

**Proposed Rules & Procedures
of the Arkansas Home Inspector Registration Board
August 2014**

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100 Board Organization, Duties and Meetings

101 Creation, Purpose and Powers of the Board:

- A. Creation: The Arkansas Home Inspector Registration Board (the Board) was created by the action of the 2003 Regular Session of the 84th General Assembly of the State of Arkansas with the passage of Act 1328, also known as "The Arkansas Home Inspectors Registration Act" and codified as Arkansas Code Annotated §17-52-301 et. seq..
- B. Purpose: The purposes of the Board are to:
 - 1. Administer and enforce the provisions of the Arkansas Home Inspectors Registration Act;
 - 2. Promote a business atmosphere that will protect consumers of home inspection services;
 - 3. Oversee an ongoing continuing education program to develop high level skills in home inspectors, and;
 - 4. Encourage the presence of a viable home inspection industry in Arkansas.
- C. Powers: Specific powers and duties of the Board are delineated in Ark. Code Ann. §17-52-306.

102 Election and Terms of Officers:

- A. In May of each year, the Board shall elect from its membership, the following officers: Chairperson, Vice Chairperson, and Secretary/Treasurer.
- B. Election of officers shall be held as the last item on the agenda.
- C. The officers shall serve twelve (12) month terms.
- D. A person may serve a maximum of two consecutive terms as a Board officer.
- E. After not being an officer for at least twelve (12) months, a member may be elected as an officer again and at that time may commence a maximum of two consecutive, twelve month terms.

103 Duties of Board Members

- A. The Chairperson shall:
 - 1. Preside over all meetings at which he or she is present and act as the spokesperson for the Board.
 - 2. He or she may assign duties to Board members in addition to those specified herein. Likewise, the Chairperson may from time to time form temporary committees whose members are drawn from the citizens of Arkansas. The formation of any such groups shall be accomplished in writing and be for a specified period of time and purpose.
 - 3. He or she shall determine the order and content of Board meeting agendas.
- B. The Vice Chairperson shall preside and determine the order and content of Board meeting agendas in the temporary absence of the Chairperson or in any circumstance where the Chairperson recuses himself or herself in a matter being considered by the Board.
- C. The Secretary/Treasurer shall be responsible for performing the following duties or delegating any or all such duties to the Board Staff with the approval of the Board:
 - 1. Preparation, publication, and maintenance of the minutes of Board meetings.
 - 2. Preparation of correspondence and conduct of administrative support as the Chairperson may direct or as may be prescribed in these rules and regulations.
 - 3. Instituting and maintaining a system of books and financial records satisfactory to the Director of the Department of Finance and Administration.
 - 4. Maintaining the permanent records of the Board.

5. Notification of the Governor's office whenever a member misses 3 board meetings.
- D. All Board members shall diligently attend and participate in Board meetings and other business of the Board.

104 Board Meetings:

- A. State Regulations: All meetings, procedures and actions of the Board and its staff shall be conducted in accordance with the Arkansas Freedom of Information Act, the Arkansas Administrative Procedures Act, and A.C.A. §17-52-301 *et seq.*
- B. Meeting Protocol: Unless otherwise specified herein, Board meetings shall be conducted in accordance with Robert's Rules of Order. Such rules may be modified as appropriate to accommodate expeditious conduct of electronic meetings.
- C. Quorum: A majority of the Board shall constitute a quorum for transacting any business of the Board.
- D. Meeting Scheduling:
 1. The Board shall physically meet not less than two (2) times each calendar year to consider and act upon applications for initial registration and renewal of registration, complaints regarding registrants, and to transact other business as may properly come before it.
 2. The Board may conduct any additional meetings in person, by telephone conference call, or by other electronic means.
 3. Dates, times, and places of meetings shall be decided by a majority vote of the members of the Board.
 4. Meeting Notice: Notice shall be given to each member of the Board of the time and place of each meeting at least ten (10) calendar days before the scheduled date of the meeting. The same information will be posted on the official Arkansas State website at www.arkansas.gov, as well as the Board website at www.ahib.org.
- E. Meeting Minutes: The minutes of all meetings shall be prepared within seven (7) calendar days and delivered to all Board members for review. Upon approval by Board vote, the minutes shall be posted on the Board website.

- 105 Board Expense Reimbursement:** Each member of the Arkansas Home Inspector Registration Board may receive appropriate expense reimbursement as approved by the Board. Appropriate expenses are those which a member of the Board necessarily incurs in the discharge of his/her official duties. Requests for reimbursement of appropriate expenses shall not be processed for payment unless sufficient funds are available for that purpose within the appropriations for this Board.

106 Administrative Support to the Board:

- A. The Board may employ a staff of public employees or contract for administrative support to the Board.
- B. The positions of public employees of the Board shall be established by the General Assembly and filled in accordance with all State laws and regulations governing the hiring of public employees.
- C. The staff shall:
 1. Be the custodian of permanent official home inspector registration files and shall maintain permanent records of all home inspector registration applications received since enactment of the original Arkansas Home Inspector Registration Act in 1997.
 2. Maintain the permanent records of the Board.
 3. Receive and process all correspondence addressed to the Board including, but not limited to, applications for initial registration and renewal of registration.
 4. Respond to requests for general information, applications for registration or renewal of registration, complaint forms, or requests for copies of documents.
 5. Perform other administrative duties as may be assigned by the Board.

200 Administrative Procedures and Fees

201 Contacting the Board and Public Information Requests:

- A. The Board may be contacted during business hours (8:00 a.m. to 4:30 p.m. Monday through Friday, except on Arkansas State holidays,) by the following methods:
1. Telephone at (501) 683-3710
 2. Facsimile at (501) 244-2333
 3. Mail (U.S. Postal Service) to P.O. Box 251911, Little Rock, AR 72225-1911
 4. Courier deliveries or deliveries in person at the current physical address of the Board office, which may be obtained by referencing the Board website at www.ahib.org, or by telephoning the Board office
 5. Electronic mail (email) at info@ahib.org
- B. Requests for public information should be made in accordance with the Arkansas Freedom of Information Act (A.C.A. § 25-19-109). The Board may charge a reasonable fee for providing printed documents in response to a request made pursuant to the Arkansas Freedom of Information Act.

202 Publication of Board Documents: Board Rules and Procedures, as well as all Board forms, shall be made available on the Board website at www.ahib.org, or can be obtained by contacting the Board office.

203 Applications and Forms: All applications for registration, course certification, complaints, and similar actions shall be made on forms prescribed by the Board and completed and signed by the applicant. All applications shall include the appropriate fees. The Board will not approve an application which is incomplete or is submitted without the correct fees.

204 Current Fees: Fees imposed by the Board are hereby set as follows and are non-refundable:

- A. **Initial Registration Fee:** \$250.00 per calendar year, prorated based upon date of receipt of the application and payment, as follows:

Date of receipt:	
January 1 through June 30	\$250.00
July 1 through December 31	\$375.00
- (Includes registration through December 31 of the following calendar year.)	

- B. **Registration Renewal Fee for Good Standing Status:** \$250.00 per calendar year.

- C. **Initial Registration or Renewal Fee for Inactive Status:**
- | | |
|--|--------------|
| Fee for upcoming calendar year | \$25.00/year |
| Fee for remainder of current calendar year | \$ 0.00 |

- D. **Delinquent Renewal Fees:** A delinquent renewal fee must be paid in addition to all other renewal fees if the registrant fails to adhere to renewal of registration requirements.

1. Delinquent Renewal Application Fees: (Due along with application)

Required information received:	
December 2 through December 31	\$50.00
January 1 through January 31	\$100.00
February 1 through last day of February	\$150.00

March 1 through March 31	\$200.00
April 1 and thereafter	\$250.00

2. Delinquent Certificate of Insurance Fees: A registrant's license to conduct home inspections in Arkansas shall be suspended on the day following the ending date of the latest complete certificate of liability insurance on file at the Board office. Removal of Suspended Status for delinquent submission of a certificate of insurance is contingent upon payment of the following applicable fees, and any other requirements set forth herein regarding reinstatement of Good Standing Status from Suspended Status.

