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Construction Contractors Board — 812
Agency and Division — Administrative Rules Chapter Number

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To become effective 10/01/2015 Rulemaking Notice was published in the May 2015 Oregon Bulletin.

RULE CAPTION

Home Inspector Examination

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND:
812-008-0020, 812-008-0040, 812-008-0050, 812-008-0060, 812-008-0110

REPEAL:

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:
ORS 293.455, 670.310, 701.235, 701.350, 701.355

Other Authority:

Statutes Implemented:
ORS 293.445, 701.081, 701.084, 701.350, 701.355

RULE SUMMARY

Rule amendments to become effective starting October 1, 2015.

812-008-0020 is amended to change the definition of "certified individual" to include both individuals: (1) who previously passed the agency's examination, or (2) who pass the National Home Inspector Examination (NHIE).

812-008-0040 is amended to require that, after the effective date of the rule: (1) an individual must have passed the National Home Inspector Examination, and (2) signed a statement indicating the individual has read and understands the home inspector standards of behavior and standards of practice. The amendment eliminates the maximum number of hours credited toward certain experience criteria.

812-008-0050 is amended to delete provisions relating to the agency examination; replaces the agency examination with the National Home Inspector Examination (NHIE); permits an individual to use passage of the NHIE examination before October 1, 2015, for Oregon home inspector certification after the effective date of the rule. The rule specifies that this requirement does not apply to already certified home inspectors.

812-008-0060 is amended to update the reference to OAR 812-008-0110 to match the revisions made in OAR 812-008-0110.

812-008-0110 is amended to eliminate the agency's application fee of $50, test fee of $50, and the re-take fee of $25. Applicants will pay approximately $225 to the Examination Board of Professional Examiners to take or retake the national examination.

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812-008-0020
Definitions

The following definitions apply to Division 8 of OAR chapter 812:

(1) "Administrator" means the Administrator of the agency.

(2) "Agency" means the Oregon Construction Contractors Board.

(3) "Automatic safety controls" means the devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, loss of ignition, fuel, leaks, fire, freezing, or other unsafe conditions.

(4) "Central air conditioning" means a system that uses ducts to distribute cooled and/or dehumidified air to more than one room or uses pipes to distribute chilled water to heat exchangers in more than one room, and that is not plugged into an electrical convenience outlet.

(5) "Certified individual" means an individual who successfully [~~passes~~] **passed** a test accredited by the agency **or who successfully passed the National Home Inspector Examination and who** completes the education required for renewal[,] and satisfies any other requirements established by OAR chapter 812.

(6) "Component" means a readily accessible and observable aspect of a system, such as a floor, or wall, but not individual pieces such as boards or nails where many similar pieces make up the component. "Component" also includes, but is not limited to, the separate parts of an installed appliance or an electric or gas-powered system, including, but not limited to, a water heater, furnace or air conditioning unit.

(7) "Conspicuous" as used in these regulations shall mean a term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NONNEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous." Whether a term or clause is "conspicuous" or not is for decision by the court.

(8) "Cross connection" means any physical connection or arrangement between potable water and any source of contamination.

(9) "Dangerous or adverse situations" means situations that pose a threat of injury to the Oregon certified home inspector, or damage to the property.

(10) "Describe" means report in writing a system or component by its type, or other observed characteristics, to distinguish it from other components or system used for the same purpose.

(11) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed or fastened by other means and that would not be dismantled by a homeowner in the course of normal household maintenance.

(12) "Energy audit" means evaluation or testing of components or systems with a focus on energy efficiency or renewable energy, which may lead to recommendations that improve energy efficiency or renewable energy generation. "Energy audit" also includes quality assurance review or verification of installed or retrofitted components or systems impacting energy efficiency or renewable energy generation.

(13) "Enter" means to go into an area and observe all visible components.

(14) "Forensic evaluation" means evaluation or testing of components or systems for purposes of envelope analysis, materials testing or failure due to water intrusion or other external causes.

(15) "Functional drainage" means a drain is functional when it empties in a reasonable amount of time.

(16) "Functional flow" means a reasonable flow at the highest fixture in a dwelling when another fixture is operated simultaneously.

(17) "Home performance testing" means evaluation or testing of components or systems for purposes of comfort, energy efficiency, safety or indoor air quality.

