

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: H3/22/99 S3/24/99

82nd General Assembly

A Bill

Regular Session, 1999

HOUSE BILL 2164

By: Representative Hunt

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 17-52-103 PERTAINING TO APPLICATION FOR REGISTRATION; ARKANSAS CODE 17-52-104 PERTAINING TO CERTIFICATES OF REGISTRATION; TO CREATE AN ADVISORY BOARD; AND FOR OTHER PURPOSES."

Subtitle

"TO AMEND ARKANSAS CODE 17-52-103 PERTAINING TO APPLICATION FOR REGISTRATION; ARKANSAS CODE 17-52-104 PERTAINING TO CERTIFICATES OF REGISTRATION; TO CREATE AN ADVISORY BOARD."

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

SECTION 1. Arkansas Code 17-52-103(a)(4) pertaining to application for registration is amended to read as follows:

"(4) Evidence of a positive net worth or a ~~fidelity~~ surety bond payable to the Secretary of State in the amount of ten thousand dollars (\$10,000)."

SECTION 2. Arkansas Code 17-52-104 is amended to read as follows:

"17-52-104. Certificates of registration.

Certificates shall be consecutively numbered by the Secretary of State. Certificates shall be issued ~~only to properly qualified home inspectors to~~ applicants upon the applicants' compliance with the registration requirements of this chapter. All applications for registration to the Secretary of State's office shall be reviewed by the Homes Inspector Advisory Board prior to

1 registration. The Advisory Board shall review the applications no less than
2 once a month and immediately report back to the Secretary of State. No
3 application shall be held without review for more than a thirty (30) day
4 period. Certificates for the initial registration of a home inspector shall be
5 issued for a period commencing on the date of issue and expiring on December
6 31 of that year. Certificates shall be renewed for a term of one (1) calendar
7 year. Renewal shall be accomplished on or before sixty (60) days prior to the
8 expiration date. The Secretary of State shall issue certificates to applicants
9 upon applicant's compliance with the registration requirements of this
10 chapter. Records of certificates and any renewals thereof shall be filed in
11 the office of the Secretary of State and be available to the public. All
12 registrants will be assigned a registration number unique to that person and
13 that number shall never be issued to any other person. When registration is
14 renewed, that person's registration number shall be perpetuated."
15

16 SECTION 3. Arkansas Code Title 17, Chapter 52, Subchapter 1 is amended
17 by adding the following section to be appropriately numbered by the Arkansas
18 Code Revision Commission;

19 "(a) There is hereby created the Homes Inspector Advisory Board to
20 consist of seven (7) members to include the following:

21 (1) Four (4) registered home inspectors to come from diverse
22 areas of the state;

23 (2) One (1) member from the real estate profession;

24 (3) One (1) member who is a licensed real estate appraiser; and

25 (4) One (1) member who is a consumer advocate.

26 (b) The board shall:

27 (1) Decide the subject content and standards which will be
28 acceptable to meet the education standards with regard to home inspection
29 courses as required by law; and

30 (2) Develop and put into place procedures for processing and
31 resolution of any and all complaints against and by home inspectors practicing
32 in this state.

33 (c) Members shall serve twelve (12) month terms and each member may
34 serve a maximum of two (2) consecutive terms.

35 (d) The board shall choose a chairman for a twelve (12) month term.

36 (e) The board shall meet at least twice a year in a location decided by

1 a majority of the board and may meet more often if necessary.

2 (f) The board members shall receive no compensation for their services
3 on the board."

4
5 SECTION 4. All provisions of this act of a 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.

8
9 SECTION 5. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

14
15 SECTION 6. All laws and parts of laws in conflict with this act are
16 hereby repealed.

17
18 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the
19 Eighty-second General Assembly that the provisions of this Act are of critical
20 importance to preserve the efficient operation of programs that delivers
21 services to the citizens of the State of Arkansas. Currently the office of
22 the Secretary of State administers these functions and it is important that
23 the functions be administered by the members of the profession. Therefore, an
24 emergency is declared to exist and this act being immediately necessary for
25 the preservation of the public peace, health and safety shall become effective
26 on the date of its approval by the Governor. If the bill is neither approved
27 nor vetoed by the Governor, it shall become effective on the expiration of the
28 period of time during which the Governor may veto the bill. If the bill is
29 vetoed by the Governor and the veto is overridden, it shall become effective
30 on the date the last house overrides the veto.

31 /s/ Hunt