

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1032 Session of  
2019

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INTRODUCED BY JAMES, MOUL, EVERETT, FREEMAN, SAPPEY AND KORTZ,  
APRIL 5, 2019

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SENATOR TOMLINSON, CONSUMER PROTECTION AND PROFESSIONAL  
LICENSURE, IN SENATE, AS AMENDED, JUNE 9, 2020

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## AN ACT

1 Amending the act of July 10, 1990 (P.L.404, No.98), entitled "An  
2 act providing for the certification of real estate  
3 appraisers; specifying requirements for certification;  
4 providing for sanctions and penalties; and making an  
5 appropriation," further providing for definitions and for  
6 State Board of Certified Real Estate Appraisers.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of July 10, 1990 (P.L.404,  
10 No.98), known as the Real Estate Appraisers Certification Act,  
11 is amended by adding definitions to read:

12 Section 2. Definitions.

13 The following words and phrases when used in this act shall  
14 have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Certified Pennsylvania evaluator." A person who holds a  
18 current valid certificate issued under the act of April 16, 1992  
19 (P.L.155, No.28), known as the Assessors Certification Act.

1 ~~"Professional member." A certified Pennsylvania evaluator or~~ <--  
2 ~~a State certified real estate appraiser.~~

3 "HOME INSPECTION." A NONINVASIVE VISUAL EXAMINATION OF THE <--  
4 SYSTEMS AND ESSENTIAL COMPONENTS OF A RESIDENTIAL DWELLING  
5 DESIGNED TO IDENTIFY MATERIAL DEFECTS IN THOSE SYSTEMS AND  
6 COMPONENTS AND PERFORMED FOR A FEE IN CONNECTION WITH OR  
7 PREPARATION FOR A PROPOSED OR POSSIBLE RESIDENTIAL REAL ESTATE  
8 TRANSFER. THE TERM:

9 (1) INCLUDES A CONSULTATION REGARDING THE PROPERTY THAT  
10 IS REPRESENTED TO BE A HOME INSPECTION OR THAT IS DESCRIBED  
11 BY A SIMILAR TERM.

12 (2) DOES NOT INCLUDE ANY OF THE FOLLOWING:

13 (I) AN EXAMINATION OF A SINGLE SYSTEM OR COMPONENT  
14 OF A RESIDENTIAL DWELLING, SUCH AS AN ELECTRICAL OR  
15 PLUMBING SYSTEM OR ROOF.

16 (II) AN EXAMINATION THAT IS LIMITED TO INSPECTION  
17 FOR OR OF ONE OR MORE OF THE FOLLOWING:

18 (A) WOOD DESTROYING INSECTS.

19 (B) UNDERGROUND TANKS AND WELLS.

20 (C) SEPTIC SYSTEMS.

21 (D) SWIMMING POOLS AND SPAS.

22 (E) ALARM SYSTEMS.

23 (F) AIR AND WATER QUALITY.

24 (G) TENNIS COURTS AND PLAYGROUND EQUIPMENT.

25 (H) POLLUTANTS, TOXIC CHEMICALS AND  
26 ENVIRONMENTAL HAZARDS.

27 (III) AN EXAMINATION ASSOCIATED WITH MOVING INTO OR  
28 OUT OF A LEASED HOME.

29 "HOME INSPECTOR." AN INDIVIDUAL WHO PERFORMS HOME  
30 INSPECTIONS. THE TERM DOES NOT INCLUDE AN INDIVIDUAL LICENSED

1 UNDER ANY OF THE FOLLOWING LAWS WHEN ACTING UNDER THE  
2 INDIVIDUAL'S REGISTRATION OR LICENSE:

3 (1) THE ACT OF MAY 23, 1945 (P.L.913, NO.367), KNOWN AS  
4 THE ENGINEER, LAND SURVEYOR AND GEOLOGIST REGISTRATION LAW,  
5 AS TO PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND  
6 PROFESSIONAL GEOLOGISTS.

7 (2) THE ACT OF JANUARY 24, 1966 (1965 P.L.1535, NO.537),  
8 KNOWN AS THE PENNSYLVANIA SEWAGE FACILITIES ACT.

9 (3) THE ACT OF MARCH 1, 1974 (P.L.90, NO.24), KNOWN AS  
10 THE PENNSYLVANIA PESTICIDE CONTROL ACT OF 1973.

11 (4) THE ACT OF DECEMBER 14, 1982 (P.L.1227, NO.281),  
12 KNOWN AS THE ARCHITECTS LICENSURE LAW.

13 (5) THE ACT OF JULY 9, 1987 (P.L.238, NO.43), KNOWN AS  
14 THE RADON CERTIFICATION ACT.

15 \* \* \*

16 Section 2. Section 4(a) and (b) of the act are amended and  
17 the section is amended by adding a subsection to read:

18 Section 4. State Board of Certified Real Estate Appraisers.

19 (a) Creation.--There is hereby created the State Board of  
20 Certified Real Estate Appraisers as a departmental  
21 administrative board in the Department of State. The board shall  
22 consist of the following members:

23 (1) The Secretary of the Commonwealth or a designee.