Certificate received between ending date of policy and:	
End of 30 th day thereafter	\$50.00
31 st through 60 th day thereafter	\$100.00
61 st through 90 th day thereafter	\$150.00
91 st through 120 th day thereafter	\$200.00
On or after 121 st day thereafter	\$250.00

E. Returned Check Fee: Fee for checks returned for insufficient funds:

Bank or State Treasurer Fee plus	\$25.00
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F. Pre-Registration Course Provider Fees: (per curriculum):

Initial qualifying fee (non-refundable):	\$200.00 for first year
Annual renewal fee	\$100.00/year

G. Continuing Education Course Provider Fees: (per course):

Initial qualifying fee (Includes first course)	\$45.00 for first year
Additional course filing fee:	\$25.00 for first year
Annual renewal fee per course	\$25.00/year

205 Rule Making: From time to time, the Board will promulgate Rules and Regulations under the authority granted by the Legislature to implement the provisions of the Act. Such rules and regulations shall be consistent with the Act and be in the collective, best overall interest of consumers of home inspection services in Arkansas, home inspectors who provide those services, and all citizens of the State of Arkansas. The Board follows the procedural requirements of the Arkansas Administrative Procedure Act. Additionally, the Board is required to abide by the provisions of A.C.A. §10-3-309.

- A. Initiation of Rule-Making: The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to "rule-making") may be initiated by the Board by asking the staff or a committee to submit proposed drafts. Additionally, the Board staff may request permission of the Board to initiate rule-making.
- B. Petition to Initiate Rule-Making: Third parties may initiate rule-making to adopt, amend, or repeal a rule by filing a petition with the Board to initiate rule-making. The petition must contain the name, address, and telephone number of the petitioner, the specific rule or action requested, the reasons for the rule or action requested, and facts showing that the petitioner is regulated by the Board or has a substantial interest in the rule or action requested.
 1. The petition to initiate rule-making shall be filed with the Board Chair.
 2. Within thirty (30) days after submission of the petition, the Board will either deny the petition, stating its reasons in writing, or will initiate rule-making.

- C. **Record of Rules:** The Board shall maintain copies of all official versions of its Rules and Procedures in addition to all correspondence, summaries, etc. associated with the adoption and implementation of each version.

300 Registration and Renewal Requirements & Procedures

301 General Requirements:

- A. **Who Must Register:** All persons who advertise as a home inspector, and/or perform or attempt to perform a home inspection for a fee, in the state of Arkansas, shall first register with the Board and comply with the Arkansas Home Inspector Registration Act and the provisions of these Rules and Procedures.
- B. **Who Is Exempt from Registering:**
 - 1. A person who by virtue of his or her employment by a public entity does home inspection work for that agency shall not be required to be registered under this subchapter if the inspections are conducted:
 - a. Solely for the benefit of that entity; and
 - b. For no compensation other than the employee's salary.
 - 2. These Rules and Procedures shall not apply to:
 - a. Any person holding a valid registration, certificate, or license issued by the State if the person's activity is limited to the activity authorized by his or her registration, certificate, or license;
 - b. A person who inspects his or her own home; or
 - c. A public entity that inspects its residential units with its own personnel specifically trained for the inspection.
- C. **Reputation & Competency:** The applicant shall be of good moral character, have a good reputation for honesty, truthfulness, and fair dealing, and be competent to transact the business of a registered Home Inspector in such a manner as to safeguard the interests of the public.
- D. **Disciplinary History:** An applicant shall be in good standing as a Home Inspector in every jurisdiction where licensed or registered. The applicant shall not currently have a registration or license which is suspended, revoked, or surrendered in connection with a disciplinary action or which is the unresolved subject of discipline in any jurisdiction prior to applying for registration in Arkansas.
- E. **Criminal Record:** An application for registration or renewal may be denied if the applicant has been convicted, found guilty or pled guilty, regardless of adjudication, in any jurisdiction of a misdemeanor involving moral turpitude, of any felony, or is currently adjudicated as being insane. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction, authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted, shall be admissible as prima facie evidence of such conviction.
- F. **Age:** The applicant shall be at least 18 years old at the time he or she submits his or her application.
- G. **Identification:** The Board may require each applicant for registration to furnish, at his or her expense, a recent passport-type photograph of him/herself, as well as any other information or form of identification deemed necessary by the Board.
- H. **Education:** Any new applicant shall have graduated from a State-accredited high school or shall have earned a State-accredited Graduate Equivalent Diploma (GED). The Board may require proof of the same.
- I. **Board Discretion:** Applicants who do not meet all of the requirements and qualifications of this Section may nevertheless be approved for initial registration or registration renewal by resolution of the Board. However, detailed records and an explanation of that action must be made part of that person's registration records.

The Board reserves the right to hold for a reasonable length of time for investigation, the application of any applicant before approving an initial or renewal registration.

302 Initial Registration Procedures

A. Items Required from the Initial Applicant (See Section 304):

1. Initial Application Form
2. Initial Application Fee
3. Liability Insurance Certificate
4. Pre-Registration Education Certificate (See 304D2)
5. Competency Examinations Certificates

B. Effective Dates and Deadlines: Initial home inspector registrations are issued on a calendar year basis extending from the date of approval by the Board through December 31st of each year. Applications for initial registration must be submitted no less than 5 (five) State business days prior to the next scheduled meeting of the Board in order to be considered at that meeting. Applicants are encouraged to contact the Board office to determine that date.

C. Reciprocal Agreements With Other Political Entities: After investigation of home inspector licensure requirements of other States, the Board may elect to waive the Arkansas licensure requirement for pre-registration education for an Arkansas applicant who is licensed as a home inspector (not apprentice) in another State if the requirements of the other State met or exceeded those of this Board at the applicant's time of licensure in the other State. Documentation of current licensure from the other State's home inspection licensing authority is required as well as a statement declaring that the home inspector is not suspended or currently under any kind of disciplinary action by the other State.

303 Registration Renewal Procedures

A. Notification of Registration Expiration: The Board shall mail a notice of upcoming registration expiration and a renewal application, to each currently registered inspector no more than sixty (60) days and no less than forty-five (45) days before the expiration date of his or her registration.

B. Items Required for Registration Renewal (See Section 304):

1. Renewal Application Form
2. Renewal Application Fee
3. Liability Insurance Certificate
4. Continuing Education Reporting Form & Documentation
5. Copies of Inspection Reports if requested by the Board (in accordance with A.C.A. §17-52-307(a))

C. Effective Dates & Renewal Deadlines: Renewed home inspector registrations are issued on a calendar year basis extending from January 1st through December 31st of each year. All fully completed items required for registration renewal must be received by the Board not later than December 1 of the year in which the registration expires. A Delinquent Renewal Application Fee, as defined in Section 204D1 above must accompany any or all items (including corrections) submitted after December 1. At the December meeting, the Board shall consider the fully completed renewal applications that were submitted after December 1, but no less than 5 State business days before the December meeting. Any fully completed renewal applications received by the Board office after that deadline, and up to and including December 31, shall not be considered until the first meeting of the next calendar year. If a fully completed renewal application (meaning all "Items Required for Registration Renewal" as defined in Section 303B) is submitted prior to the expiration of their current license at the end of December 31st, they may continue to perform inspections until notified otherwise by the Board

- D. **Late Renewal:** Any applicant for renewal who has not submitted a fully completed renewal application form to the Board office on or prior to the date of expiration of their current registration (December 31st) shall be placed in Lapsed Status and shall not be authorized to conduct home inspections in the state of Arkansas until the Board has determined that renewal requirements have been fully satisfied.

304 Definitions – Items Required for Registration or Renewal

- A. **Application Forms:** A properly and fully completed application for initial registration or renewal must be submitted to the Board office on a form prescribed by the Board.
1. No person who is registered under one (1) name as provided in these regulations shall engage in business as a home inspector under any other name unless the other name(s) is also included on the most recent application and is also registered.
 2. A person applying for registration for the first time shall have their signature on their application witnessed by a notary public and attested to thereon.
 3. The application shall include but not be limited to a listing of:
 - a. All current licenses held that are issued by an agency of the State of Arkansas; and
 - b. All current and past home inspector licenses issued by an agency of any State government.
- B. **Application Fees:** The required registration or registration renewal fee as specified in Section 204 above shall accompany the application in the form of a check or money order. Applications received without the appropriate fee may be returned without action.
- C. **Liability Insurance Requirements**
1. **Coverage:** All registered home inspectors must maintain current general liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) issued by an insurance company licensed, or surplus lines approved, to do business in the state of Arkansas.
 2. **Reporting:** It is the responsibility of the home inspector to make sure that a certificate of active general liability insurance coverage, as specified below, and proving coverage of the home inspector, as defined above, has been physically received by the Board office on or before the date of expiration of coverage of the previous certificate/policy. If the latest certificate of general liability insurance on file with the Board reflects that the policy has expired, the Board shall notify the home inspector by certified U.S. mail upon such expiration and concurrently the registration of that home inspector shall be placed in Suspended Status, as required under A.C.A §17-52-318(d)(1) until the home inspector complies with Section 304C herein. Until such time, it shall be unlawful for the home inspector to conduct home inspections for a fee in the state of Arkansas. If such certificate is not received by the Board by the date of expiration of the previous certificate/policy on file with the Board, a delinquent renewal fee shall apply as specified in Section 204D2, and the home inspector shall be listed on the Board website as Suspended as required under A.C.A §17-52-318(d)(2).
 3. **Specifications:** An original certificate of insurance must be delivered or mailed to the Board office (fax or electronic copies are not permitted) which reflects that the applicant, or registered home inspector, has procured the required general liability insurance. The certificate must include the following information:
 - a. Name and address of the insured individual home inspector (not just his or her company or employer).
 - b. Name of the insured's agent, agency, business address, and telephone number.
 - c. Name of the firm providing the insurance (the carrier).

