
NEW JERSEY ADMINISTRATIVE CODE
TITLE 13
LAW AND PUBLIC SAFETY
CHAPTER 40
STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

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**SUBCHAPTER 14.
(RESERVED)**

**SUBCHAPTER 15.
HOME INSPECTION ADVISORY COMMITTEE**

13:40-15.1 PURPOSE; SCOPE; APPLICABILITY

- a) The purpose of the rules in this subchapter is to implement P.L. 1997, c.323 (N.J.S.A. 45:8-61 et seq.), the Home Inspection Professional Licensing Act.
- b) This subchapter shall apply to all persons licensed as home inspectors by the State of New Jersey and applicants for such licensure, performing home inspections of residential buildings with four or fewer dwelling units and other related residential housing components.
- c) No person shall perform or hold oneself out as permitted to perform a home inspection nor represent or call oneself a home inspector unless licensed pursuant to N.J.A.C. 13:40-15.6.
- d) This subchapter shall not apply to:
 - 1) Any person who is employed as a code enforcement official by the State or a political subdivision thereof when acting within the scope of that government employment;
 - 2) Any person licensed by the State as an architect, professional engineer, electrical contractor or master plumber, who is acting within the scope of practice of his or her profession or occupation;
 - 3) Any real estate broker, broker-salesperson, or salesperson who is licensed by the State when acting within the scope of his or her profession;
 - 4) Any person regulated by the State as an insurance adjuster, who is acting within the scope of his or her profession;
 - 5) Any State licensed real estate appraiser or certified general or residential real estate appraiser, who is acting within the scope of that profession;

- 6) Any person certified or registered as a pesticide applicator pursuant to N.J.A.C. 7:30-6 or 8, who is acting within the scope of the practice for which certification has been issued;
- 7) Any person performing home inspections in the presence of and under the direct supervision of a licensed home inspector for the purpose of meeting the training requirements of N.J.A.C. 13:40-15.6(a)4.

13:40-15.2 DEFINITIONS

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise.

"Accessible" means available for visual inspection without requiring the moving of personal property, dismantling, destructive measures, or any action which will likely involve risk to persons or property.

"Act" means the Home Inspection Professional Licensing Act, N.J.S.A. 45:8-61 et seq.

"Acting within the scope of practice of a profession or occupation" means performing those specific duties for which certification, registration or licensure by a board, committee, commission, or agency of the State or Federal government is necessary and has in fact been granted to an individual.

"Additional inspection services" does not encompass repairs or improvements. "Additional inspection services" means:

- 1) Tests performed by a licensee that are not part of a home inspection but which, in the opinion of the licensee, are warranted or which the client requests. Such tests include, but are not limited to, radon, asbestos, lead paint, carbon monoxide or urea-formaldehyde testing. Such testing may be performed providing the licensee has the relevant experience, education, training and/or licensing and/or certification to perform such additional tests as set forth in N.J.A.C. 13:40-15.22;
- 2) Inspecting systems and components that the licensee is not required to inspect, but is not prohibited from, inspecting pursuant to the standards of practice, N.J.A.C. 13:40-15.16;

- 3) Inspecting systems and components which are not part of the home inspection but which the home inspector may inspect if experienced, educated, trained, certified, registered or licensed as set forth in N.J.A.C. 13:40-15.22; and
- 4) Engineering and architectural services which are necessitated as a result of a home inspection.

"Board" means the State Board of Professional Engineers and Land Surveyors.

"Client" means any current or prospective homeowner who engages, or seeks to engage, the services of a licensee for the purpose of obtaining an inspection of and written report regarding the condition of a residential building.

"Client's representative" means an attorney licensed in the State of New Jersey who has been retained by the client and identified to the licensee in writing. For the purposes of this subchapter, a real estate broker or agent is not the client's representative.

"Committee" means the Home Inspection Advisory Committee established pursuant to N.J.S.A. 45:8-63.

"Component" means a part which, together with other parts, make up a system.

"Continuing education unit" means an hour of an educational activity in which a minimum of 50 minutes of the hour comprises active instruction or learning.

"Decorative" means ornamental, and not required for the operation of the systems and components of a residential building.

"Describe" means to report in writing a system or component by its type or other observed significant characteristics to distinguish it from other systems or components.

"Direct supervision" means that a licensed home inspector is physically present at and monitors the entire home inspection and prepares and signs the home inspection report.

"Exterior surfaces" means exterior cladding or siding, flashing, trim, eaves, soffits and/or fascia.

"Functional drainage" means the drainage of a plumbing fixture sufficient to prevent fixture overflow during normal usage.

"Functional water flow" means the delivery of a quantity of water at flow and pressure sufficient to use a fixture for its intended purpose.

"Home inspection" means a visual, functional, non-invasive inspection conducted for a fee or any other consideration and performed without moving personal property, furniture, equipment, plants, soil, snow, ice, or debris, using the mandatory equipment and including the preparation of a home inspection report of the readily-accessible elements of the following components of a residential building: structural components, exterior components, roofing system, plumbing system, electrical system, heating system, cooling system, interior components, insulation components and ventilation system, fireplaces and solid fuel burning appliances, or any other related residential housing component as determined by the Board, in consultation with the Committee, by rule, but excluding recreational facilities and outbuildings other than garages or carports.

"Home inspection report" means a written report prepared for a fee or any other consideration by a licensee which:

- 1) Discloses those systems and components which are designated for inspection pursuant to this subchapter and are present at the time of the inspection, as well as those which are present at the time of the home inspection but are not inspected and the reason(s) they are not inspected;
- 2) Describes systems and components as specified in this subchapter;
- 3) States what material defects are found in systems or components;
- 4) States the significance of findings; and
- 5) Provides recommendations regarding the need to repair, replace or monitor a system or component, or to obtain examination and analysis by a qualified professional, tradesman or service technician.

"Home inspection training report" means a written report prepared by a trainee pursuant to N.J.A.C. 13:40-15.6(a)(4), which:

- 1) Discloses those systems and components which are designated for inspection pursuant to this subchapter and are present at the time of the inspection, as well as those which are present at the time of the home inspection but are not inspected and the reason(s) they are not inspected;
- 2) Describes systems and components as specified in the rules of this subchapter;
- 3) States what material defects are found in systems or components;
- 4) States the significance of findings; and
- 5) Provides recommendations as to the need to repair, replace or monitor a system or component, or to obtain examination and analysis by a qualified professional, tradesman or service technician.

