

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 355 Department or Agency: Department of Finance, Division of Construction Management
Rule No. 355-17-1.17

Rule Title: Home Inspector Registration Program

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety?

No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare?

Yes

Is there another, less restrictive method of regulation available that could adequately protect the public?

No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree?

No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule?

No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public?

Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule?

No

Does the proposed rule have an economic impact?

No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Frank Barnes

Frank Barnes

Date

2/19/2020

APA-2

**Department of Finance
Division of Construction Management**

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Finance, Real Property Management, Division of Construction Management

RULE NO. & TITLE: 355-1-17.17 Alabama Home Inspectors Registration Program: Violations of the Act, Initiation of Proceedings.

INTENDED ACTION: The Department of Finance, Division of Construction Management, proposes to amend an existing rule.

SUBSTANCE OF PROPOSED ACTION: The amended rule requires the program director to investigate complaints against a home inspector by a home builder upon a showing of probable cause that the standards of practice or code of ethics has been violated.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held only if requested by an interested party. A written request shall be submitted to the agency contact person listed below. Interested persons may present their view in writing to the Department of Finance, Real Property Management, 770 Washington Avenue, Suite 470, P.O. Box 301150, Montgomery, AL 36130-1150.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: The Department of Finance, Real Property Management will accept comments no later than April 3, 2020 at 5 p.m.

CONTACT PERSON AT AGENCY: Frank Barnes, Department of Finance, Real Property Management, P.O. Box 301150, Montgomery, AL 36130-1150, Phone 334-242-3727 or Frank.Barnes@realproperty.alabama.gov.



Frank Barnes

355-17-1.17 Violations of The Act, Initiation of Proceedings.

(1) The Director may initiate such actions as he or she deems appropriate to investigate and determine compliance by Home Inspectors, EIFS Inspectors, and unlicensed inspectors with the provisions of the Act and the rules of the Division of Construction Management. The Director retains authority to initiate all such proceedings as he or she deems appropriate and which are authorized by law.

(2) It shall be the duty of the Director to cause an investigation to be done, as set forth in Rule 355-17-1-.18 1(b), against a licensed home inspector upon receipt of evidence of probable cause by a licensed home builder that the Home Inspector has violated the Standards of Practice or Code of Ethics promulgated in Chapter 355-18-1. Such investigation shall not require review as set forth in Rule 355-17-1-.18 1(a).

(23) The Director may also act where initiated by an aggrieved party to a transaction involving a licensed inspector or by the Attorney General of the State of Alabama.

(34) For complaints against inspectors not licensed in Alabama any person may be an aggrieved party and complaints may be made anonymously. For complaints against licensed Alabama Home Inspectors and EIFS Inspectors, only the purchasers of the inspection may be an aggrieved party and the complainant must sign and affirm that the allegations in the complaint are true to the best of his or her knowledge.

Author: Frank Barnes

Statutory Authority: Code of Ala. 1975, §§34-14B-1, et seq.; 41-9-140, et seq.

History: New Rule: Filed September 23, 2002; effective October 28, 2002. **Amended:** Filed March 20, 2019; effective September 14, 2019. **Amended:** Filed February 19, 2020; effective _____.