- d. Amount of each type of coverage being provided.
- e. The insurance policy number.
- f. The "Arkansas Home Inspector Registration Board, P.O. Box 251911, Little Rock, AR 72225" must be named as the certificate holder.
- g. The beginning and ending dates of the coverage.
- h. Signature of the issuing agent.

D. Pre-Registration Education:

1. **Requirements:** The first-time applicant shall submit documents with the application attesting to the successful passage of a Board approved comprehensive pre-registration home inspector education curriculum consisting of no less than eighty (80) hours of classroom/on-site instruction taken within the 12 months preceding the date of receipt of their completed application for registration, and where all course modules or topics are taken during one continuous period.
2. **Exemptions:** The following persons shall be exempt from the pre-registration education requirements for initial registration, but not from the requirements concerning the competency examinations. Appropriate verifiable documentation of all exemption criteria is required.
 - a. City inspectors currently certified by the International Code Council; and
 - b. Applicants who hold a current Residential Contractor's license and have been licensed as a contractor for ten (10) years prior to their date of application to become registered as a home inspector.
 - c. Applicants who are currently licensed to independently perform home inspections in another state and are in good standing in that state where:
 - 1) A comprehensive course in home inspection of no less than eighty (80) hours of classroom/on-site instruction was required and completed at the time of licensure.
 - 2) The licensing entity from the other state provides a letter attesting to the licensing level and disciplinary status of the home inspector.

E. Competency Examinations: The first-time applicant shall submit documents with the application attesting to the successful passage of the following examinations, which must be taken in person at a facility designated by each of the organizations providing the examinations:

1. The current version of the *National Home Inspector Examination* (NHIE) as provided by the Examination Board of Professional Home Inspectors, Inc. (<http://homeinspectionexam.org>); and
2. The current version of the *Standards and Ethics Examination* as provided by the American Society of Home Inspectors® (<http://ashi.com>).

F. Continuing Education Credit Reporting Form: The Board Continuing Education Credit (CEC) Reporting Form shall be completed in its entirety to list Board-approved completed courses and that are being submitted for continuing education credit. It shall be submitted along with certificates of completion from the provider(s) of the education along with the inspector's registration renewal application each year. Copies of the CEC Form, certificates, and other documents which substantiate the continuing education hours submitted to the Board shall be retained by the inspector for at least 2 years after submission.

G. Inspection Reports: As stated in A.C.A §17-52-307, as part of an investigation or as a condition of renewal, the Board may require an inspector to submit inspection reports and other documents to be reviewed by the Board. Further, requests by the Board for copies of inspection reports shall supersede any contract of client privacy or confidentiality, whether written or oral.

305 Continuing Education:

A. General Requirements:

1. As a condition of annual registration renewal, each home inspector who will have been registered for twelve (12) months or more upon expiration of their current registration shall have completed continuing education coursework as specified herein.
2. The Board must approve all courses prior to presentation in order for each to qualify for submission for continuing education credit. It is the sole responsibility of the home inspector to verify that any course is currently approved for credit by the Board at the time it is taken. This can be accomplished by referencing the web site of the Board at www.ahib.org or by telephoning the Board office at (501) 683-3710.
3. Each course must be completed in its entirety by the registrant in order for any of the course credit hours to be eligible for home inspector continuing education credit.
4. An inspector can claim continuing education credits for a given course only once within two consecutive training years, even if he or she has successfully completed the course multiple times.
5. Upon appropriate showing of a bona fide health or other hardship, the Board may consider and grant an individual exception to the continuing education requirements.
 - a. Loss of income resulting from cancellation of a license is not a bona fide hardship.
 - b. Requests for exceptions shall be submitted in writing not less than sixty days prior to the date of license renewal and shall include an explanation and verifiable documentation of the hardship.
6. Submission of a Continuing Education Credit Claim Form whose content cannot be substantiated may be the basis for denial of the requested credit, denial of registration renewal, or other disciplinary action by the Board.

B. Annual Hours Required: Fourteen (14) hours of continuing education coursework shall be completed to fulfill annual registration renewal requirements as follows:

1. Classroom Courses:

- a. At least eight (8) hours of coursework must be completed in person by the home inspector with a Board approved instructor teaching the course face-to-face.
- b. Classroom coursework must be completed during the 24 months preceding the first day of the home inspector's next Board-approved registration period.
- c. Continuing education classroom course credit may also be achieved by completing individual modules of a Board-approved comprehensive pre-registration classroom curriculum if allowed/offered by the provider of such curriculum.
- d. Continuing education classroom course credit may also be achieved by the home inspector if he/she is in an instructional setting that permits live real-time communication and interaction with an instructor who is not face-to-face with the inspector, provided however that the Board has approved the specific method whereby student attendance and/or testing at the specific offering can be verified.

2. Distance Learning Courses:

- a. No more than six (6) hours of completed coursework may be submitted for registration renewal credit that is completed by written correspondence or through any means where the home inspector does not have the ability to communicate/interact with the instructor in a live real-time setting.

- b. This coursework must be completed during the 12 months preceding the first day of the home inspector's next Board-approved registration period.

C. Course Content Required:

1. Effective December 1, 2018, all home inspectors who will have been registered for at least sixty (60) months preceding their next effective date of renewal shall have completed at least two (2) hours of Board-approved continuing education in each of the following core subject areas during the preceding forty-eight (48) months:
 - a. Structural Systems
 - b. Exterior
 - c. Roofing
 - d. Plumbing
 - e. Electrical
 - f. Heating
 - g. Air Conditioning
 - h. Interiors
 - i. Insulation and Ventilation
 - j. Fireplaces and Solid Fuel Burning Appliances
 - k. The Standards of Practice and Code of Ethics
 - m. Report Writing
2. Effective with those continuing education courses approved by the Board to be offered beginning January 1, 2015, the Board shall designate which core subject area that each course fulfills, and shall list the same with each approved course on the Board website.
3. Effective with the renewal of home inspector registrations for the 2016 calendar year, the Board staff shall provide the Board with a report of each home inspector's continuing education record reflecting fulfillment of course content requirements whenever an individual home inspector's registration is being reviewed by the Board for any reason. Such report shall be transmitted to the home inspector annually with their notice of renewal.

306 Certificates of Registration: Certificates of registration shall be issued to an applicant after compliance with the registration or renewal requirements of this section. No registration or renewal of registration will be issued if any the requirements in this section are not fully complied with.

- A. Certificates shall be consecutively numbered. The number shall be preceded with a "HI-" prefix and the numbers assigned shall be an extension of the series started when registration of home inspectors began in Arkansas in 1997. Numbers shall be unique to individual inspectors. When a registration is renewed, or reinstated, that inspector's previous registration number shall be used again for that inspector. No number shall be reassigned to another inspector.
- B. Certificates of registration of a home inspector shall be issued for a period of at least one (1) year.
- C. Registration certificates shall be maintained in sound, fully legible condition and shall be replaced as necessary. The inspector shall have his registration certificate with him at the inspection site and shall present it to anyone who may request to see it.

307 Changes in Registration Data: Persons who are registered or who have an application of any kind pending before the Board are responsible for notifying the Board of any changes in information provided on their application. Changes shall be submitted on the appropriate Board form (available at www.ahib.org) not later than two weeks after the change becomes effective.