"Home inspector" means any person licensed as a home inspector pursuant to N.J.S.A. 45:8-62 et seq. and this subchapter who practices as a home inspector and inspects the condition of a residential building on behalf of a client for which the client is charged a fee.

"Inspect" means to visually examine any readily accessible system or component of a building, including viewing the interior of readily openable access panels, and operating building systems using normal operating controls in accordance with this subchapter.

"Installed" means affixed apparatus or component of a system that is permanently integrated in a residential building.

"Licensee" means a home inspector licensed by the Committee and subject to this subchapter.

"Material defect" means a condition, or functional aspect, of a structural component or system that is readily ascertainable during a home inspection that substantially affects the value, habitability or safety of the dwelling, but does not include decorative, stylistic, cosmetic, or aesthetic aspects of the system, structure or component.

"Normal operating controls" means devices such as thermostats, switches or valves intended to be operated by the homeowner in the ordinary use of a system component or appliance.

"Other related residential housing component" means an attached or detached garage or carport unless that garage or carport contains a residence separate from the primary residential building.

"Person" means any natural person, limited or general partnership, association, corporation, or other legal entity, or any combination thereof.

"Readily openable access panel" means a panel provided for inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.

"Recreational facilities" means spas, saunas, steam baths, swimming pools, exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

"Residential building" means a structure consisting of from one to four family dwelling units and their garages or carports, unless such garage or carport contains a separate dwelling unit but excluding the common elements and areas in multiple unit housing such as condominiums and cooperative housing; that has been occupied as such prior to the time when a home inspection is requested or contracted for in accordance with the Act and this subchapter, but does not include any such structure newly constructed and not previously occupied.

"Significance of findings" means an explanation of the reason the home inspector reported that a system or component designated for inspection pursuant to this subchapter contained a material defect, for the purpose of advising the client of the need for appropriate action.

"Structural component" means an integral part of a residential building, including the masonry structure and foundation that supports non-variable forces or weights, that is, dead loads, and variable forces or weights, that is, live loads.

"System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

"Trainee" means any person who performs a home inspection in the presence of and under the direct supervision of a licensed home inspector pursuant to the provisions of N.J.A.C. 13:40-15.6 and N.J.S.A. 45:8-68c(2).

"Unsafe" means a condition of a readily accessible, installed component or system caused by obsolescence, damage, deterioration, improper installation or inherent defects which presents a significant risk of injury or property damage under normal, day-to-day operation.

"Under-floor crawl space" means the area within the confines of the foundation and between the ground and the underside of the floor.

13:40-15.3 OFFICE OF THE COMMITTEE

The office of the Committee shall be maintained with the Board at 124 Halsey Street, Newark, New Jersey. The mailing address of the Committee is PO Box 45043, Newark, New Jersey 07101.

13:40-15.4 (RESERVED)

13:40-15.5 (RESERVED)

13:40-15.6 REQUIREMENTS FOR INITIAL LICENSURE AS HOME INSPECTOR

- a) An applicant for licensure as a home inspector shall complete and submit to the Committee an application that will require information that the applicant:
 - 1) Is of good moral character;
 - 2) Has successfully completed high school or its equivalent;
 - 3) Has successfully completed an approved course of study of 180 hours, as prescribed by the Board, after consultation with the New Jersey Department of Education, which shall include not less than 40 hours of unpaid field-based inspections in the presence of and under the direct supervision of a licensed home inspector. The inspections shall be provided by the school administering the approved course of study; or
 - 4) Has performed at least 250 home inspections as defined in N.J.A.C. 13:40-15.2 for which the client was charged a fee. The inspections shall be performed in the presence of and under the direct supervision of a New Jersey licensed home inspector who possesses a current and active license, has performed at least 500 home inspections and has at least three years of experience. The inspector must oversee and take full responsibility for the inspection and any report produced by monitoring the progress of the trainee and ensuring compliance with the home inspection training reports requirements;

- 5) Has submitted a list of the 250 inspections performed under (a)4 above, if an applicant is seeking licensure under that paragraph;
 - 6) Shall secure and maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence;
 - 7) Has passed the Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI); and
 - 8) Pay an application fee as set forth in N.J.A.C. 13:40-15.23.
- b) The Committee shall randomly audit applications to verify that applicants for licensure as a home inspector under this section performed at least 250 home inspections as required by (a)4 above. Applicants that are audited shall submit copies of home inspection reports as requested by the Committee.
- c) Pursuant to N.J.S.A. 45:1-21 and N.J.A.C. 13:40-15.20, the Committee may deny, refuse to renew, temporarily suspend or revoke a license, or issue a civil penalty, upon proof that an applicant has obtained a license through fraud, deception or misrepresentation.

13:40-15.7 CREDIT TOWARDS LICENSURE FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

- a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:40-15.6, may apply to the Committee for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Committee shall consider, together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.
- b) The Committee shall issue a license to the applicant, if the applicant presents evidence to the Committee that:
- 1) The applicant has been honorably discharged from active military service;
 - 2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for licensure under N.J.A.C. 13:40-15.6.

- i) An applicant seeking credit for military training and experience shall submit to the Committee the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.
 - ii) An applicant seeking credit for education courses and/or training completed while in the military that are not part of an approved course of study as described in N.J.A.C. 13:40-15.6(a)3 shall submit to the Committee a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the course of study required for licensure under N.J.A.C. 13:40-15.6(a)3. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Committee shall consider only those education courses and/or training relevant to the practice of home inspection that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and
- 3) The applicant complies with all other requirements for licensure, including successful completion of the Home Inspector Examination, as set forth in N.J.A.C. 13:40-15.6(a)7.
- c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and experience gained in the military for review and consideration.
 - d) If the applicant's military training, education and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Committee shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40-15.6 for the issuance of the license.
 - e) Satisfactory evidence of such education, training, and experience shall be assessed on a case-by-case basis.

13:40-15.8 INSURANCE REQUIREMENT

- a) All licensees engaged in the profession of home inspection shall maintain an errors and omissions insurance policy in the minimum amount of \$500,000 per occurrence and file proof of the policy with the Committee.
- b) Every proof of an errors and omissions policy required to be filed with the Committee shall provide that cancellation or nonrenewal of the policy shall not be effective unless and until the Committee has received at least 10 days written notice of intention to cancel or nonrenewal.

- c) Both the licensee and the insurance company shall provide written notification to the Committee at least 10 days prior to the discontinuation of the errors and omissions policy.

