

2023 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE THOMAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COMMERCIAL REGULATIONS: Provides relative to home inspectors

1 AN ACT

2 To amend and reenact R.S. 15:587(A)(1)(a) and R.S. 37:1478(B), relative to home
3 inspectors; to provide with respect to criminal background checks for home inspector
4 applicants; to change the time period within which a home inspector is prohibited
5 from providing repairs after a home inspection; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted to read as follows:

8 §587. Duty to provide information; processing fees; Louisiana Bureau of Criminal
9 Identification and Information

10 A.(1)(a) The bureau shall make available upon request, or at other times as
11 the deputy secretary shall designate, to any eligible criminal justice agency and the
12 division of administration, office of technology services, the ~~Louisiana~~ Department
13 of Education, the Louisiana Department of Health, the state fire marshal when
14 reviewing applications for licensure, the Louisiana Manufactured Housing
15 Commission when reviewing applications for licensure, the Department of Children
16 and Family Services, the Department of Insurance, the Louisiana State Racing
17 Commission, the Senate Committee on Senate and Governmental Affairs
18 ~~Committee~~, the House Committee on House and Governmental Affairs ~~Committee~~,
19 the secretary of the Louisiana Workforce Commission or his designee, the Board of
20 River Port Pilot Commissioners, the Louisiana State Board of Home Inspectors, the
21 Office of Financial Institutions in the office of the governor, the office of the

1 disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana
 2 State Bar Association; however, as to any licensed attorney this information shall be
 3 provided only after the issuance of a formal charge against the attorney, the
 4 Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish
 5 department or personnel responsible for reviewing applications for alcoholic
 6 beverage outlet permits, and the legislative auditor any information contained in the
 7 criminal history record and identification files of the bureau. The Department of
 8 Children and Family Services may provide information secured pursuant to this
 9 Subsection to all federal and state agencies providing child support enforcement
 10 services.

11 * * *

12 Section 2. R.S. 37:1478(B) is hereby amended and reenacted to read as follows:

13 §1478. Written reports; solicitation prohibited

14 * * *

15 ~~B. No licensed home inspector shall, from the time of the inspection until the~~
 16 ~~date of the act of sale on the home inspected, advertise or solicit to perform repair~~
 17 ~~services on any item listed in the inspection report or any other type of service on the~~
 18 ~~home upon which he has performed a home inspection. For a period of one year~~
 19 ~~following the date of a home inspection, neither the home inspector nor any company~~
 20 ~~or firm with which the home inspector is affiliated, shall solicit to repair, replace, or~~
 21 ~~upgrade or repair, replace, or upgrade for compensation any system or component~~
 22 ~~of the home that the home inspector noted in the home inspection report as deficient,~~
 23 ~~in need of repair or replacement, or unsafe.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 74 Reengrossed

2023 Regular Session

Thomas

Abstract: Provides with respect to solicitation for home inspectors.

Present law requires the Louisiana Bureau of Criminal Identification and Information (bureau) to make available upon request any information contained in the criminal history record and identification files of the bureau to certain groups.

Proposed law retains present law and includes that the La. State Board of Home Inspectors (board) may request criminal history records from the bureau.

Present law prohibits home inspectors from advertising to perform or providing repairs on a home from the time of the home inspection until the date of sale.

Proposed law prohibits for one year after a home inspection a home inspector or his affiliate from soliciting to repair, replace, or upgrade, or repairing, replacing, or upgrading for compensation any system or component of a home that was the subject of the home inspector's report and cited as deficient, in need of repair or replacement, or unsafe.

(Amends R.S. 15:587(A)(1)(a) and R.S. 37:1478(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Add that the Louisiana Bureau of Criminal Identification and Information makes available upon request any information contained in the criminal history record and identification files of the bureau to the Louisiana State Board of Home Inspectors.
2. Expand upon the requirements of home inspector licensees in obtaining a criminal history record request.
3. Authorize the Louisiana State Board of Home Inspectors to request and obtain state and national criminal history record information from the Louisiana Bureau of Criminal Identification and Information and the FBI for any person who is licensed or registered, who is applying to be licensed or registered as a home inspector, or who is an employee of the board.
4. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Delete technical amendment.
2. Delete proposed law that would make sending fingerprints to the board mandatory.
3. Delete proposed law that provides that the board is entitled to the criminal history records of the bureau for any home inspector licensee, prospective licensee, or employee of the board. Delete that the bureau may charge a fee, as specified in present law, to the board, who may impose all such fees on the applicant.
4. Delete proposed law that requires the submission of and payment of all fees associated with a criminal history record request from an applicant.
5. Restore present law that requires home inspector applicants to submit a criminal background check request form to the office of state police.
6. Make technical changes.