

No. 2004-51

AN ACT

SB 427

Amending Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes, further providing for required contractual provision regarding home inspections and for reliance by buyer; and providing for engineers and architects.

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

Section 1. Sections 7506 and 7510 of Title 68 of the Pennsylvania Consolidated Statutes are amended to read:

§ 7506. Required contractual provision regarding home inspections.

[A] *Except as provided in this section*, a provision of an agreement of transfer regarding the right of the buyer to obtain a home inspection report and providing for the consequences, if any, shall provide that the home inspection be performed by a full member in good standing of a national home inspection association in accordance with the ethical standards and code of conduct or practice of that association[. A], *provided that a* home inspection performed by a person who has not attained full membership in a national home inspection association satisfies the requirements of this section if the person is:

(1) *licensed or registered as a professional engineer under the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law;*

(2) *licensed or registered under the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law; or*

(3) supervised by a full member in good standing of a national home inspection association who agrees to be responsible for the home inspection report by signing the report.

§ 7510. Reliance by buyer.

A buyer shall be entitled to rely in good faith, without independent investigation, on a written representation by a home inspector that the home inspector is:

(1) *licensed or registered as a professional engineer under the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law;*

(2) *licensed or registered under the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law; or*

(3) a full member in good standing of a national home inspection association.

Section 2. Title 68 is amended by adding a section to read:

§ 7513. *Engineers and architects.*

*Notwithstanding section 7503(b)(1) (relating to relationship to other laws), the following sections: 7505 (relating to consumer remedies), 7507(a)(1) and (b) (relating to contracts with home inspectors), 7508 (relating to home inspection reports) and 7509 (relating to liability insurance) shall apply to a person licensed or registered as a professional engineer under the act of May 23, 1945 (P.L.913, No.367), known as the Engineer, Land Surveyor and Geologist Registration Law, or a person licensed or registered under the act of December 14, 1982 (P.L.1227, No.281), known as the Architects Licensure Law, when performing a home inspection.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 28th day of June, A.D. 2004.

EDWARD G. RENDELL