13:40-15.9 IDENTIFICATION CARDS

- a) All licensees shall, during the performance of a home inspection, carry an identification card issued by the Committee. The identification card shall contain the name, photograph, license number and signature of the person to whom the identification card has been issued.
- b) Identification cards shall not be transferable. A duplicate identification card to replace one lost or destroyed may be issued upon notice to the Committee and payment of a fee as established by rule by the Division.

13:40-15.10 LICENSE RENEWAL

- a) The Committee shall send a notice of renewal to each licensee, at least 60 days prior to the expiration of the license. The notice of renewal shall explain inactive renewal and advise the licensee of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew, provided that the licensee is renewed within 60 days from the date the notice is sent or within 30 days following the date of license expiration, whichever is later.
- b) A licensee shall renew his or her license for a period of two years from the last expiration date. The licensee shall submit a renewal application to the Committee, along with the renewal fee set forth in N.J.A.C. 13:40-15.22, prior to the date of license expiration.
- c) All licensee may renew his or her license by choosing inactive status. A licensee electing to renew his or her license as inactive shall not engage in the practice of home inspecting or hold themselves out as eligible to engage in the practice of home inspecting in New Jersey, until such time as the license is returned to active status.
- d) If a licensee does not renew the license prior to its expiration date, the licensee may renew the license within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:40-15.23. During this 30-day period, the license shall be valid and the licensee shall not be deemed practicing without a license.
- e) A licensee who fails to submit a renewal application within 30 days of license expiration shall have his or her license suspended without a hearing.
- f) A licensee who continues to engage in the practice of home inspecting with a suspended license shall be deemed to be engaging in the unauthorized practice of home inspecting and

shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:40-15.11 CHANGE OF LICENSE STATUS: INACTIVE TO ACTIVE

- a) A licensee who holds an inactive license pursuant to N.J.A.C. 13:40-15.10(c) may apply to the Committee for reactivation of the inactive license. A licensee seeking reactivation of an inactive license shall submit:
- 1) A renewal application;
 - 2) A certification of employment, listing each job held during the period the license was inactive, which shall include the names, addresses, and telephone numbers of each employer;
 - 3) The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:40-15.22 or, in the discretion of the Committee, a prorated fee, of there is less than one year remaining in the biennial renewal period; and
 - 4) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:40-15.14.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of home inspecting and submits proof of having satisfied that state's continuing education requirements for that license shall be deemed to have satisfied the requirements of (a)4 above. If the other state does not have any continuing education requirements, the requirements of (a)4 above shall apply.
 - ii) To the extent that specific courses are required to satisfy the continuing education requirement for, or are required to have been satisfied prior to, the biennial period for which reactivation is sought, the Committee will allow applicants to take the courses within 12 months following reactivation. If the Committee concludes, in accordance with (b) below, that there are practice deficiencies in need of remediation, (b) shall apply.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reactivation of the license. If that examination or assessment identifies deficiencies or

educational needs, the Committee may require the applicant, as a condition of reactivation of licensure, to take and successfully complete any education or training or to submit any supervision, monitoring, or limitations as the Committee determines is necessary to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:

- 1) Length of time license was inactive;
- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
- 5) Actions affecting the applicant's privileges taken by institution, organization, or employer related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional licensing body in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:40-15.12 REINSTATEMENT OF SUSPENDED LICENSE

- a) A licensee who has had his or her license suspended pursuant to N.J.A.C. 13:40-15.10(e) may apply to the Committee for reinstatement. A licensee applying for reinstatement shall submit:
 - 1) A reinstatement application;
 - 2) A certification of employment listing each job held during the period of suspended license, which includes the names, addresses, and telephone numbers of each employer;

- 3) The renewal fee for the biennial period for which reinstatement is sought;
- 4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
- 5) The reinstatement fee set forth in N.J.A.C. 13:40-15.22; and
- 6) Evidence of having completed all continuing education credits that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:40-15.14.
 - i) An applicant who holds a valid, current license in good standing issued by another state to engage in the practice of home inspecting and submits proof of having satisfied that state's continuing education requirements for that license, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.
 - ii) To the extent that specific courses are required to satisfy the continuing education requirements for, or are required to have been satisfied prior to, the biennial period for which reinstatement is sought, the Committee will allow applicants to take the courses within 12 months following reinstatement. If the Committee concludes, in accordance with (b) below, that there are deficiencies in need of remediation, (b) below shall apply.
- b) If a Committee review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Committee may require the applicant to submit to, and successfully pass, an examination or an assessment of skills, a refresher course, or other requirements as determined by the Committee prior to reinstatement of the license. If that examination or assessment identifies deficiencies or educational needs, the Committee may require the applicant, as a condition of reinstatement of licensure, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Committee determines is necessary, to assure that the applicant practices with reasonable skill and safety. The Committee, in its discretion, may restore the license subject to the applicant's completion of the training within a period of time prescribed by the Committee following the restoration of the license. In making its determination whether there are practice deficiencies requiring remediation, the Committee shall consider the following non-exhaustive issues:
 - 1) Length of time license was suspended;

- 2) Employment history;
- 3) Professional history;
- 4) Disciplinary history and any action taken against the applicant's license by any licensing body;
- 5) Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
- 6) Pending proceedings against a professional or occupational license issued to the licensee by a professional licensing body in New Jersey, any other state, District of Columbia, or in any other jurisdiction; and
- 7) Civil litigation related to the practice of home inspecting or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

13:40-15.13 CHANGE OF ADDRESS PROVISION; SERVICE OF PROCESS

- a) A licensee shall notify the Committee in writing of any change of address from that registered with the Committee and shown on the most recently issued certificate. Such notice shall be sent to the Committee by e-mail, facsimile, certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Committee of any change of address may result in disciplinary action in accordance with N.J.S.A. 45:1-21(h).
- b) Service of an administrative complaint or other Committee-initiated action at a licensee's address which is on file with the Committee shall be deemed adequate notice for the purposes of N.J.A.C. 1:1-7.1 and the commencement of any disciplinary proceedings.
- c) A licensee shall, within 30 days of receiving notice of disciplinary action taken against the licensee in any state, territory or jurisdiction, report to the Committee in writing of such notification and provide a copy of the notification and the underlying documentation of the disciplinary action.

