

SENATE BILL 1072

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By: **Senator Jennings**

Introduced and read first time: February 28, 2020

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Home Inspectors – Reports – Home Energy Score**

3 FOR the purpose of authorizing a licensed home inspector to give to a certain person or a
4 certain person's representative a written report that states a certain home energy
5 score; making conforming changes; and generally relating to home inspections.

6 BY repealing and reenacting, with amendments,
7 Article – Business Occupations and Professions
8 Section 16–4A–01
9 Annotated Code of Maryland
10 (2018 Replacement Volume and 2019 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That the Laws of Maryland read as follows:

13 **Article – Business Occupations and Professions**

14 16–4A–01.

15 (a) A licensed home inspector shall give to each person for whom the licensee
16 performs a home inspection for compensation or to the person's representative, a written
17 report that states:

18 (1) the scope and the exclusions of the inspection;

19 (2) the conditions observed during the home inspection that are subject to
20 the adopted standards of practice and code of ethics approved by the Commission;

21 (3) the license number of the licensee; and

22 (4) a disclosure in 14–point bold type that includes the following

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 statements:

2 (i) "An inspection is intended to assist in the evaluation of the
3 overall condition of a building. The inspection is based on observation of the visible and
4 apparent condition of the building and its components on the date of the inspection";

5 (ii) "The results of this home inspection are not intended to make
6 any representation regarding latent or concealed defects that may exist, and no warranty
7 or guaranty is expressed or implied";

8 (iii) "If your home inspector is not a licensed structural engineer or
9 other professional whose license authorizes the rendering of an opinion as to structural
10 integrity of a building or the condition of its components or systems, you may wish to seek
11 the professional opinion of a licensed structural engineer or other professional regarding
12 any possible defects or other observations set forth in this report"; and

13 (iv) "Only home inspections performed by Maryland licensed home
14 inspectors will be recognized as a valid home inspection under a real estate contract".

15 **(B) IN ADDITION TO THE REPORT REQUIRED UNDER SUBSECTION (A) OF**
16 **THIS SECTION, A LICENSED HOME INSPECTOR MAY GIVE TO EACH PERSON FOR**
17 **WHOM THE LICENSEE PERFORMS A HOME INSPECTION FOR COMPENSATION OR TO**
18 **THE PERSON'S REPRESENTATIVE A WRITTEN REPORT THAT STATES THE HOME**
19 **ENERGY RATING (HERS INDEX), A U.S. DEPARTMENT OF ENERGY HOME ENERGY**
20 **SCORE, OR AN EQUIVALENT SCORE.**

21 **[(b)] (C)** The licensee shall give the person or the person's representative the
22 report **REQUIRED UNDER SUBSECTION (A) OF THIS SECTION:**

23 (1) by the date set in a written agreement by the parties to the home
24 inspection; or

25 (2) within 7 business days after the home inspection was performed, if no
26 date was set in a written agreement by the parties to the home inspection.

27 **[(c)] (D)** Any limitation of the liability of the licensee for any damages resulting
28 from the report on the home inspection **REQUIRED UNDER SUBSECTION (A) OF THIS**
29 **SECTION** shall be agreed to in writing by the parties to the home inspection prior to the
30 performance of the home inspection.

31 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
32 October 1, 2020.