308 Registration Status: The status of the registration of Home Inspectors shall be classified as follows:

- A. **Good Standing** – The status of a home inspector whose registration has been approved by the Board and is under no restriction by law, regulation, or Board action.
- B. **Inactive** – The status of a home inspector who has voluntarily submitted the appropriate application and fees to temporarily discontinue the practice of home inspection.
 - 1. A home inspector whose registration is in good standing may place his or her registration in an inactive status at any time. The request for inactive status shall be submitted on a form prescribed by the Board.
 - 2. Continuation of Inactive Status requires renewal of that status with the Board and payment of the Inactive Status Renewal fee annually unless the Inactive inspector wishes to reactivate their registration, in which case there are other requirements for reactivation as stated in Section 309A. The Board will mail renewal notifications to the last address provided by the inactive inspector at the same time it notifies Inspectors in Good Standing of their renewal requirement.
 - 3. The Board shall have the authority by a majority vote to waive or modify these renewal requirements based on a written appeal to the Board by the inactive inspector. A written description of the actions taken by the Board on any such waiver or modification shall be signed by the Board chairman and made a permanent part of the inspector's registration file.
 - 4. Inactive inspectors must reactivate their registration before they are eligible to again conduct home inspections in Arkansas.
 - 5. A home inspector may place his or her registration in Inactive Status following suspension due to failure to provide proof of general liability insurance provided that:
 - a. The insurance was not renewed, and
 - b. The inspector submits an original Board Attestation of Abstinence Form whereupon the individual swears that he or she has not conducted home inspections since the day after expiration of their previous general liability insurance policy, and
 - c. The inspector pays the Delinquent Certificate of Insurance Fee as specified in Section 204D2.
- C. **Lapsed** – The status of a home inspector who has failed to renew their registration on or prior to its expiration date.
- D. **Pending** – The status of an individual who has submitted the appropriate documentation and fees to be considered by the Board for initial, renewal, or reactivation of registration.
- E. **Revoked** – The status of a home inspector who has been directed by the Board to permanently discontinue the practice of home inspection.
- F. **Surrendered** – The status of a home inspector who notifies the Board that he or she will no longer be conducting home inspections prior to the expiration date of their registration.
- G. **Suspended** – The status of a home inspector who has by law, regulation, or Board action been directed to temporarily discontinue the practice of home inspection.
- H. **Unregistered** – The status of an individual who is conducting home inspections as defined herein, or offering, or advertising to do the same without being registered by the Board.

309 Registration Reactivation Procedures

- A. **General Registration Reactivation:** All registered home inspectors whose registration is not in Good Standing Status and who desire to reactivate their home inspector registration to Good Standing Status shall submit the items enumerated below to the Board. However, those individuals whose registration has been suspended for failure to submit proof of current general liability insurance shall follow procedures as enumerated in Section 309E below. All items must be submitted to the Board at least 30 days prior to the next regularly scheduled meeting of the Board in order to be considered at that meeting.

1. A properly completed application for renewal of registration.
 2. The Registration Renewal fee, as defined in Section 204.
 3. The Delinquent Renewal Application Fee, as defined in Section 204, unless reactivating a registration on Inactive Status.
 4. The Board Attestation of Abstinence Form, whereupon the individual swears that he or she has not conducted home inspections from the date their registration was no longer in Good Standing until the date of receipt of the application for renewal.
 5. Complete and exact printed copies of the last three home inspection reports which were delivered to clients while in Good Standing. Upon receipt of the these fully completed items, designated members of the Board shall review the inspection reports submitted to determine if the reports are in substantial compliance with the Standards of Practice. If the reports do not comply with the Standards of Practice, the Board may take appropriate action in accordance with 601 below.
 6. Proof of having completed continuing education which has been approved by the Board during the period when his or her registration was not in Good Standing as follows:
 - a. 14 hours for the calendar year for which the reactivation is requested, and
 - b. 7 hours for each calendar year (or portion thereof) prior to the calendar year for which reactivation is requested.
 - c. Continuing education credit submitted to reactivate a registration may be earned in one lump sum immediately prior to reactivation, or may be earned over the entire time period while not in Good Standing. Regardless, all such credit requested shall conform to the same proportions of classroom vs distance learning credit for Annual Hours Required, and shall also fulfill all requirements for Course Content Required. For the purpose of registration reactivation, and in the event of a reasonable hardship, the Board may grant minor variance in the proportions of classroom vs. distance learning credit, and the Course Content Required.
- B. **Chronology:** Upon receipt of all items required above, the Board staff shall prepare a concise summary in chronological order of the history of the events whereby the applicant's Good Standing Status was discontinued. Said summary shall be available for review by the Board at the meeting where the reactivation shall be considered.
- C. **Burden of Proof:** The applicant shall bear the burden of proof that they are rehabilitated following the suspension, surrender, or revocation of their registration, that they can engage in the conduct authorized by the registration without undue risk to the public health, safety and welfare, and that they are otherwise qualified for the license pursuant to A.C.A. §17-52-301 et seq.
- D. **Conditions of Reinstatement:** The Board may impose any appropriate conditions or limitations on a reinstatement to protect the public health, safety and welfare, and or may require that the person seeking reinstatement sit for and successfully complete the competency examination.
- E. **Registration Reactivation Following Suspension for Failure to Submit Proof of Insurance:**
1. All individuals whose registration has been placed on Suspended Status due to failure to submit proof of current general liability insurance to the Board office in accordance with these regulations shall cause such proof to be delivered to the Board office. The Board staff shall notify the registrant of receipt of such proof by no later than the end of the business day following receipt. Upon such notification, the registrant shall submit an original Board Attestation of Abstinence Form whereupon the individual swears that he or she has not conducted home inspections from the day after expiration of their previous general liability insurance policy until the date of receipt of the new certificate of current general liability insurance coverage. Such form shall be accompanied by the appropriate

Delinquent Certificate of Insurance Fee as specified in Section 204D2. Upon receipt of the original Attestation of Abstinence Form and Delinquent Certificate of Insurance Fee, the Board staff shall concurrently notify the registrant by telephone and standard mail that his or her registration has been returned to Good Standing Status.

400 The Practice of Home Inspection in Arkansas

401 Standards of Practice

401.1 Introduction: These Standards of Practice shall be followed and complied with by registered home inspectors in Arkansas. Any Arkansas law which conflicts with the Standards of Practice, shall take precedence. Underlined terms are defined within Section 401.14 – Standards of Practice Glossary.

401.2 Purpose and Scope

1 The purpose of these Standards of Practice is to establish a minimum and uniform standard for home inspectors who subscribe to these Standards of Practice. Home Inspections performed to these Standards of Practice are intended to provide the client with objective information regarding the condition of the systems and components of the home as inspected at the time of the home inspection. Redundancy in the description of the requirements, limitations, and exclusions regarding the scope of the home inspection is provided for emphasis only.

2 Inspectors shall:

A. adhere to the Code of Ethics of the Arkansas Home Inspector Registration Board as set forth in Section 402 of these Rules and Procedures.

B. inspect readily accessible, visually observable, installed systems and components listed in these Standards of Practice. The inspector must strive to inspect these components and not arbitrarily determine them to be inaccessible.

C. report:

1. those systems and components inspected that, in the professional judgment of the inspector, are not functioning properly, are significantly deficient, are unsafe, or are near the end of their service lives. The inspector is not to consider '*near the end of service life*' as a reason not to inspect systems and components.
2. recommendations to correct, or monitor for future correction, the deficiencies reported in 401.2.2.C.1, or items needing further evaluation. (Per Exclusion 401.13.2.A.5 inspectors are NOT required to determine methods, materials, or costs of corrections.)
3. reasoning or explanation as to the nature of the deficiencies reported in 401.2.2.C.1, that are not self-evident.
4. systems and components designated for inspection in these Standards of Practice that were present at the time of the home inspection but were not inspected and the reason(s) they were not inspected.

3 These Standards of Practice are not intended to limit inspectors from:

- A. including other inspection services or systems and components in addition to those required In Section 401.2.2.B.
- B. designing or specifying repairs, provided the inspector is appropriately qualified and willing to do so.
- C. excluding systems and components from the inspection if requested by the client.

401.3 Structural Components

- 1 The inspector shall
 - A. inspect
 - 1. the structural components including the foundation and framing.
 - 2. by probing a representative number of structural components where deterioration is suspected or where clear indications of possible deterioration exist. Probing is NOT required when probing would damage any finished surface or where no deterioration is visible or presumed to exist.
 - 3. the readily accessible attic space regardless of whether or not it is floored unless adverse conditions exist.
 - B. describe
 - 1. the methods used to inspect under-floor crawl space and attics.
 - 2. the foundation.
 - 3. the floor structure.
 - 4. the wall structure.
 - 5. the ceiling structure.
 - 6. the roof structure.
- 2 The inspector is NOT required to
 - A. provide any engineering or architectural service or analysis.
 - B. offer an opinion as to the adequacy of any structural system or component
 - C. enter under-floor crawl space areas that have less than 24 inches of vertical clearance between components and the ground or that have an access opening smaller than 16 inches by 24 inches.

401.4 Exterior

- 1 The inspector shall:
 - A. inspect:
 - 1. siding, flashing and trim.
 - 2. all exterior doors.
 - 3. attached or adjacent decks, balconies, stoops, steps, porches, and their associated railings.
 - 4. eaves, soffits, and fascias where accessible from the ground level.
 - 5. vegetation, grading, surface drainage, and retaining walls that are likely to adversely affect the building.
 - 6. adjacent or entryway walkways, patios, and driveways.
 - B. describe :
 - 1. siding.