13:40-15.14 CONTINUING EDUCATION REQUIREMENTS

- a) Pursuant to N.J.S.A. 45:8-78, a licensee shall complete 40 continuing education units each biennial licensure renewal period, consistent with the following:

- 1) Four units shall be on report writing and four units shall be on ethics and the rules governing the practice of home inspection in New Jersey. These eight units shall be taken in-person through a Committee-approved continuing education program or course.
- b) A person receiving initial licensure as a home inspector shall complete continuing education requirements prorated as follows:
 - 1) Any person receiving initial licensure as a home inspector in the first year of a biennial licensure renewal period shall complete a minimum of 40 continuing education units before the end of that biennial renewal period consistent with the requirements of (a) above;
 - 2) Any person receiving initial licensure as a home inspector in the second year of a biennial licensure renewal period shall complete a minimum of 20 continuing education units before the end of that biennial licensure renewal period, four units of which shall be on report writing and four units of which shall be on ethics and the rules governing the practice of home inspection. These eight units of required continuing education must be taken in-person through a Committee-approved continuing education program or course.
 - 3) Any person receiving initial licensure as a home inspector within 90 days of the next biennial licensure renewal period shall not be required to fulfill the continuing education requirements of the current renewal period.
- c) A licensee who completes more than the 40 minimum continuing education units during a biennial licensure renewal period may carry over no more than 10 of the additional units into the succeeding biennial period, but only if the units were earned in the last six months of the preceding biennial period.
- d) Any continuing education units completed by the licensee in compliance with an order or directive from the Committee as set forth in (k) below may not be used to satisfy the minimum continuing education requirements as set forth in this section.
- e) A licensee may obtain continuing education units from the following:
 - 1) Successful completion of continuing education courses or programs approved by the Committee pursuant to (i) below. The Committee shall maintain a list of all approved programs, courses, and lecturers at the Board office and shall furnish this information to licensees upon request;
 - 2) Developing curriculum for an approved program or course and/or teaching an approved program or course, provided the program or course is directly related to the practice of home inspection in the State of New Jersey;

- 3) Authorship of a textbook or manual directly related to the practice of home inspection in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length;
 - 4) Authorship of a published article related to the practice of home inspection in the State of New Jersey, provided the article, as published, is at least 250 words in length; and
 - 5) Direct supervision of trainees during home inspection used for training purposes. To qualify for continuing education credit, a home inspector affiliated with a New Jersey Department-approved course shall conduct a home inspection used for training purposes. The inspection shall require at least one hour to complete and shall not be attended by more than one trainee.
- f) Credit for continuing education shall be granted as follows for each biennial licensure renewal period:
- 1) In-person attendance at continuing education programs approved by the Committee: one unit for each hour of attendance at an approved course. Credit shall not be granted for courses that are less than one instructional hour long. Completion of an entire course or segment of course instruction shall be required in order to receive any continuing education units.
 - 2) In-person attendance at a course approved by the Committee: one unit for each hour of attendance at an approved course. Credit shall not be granted for courses that are less than one instructional hour long. Completion of an entire course or segment of course instruction is required in order to receive any continuing education units.
 - 3) Successful completion of correspondence, Internet, or other distance learning courses approved by the Committee: one continuing education unit per hour of course instruction as determined by the Committee to a maximum of 32 units per biennial renewal period;
 - 4) Development of curriculum pursuant to (e)2 above: one continuing credit unit per hour of program or course instruction to a maximum of 16 units per biennial renewal period;
 - 5) Authorship of a textbook or manual directly related to the practice of home inspection in the State of New Jersey, provided the textbook or manual, as published, is at least 7,500 words in length;
 - 6) Authorship of a published article related to the practice of home inspection in the State of New Jersey, provided the article, as published, is at least 250 words in length; and

- 7) Direct supervision of trainees during training home inspections pursuant to (c)5 above; one continuing education unit per home inspection used for training purposes to a maximum of 16 units per biennial renewal period.
- g) The Committee shall perform audits of randomly selected licensees to determine compliance with continuing education requirements. A licensee shall maintain the following documentation for a period of five years after completion of the continuing education units and shall submit such documentation to the Committee upon request:
 - 1) Certificate of completion from sponsor for attendance at courses or programs approved by the Committee;
 - 2) The published item for publication of manual, textbook, or article;
 - 3) Documentation, including copy of curriculum; location, date, and time of course; duration of course by hour; and letter from sponsor, confirming that the licensee developed or taught the course or program, including those for realtors and/or civic groups; and
 - 4) Documentation, including the location, date, and time; duration; a list of participants; and copies of all completed home inspection training reports for each training home inspection directly supervised by the licensee.
- h) Waiver, extension or other modifications of the continuing education requirements may be granted as follows:
 - 1) The Committee, upon receipt of a request for waiver, extension or other modification received at least 90 days prior to license renewal, may waive or extend, or otherwise modify the continuing education requirements of this section on an individual basis for reasons of hardship, such as severe illness, disability, or military service; and
 - 2) A licensee seeking a waiver, extension, or other modification of the continuing education requirements shall apply to the Committee in writing, which must be received at least 90 days prior to license renewal and set forth in specific detail the reasons for the request. The licensee shall provide the Committee with such supplemental materials as will support the request.
- i) All sponsors of continuing education courses or program shall:
 - 1) Obtain Committee approval prior to representing that any course, seminar, or program fulfills the requirements of this section;

- 2) Submit for evaluation by the Committee, the following for each course, seminar, or program offered:
 - i) A detailed description of course content and estimated hours of instruction; and
 - ii) The curriculum vitae of each lecturer, including specific background that qualifies the individual as a lecturer of repute in the area of instruction;
- 3) Monitor the attendance at each approved course, seminar, or program and furnish to each enrollee a verification of attendance, which shall include at least the following information:
 - i) The title, date and location of course, seminar, or program offering;
 - ii) The name and license number of each attendee;
 - iii) The number of hours attended; and
 - iv) The name and signature of the officer or responsible party;
- 4) Solicit course, seminar, or program evaluation from both the participants and the instructors; and
- 5) Submit a fee pursuant to N.J.A.C. 13:40-15.22 for each biennial period during which a course(s), seminar(s), or program(s) is offered.
- j) The Committee shall approve only such continuing education courses and programs as are available and advertised on a reasonable nondiscriminatory basis to all persons practicing home inspecting in the State and are directly related to the practice of home inspection in the State of New Jersey.
- k) The Committee may direct or order a licensee to complete continuing education units:
 - 1) As part of a disciplinary or remedial measure; or
 - 2) To correct a deficiency in the licensee's continuing education requirements.

