

which does not require certification or licensure, during the period the license was suspended in this State; or

3. An affidavit stating that the applicant has not practiced as a home inspector in this or any other jurisdiction during the period the license was suspended in this State.

(b) An applicant who has practiced as a home inspector in the manner described in (a)1 or 2 above shall submit written verification, on a form provided by the Committee, from all of the applicant's employers. The verification shall document dates of employment from the date the New Jersey license was suspended to the date of application for reinstatement, and the name, address and telephone number of each employer.

(c) An applicant who has been practicing as a home inspector in any manner described in (a)1 or 2 above during the period the license was suspended in this State shall submit proof that he or she has completed a minimum of 40 Committee-approved continuing education units pursuant to N.J.A.C. 13:40-15.14 in the two-year period immediately prior to application for reinstatement.

(d) An applicant who has not practiced as a home inspector during the period the license was suspended in this State shall meet the following requirements as a condition of reinstatement:

1. An individual whose license has been suspended for a period of two years or less shall complete 40 units of Committee-approved continuing education within the two year period preceding reinstatement;

2. An individual whose license has been suspended for a period of more than two and less than five years shall complete 60 units of Committee-approved continuing education within the three-year period immediately preceding reinstatement; or

3. An individual whose license has been suspended for a period of five or more years shall complete 20 units of Committee-approved continuing education per year to a maximum of 120 units of Committee-approved continuing education within the three-year period immediately preceding reinstatement and take and pass the Home Inspector Examination administered by the Examination Board of Professional Home Inspectors (EBPHI) prior to reinstatement.

(e) Prior to reinstatement, an applicant shall pay a reinstatement fee and all past delinquent biennial renewal fees pursuant to N.J.A.C. 13:40-15.23.

Amended by R.2006 d.80, effective February 21, 2006.
See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

In introductory paragraph (a), deleted reference to N.J.S.A. 45:8-69 and N.J.A.C. 13:40-15.5; deleted "or associate home inspector" throughout.

Amended by R.2011 d.212, effective August 15, 2011.
See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In (c), updated the N.J.A.C. reference and substituted "two-year" for "two year"; in (d)2, substituted "three-year" for "three year" and deleted

"or successfully complete the course of study as required by N.J.A.C. 13:40-15.5(a)3 within one year immediately preceding reinstatement" following "reinstatement"; and in (d)3, substituted "complete 20 units of Committee-approved continuing education per year to a maximum of 120 units of Committee-approved continuing education within the three-year period immediately preceding reinstatement and take" for "retake".

13:40-15.13 Change of address provision; service of process

(a) A licensed home inspector 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 certified mail, return receipt requested, not later than 30 days following the change of address. Failure to notify the Board 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 license 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.

Amended by R.2006 d.80, effective February 21, 2006.
See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

In (a), deleted "or licensed associate home inspector."

13:40-15.14 Continuing education requirements

(a) The Committee shall not issue a license renewal unless the applicant attests, when submitting the renewal application sent by the Committee, that he or she has completed courses of continuing professional education of the types and number of units specified in (b), (c) and (d) below. Falsification of any information submitted with the renewal application may result in penalties and/or suspension of the license pursuant to N.J.S.A. 45:1-21 through 25 and N.J.A.C. 13:40-15.20.

(b) Continuing education unit requirements for biennial license renewal are as follows:

1. Each home inspector shall be required to complete during the preceding biennial period a minimum of 40 units of continuing education in courses and programs as provided in (c) and (d) below. Beginning with the 2011 biennial period, each home inspector shall complete a minimum of three units on report writing, three units on ethics and three units on the rules governing the practice of home inspection, as part of the required 40 units of continuing education.

2. Persons receiving initial licensure as home inspectors shall complete continuing education requirements pro-rated as follows:

i. Any person receiving initial licensure as a home inspector in the first year of a biennial registration period shall complete a minimum of 40 continuing education units before the end of that biennial registration period; and

ii. Any person receiving initial licensure as a home inspector in the second year of a biennial registration period shall complete a minimum of 20 continuing education units before the end of that biennial registration period.

3. A licensee who completes more than the minimum continuing education units, as set forth in (b)1 above, in any biennial registration 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.

4. Any continuing education units completed by the licensee in compliance with an order or directive from the Committee as set forth in (h) below may not be used to satisfy the minimum continuing education requirements as set forth in this section.

5. A licensee on inactive status who seeks to reactivate his or her license shall submit to the Committee proof of successful completion of continuing education units as set forth in N.J.A.C. 13:40-15.10(a), (b) and (c) above, as applicable.

(c) 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 (g) 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. Participation in instructional activities such as developing curriculum for a new program or course and/or teaching a new program or course, provided the program or course is directly related to the practice of home inspection in the State of New Jersey. "New" means that the licensee has never taught or developed curriculum for that course or program in any educational setting;

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 inspections used for training purposes. To qualify for continuing education credit, a home inspection used for training pur-

poses shall require at least one hour to complete and shall not be attended by more than one trainee.

(d) Credit for continuing education shall be granted as follows for each biennial registration period:

1. 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. Attendance at courses 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 10 units per biennial registration period;

4. Participation in instructional activities pursuant to (c)2 above: one continuing education unit per hour of program or course instruction to a maximum of 16 units per biennial registration period;

5. Authorship of a textbook or manual pursuant to (c)3 above: 10 continuing education units per textbook or manual to a maximum of 10 units per biennial registration period;

6. Authorship of a published article pursuant to (c)4 above: one continuing education unit per published article to a maximum of 10 units per biennial registration period; 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 registration period.

(e) 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—for developing curriculum or teaching a 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.

(f) Waiver, extension or other modification 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, 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.

(g) All sponsors of continuing education courses or programs 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 which 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 attendee;

iii. The number of hours attended; and

iv. The name and signature of officer or responsible party;

4. Solicit course, seminar or program evaluations from both the participants and the instructors; and

5. Submit a fee pursuant to N.J.A.C. 13:40-15.23 for each biennial period during which a course(s), seminar(s) or programs is offered.

(h) 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.

(i) 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.

Amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Rewrote the section.

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In (b)1, inserted the last sentence; in (b)3, inserted a comma following the first occurrence of "units" and "above", and substituted "carry over" for "carryover" and "the" for "a" preceding "succeeding"; rewrote (c)5; and in (d)7, deleted ", on site" preceding and "associate home inspectors and/or" following "supervision of".

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 home inspector 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 following the completion of the pre-inspection agreement.

Amended by R.2006 d.80, effective February 21, 2006.

See: 37 N.J.R. 3253(a), 38 N.J.R. 1202(a).

Deleted "associate home inspector" throughout.

Amended by R.2011 d.212, effective August 15, 2011.

See: 43 N.J.R. 590(a), 43 N.J.R. 2181(a).

In (c), substituted "that" for "which" and inserted "or weather condition".

13:40-15.16 Standards of practice

(a) All home inspectors 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 requirements 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 home inspector to:

1. Enter any area or perform any procedure which is, in the opinion of the home inspector, unsafe and likely to be dangerous to the inspector or other persons;
2. Enter any area or perform any procedure which will, in the opinion of the home inspector, 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. 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. Walk on unfloored sections of attics; and

22. Light pilot flames or ignite or extinguish fires.

(c) Home inspectors 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;