831 KAR 2:020. Licensing requirements.

RELATES TO: KRS 198B.700, 198B.706, 198B.712, 198B.714, 198B.716, 198B.722, 198B.724, 198B.738, 335B.020, 335B.030

STATUTORY AUTHORITY: KRS 198B.706(1), (15), 198B.722(7)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.706(1) and (15) requires the Kentucky Board of Home Inspectors, with the approval of the executive director of the Kentucky Real Estate Authority, to promulgate administrative regulations to carry out the effective administration and requirements of KRS 198B.700 to 198B.738 and to determine the requirements and prescribe forms and applications for licensing. KRS 198B.722(2) and (7) authorizes the board to establish requirements for licensure renewal and to establish an inactive license. This administrative regulation establishes licensure requirements for home inspectors.

Section 1. Application Requirements.

(1) An applicant for an initial home inspector license shall submit:

(a) A completed Application for Licensure, form KBHI-1;

(b) A two (2) inch by two (2) inch passport photograph taken within the past six (6) months and affixed to the application form;

(c)

1. A certificate of course completion from a prelicensing course provider approved by the board in accordance with 831 KAR 2:040; and

2. The applicant's passing examination test score from a test provider approved by the board in accordance with 831 KAR 2:040;

(d) A certificate of liability insurance pursuant to KRS 198B.712(3)(d), verifying continuous coverage;

(e) If applicable, other state or local licensure, certification, registration, or permit;

(f) Two (2) criminal background checks, both completed no more than ninety (90) days prior to the date the board receives the application:

1. A state criminal background check performed by:

a. The Kentucky State Police for Kentucky residents; or

b. A comparable law enforcement agency for non-resident applicants; and

2. A nationwide criminal background investigation check in accordance with subsection (2) of this section; and

(g) A nonrefundable fee of $250.

(2)

(a) The nationwide criminal background investigation check shall be performed by the Federal Bureau of Investigation.

(b) If the Federal Bureau of Investigation cannot complete the background investigation check within thirty (30) days of the request, the applicant may submit an Optional Affidavit for Licensure, form KBHI-6, and submit the performed nationwide criminal background investigation check within fourteen (14) days of its completion.

(c) If an applicant has a felony conviction during the applicant's lifetime, a misdemeanor conviction within the past five (5) years or a pending charge, the applicant shall not use the optional affidavit.

Section 2. Examination.

(1) A request to sit for the examination shall be made directly to the test provider.

(2) A passing score on the examination shall be valid for a period of three (3) years.

(3) If an applicant fails to pass the examination two (2) times, the applicant shall wait at least fourteen (14) calendar days prior to retaking the examination.

(4) If an applicant fails to pass the examination three (3) times, the applicant shall not be eligible to retake the examination until the applicant has again completed and again passed the prelicensing training course required by Section 1(1)(c) of this administrative regulation before retaking the examination a fourth time and each subsequent examination failure thereafter.

(5) The applicant shall follow all written and oral instructions, procedures, and appropriate standards of conduct established by the board or testing service administering the examination.

(6) Failure to comply with all instructions, procedures, and appropriate standards of conduct established by the board or the testing service shall be grounds for denial of the application.

Section 3. Reciprocity. An applicant seeking licensure through reciprocity in accordance with KRS 198B.714 shall:

(1) Submit a completed Application for Licensure, form KBHI-1, and attachments established in Section 1(1)(b) through (f) of this administrative regulation; and

(2) Pay the fee established in Section 1(1)(g) of this administrative regulation.

Section 4. Nonresident Licensees. A nonresident licensee shall:

(1) Submit a completed Application for Licensure, form KBHI-1, and attachments established in Section 1(1)(b) through (f) of this administrative regulation;

(2) Pay the fee established in Section 1(1)(g) of this administrative regulation; and

(3) Comply with the provisions established in KRS 198B.716, by submitting a complete Consent to Service of Jurisdiction, form KBHI-8, and this administrative regulation.

Section 5. Renewal of Licenses.

(1) To be eligible for licensure renewal, an applicant shall hold a valid and current license issued by the board and shall:

(a) Satisfy the continuing education requirements established by 831 KAR 2:040;

(b) Pay a nonrefundable renewal fee of $200 per year for each year of licensure;

(c) Submit a completed Application for Licensure Renewal, Reinstatement or Reactivation, form KBHI-2 with the following attachments:

1. A certificate of completion for continuing education;

2. A certification of liability insurance showing continuous coverage;

3. If applicable, a letter of good standing from all other jurisdictions where the licensee is licensed; and

4. A criminal background check performed by the Kentucky State Police completed within ninety (90) days of the date the board receives the renewal application; and

(d) Submit a copy of a completed inspection report that has been compiled within the previous twelve (12) months immediately preceding renewal.