- 2 The inspector is NOT required to inspect:
 - A. screening, shutters, awnings, and similar seasonal accessories.
 - B. fences.
 - C. geological and/or soil conditions.
 - D. recreational facilities.
 - E. outbuildings other than garages and carports.
 - F. seawalls, break-walls, and docks.
 - G. erosion control and earth stabilization measures.

401.5 Roofing

- 1 The inspector shall:
 - A. inspect:
 1. roofing materials.
 2. flashing.
 3. skylights, chimneys, and roof penetrations.
 - B. describe:
 1. roofing materials.
 2. methods used to inspect the roofing.
- 2 The inspector is NOT required to inspect:
 - A. antennae.
 - B. interiors of flues or chimneys that are not readily accessible.
 - C. other installed accessories.
- 3 Roofs that are of a pitch less than 6 to 12 must be inspected by walking on them unless adverse conditions exist. Roofs that are of a pitch equal to or greater than 6 to 12 may be inspected by viewing them at least from eave level if eaves are safely accessible with a 12' ladder used according to manufacturer's instructions.

401.6 Plumbing

- 1 The inspector shall:
 - A. inspect:
 1. interior water supply and distribution systems including all fixtures and faucets.
 2. drain, waste and vent systems including all fixtures.
 3. water heating equipment and hot water supply system.
 4. vent systems, flues, and chimneys.
 5. fuel storage and fuel distribution systems.
 6. drainage sumps, sump pumps, and related piping.
 - B. describe :
 1. water supply, drain, waste, and vent piping materials.
 2. water heating equipment including energy source(s).
 3. location of main water and main fuel shut-off valves.
- 2 The inspector is NOT required to:
 - A. inspect:
 1. clothes washing machine connections.
 2. interiors of flues or chimneys that are not readily accessible.
 3. wells, well pumps, or water storage related equipment.
 4. water conditioning systems.
 5. solar water heating systems.
 6. fire and lawn sprinkler systems.
 7. private waste disposal systems.

- B. determine:
 1. whether water supply and waste disposal systems are public or private.
 2. water supply quantity or quality.
- C. operate automatic safety controls or manual stop valves

401.7 Electrical

- 1 The inspector shall:
 - A. inspect:
 1. service drop.
 2. service entrance conductors, cables, and raceways.
 3. service equipment and main disconnects.
 4. service grounding.
 5. interior components of service panels and sub panels.
 6. conductors.
 7. overcurrent protection devices.
 8. a representative number of installed lighting fixtures, switches, and receptacles.
 9. ground fault circuit interrupters.
 - B. describe:
 1. amperage and voltage rating of the service.
 2. the location of main disconnect(s) and sub panels.
 3. presence of solid conductor aluminum branch circuit wiring.
 4. presence or absence of smoke detectors.
 5. wiring methods.
- 2 The inspector is NOT required to:
 - A. inspect:
 1. remote control devices.
 2. alarm systems and components.
 3. low voltage wiring systems and components.
 4. ancillary wiring systems and components not a part of the primary electrical power distribution system.
 - B. measure amperage, voltage or impedance.

401.8 Heating

- 1 The inspector shall:
 - A. open readily openable access panels.
 - B. inspect:
 1. installed heating equipment.
 2. vent systems, flues, and chimneys.
 - C. describe:
 1. energy source(s).
 2. heating systems.
- 2 The inspector is NOT required to:
 - A. inspect:
 1. interiors of flues or chimneys that are not readily accessible.
 2. heat exchangers.
 3. humidifiers or dehumidifiers.
 4. electronic air filters.
 5. solar space heating systems.

- B. determine heat supply adequacy or distribution balance

401.9 Air Conditioning

- 1 The inspector shall:
 - A. open readily openable access panels.
 - B. inspect:
 - 1. central and through-wall equipment.
 - 2. distribution systems.
 - C. describe:
 - 1. energy source(s).
 - 2. cooling systems.
- 2 The inspector is NOT required to:
 - A. inspect electronic air filters.
 - B. determine cooling supply adequacy or distribution balance.
 - C. inspect window air conditioning units

401.10 Interiors

- 1 The inspector shall inspect :
 - A. walls, ceilings, and floors.
 - B. steps, stairways, and railings.
 - C. countertops and a representative number of installed cabinets.
 - D. a representative number of doors and windows.
 - E. garage doors and garage door operators.
- 2 The inspector is NOT required to inspect:
 - A. paint, wallpaper, and other finish treatments.
 - B. carpeting.
 - C. window treatments.
 - D. central vacuum systems.
 - E. household appliances.
 - F. recreational facilities.

401.11 Insulation and Ventilation

- 1 The inspector shall:
 - A. inspect:
 - 1. insulation and vapor retarders in unfinished spaces.
 - 2. ventilation of attics and foundation areas.
 - 3. mechanical ventilation systems.
 - B. describe:
 - 1. insulation and vapor retarders in unfinished spaces.
 - 2. absence of insulation in unfinished spaces at conditioned surfaces.
- 2 The inspector is NOT required to disturb insulation.

401.12 Fireplaces and Solid Fuel Burning Appliances

- 1 The inspector shall:
 - A. inspect:
 - 1. system components.
 - 2. chimney and vents.
 - B. describe:
 - 1. fireplaces and solid fuel burning appliances.
 - 2. chimneys.

- 2 The inspector is NOT required to:
 - A. inspect:
 1. interiors of flues or chimneys.
 2. firescreens and doors.
 3. seals and gaskets.
 4. automatic fuel feed devices.
 5. mantles and fireplace surrounds.
 6. combustion make-up air devices.
 7. heat distribution assists (gravity fed and fan assisted).
 - B. ignite or extinguish fires.
 - C. determine draft characteristics.
 - D. move fireplace inserts and stoves or firebox contents

401.13 General Limitations & Exclusions

- 1 General limitations:
 - A. The inspector is NOT required to perform any action or make any determination not specifically stated in these Standards of Practice
 - B. Inspections performed in accordance with these Standards of Practice
 1. are not *technically exhaustive*.
 2. are not required to identify concealed conditions, latent defects, or consequential damage(s)
 - C. These Standards of Practice are applicable to buildings with four or fewer dwelling units and their garages or carports.
- 2 General exclusions:
 - A. Inspectors are NOT required to determine:
 1. conditions of systems or components which are not readily accessible
 2. remaining life expectancy of any system or component
 3. strength, adequacy, effectiveness, or efficiency of any system or component
 4. the causes of any condition or deficiency
 5. methods, materials, or costs of corrections
 6. future conditions including, but not limited to, failure of systems and components
 7. the suitability of the property for any specialized use
 8. compliance with regulatory requirements (codes, regulations, laws, ordinances, etc.)
 9. market value of the property or its marketability
 10. the advisability of purchase of the property
 11. the presence of potentially hazardous plants or animals including, but not limited to, wood destroying organisms or diseases harmful to humans including molds or mold like substances
 12. the presence of any environmental hazards including, but not limited to, toxins, carcinogens, noise, and contaminants in soil, water, and air.
 13. the effectiveness of any system installed or method utilized to control or remove suspected hazardous substances
 14. operating costs of systems or components
 15. acoustical properties of any system or component

16. soil conditions relating to geotechnical or hydrologic specialties
- B. Inspectors are NOT required to offer:
 1. or perform any act or service contrary to law
 2. or perform engineering services
 3. or perform any trade or any professional service other than home
 4. warranties or guarantees of any kind
- C. Inspectors are NOT required to operate:
 1. any system or component which is shut down or otherwise inoperable
 2. any system or component which does not respond to normal operating controls
 3. shut-off valves or manual stop valves
- D. Inspectors are NOT required to enter:
 1. any area which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components
 2. under-floor crawl spaces or attics which are not readily accessible
- E. Inspectors are NOT required to inspect:
 1. underground items including, but not limited to underground storage tanks or other underground indications of their presence, whether abandoned or active
 2. items which are not installed
 3. installed decorative items
 4. items in areas which are not entered in accordance with 401.13.2.D
 5. detached structures other than garages and carports
 6. common elements or common areas in multi-unit housing, such as condominium properties or cooperative housing
- F. Inspectors are NOT required to:
 1. perform any procedure or operation which will, in the opinion of the inspector, likely be dangerous to the inspector or other persons or damage the property or its systems or components
 2. describe or report on any system or component which is not included in these standards and was not inspected.
 3. move personal property, furniture, equipment, plants, soil, snow, ice, or debris.
 4. dismantle any system or component, except as explicitly required by these Standards of Practice.

401.14 Standards of Practice Glossary

Alarm Systems

Warning devices installed or free-standing including, but not limited to smoke detectors, carbon monoxide detectors, flue gas and other spillage detectors, security equipment.

