

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. 37:1477(C)(6) and 1478(B) and to
3 enact R.S. 37:1477(E), relative to home inspectors; to provide with respect to
4 criminal background checks for home inspector applicants; to provide for the
5 payment of fees; to change the time period within which a home inspector is
6 prohibited from providing repairs after a home inspection; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

12 A.(1)(a) The bureau shall make available upon request, or at other times as
13 the deputy secretary shall designate, to any eligible criminal justice agency and the
14 division of administration, office of technology services, the Louisiana Department
15 of Education, the Louisiana Department of Health, the state fire marshal when
16 reviewing applications for licensure, the Louisiana Manufactured Housing
17 Commission when reviewing applications for licensure, the Department of Children
18 and Family Services, the Department of Insurance, the Louisiana State Racing
19 Commission, the Senate and Governmental Affairs Committee, the House and
20 Governmental Affairs Committee, the secretary of the Louisiana Workforce

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

13 * * *

14 Section 2. R.S. 37:1477(C)(6) and 1478(B) are hereby amended and reenacted and
 15 R.S. 37:1477(E) is hereby enacted to read as follows:

16 §1477. Qualifications for licensure; application; fees

17 * * *

18 C. An applicant for licensure as a home inspector shall meet the following
 19 requirements:

20 * * *

21 ~~(6) Submission of a criminal background request form to the office of state~~
 22 ~~police.~~ Submission of and payment of all fees associated with a criminal history
 23 record request which shall include all state records of arrest, prosecution, and
 24 conviction and national records which shall include fingerprints of the applicant and
 25 other identifying information, if so requested by the board.

26 * * *

27 E. The board shall be entitled to the criminal history record and identification
 28 files of the Louisiana Bureau of Criminal Identification and Information of any
 29 person who is licensed or is applying to be licensed as a home inspector or employee

1 of the board. Fingerprints and other identifying information of the applicant shall be
2 submitted to the Louisiana Bureau of Criminal Identification and Information for
3 qualification and registry, and the Louisiana Bureau of Criminal Identification and
4 Information shall, upon request of the board and after receipt of such fingerprint card
5 and other identifying information from the applicant, make available to the board,
6 all fingerprint based criminal history record information as defined previously and
7 contained in the Louisiana Bureau of Criminal Identification and Information's
8 criminal history record and identification files which pertain to the applicant for
9 licensure. In addition, the fingerprints shall be forwarded by the Louisiana Bureau
10 of Criminal Identification and Information to the Federal Bureau of Investigation for
11 a national fingerprint based criminal history background check. The costs of
12 providing the information required by this Section shall be charged by the Louisiana
13 Bureau of Criminal Identification and Information, as specified in R.S. 15:587(B),
14 to the board for furnishing information contained in the Louisiana Bureau of
15 Criminal Identification and Information's criminal history record and identification
16 files, including any additional cost of providing the national criminal history records
17 check, which pertains to the applicant. The board may impose any or all such fees
18 or costs on the applicant.

19 §1478. Written reports; solicitation prohibited

20 * * *

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

2023 Regular Session

Thomas

Abstract: Provides with respect to criminal background checks and 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 requires home inspector applicants to submit a criminal background check request form to the office of state police.

Proposed law requires the submission of and payment of all fees associated with a criminal history record request from an applicant.

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.

Proposed law 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. The bureau may charge a fee, as specified in present law, to the board, who may impose all such fees on the applicant.

(Amends R.S. 15:587(A)(1)(a) and R.S. 37:1477(C)(6) and 1478(B); Adds R.S. 37:1477(E))

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.