

SENATE CS FOR CS FOR HOUSE BILL NO. 418(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/5/04

Referred: Finance

Sponsor(s): HOUSE LABOR AND COMMERCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the termination date of the Real Estate Commission; relating to real**
2 **estate; relating to home inspectors; relating to real estate licensees; and providing for an**
3 **effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 08.03.010(c)(19) is amended to read:

6 (19) Real Estate Commission (AS 08.88.011) - June 30, **2008** [2004];

7 * **Sec. 2.** AS 08.18.022(a) is amended to read:

8 (a) The department shall issue a certificate of registration as a home inspector
9 for new homes, existing homes, or both, as appropriate, to an individual who

10 (1) passes the appropriate home inspection examination; for purposes
11 of this paragraph, the appropriate home inspection examination for an individual who
12 applies to be registered for inspection of

13 (A) existing homes is the examination offered by the American
14 Society of Home Inspectors, [AMERICAN HOME INSPECTORS

1 TRAINING INSTITUTE,] or National Association of Home Inspectors;

2 (B) new homes or for a joint registration is the examination
3 offered by the International Code Council;

4 (2) meets the educational and experience requirements adopted by the
5 department in regulations for the type of registration applied for;

6 (3) submits a complete application for registration **either**
7 **(A)** within one year after passing the examination required
8 under (1) of this subsection; **or**

9 **(B) accompanied by documentation that the applicant has**
10 **completed continuing education requirements established by the**
11 **department;**

12 (4) within the seven years preceding the date of application, has not
13 been under a sentence for an offense related to forgery, theft in the first or second
14 degree, extortion, or defrauding creditors or for a felony involving dishonesty;

15 (5) has not had the authority to perform home inspections revoked in
16 this state or in another jurisdiction;

17 (6) is not the subject of an unresolved criminal complaint or
18 unresolved disciplinary action before a regulatory authority in this state or in another
19 jurisdiction related to real estate or home inspection matters; and

20 (7) pays the appropriate fees.

21 * **Sec. 3.** AS 08.18.101 is amended by adding a new subsection to read:

22 (b) Proof of insurance coverage for an applicant under (a) of this section may
23 be satisfied by providing evidence that the applicant is covered by a policy in effect
24 for the applicant's employer at least to the extent required under (a) of this section.

25 * **Sec. 4.** AS 08.88.251 is amended by adding new subsections to read:

26 (d) A licensee may, subject to the approval of the commission, renew an
27 inactive license for 24 months from the anniversary date of the issuance of the initial
28 inactive license certificate under (a) of this section.

29 (e) An active license that has been converted from inactive status under (c) of
30 this section shall be issued for the remainder of the current 24-month period of the
31 inactive license.

1 * **Sec. 5.** AS 08.88.291 is amended by adding new subsections to read:

2 (b) Each licensee under this chapter is responsible for ensuring that the
3 commission has current contact information for the licensee for two years after the
4 lapse, expiration, surrender, suspension, or revocation of the license.

5 (c) In addition to the information provided under (a) of this section, a licensee
6 shall provide the commission with a current mailing address and, if active, the address
7 of the broker employing the licensee.

8 (d) The commission shall mail all notices pertaining to a license or surety fund
9 action taken under this chapter or a regulation adopted under this chapter to the current
10 address or addresses of a licensee obtained under this section. Proof of notice
11 provided under this subsection satisfies due process notice requirements.

12 * **Sec. 6.** AS 08.88.470 is amended to read:

13 **Sec. 08.88.470. Findings and payment.** At the conclusion of the
14 commission's consideration of a claim made under AS 08.88.460, it shall make written
15 findings and conclusions on the evidence. If the commission finds that the claimant
16 has suffered a loss in a real estate transaction as a result of fraud, misrepresentation,
17 deceit, or the conversion of trust funds or the conversion of community association
18 accounts under the control of a community association manager on the part of a real
19 estate licensee, the commission may award a claimant reimbursement from the real
20 estate surety fund for the claimant's loss up to \$20,000 [\$10,000]. Not more than
21 \$20,000 [\$10,000] may be paid for each transaction regardless of the number of
22 persons injured or the number of parcels of real estate involved in the transaction.

23 * **Sec. 7.** The uncodified law of the State of Alaska enacted in sec. 44(a), ch. 134, SLA
24 2003, is amended to read:

25 (a) Notwithstanding AS 08.18.022, added by sec. 7 of this Act, the
26 Department of Community and Economic Development shall issue a certificate of
27 joint registration that is valid until January 1, 2006, to an individual who submits to
28 the department satisfactory evidence of being in the business of home inspection in the
29 state at the time of application for registration under this subsection and of having

30 (1) been in the business of home inspection in the state on October 1,
31 2002; and

1 (2) passed the building inspector examination, [OR] property
 2 maintenance and housing inspector examination, **or the residential combination**
 3 **examination** given by the International Code Council.

4 * **Sec. 8.** The uncodified law of the State of Alaska enacted in sec. 44(c), ch. 134, SLA
 5 2003, is amended to read:

6 (c) Notwithstanding AS 08.18.022, added by sec. 7 of this Act, the
 7 Department of Community and Economic Development shall issue a certificate of
 8 registration to practice home inspection of new construction that is valid until
 9 January 1, 2006, to an individual who submits to the department satisfactory evidence
 10 of being in the business of home inspection in the state at the time of application for
 11 registration under this subsection and of having passed the combination inspector
 12 examination, [OR] the combination dwelling inspector examination, **or the**
 13 **residential combination examination** given by the International Code Council.

14 * **Sec. 9.** The uncodified law of the State of Alaska enacted in sec. 44(f), ch. 134, SLA
 15 2003, is amended to read:

16 (f) A [EXCEPT AS PROVIDED IN (e) OF THIS SECTION, A] certificate of
 17 registration as a home inspector or associate home inspector issued under this section
 18 is considered to be a certificate of registration as a home inspector or associate home
 19 inspector issued under AS 08.18.022, added by sec. 7 of this Act.

20 * **Sec. 10.** The uncodified law of the State of Alaska as enacted in sec. 44, ch. 134, SLA
 21 2003, is amended by adding new subsections to read:

22 (h) Notwithstanding provisions of this section that provide that a certificate
 23 issued under this section is valid until January 1, 2006, a certificate issued under this
 24 section is not valid for more than two years from the date of issuance unless the
 25 certificate holder has provided evidence to the Department of Community and
 26 Economic Development that the certificate holder has completed continuing education
 27 requirements established by the department. The department may require a person
 28 who must show completion of continuing education under this subsection to meet the
 29 same continuing education requirements that would be applicable to license renewal
 30 under AS 08.18.031(c).

31 (i) The fee for a license issued under this section is \$200. The department

- 1 shall adopt regulations for the collection of this fee.
- 2 * **Sec. 11.** Section 44(e), ch. 134, SLA 2003, is repealed.
- 3 * **Sec. 12.** This Act takes effect immediately under AS 01.10.070(c).