Automatic Safety Controls

Devices designed and installed to protect systems and components from unsafe conditions.

Component

A part of a system.

Decorative

Ornamental; not required for the proper operation of the essential systems and components of a home.

Describe

To identify (in writing) a system or component by its type or other distinguishing characteristics.

Dismantle

To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal maintenance.

Engineering

The application of scientific knowledge for the design, control or use of building of structures, equipment or apparatus.

Further Evaluation

Examination and analysis by a qualified professional, tradesman or service technician beyond that provided by the home inspection.

Home Inspection

The process by which an inspector visually examines the readily accessible systems and components of a home and which describes those systems and components in accordance with these Standards of Practice.

Household Appliances

Kitchen, laundry, and similar appliances, whether installed or free-standing.

Inspect

To examine any system or component of a building in accordance with these Standards of Practice, using normal operating controls and opening readily openable access panels.

Inspector

A person hired to examine any system or component of a building in accordance with these Standards of Practice.

Installed

Attached such that removal requires tools.

Normal Operating Controls

Devices such as thermostats, switches or valves intended to be operated by the homeowner.

Readily Accessible

Available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property.

Readily Openable Access Panel

A panel provided for homeowner inspection and maintenance that is readily accessible, within normal reach, can be removed by one person, and is not sealed in place.

Recreational Facilities

Spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

Report

Communicate in writing.

Representative Number

One component per room for multiple similar interior components such as windows and electric outlets; one component on each side of the building for multiple similar exterior components.

Roof Drainage Systems

Components used to carry water off a roof and away from a building.

Shut Down

A state in which a system or component cannot be operated by normal operating controls.

Siding

Exterior wall covering and cladding; such as: Aluminum, Asphalt, Brick, Cement/Asbestos, EIFS, Stone, Stucco, Veneer, Vinyl, Wood, etc.

Solid Fuel Burning Appliances

A hearth and fire chamber or similar prepared place in which a fire may be built and which is built in conjunction with a chimney; or a listed assembly of a fire chamber, its chimney and related factory-made parts designed for unit assembly without requiring field construction.

Structural Component

A component which supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

System

A combination of interacting or interdependent components, assembled to carry out one or more functions.

Technically Exhaustive

An investigation that involves dismantling, the extensive use of advanced techniques, measurements, instruments, testing, calculations, or other means.

Under-floor Crawl Space

The area within the confines of the foundation and between the ground and the underside of the floor.

Unsafe

A condition in a readily accessible, installed system or component which is judged to be a significant risk of personal injury during normal, day-to-day use; the risk may be due to damage, deterioration, improper installation, or a change in accepted residential construction standards.

Wiring Methods

Identification of electrical conductors or wires by their general type, such as "non-metallic sheathed cable" ("Romex"), "armored cable" ("bx") or "knob and tube," etc.

402 Code of Ethics: This Code of Ethics shall be followed and complied with by registered home inspectors in Arkansas. Any Arkansas law which conflicts with this Code of Ethics, shall take precedence.

1. Inspectors shall avoid conflicts of interest or activities that compromise, or appear to compromise, professional independence, objectivity, or inspection integrity.
 - A. Inspectors shall not inspect properties for compensation in which they have, or expect to have, a financial interest.
 - B. Inspectors shall not inspect properties under contingent arrangements whereby any compensation or future referrals are dependent on reported findings or on the sale of a property.
 - C. Inspectors shall not directly or indirectly compensate realty agents, or other parties having a financial interest in closing or settlement of real estate transactions, for the referral of inspections or for inclusion on a list of recommended inspectors, preferred providers, or similar arrangements.
 - D. Inspectors shall not receive compensation for an inspection from more than one party unless agreed to by the client(s).
 - E. Inspectors shall not accept compensation, directly or indirectly, for recommending contractors, services, or products to inspection clients or other parties having an interest in inspected properties.
 - F. Inspectors shall not repair, replace, or upgrade, for compensation, systems or components covered by the Standards of Practice, for one year after the inspection.
2. Inspectors shall act in good faith toward each client and other interested parties.
 - A. Inspectors shall perform services and express opinions based on genuine conviction and only within their areas of education, training, or experience.
 - B. Inspectors shall be objective in their reporting and not knowingly understate or overstate the significance of reported conditions.
 - C. Inspectors shall not disclose inspection results or client information without client approval. Inspectors, at their discretion, may disclose observed immediate safety hazards to occupants exposed to such hazards, when feasible.
3. Inspectors shall avoid activities that may harm the public, discredit themselves, or reduce public confidence in the profession.
 - A. Advertising, marketing, and promotion of inspectors' services or qualifications shall not be fraudulent, false, deceptive, or misleading.
 - B. Inspectors shall report substantive and willful violations of this Code to the Board.

4. A.C.A. §17-52-321 states:
 - (a) It is an unfair business practice for a home inspector, a company that employs the inspector, or a company that has a financial interest in a company employing a home inspector to do any of the following:
 - (1) Perform or offer to perform for an additional fee any repairs to the property on which the inspector or the inspector's company has prepared a home inspection report in the past twelve (12) months;
 - (2) Inspect for a fee any property in which the inspector or the inspector's company has any financial interest or any interest in the transfer of the property;
 - (3) Offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, or the agent for the referral of any business to the inspector or the inspection company; or
 - (4) Accept an engagement to make an inspection or to prepare a report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions in the report, pre-established findings, or the close of escrow.
 - (b)
 - (1) A home inspection report shall not be used in any manner other than that agreed to in writing by the inspector and his or her client.
 - (2) Transfer of an inspection report or portion of a report to any third party absolves the inspector and his or her client of any responsibility for liability for claims or adverse actions arising from the use.

403 Home Inspection Reports:

- A. **Identification:** All written or electronic home inspection reports presented to clients shall prominently contain:
 1. The printed name, registration number, mailing address, and phone number of the home inspector;
 2. The date of the inspection;
 3. The full physical address of the inspected property; and
 4. The name of the client.
- B. **Content:** All written or electronic home inspection reports presented to clients shall, at a minimum, list each and every item required to be inspected by the Standards of Practice. Each such item shall be displayed in the report in a manner which indicates that the item has or has not been inspected, along with any reason for not having been inspected. Any other item listed in the report which is not required to be inspected by the Standards of Practice shall also be displayed in a manner which indicates that the item has or has not been inspected, or that the item is not present in the home. The requirements of this Section (403B) shall become effective 90 days after the effective date of the first version of these Rules and Procedures implemented after March 19, 2014, after which this sentence shall be removed.
- C. **Retention:** The home inspector shall retain an exact copy of all home inspection reports presented to clients for a period of at least one (1) year following the date of the inspection.

- 500 Complaint Process:** Upon its own motion or upon consideration of a complaint submitted in accordance with the procedure set forth herein, the Board may take action against persons holding themselves out to be home inspectors in Arkansas whether or not those persons are or

were properly registered as home inspectors in the state. The authority to do so is A.C.A. §17-52-302(3) and 17-52-306(4). If multiple complaints have been received pertaining to a given person, they may be combined into one Board action.

501 Procedure for Complaints Against Registered Home Inspectors: The board will consider a complaint against a home inspector provided the following have been complied with:

- A. Before submitting a complaint to the Board, the complainant shall contact the inspector involved in writing, clearly stating the specific complaint and the remedy desired.
 - 1. Before any modification or repairs are made to the conditions giving rise to the complaint, the inspector shall be given reasonable opportunity to view and discuss those conditions with the complainant. When the nature of those conditions are such as to present an unsafe condition or when failure to act will cause further damage, the complainant should so advise the inspector and may make any minimal changes needed to protect life and preserve and protect the property.
 - 2. Should the process in 501.A.1 fail to produce a mutually agreeable resolution of the complaint, the aggrieved may submit a complaint to the Board.
- B. Complaints shall be submitted on a board prescribed form. All instructions on the form must be complied with. Upon receipt of an initial complaint:
 - 1. The Board shall acknowledge to the complainant in writing that their complaint has been received.
 - 2. If a vague or incomplete complaint is received, the Board may notify the complainant that additional information is needed and may hold the complaint without further action until the shortcomings of the complaint submission are resolved to the satisfaction of the Board.
- C. Once the complaint is properly completed, the Board shall send a letter of notification, along with a copy of the complaint, to the inspector involved, at his or her last known address informing him or her that the complaint has been received, and directing him or her to respond to the Board within fourteen (14) calendar days of the date on the notification letter.
- D. Should the parties to a complaint reach resolution of the complaint prior to final action by the Board, the complainant shall notify the Board in writing. The notification shall include a description of the resolution. Such resolution may be cause for the Board to cease any further action on the complaint. However, the Board may pursue discipline under Section 600 below.