(2)

(a) The renewal application shall be postmarked by the last day of the month in which the licensee is to renew the license.

(b) If the renewal application is postmarked within sixty (60) days after the last day of the licensee's renewal month, the licensee shall:

1. Cease and desist from conducting home inspections; and

2. Pay the nonrefundable renewal fee of $200 per year for each year of licensure and the late renewal fee of $250.

(c) If the renewal application is postmarked between sixty-one (61) and 120 days after the renewal was due, the licensee shall:

1. Cease and desist from conducting home inspections; and

2. Pay the nonrefundable renewal fee of $200 per year for each year of licensure, late renewal fee of $250, and reinstatement fee of $250.

(d) If a licensee failed to submit an Application for Licensure Renewal, Reinstatement or Reactivation, form KBHI-2, within 120 days of the last day of the licensee's renewal month, the license shall be terminated.

(e) If a licensee failed to submit a timely Application for Licensure Renewal, Reinstatement or Reactivation, form KBHI-2, the licensee may seek reinstatement upon a showing of good cause, which shall include circumstances beyond the control of the licensee.

Section 6. Inactive License.

(1) To place a license in inactive status, a licensee shall submit a statement indicating the desire to have the license placed in inactive status.

(2) This statement shall be mailed to the board and shall be accompanied by:

(a) A nonrefundable fee of ten (10) dollars made payable to the Kentucky State Treasurer;

(b) The licensee's license card; and

(c) A current mailing address for the licensee.

(3) If the licensee no longer has his or her license card, the statement shall be notarized and provide a reason for the missing license card.

(4) A licensee in inactive status shall not engage in home inspection activities within the Commonwealth of Kentucky.

(5) Renewal of license in inactive status.

(a) A licensee with an inactive license shall pay an annual inactive status fee equal to fifty (50) percent of the current renewal fee for an active license.

(b) Failure to pay this annual fee shall result in the expiration of the license on the last day of the licensee's birth month.

(6) A licensee with an inactive status license shall not be required to maintain the insurance coverage required by KRS 198B.712(3)(d).

Section 7. License Reactivation.

(1) A licensee who wishes to reactivate a license shall submit a completed Application for Licensure Renewal, Reinstatement or Reactivation, form KBHI-2 with the following attachments:

(a) A certificate of completion for continuing education as required by 831 KAR 2:040;

(b) A certification of liability insurance showing continuous coverage; and

(c) If applicable, a letter of good standing from all other jurisdictions where the licensee is licensed.

(2) The reactivation application shall be accompanied by:

(a) A criminal background check performed by the Kentucky State Police completed within ninety (90) days of the date the board receives the reactivation application; and

(b) A nonrefundable reactivation fee in the amount of ten (10) dollars made payable to the Kentucky State Treasurer.

(3) A license that has been inactive for a period of five (5) years from the date of board action shall be considered terminated.

Section 8. Grounds for Denial or Nonrenewal and Appeal Rights.

(1) The board may deny a license or refuse to renew or reactivate a license to an applicant or licensee who:

(a) Has entered a guilty plea to, pled guilty to, or been convicted of a crime directly related to the home inspection profession; or

(b) Has had disciplinary action taken against a home inspector license, certificate, registration, or permit held by the applicant or licensee in any jurisdiction or state.

(2) The board shall follow the procedures established in KRS Chapter 335B in denying a license or refusing to renew or reactivate a license.

(3) The request for an administrative hearing shall identify the specific issues in dispute and the legal basis on which the board's decision on each issue is believed to be erroneous.

(4) If the request for an administrative hearing is not timely filed, the notice of denial shall be effective upon the expiration of the time to request an administrative hearing.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Licensure", Form KBHI-1, 1/2019;

(b) "Application for Licensure Renewal, Reinstatement or Reactivation", Form KBHI-2, 9/2018;

(c) "Optional Affidavit for Licensure", Form KBHI-6, 1/2019; and

(d) "Consent to Service of Jurisdiction", Form KBHI-8, 9/2018.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Home Inspectors, 656 Chamberlin Avenue, Suite B, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(32 Ky.R. 2400; 33 Ky.R. 778; eff. 10-6-2006; 684; 1035; eff. 12-4-2009; 38 Ky.R. 1498; 1866; 1966; eff. 7-6-2012; 41 Ky.R. 623; 1371; 1551; eff. 2-6-2015; 41 Ky.R. 2641; 42 Ky.R. 295; eff. 9-4-2015; 42 Ky.R. 295, 2265, 2596, 2891; eff. 7-1-2016; 45 Ky.R. 1091; 2117; 2674; eff. 4-5-2019; Recodified from 815 KAR 6:010, 4-18-2019; Crt to Am 3-24-2026.)