13:40-15.15 PRE-INSPECTION AGREEMENTS

- a) A home inspector shall send a pre-inspection agreement to a client or client's representative, by mail, facsimile, email or other means of delivery, no later than one business day after the

appointment for the home inspection is made. The pre-inspection agreement shall be executed prior to the start of the home inspection. The pre-inspection agreement shall contain, at a minimum, the following information:

- 1) The price of the home inspection;
 - 2) A description of the systems and components which will be inspected as part of the home inspection as required pursuant to N.J.A.C. 13:40-15.16;
 - 3) A description of that which is not required as part of the home inspection pursuant to this subchapter;
 - 4) The full name and address of the client;
 - 5) The address of the home to be inspected;
 - 6) The date and time of the home inspection;
 - 7) A statement that home inspectors are governed by the rules in the New Jersey Administrative Code contained at N.J.A.C. 13:40-15 and that the licensee shall comply with these rules and failure to comply with the rules may subject the licensee to discipline; and
 - 8) A description of any additional inspection service(s), as defined in N.J.A.C. 13:40-15.2, for which the client is charged an additional fee(s) which are not part of the home inspection but may be performed pursuant to this subchapter.
- b) The pre-inspection agreement shall indicate whether any systems or components are excluded from the home inspection at the request of the client.
- c) The pre-inspection agreement shall indicate whether the licensee will return at a later date to inspect any systems or components that are not inspected because of unforeseen circumstances or weather conditions at the initial home inspection and whether any additional fee will be charged for such subsequent inspection, and the amount of such fee, if any.
- d) A pre-inspection agreement shall be retained for a period of five years once the agreement has been finalized by the licensee and client and/or client representative.

13:40-15.16 STANDARDS OF PRACTICE

- a) All licensees shall comply with the standards of practice contained in this section when conducting home inspections. The scope of home inspection services performed in compliance with the standards set forth in this section shall provide the client with objective information regarding the condition of the systems and components of the home as determined at the time of the home inspection.
- b) Nothing in this section shall be construed to require a licensee to:
 - 1) Enter any area or perform any procedure that is, in the opinion of the licensee, unsafe and likely to be dangerous to the inspector or other persons;
 - 2) Enter any area or perform any procedure that will, in the opinion of the licensee, likely damage the property or its systems or components;
 - 3) Enter any area which does not have at least 24 inches of unobstructed vertical clearance and at least 30 inches of unobstructed horizontal clearance;
 - 4) Identify concealed conditions and latent defects;
 - 5) Determine life expectancy of any system or component;
 - 6) Determine the cause of any condition or deficiency;
 - 7) Determine future conditions that may occur including the failure of systems and components including consequential damage;
 - 8) Determine the operating costs of systems or components;
 - 9) Determine the suitability of the property for any specialized use;
 - 10) Determine compliance with codes, regulations and/ or ordinances;
 - 11) Determine market value of the property or its marketability;
 - 12) Determine advisability of purchase of the property;

- 13) Determine the presence of any potentially hazardous plants, animals or diseases or the presence of any suspected hazardous substances or adverse conditions such as mold, fungus, toxins, carcinogens, noise, and contaminants in soil, water, and air;
 - 14) Identify the presence of, or determine the effectiveness of any system installed or method utilized to control or remove suspected hazardous substances;
 - 15) Operate any system or component which is shut down or otherwise inoperable;
 - 16) Operate any system or component which does not respond to normal operating controls;
 - 17) Operate shut-off valves;
 - 18) Determine whether water supply and waste disposal systems are public or private;
 - 19) Insert any tool, probe or testing device inside electrical panels;
 - 20) Dismantle any electrical device or control other than to remove the covers of main and sub panels;
 - 21) Inspect, identify, or disclose ancillary electrical devices and/or systems, such as, but not limited to, Arc Fault Circuit Interrupters (AFCIs), standby generators, and photovoltaic (solar) panels;
 - 22) Walk on unfloored sections of attics; and
 - 23) Light pilot flames or ignite or extinguish fires.
- c) Licensees shall:
- 1) Inspect the following systems and components in residential buildings and other related residential housing components:
 - i) Structural components as required by (e) below;
 - ii) Exterior components as required by (f) below;
 - iii) Roofing system components as required by (g) below;

- iv) Plumbing system components as required by (h) below;
 - v) Electrical system components as required by (i) below;
 - vi) Heating system components as required by (j) below;
 - vii) Cooling system components as required by (k) below;
 - viii) Interior components as required by (l) below;
 - ix) Insulation components and ventilation system as required by (m) below; and
 - x) Fireplaces and solid fuel burning appliances as required by (n) below;
- 2) Prepare a home inspection report, which shall:
- i) Disclose those systems and components as set forth in (c)1 above which were present at the time of inspection;
 - ii) Disclose systems and components as set forth in (c)1 above that were present at the time of the home inspection but were not inspected, and the reason(s) they were not inspected:
 - (1) If a system and/or component was present at the time of inspection, but not inspected at the request of the client or because the system or component could not be observed, the report must note this.
 - iii) Describe the systems and components specified in (c)1 above;
 - iv) State material defects found in systems or components specified in (c)1 above;
 - v) State the significance of findings where any material defects in the systems and components of (c)1 above were found; and
 - vi) Provide recommendations where material defects were found to repair, replace or monitor a system or component specified in (c)1 above or to obtain examination and analysis by a qualified professional, tradesman, or service technician without determining the methods, materials or cost of corrections; and

- 3) Retain copies of all home inspection reports prepared pursuant to (c)2 above, for a period of five years upon completion of the report;
- d) Subsection (c) above is not intended to limit licensees from:
 - 1) Inspecting or reporting observations and conditions observed in systems and components in addition to those required in (c)1 above and inspecting systems and components other than those mandated for inspection in (c)1 above as long as the inspection and reporting is based on the licensee's professional opinion, prior work experience, education and training, unless these standards of practice prohibit the licensee from inspecting such systems or component;
 - 2) Contracting with the client to provide, for an additional fee additional inspection services provided the licensee is educated, trained, certified, registered or licensed, pursuant to the provisions of N.J.A.C. 13:40-15.21 and other applicable statutes and rules; and
 - 3) Excluding systems and components from the inspection pursuant to N.J.A.C. 13:40-15.15(b) and (c)2ii above.
- e) When conducting the inspection of the structural components, the licensee shall:
 - 1) Inspect:
 - i) Foundation;
 - ii) Floors;
 - iii) Walls;
 - iv) Ceilings; and
 - v) Roof;
 - 2) Describe:
 - i) Foundation construction type and material;
 - ii) Floor construction type and material;