502 Procedure for Complaints Against Persons Not Registered:

- A. Anyone who is aware of a person holding himself out to be a home inspector in Arkansas who is not properly registered may file a complaint against that person on the appropriate Board form. Upon receipt of such a complaint, the Board or its representative will:
 - 1. Acknowledge receipt of the complaint in writing to the person filing it.
 - 2. Determine whether the Board holds any record of the alleged offender ever having applied for registration or having been registered.
 - 3. Conduct other investigation of the circumstances described in the complaint as needed to support or disprove that a violation of the Registration Act has occurred.
- B. Based upon the information developed in their investigation, the Board may:
 - 1. Dismiss the complaint.
 - 2. Issue a Cease and Desist letter to the offender.
 - 3. Choose to conduct a hearing under the provisions of the Arkansas Administrative Procedures Act and these rules.
- C. When action regarding a complaint has been completed, the person filling the complaint shall be notified in writing of the action taken.

600 Disciplinary Process: Pursuant to A.C.A. §17-52-301 *et seq.*, the Board is granted disciplinary powers. The Board shall exercise those powers judiciously and consistent with the purpose and responsibilities of the Board.

601 Grounds for Disciplinary Action: The Board may, upon its own motion or upon written complaint of any person, and after notice and hearing as prescribed by the Administrative Procedures Act, suspend or revoke the registration of any registered home inspector, place the inspector on probation contingent upon specified acts or conditions and/or issue a fine up to the amount of \$1,000 per occurrence for:

- A. Violation of any provision of A.C.A. §17-52-301 *et seq.* or any of these rules.
- B. Falsifying any application for registration or otherwise providing any false information to the Board.
- C. Conviction in any jurisdiction of any misdemeanor involving moral turpitude or of any felony. A plea of *nolo contendere* or no contest shall be considered a conviction for the purposes of this section.
- D. Any actions demonstrating un-trustworthiness, incompetence, dishonesty, gross negligence, material misrepresentation, fraud or unethical conduct in any dealings subject to A.C.A. §17-52-301 *et seq.*;
- E. Adjudication of insanity;
- F. Use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional by the Board;
- G. Employing directly or indirectly any unregistered person to perform any actions subject to regulation unless under the direct supervision of a properly registered home inspector.
- H. Habitual or excessive use of intoxicants or illegal drugs;
- J. Failure to meet continuing education requirements within the proper time period.
- K. Failure to complete inspection reports which are in substantial compliance with the Standards of Practice or failure to comply with the Code of Ethics.

602 Emergency Action:

- A. Emergency Notice of Hearing: If the Board finds that the public health, safety, or welfare imperatively requires emergency action and incorporates that finding in its order, the Board can summarily suspend, limit, or restrict a registration. The notice requirement in Section 601 does not apply and shall not be construed to prevent a hearing at the earliest time practicable.
- B. Emergency Order: An emergency adjudicative order shall contain findings that the public health, safety and welfare imperatively require emergency action and the action taken by the Board. The written order shall include notification of the date on which Board proceedings are scheduled for completion.
 - 1. Written Notice: The written emergency adjudicative order shall be immediately delivered to persons who are required to comply with the order by utilizing one or more of the following procedures:
 - a. Personal delivery;
 - b. Certified mail, return receipt requested to the last address on file with the Board;
 - c. First class mail to the last address on file with the Board;
 - d. Fax (electronic facsimile transmission) may be used as the sole method of delivery if the person required to comply with the order has filed a written request that Board orders be sent by fax and has provided a fax number for that purpose.

603 Public Notice of Disciplinary Action: In those instances where the Board suspends or revokes a registration, notice of such action shall be published on the Board's Internet site. Notice may also be sent to appropriate publications which will communicate those actions to potential participants in a residential real estate transaction. If a registration is

revoked, notice shall be sent to any Arkansas State Board or Commission where such individual is currently licensed.

700 Home Inspector Education Providers: Any and all organizations or business entities desiring to obtain, or currently having, pre-registration or continuing education accreditation from the Board, shall comply with the requirements of this Section. Only home inspector educational offerings approved in accordance with this section shall be accepted by the Board to meet any educational requirements for Arkansas registered home inspectors as specified in these Rules and Procedures.

701 Prior Course Approval Required:

- A.** To insure that home inspectors will receive anticipated educational credits, courses must be approved by the Board before the courses are presented. Requests to the Board for new or renewed accreditation of educational offerings may be submitted at any time but must be received by the Board at least 60 calendar days prior to the presentation of the course.
- B.** If unforeseeable circumstances preclude approval prior to presentation, a non-profit home inspector professional association or state agency, presenting or sponsoring training in core subjects, may submit a request for approval up to ten (10) calendar days after the conclusion of the course. An explanation of the circumstances involved must accompany the approval request. The same decision criteria shall be applied by the Board whether the approval being sought is considered before or after the course presentation.

702 Term of Accreditation: Any course accreditation for Continuing Education Courses or for a Comprehensive Pre-Registration Curriculum shall be for a maximum of two years from the day after Board approval. Approval for one period, does not guarantee approval for any subsequent period.

703 Types of Accreditation:

- A Comprehensive Pre-Registration Curriculum:** The Board requires initial applicants to complete a comprehensive pre-registration home inspector education curriculum consisting of no less than eighty (80) hours of classroom/on-site instruction where all course modules or topics are taken during one continuous period. See Section 705 (Course Content) below for a description of the required subject matter. Individual course modules or topics of a Board-approved Pre-Registration Curriculum may also be offered individually to registered Arkansas home inspectors seeking continuing education credit if so allowed by the provider.
- B Continuing Education Courses:** The Board requires Arkansas registered home inspectors to submit proof annually of having completed 14 hours of continuing education prior to the renewal of their registration for the subsequent year. Courses offered can consist of any number of whole hours. See Section 705 (Course Content) below for a description of the allowed subject matter. Courses may be conducted by an instructor in a classroom setting (Classroom), or by correspondence, Internet, video conferencing or other method where the student and instructor are not face-to-face in the same location (Distance Learning).

704 Procedures For Accreditation of Educational Offerings: Each organization, government agency, or business entity seeking accreditation for educational courses for prospective or current Arkansas registered home inspectors must submit an application to the Board for each comprehensive pre-registration curriculum, or for each individual continuing education course, for which approval is sought. Each module or topic included in a comprehensive pre-registration curriculum shall be treated as an individual course for purposes of this Section. However, retraction by the Board of accreditation for an individual module of a comprehensive pre-registration curriculum shall invalidate accreditation for the entire curriculum as a comprehensive offering.

- A. **Items Required for Each Course/Module:** The request for accreditation for each course or curriculum module/topic must include but not be limited to the items below. Additional items required from providers of a pre-registration curriculum are noted in Section 705B below.
1. **Application Form** - A Board Application for Accreditation of Educational Course must be submitted containing the contact information of the provider, the official course/topic title, the number of hours of accreditation sought, the instructor(s) who will be teaching the specific course, and an attestation that the provider has read, understands, and shall comply with these Rules and Procedures.
 2. **Fees** - Applicable course provider fees must be submitted as specified in Sections 204 F & G. Arkansas non-profit professional home inspector associations may be exempted from continuing education provider fees, but shall comply with all other provisions of Section 700.
 3. **Course Outline** - A detailed outline/lesson plan must be submitted in the format of a standard business graduated outline setting forth all course subtopics in such detail as would be required by an alternate instructor to insure that all material is covered. Digital slideshow images, or images of Internet online course screens, shall not suffice for this requirement.
 4. **Digital Presentations** - A full portable digital version of any classroom slideshow presentation must be submitted for each course, if one is used. Digital presentation content and order must coincide with the course outline provided.
 5. **Distance Learning Presentations** - A full portable digital version, or the Internet address, of all distance learning presentations, including but not limited to web pages or video presentations must be submitted for each course if utilized. Distance learning presentation content and order must coincide with the course outline provided.
 6. **Instructor Credentials** - A standard professional business resume for each instructor must be submitted providing a complete chronological history of relevant employment and teaching experience, along with relevant certifications including effective dates, employers, and accrediting organizations. Promotional biographies shall not be considered.
 7. **Student Materials** - A copy of all printed or electronic materials presented to, or required to be purchased by the attendee to qualify for successful completion of the course must be submitted.
 8. **Course Completion Certificate** - A sample course completion certificate or other document that confirms the student's successful completion of training.
- B. **Items Required for a Pre-Registration Curriculum:** The request for accreditation of an entire comprehensive pre-registration training curriculum shall include all items enumerated in Section 704A above as well as those items enumerated below.
1. An overall schedule of the order and timeframes assigned to each Pre-Registration Curriculum course module and activity.
 2. A description of any "field work" or other curriculum activities which have been submitted to fulfill the number of accredited hours requested.
 3. The criteria for successful completion of the curriculum.
 4. The provider refund policy.