24 (2) The Attorney General or a designee.

25 (3) The Secretary of Banking or a designee.

26 ~~(4) [Eight] Ten members who are citizens of the United <--~~  
27 ~~States and who have been residents of this Commonwealth for a~~  
28 ~~two year period immediately prior to appointment[, two of~~  
29 ~~whom shall be public members and six]. Six of [whom] the~~  
30 ~~members shall be [persons who are] State certified real~~

1 ~~estate appraisers[.], two of the members shall be certified~~  
2 ~~Pennsylvania evaluators and two of the members shall be~~  
3 ~~public members. Nothing in this paragraph shall prohibit the~~  
4 ~~appointment of a professional member who is a certified~~  
5 ~~Pennsylvania evaluator and also a State certified real estate~~  
6 ~~appraiser, except that the appointment shall specify in which~~  
7 ~~capacity the member is being appointed.~~

8 (4) [EIGHT MEMBERS WHO ARE CITIZENS OF THE UNITED STATES <--  
9 AND WHO HAVE BEEN RESIDENTS OF THIS COMMONWEALTH FOR A TWO-  
10 YEAR PERIOD IMMEDIATELY PRIOR TO APPOINTMENT, TWO OF WHOM  
11 SHALL BE PUBLIC MEMBERS AND SIX OF WHOM SHALL BE PERSONS WHO  
12 ARE STATE-CERTIFIED REAL ESTATE APPRAISERS.] AS FOLLOWS:

13 (I) FOURTEEN MEMBERS WHO ARE CITIZENS OF THE UNITED  
14 STATES AND WHO HAVE BEEN RESIDENTS OF THIS COMMONWEALTH  
15 FOR A TWO-YEAR PERIOD IMMEDIATELY PRIOR TO APPOINTMENT AS  
16 FOLLOWS:

17 (A) EIGHT OF THE MEMBERS SHALL BE STATE-  
18 CERTIFIED REAL ESTATE APPRAISERS.

19 (B) TWO OF THE MEMBERS SHALL BE CERTIFIED  
20 PENNSYLVANIA EVALUATORS.

21 (C) TWO OF THE MEMBERS SHALL BE PUBLIC MEMBERS.

22 (D) TWO OF THE MEMBERS SHALL BE LICENSED HOME  
23 INSPECTORS.

24 (E) TWO OF THE MEMBERS SHALL BE UNLICENSED HOME  
25 INSPECTORS. THIS SUBPARAGRAPH SHALL EXPIRE ON THE  
26 EFFECTIVE DATE OF CLAUSE (D).

27 (II) IF A MEMBER IS QUALIFIED IN MORE THAN ONE  
28 PROFESSION SPECIFIED IN THIS PARAGRAPH, THE APPOINTMENT  
29 SHALL SPECIFY IN WHICH CAPACITY THE MEMBER IS APPOINTED.

30 (b) Term of office.--The professional and public members

1 shall serve four-year terms, except as provided in subsection  
2 (c) or (c.1), and shall be appointed by the Governor by and with  
3 the advice and consent of a majority of the members elected to  
4 the Senate.

5 \* \* \*

6 (c.1) Initial appointments of certified Pennsylvania  
7 evaluators AND QUALIFIED HOME INSPECTORS.--Within 90 days of the <--  
8 effective date of this subsection, the Governor shall nominate  
9 one certified Pennsylvania evaluator AND ONE QUALIFIED HOME <--  
10 INSPECTOR to serve a two-year term and one certified  
11 Pennsylvania evaluator AND ONE QUALIFIED HOME INSPECTOR to serve <--  
12 a four-year term.

13 \* \* \*

14 ~~Section 3. This act shall take effect in 60 days.~~ <--

15 SECTION 3. IF THE ACT IS AMENDED TO PROVIDE FOR LICENSED <--  
16 HOME INSPECTORS, THE STATE BOARD OF CERTIFIED REAL ESTATE  
17 APPRAISERS SHALL TRANSMIT NOTICE OF ENACTMENT TO THE LEGISLATIVE  
18 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN.

19 SECTION 4. THE TERMS OF THE TWO UNLICENSED HOME INSPECTOR  
20 MEMBERS OF THE BOARD UNDER SECTION 4(A)(4)(I)(E) OF THE ACT  
21 SHALL EXPIRE ON THE EFFECTIVE DATE OF SECTION 4(A)(4)(I)(D) OF  
22 THE ACT.

23 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

24 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT  
25 IMMEDIATELY:

26 (I) SECTIONS 3 AND 4 OF THIS ACT.

27 (II) THIS SECTION.

28 (2) THE ADDITION OF SECTION 4(A)(4)(I)(D) OF THE ACT  
29 SHALL TAKE EFFECT UPON PUBLICATION OF THE NOTICE UNDER  
30 SECTION 3 OF THIS ACT.

1           (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
2       DAYS.