- iii) Wall construction type and material;
 - iv) Ceiling construction type and material; and
 - v) Roof construction type and material;
- 3) Probe structural components where deterioration is suspected unless such probing would damage any finished surface; and
- 4) Describe in the home inspection report the methods used to inspect under-floor crawl spaces and attics.
- f) When conducting the inspection of the exterior components, a licensee shall:
- 1) Inspect:
 - i) Exterior surfaces, excluding shutters, and screening, awnings, and other similar seasonal accessories;
 - ii) Exterior doors excluding storm doors or safety glazing;
 - iii) Windows excluding storm windows and safety glazing;
 - iv) Attached or adjacent decks, balconies, stoops, steps, porches, and their railings;
 - v) Vegetation, grading, drainage, and retaining walls with respect to their immediate detrimental effect on the condition of the residential building, excluding fences, geological and/or soil conditions, sea walls, break-walls, bulkheads and docks, or erosion control and earth stabilization;
 - vi) Attached or adjacent walkways, patios, and driveways; and
 - vii) Garage doors including automatic door openers and entrapment protection mechanisms, excluding remote control devices; and
 - 2) Describe exterior wall surface type and material.
- g) When inspecting the roof of a residential building, the licensee shall:

- 1) Inspect:
 - i) Roofing surface, excluding antennae and other installed accessories such as solar heating systems, lightning arresters, and satellite dishes;
 - ii) Roof Drainage systems;
 - iii) Flashing;
 - iv) Skylights; and
 - v) Exterior of chimneys;
- 2) Describe:
 - i) Roof surface;
 - ii) Deficiencies of the roof drainage systems;
 - iii) Deficiencies in flashing;
 - iv) Skylights; and
 - v) Chimneys;
- 3) Employ reasonable, practicable and safe methods to inspect the roof such as:
 - i) Walking on the roof;
 - ii) Observation from a ladder at roof level;
 - iii) Visual examination with binoculars from ground level; or
 - iv) Through the use of a drone or similar unmanned aircraft systems (consistent with applicable State or Federal laws, rules, and regulations on licensure or certification requirements for the commercial use of drones or similar unmanned aircraft systems); and

- 4) Describe the methods used to inspect the roof.
- h) When inspecting the plumbing system, a licensee shall:
- 1) Inspect:
 - i) Interior water supply and distribution systems including functional water flow and functional drainage, excluding wells, well pumps, well water sampling or water storage related equipment, determination of water supply quantity or quality and water conditioning systems and lawn irrigation systems;
 - ii) All interior fixtures and faucets, excluding shut off valves, wells, well pumps, well water sampling and water storage related equipment;
 - iii) Drain, waste and vent systems;
 - iv) Domestic water heating systems, without operating safety valves or automatic safety controls, and excluding solar water heating systems;
 - v) Combustion vent systems excluding interiors of flues and chimneys;
 - vi) Fuel distribution systems; and
 - vii) Drainage sumps, sump pumps and related piping; and
 - 2) Describe:
 - i) Predominant interior water supply and distribution piping materials, including the presence of lead water service and/or supply piping;
 - ii) Predominant drain, waste and vent piping materials; and
 - iii) Water heating equipment including energy sources.
- i) When inspecting the electrical system, a licensee shall:
- 1) Inspect:

- i) Service entrance system;
 - ii) Main disconnects, main panel and sub panels, including interior components of main panel and sub panels;
 - iii) Service grounding;
 - iv) Wiring, without measuring amperage, voltage or impedance, excluding any wiring not a part of the primary electrical power distribution system, such as central vacuum systems, remote control devices, telephone or cable system wiring, intercom systems, security systems and low voltage wiring systems;
 - v) Over-current protection devices and the compatibility of their ampacity with that of the connected wiring;
 - vi) At least one of each interior installed lighting fixture, switch, and receptacle per room and at least one exterior installed lighting fixture, switch, and receptacle per side of house; and
 - vii) Ground fault circuit interrupters; and
- 2) Describe:
- i) Amperage and voltage rating of the service;
 - ii) Location of main disconnect, main panels, and sub-panels;
 - iii) Type of over-current protection devices;
 - iv) Predominant type of wiring;
 - v) Presence of knob and tube branch circuit wiring; and
 - vi) Presence of solid conductor aluminum branch circuit wiring.
- j) When inspecting the heating system, a licensee shall:
- 1) Inspect:

- i) Installed heating equipment and energy sources, without determining heat supply adequacy or distribution balance, and without operating automatic safety controls or operating heat pumps when weather conditions or other circumstances may cause damage to the pumps, and excluding humidifiers, electronic air filters and solar heating systems;
 - ii) Combustion vent systems and chimneys, excluding interiors of flues or chimneys;
 - iii) Fuel storage tanks, excluding propane and underground storage tanks; and
 - iv) Visible and accessible portions of the heat exchanger; and
 - 2) Describe:
 - i) Heating equipment and distribution type; and
 - ii) Energy sources.
- k) When inspecting the cooling system, a licensee shall:
- 1) Inspect:
 - i) Central cooling system, excluding electronic air filters and excluding determination of cooling supply adequacy or distribution balance and without operating central cooling equipment when weather conditions or other circumstances may cause damage to the cooling equipment;
 - ii) Permanently installed hard-wired, through-wall individual cooling systems; and
 - iii) Energy sources; and
 - 2) Describe:
 - i) Cooling equipment and distribution type; and
 - ii) Energy sources.
- l) When inspecting the interior of a residential building, a licensee shall:

- 1) Inspect:
 - i) Walls, ceilings, and floors excluding paint, wallpaper and other finish treatments, carpeting and other non-permanent floor coverings;
 - ii) Steps, stairways, and railings;
 - iii) Installed kitchen wall cabinets to determine if secure;
 - iv) At least one interior passage door and operate one window per room excluding window treatments; and
 - v) Household appliances limited to:
 - (1) The kitchen range and oven to determine operation of burners or heating elements excluding microwave ovens and the operation of self-cleaning cycles and appliance timers and thermostats;
 - (2) Dishwasher to determine water supply and drainage; and
 - (3) Garbage disposer.
- m) When inspecting the insulation components and ventilation system of a residential building, the licensee shall:
 - 1) Inspect:
 - i) Insulation in unfinished spaces without disturbing insulation;
 - ii) Ventilation of attics and crawlspaces; and
 - iii) Mechanical ventilation systems; and
 - 2) Describe:
 - i) Insulation in unfinished spaces adjacent to heated areas; and
 - ii) Evidence of inadequate attic and crawlspace ventilation.

n) When inspecting fireplaces and solid fuel burning appliances, a licensee shall:

1) Inspect:

- i) Fireplaces and solid fuel burning appliances, without testing draft characteristics, excluding fire screens and doors, seals and gaskets, automatic fuel feed devices, mantles and non-structural fireplace surrounds, combustion make-up air devices, or gravity fed and fan assisted heat distribution systems; and
- ii) Chimneys and combustion vents excluding interiors of flues and chimneys; and

2) Describe:

- i) Type of fireplaces and/or solid fuel burning appliances;
- ii) Energy source; and
- iii) Visible evidence of improper draft characteristics.

