)</i>, by reference to <i>R.C. 1343.03</i>, not in the bill).</p> <p>Limits the Fund's liability to \$40,000 per licensee and specifies procedures to follow if \$40,000 is insufficient to pay all valid claims against a licensee (<i>R.C. 4764.21(D)</i>).</p> <p>Prohibits recovery of punitive damages, attorney's fees, and interest on a judgment from the Fund; and prohibits certain parties from recovering from the Fund (<i>R.C. 4764.21(B)(2) and (5)</i>).</p> <p>Lists duties of the Superintendent with respect to the financial administration of the Fund (<i>R.C. 4764.21(F), (G), and (I)</i> by reference to <i>R.C. 1343.03</i>, not in the bill).</p> <p>Allows the Superintendent to do any of the following:</p>



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		<ul style="list-style-type: none"> • Defend any action on behalf of the Fund using all appropriate means of defense and review and request dismissal in accordance with the bill's requirements; • Compromise, with the Court's approval, claims against the Fund without regard to any prior compromise or stipulation agreed to by the licensee; • Allow recovery of court costs from the Fund (<i>R.C. 4764.21(B)(2), (C), and (D)</i>).
Hearing officers	No provision.	<p>Requires the Superintendent to appoint a hearing officer for all of the following proceedings:</p> <ul style="list-style-type: none"> • Determinations made under the Child Support Order Law; • Disciplinary actions against licensees; • Administrative hearings involving unlicensed individuals who allegedly violate the bill (<i>R.C. 4764.06(A)(15)</i>).

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