

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Senator Bell

A Bill

SENATE BILL 62

For An Act To Be Entitled

8 "AN ACT TO DEFINE THE BUSINESS OF HOME INSPECTION; TO
9 PRESCRIBE THAT HOME INSPECTIONS SHALL BE DONE IN
10 COMPLIANCE WITH CERTAIN STANDARDS OF PRACTICE; TO DECLARE
11 AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PRESCRIBE THAT THE BUSINESS OF HOME
15 INSPECTIONS SHALL BE DONE IN COMPLIANCE
16 WITH CERTAIN STANDARDS OF PRACTICE."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. As used in this act, unless the context otherwise requires:

21 (1) "Home inspector" or "inspector" means any person or entity, who
22 examines for a fee, any component of a dwelling, through visual means and
23 through normal user controls, without the use of mathematical or engineering
24 services. The term "home inspector" shall not include licensed tradespeople
25 performing maintenance, repair or installation work, individuals acting in
26 the capacity of governmental employee or governmental agent, or licensed
27 professional architects or engineers.

28 (2) "Client" means any person who hires a home inspector for a fee.

29 (3) "Home inspection" or "inspection" means an inspection done on
30 residential property of not more than four (4) dwelling units per building,
31 including ancillary buildings as defined in the current Standards of Practice
32 of the American Society of Home Inspectors.

34 SECTION 2. A home inspector who provides a home inspection for a
35 client shall do so in accordance with the Standards of Practice of the

1 American Society of Home Inspectors, in accordance with the Arkansas
2 Association of Real Estate Inspectors, and in accordance with the Code of
3 Ethics of the Arkansas Association of Real Estate Inspectors.

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5 SECTION 3. All provisions of this act of general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 4. If any provisions of this act or the application thereof to
10 any person or circumstance is held invalid, the invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provisions or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 5. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 SECTION 6. Emergency. It is hereby found and determined by the
19 Eightieth General Assembly of the State of Arkansas that real estate and home
20 inspections in Arkansas are currently being done by individuals without any
21 standards of practice regarding the actual inspections and without any
22 ethical duty to their clients; that home inspectors are accepting and
23 charging their clients significant fees for services without any real
24 standard; and that it is necessary for the State of Arkansas to set some
25 standard of practice for real estate and home inspections to protect the
26 Arkansas consumer from possibly unscrupulous people. Therefore, in order to
27 protect the consumers of Arkansas, an emergency is hereby declared to exist,
28 and this act being necessary for the immediate preservation of the public
29 peace, health, and safety, shall be in full force and effect from and after
30 its passage and approval.

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