13:40-15.17 MANDATORY TOOLS AND EQUIPMENT

a) All licensees shall, during the performance of a home inspection, be equipped with the following minimum tools and equipment:

- 1) A ladder, minimum 11 feet in length;
- 2) A flashlight or other equivalent light source;
- 3) A flame inspection mirror;
- 4) An electrical outlet tester with Ground Fault Circuit Interrupter (GFCI) test ability;
- 5) Tools necessary to remove common fasteners on covers or panels which are required to be removed pursuant to this subchapter.
- 6) A measuring tape;
- 7) A probe;

- 8) Thermometers for testing air conditioning;
 - 9) Binoculars or equivalent magnification device;
 - 10) A moisture meter;
 - 11) Combustible gas leak detection equipment; and
 - 12) A voltage detector.
- b) This section is not intended to establish an exclusive list of tools and equipment to be used during the performance of a home inspection. Licensees may utilize any other tools or equipment that in his or her professional judgment, he or she believes is necessary to adequately perform a home inspection.

13:40-15.18 ADVERTISING; IDENTIFICATION OF LICENSEE

- a) The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

"Advertisement" or "advertising" means an attempt, either directly or indirectly, by publication, dissemination, solicitation, endorsement or circulation in print or electronic media to induce a person to enter into an agreement to accept home inspection services.

"Electronic media" includes, but is not limited to, radio, television, telephone, facsimile machine, computer, and the Internet.

"Print media" means newspapers, magazines, periodicals, professional journals, telephone directories, circulars, handbills, fliers or other publications, the content of which is disseminated by means of the printed word.

- b) All radio and television advertising by a licensee shall include the name and license number of the licensee.
- c) All advertising by a licensee, other than the advertising referred to in (b) above, shall include:
- 1) The name of the licensee;
 - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example,

24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, Glxxx or Glxxxx); and

- 3) The business address of the licensee, including the street name and number. Post office box numbers shall not be used as a form of business address.
- d) All advertising records shall be retained for a period of one year from the date of the advertisement.
- e) A licensee whose name, business address, or license number appears or is mentioned in any advertisement shall be presumed to have caused, permitted or approved the advertising and shall be personally responsible for its content.
- f) All commercial vehicles used by a licensee shall be marked on both sides with the following information:
 - 1) The name of the licensee in lettering at least one inch in height;
 - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example, 24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, Glxxx or Glxxxx) in lettering at least one inch in height; and
 - 3) The name of the owner or the lessee of the vehicle and the municipality from which the licensee practices or where the licensee has a principal office in lettering at least three inches in height.
 - i) Where available space for lettering is limited, either by design of the vehicle or by the presence of other legally specified identification markings, making strict compliance with (f)3 above impractical, the size of the lettering shall be as close to three inches high as is possible within the limited space, provided the information required is clearly visible and readily identifiable.
- g) All business correspondence and stationery, such as letterhead, business cards, pre-inspection agreements and home inspection reports, of a licensee shall display:
 - 1) The name of the licensee;
 - 2) The words "Home Inspector License Number" or "Home Inspector Lic. #," followed by the license number of the licensee, which may be either the entire "GI" number (for example,

24GI000xxx00 or 24GI00XXXX00) or "GI" followed by the licensee's three- or four-digit license number (for example, Glxxx or Glxxxx); and

- 3) The business address of the licensee, including the street name and number, of the home inspector. Post office box numbers shall not be used as a form of business address.

13:40-15.19 PROHIBITED PRACTICES

a) It is a prohibited practice for a licensee to do any of the following:

- 1) Perform or offer to perform, for an additional fee, any repairs, renovations, additions or alterations to a structure on which the licensee or the licensee's company, has prepared a home inspection report;
- 2) Inspect for a fee any property in which the licensee, or the licensee's company, has any financial interest or any interest in the transfer of the property;
- 3) Offer or deliver any compensation, inducement, or reward to the owner of the inspected property, the broker, the agent or the client's representative, for the referral of any business to the licensee or the licensee's company;
- 4) Offer or deliver any compensation, inducement, or reward to the client, the broker, the agent or the client's representative or homeowner, on behalf of a person or business entity;
- 5) Accept an engagement to perform an inspection or prepare a home inspection report in which the employment itself or the fee payable for the inspection is contingent upon the conclusions of the report, preestablished findings, or the close of title;
- 6) Provide a copy of the home inspection report or disclose any information concerning the results of the inspection, including confidential client contact information, without the written approval of the client or the client's representative except when the licensee discovers a health or safety condition that would not be readily detectable by the occupant or homeowner and which poses an imminent risk of injury;
- 7) Accept compensation, financial or otherwise, from more than one interested party for the same home inspection;
- 8) Accept or offer commissions or allowances, directly or indirectly, from other parties dealing with the client in connection with work for which the licensee is responsible;