705 Course Content:

A. Continuing Education Courses:

1. The content of continuing education programs shall be consistent with current home inspection licensing laws and with inspection practices that are broad-based and essential to the role of a home inspection general practitioner. The content shall directly relate to home inspection principles and practices such as described in these regulations or to new developments in the fields for which home inspectors have a demonstrated need.
2. The Board shall not approve offerings in mechanical office and business skills such as typing, speed-reading, memory development, personal motivation,

salesmanship, sales psychology, sales promotions or other meetings held in conjunction with the general business of a home inspector. Generally, acceptable courses may include, (but are not limited to) topics which are referenced within the following:

- a. Home inspector Standards of Practice.
- b. Home inspector Codes of Ethics.
- c. The current version of the content outline of the National Home Inspector Examination.
- d. Arkansas Home inspection laws and regulations.
- e. Home inspection documents, forms, contracts, and warranties.
- f. Report writing, and legal ramifications of report content.

B. Comprehensive Pre-Registration Curriculum:

1. The content of the comprehensive pre-registration home inspector education curriculum shall specifically include inspection practices that are essential to the role of a home inspection general practitioner, and shall include new developments in the fields for which home inspectors have a demonstrated need.
2. The Board shall not approve offerings in mechanical office and business skills such as typing, computer and software operation, speed-reading, memory development, personal motivation, salesmanship, sales psychology, sales promotions or other topics that are ancillary to the primary tasks of home inspection.
3. The minimum acceptable curriculum for Board approval shall specifically cover, but is not limited to, the following topics related to residential real property of four or less residences:
 - a. The full content of the current version of the ASHI Standards of Practice.
 - b. The current version of the ASHI Code of Ethics.
 - c. The content outline of the National Home Inspector Examination.
 - d. Home inspection documents, forms, contracts, and warranties.
 - e. Report writing, and legal ramifications of report content.

706 Notification Of Curriculum Changes:

- A. It is the responsibility of each provider planning to conduct an approved curriculum to keep the Board apprised in writing of all changes to individual course/module content, or instructor replacements/substitutions where the Board has not previously approved a particular instructor to teach a course. Such notice shall be submitted to the Board at least 30 days in advance of such offerings, and the same shall not commence without prior written approval of the Board. Curriculum or individual module approval may be withdrawn for failure to comply with the provisions of these regulations.
- B. In order to permit the greatest flexibility in assigning qualified instructors to curriculum modules, each school is encouraged to submit (with their initial filing) a list of those modules that each instructor may be called upon to teach. This list should accompany the requested information regarding qualifications for each instructor, and the Board shall examine the instructor's qualifications with respect to each module on his or her respective list.

707 Advertising Restrictions: All schools advertising Board-accredited education courses shall comply with the following requirements:

- A. All online advertising for a particular course shall allow the prospective student to easily and directly reference the Board approval number for that course.
- B. All advertising and written or oral statements shall avoid the use of exaggerated or un-provable claims and misrepresentations. In discussing or describing a student's possible or potential economic future in the field of home inspection, no misleading or deceptive claims may be made.

- 708 Attendance Policies:** Providers of education shall have and adhere to a published attendance policy. As a minimum, the policy shall provide that a student not be absent more than fifteen percent of the approved hours of training
- A. Attendance shall be accurately recorded in no more than two (2) hour increments.
 - B. Programs of study will be reported in clock hours.
- 709 Documents To Be Provided To Students:** Certificates will be provided to all inspectors successfully completing Board-accredited courses.
- A. Certificates shall contain the following information: The name of school, provider or sponsor; the name of the student; the course titles and approval numbers assigned by the Board; the course location if applicable; the number of completed continuing education hours for each course; and the signature of an approving authority and/or instructor.
 - B. The certificates shall be 8½ x11 inches.
 - C. Education providers will maintain copies of the documents which include Board approval of their education offerings and academic records for all students who enrolled. Likewise the records must identify those students who successfully completed the educational offerings. Those records must be retained at least two years.
- 710 Courses Audits:**
- A. The Board or its Chairman may appoint appropriately qualified persons to audit educational courses. Letters of appointment will be provided to the auditors for auditor identification/authorization purposes and to provide instructions for the audit(s.)
 - B. Any educational course/offering which has been approved or is pending approval by the Board may be audited. Such audits may be announced or unannounced to the course provider. The provider will waive all fees for the course and any texts or hand out materials. Upon completion of the audit, the auditor will prepare a Results Of Audit report and submit it to the Board as directed in his appointment letter. The Board will notify course providers of the outcome of such audits.
 - C. Failure of a provider to substantially follow the course outline submitted with the approval request may result in denial or revocation of Board approval. Likewise, the Board may assign a probationary status to a course and request that specific corrections be made. Follow-up audits may be made to evaluate whether appropriate corrections have been made and whether further action is warranted.
 - D. Auditors who personally pay the attendance fees for a course which is approved may choose to take continuing education credits and apply it to their annual requirement. Otherwise, they may not claim the credits.
- 711 Hearings Regarding Denial Or Revocation Of School Or Course Approval:**
- A. Upon denial of accreditation by the Board, or upon the decision of the Board to withdraw such accreditation, the Board shall notify the applicant of the denial and of their right to request a hearing within thirty days from the date of receipt of the notice of denial.
 - B. In the event the applicant requests a hearing within such thirty days, the Board shall give notice of the grounds for its refusal to approve and shall conduct a hearing concerning such refusal in accordance with the provisions of the Arkansas Administrative Procedures Act.
- 800 Definitions:** The following words and terms, when used in these regulations, unless a different meaning is provided or is plainly required by the context, shall have the following meanings:
- A. **"A.C.A." or "Arkansas Code Annotated"** – The codified, annotated laws of Arkansas.
 - B. **"The Act"** – The Arkansas Home Inspectors Registration Act as codified in A.C.A. §17-52-301 *et seq.*, as may be amended.
 - C. **"Board"** – The Arkansas Home Inspector Registration Board, created by Act 1328 of 2003.

- D. **"Code of Ethics"** - The minimum level of ethical behavior which is to be exhibited by a licensed home inspector in this state in conducting their home inspection practice.
- E. **"Competency examination"** – A written examination to establish whether an applicant possesses an adequate level of knowledge of home inspection procedures and components, including but not limited to the Standards of Practice and Code of Ethics.
- F. **"Continuing Education Credit (CEC)"** - Credit awarded for completion of one hour of a Board approved educational course or event. Also, see the definition of "hour" below.
- G. **"Core subjects"** – Subject areas that are key to the conduct of a comprehensive home inspection. They include: 1) Structural systems; 2) Exterior components of the weather shell of a residential structure less the roof; 3) Roof systems; 4) Plumbing Systems; 5) Electrical systems; 6) Heating and air conditioning systems; 7) Interior components; 8) Insulation and ventilation systems; 9) Fireplaces and solid fuel burning appliances; 11) the Standards of Practice and Code of Ethics; and 12) Report writing.
- H. **"Curriculum"** – A complete set of educational classes designed to fulfill the Pre-Registration Home Inspector Education requirements for initial registration in their entirety. Each individual class session or sessions that are conducted as part of a curriculum, and that address one particular topic, and for which credit hours may be separately obtained, shall be referred to as a module.
- I. **"Home inspection"** - A visual inspection of a residential unit and its attached carports and garages and the operation of the building's systems by using the controls normally operated by the owner.
- J. **"Home inspection report"** – A written report prepared for a fee and issued by a home inspector to document the results of a home inspection.
- K. **"Home inspector"** - A person who engages in the business of performing home inspections for compensation and who in the pursuit of that business offers to inspect or inspects the condition of a private residence.
- L. **"Hour"** – A clock hour with at least fifty (50) continuous minutes of instruction as in a course or event. Instruction does not include meals, breaks or time devoted to announcements or other administrative tasks.
- M. **"Module"** - Each individual class session or sessions that are conducted as part of a curriculum, and that address one particular topic, and for which credit hours may be separately obtained.
- N. **"Publication"** – The process of making public Board documents available to the public..
- O. **"Receipt date" or "Date of receipt"** – For materials being delivered TO the Board, the date of receipt shall be the actual date on which such is delivered to the physical or post office address of the Board. For materials being sent FROM the Board, the date of receipt shall be 1) the date of physical delivery or date of delivery of a notification of an attempt to deliver in person or by a delivery service to the address designated by the Board, or 2) the next business day after the postmark date if sent at least by First Class U.S. Mail.
- P. **"Standards of Practice"** – The minimum tasks which must be performed, as well as those which are not required to be performed, by a licensed home inspector in this state in conducting a home inspection.