- 9) Accept commissions from any other trade or profession for information concerning the condition of the property which is the subject of the home inspection;
- 10) Fail to promptly disclose to the client information about any business interest of the licensee which may affect the client in connection with the home inspection;
- 11) Allow an interest the licensee may have in any business to affect the quality of a home inspection;
- 12) Use a home inspection as a means to obtain work in another field which is not an additional inspection service as defined by N.J.A.C. 13:40-15.2;
- 13) Engage in the use of advertising which contains any statement, claim or format which is false, fraudulent, misleading or deceptive;
- 14) Engage in advertising which promotes a professional service which is beyond the licensee's ability or authority to perform;
- 15) Perform or represent that a licensee can perform a professional service which is beyond the licensee's ability or authority to perform;
- 16) Perform, or offer to perform engineering or architectural services unless appropriately qualified pursuant to N.J.S.A. 45:3-1 et seq., N.J.S.A. 45:8-27 et seq., and other applicable laws and rules;
- 17) Fail to inspect the systems and components required by the standards of practice as set forth in N.J.A.C. 13:40-15.16 without a documented reason from the licensee explaining the exclusion of a system and/or component from an inspection;
- 18) Employ any person as a home inspector who is not licensed as a home inspector;
- 19) Practice as a home inspector without a license, with a suspended license or during inactive status;
- 20) Perform any act or omission involving dishonesty, fraud, or misrepresentation with the intent to benefit a licensee or other person or with the intent to substantially injure another person;
- 21) Perform any act or omission involving dishonesty, fraud, or misrepresentation in the performance of a home inspection or preparation of a home inspection report;

- 22) Pay finder's fee or referral fee to any person in connection with a home inspection; or
 - 23) Fail or refuse, without good cause, to exercise diligence in preparing a home inspection report, delivering a report to the client, or responding to an inquiry from the client.
- b) Engaging in any of the prohibited practices delineated in (a) above shall be considered professional or occupational misconduct within the meaning of N.J.S.A. 45:1-21(e) and may subject the licensee to the disciplinary provisions of N.J.A.C. 13:40-15.20.

13:40-15.20 REQUIREMENTS FOR LICENSURE AS A HOME INSPECTOR BY COMITY

- a) Upon receipt of a completed application and application fee, the Committee shall issue a license to any person who documents that the person holds a valid, current corresponding license in good standing by another state; if:
- 1) The Committee determines the state that issued the license has, or had at the time of issuance, education, training, and examination requirements for licensure substantially equivalent to the then-current Committee standards;
 - i) "Substantially equivalent" examination need not be identical to the current examination requirements for home inspectors licensed in New Jersey, but such examination shall be nationally recognized and of comparable scope and rigor to the National Home Inspector Examination, administered by the Examination Board of Professional Home Inspectors (EBPHI), as required for initial licensure pursuant to N.J.A.C. 13:40-15.6 (a)7.
 - ii) An applicant's experience may be considered by the Committee to compensate for disparity in substantial equivalence in education and examination requirements;
 - 2) The applicant practiced as a home inspector or the equivalent in another state within five years prior to the date of the application; and
 - 3) The requirements of (b) below have been satisfied.
- b) Prior to issuing a license, the Committee shall have received, or obtained, the following:
- 1) Documentation, reasonably satisfactory to the Committee, demonstrating the applicant's license from each state in which the applicant is licensed is in good standing.
 - i) "Good standing" means the following:

- (1) No action has been taken against the applicant's license by any licensing board;
 - (2) No action adversely affecting the applicant's privileges to practice as a home inspector has been taken by any out-of-State institution, organization, or employer;
 - (3) No disciplinary proceeding is pending that could affect the applicant's privileges to practice home inspection;
 - (4) All fines levied by any out-of-State board have been paid; and
 - (5) There is no pending or final action by any criminal authority for violation of law, rule or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, this State, or any other state, including, but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or an offense involving any controlled dangerous substance or controlled dangerous substance analog; and
- 2) Designation of an agent in New Jersey for service of process if the applicant does not reside nor have an office in this State.
- c) If the education and examination requirements in the state in which the applicant is licensed are not substantially equivalent to the Committee's current standards as required in (a) above, the Committee will consider an applicant's individual experience to compensate for such disparity. In making a determination whether an applicant's experience would compensate for such disparity in substantial equivalence in education or examination, the Committee shall consider the following:
- 1) Length of experience;
 - 2) Whether the experience was supervised by another individual;
 - 3) The applicant's home inspection history;
 - 4) The applicant's employment history; and
 - 5) The applicant's education.
- d) An applicant shall satisfy, or shall have satisfied, all applicable prerequisites required for initial licensure in this State.

e) Not later than six months after the issuance of a license, an applicant shall provide the Committee with evidence, reasonably satisfactory to the Committee, verifying an applicant's education, training and examination results.

f) The Committee, after the licensee has been given notice and an opportunity to be heard, may revoke any license based on a license issued by another state obtained through fraud, deception, or misrepresentation.

g) The Committee may grant a license to an applicant seeking reciprocity who holds a license from another state who does not meet the good standing requirement of (h) below due to a pending action by a licensing board; a pending action by an out-of-State institution, organizer, or employer affecting the applicant's privileges to practice; a pending disciplinary proceeding; or a pending criminal charge or arrest for a crime, provided the alleged conduct of the applicant that is subject of the action, proceeding, charge or arrest, assuming it is true, does not demonstrate a serious inability to practice home inspection; adversely affect public health, safety, and welfare; or result in economic or physical harm to a person or create a significant threat of such harm.

13:40-15.21 ADDITIONAL INSPECTION SERVICES

- a) A licensee may perform inspection services in addition to those set forth in N.J.A.C. 13:40-15.16 if the licensee has the requisite experience, education, training, and/or required license or certification. Such additional services include, but are not limited to, the following:
- (1) Determining the presence of wood-destroying insects;
 - (2) Determining the presence of rodents, pests, and/or insects (other than wood-destroying insects);
 - (3) Determining the presence of asbestos;
 - (4) Determining the presence of lead paint;
 - (5) Determining the presence of radon;
 - (6) Determining the presence of hazardous waste;
 - (7) Inspecting wells, well pumps, water-storage related equipment, or sampling well water;

(8) Inspecting private waste water disposal systems including on-site individual waste disposal systems, septic systems, and/or cesspools;

(9) Inspecting installed or free-standing warning devices, including carbon monoxide detectors, flue gas, and other spillage detectors; and

(10) Inspecting fire alarm systems, smoke detection systems, burglar alarms, and security equipment.

13:40-15.22 FEE SCHEDULE

a) The Committee shall charge the following fees:

1) Application fee:

i) Home inspector \$125.00

2) Initial license fee:

i) Home inspector 500.00

ii) Issued during the second year of a biennial renewal period 250.00

3) Renewal license fee

i) Home inspector 500.00

ii) Inactive status (to be established by rule by the Director)

4) Late renewal fee 50.00

5) Reinstatement fee 125.00

6) Duplicate certificate fee 20.00

7) Duplicate placard fee 20.00

8) Duplicate identification card fee 20.00

9) Continuing education program sponsor review fee 100.00