(18) "Home inspection" means an inspection of substantially all of the components or systems as set forth in 812-008-0205 through 812-008-0214 for the purpose of determining the overall physical condition and habitability of the inspected structure at the time of inspection. A home inspection is not a

re-inspection of isolated repairs made as part of a real estate transaction. A home inspection does not include energy audit, forensic evaluation or home performance testing.

(19) "Installed" means attached or connected such that the installed item requires tools for removal.

(20) "Normal operating controls" means homeowner-operated devices such as but not limited to thermostat, wall switch, or safety switch.

(21) "Observe" means the act of making a visual examination.

(22) "On-site water supply quality" means water quality based on the bacterial, chemical, mineral, and solids content of the water.

(23) "On-site water supply quantity" means the water quantity based on the rate of flow of water.

(24) "Operate" means to cause systems or equipment to function.

(25) "Oregon certified home inspector" means a person certified pursuant to ORS chapter 701, chapter 814, 1997 Oregon Laws and OAR chapter 812.

(26) "Readily accessible panel" means a panel provided for homeowner inspection and maintenance that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed by one person; and its edges and fasteners are not painted into place. This definition is limited to those panels within normal reach or from a four-foot stepladder, and that are not blocked by stored items, furniture, or building components.

(27) "Representative number" for multiple identical components such as windows and electrical outlets means one such component per room; for multiple identical exterior components, one such component on each side of the building.

(28) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar components used to carry water off a roof and away from a building.

(29) "Shut down" means a piece of equipment or a system is shut down when it cannot be operated by the device or control that a homeowner should normally use to operate it or detached from a plug source. If its safety switch or circuit is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.

(30) "Solid fuel heating device" means any wood, coal, or other similar organic fuel burning device, including but not limited to fireplaces whether masonry or factory built, fireplace inserts and stoves, wood stoves (room heaters), central furnaces, and combinations of these devices.

(31) "Structural component" means a component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

(32) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions. "System" also includes, but is not limited to, an installed appliance or an electric or gas-powered system, including but not limited to, a water heater, furnace or air conditioning unit.

(33) "Technically exhaustive" means an inspection involving the extensive use of measurements, instruments, testing, calculations, and other means to develop scientific or engineering findings, conclusions, and recommendations.

(34) "Test" means a test administered by the agency.

(35) "Underfloor crawl space" means the area within the confines of the foundation and between the ground and the underside of the lowest floor structural component.

Stat. Auth.: ORS 670.310, 701.235, 701.350 & 701.355

Stats. Implemented: ORS 701.350 & 701.355

(2/98, 12/04, 6/06, 12/11 eff. 1/1/12, 7/15 eff. 10/1/15)

812-008-0040

Application Requirements and Eligibility Requirements

(1) An individual must submit the following to qualify for certification:

(a) An application on a form provided by the agency;

(b) The fee established in OAR 812-008-0110;

(c) If applicable, CCB number and name of employing licensee;

(d) Proof of minimum of 20 education points as set forth in sections (3) and (4) of this rule; [and]

(e) Evidence of successful passage of [~~agency's test~~] **the National Home Inspector Examination; and**

(f) A signed statement that the individual has read and understands the home inspector standards of behavior, as set forth in OAR 812-008-0201, and the home inspector standards of practice, as set forth in OAR 812-008-0202 through 812-008-0214.

(2) A business must do the following to qualify for a license:

(a) Become licensed with the agency as a residential general contractor, a residential specialty contractor or a home inspection services contractor;

(b) Have as an owner or employee one or more individuals who have obtained a certificate from the agency to undertake certified home inspections;

(c) Submit an application on a form prescribed by the agency; and

(d) Submit the fee as prescribed in OAR chapter 812.

(3) [~~In order to qualify to take the test, an~~] **An** individual applicant must provide the agency with acceptable documentation that the applicant has accumulated a minimum of 20 education points from the following choices:

(a) Ten points for a completed, 3-credit hour minimum class with a passing grade in home inspection at an accredited college or university[~~, (10 points maximum)~~].

(b) One point for each completed 3-hour minimum class with a passing grade in construction, remodeling, engineering, architecture, building design, building technology, or real estate at an accredited college or university[~~, (10 points maximum)~~].

(c) One point for each completed "ride-along" inspection performed under the direct supervision of an Oregon certified home inspector[~~, (10 points maximum)~~].

(d) One point for each completed 3-hour minimum class with a passing grade in approved subject areas in OAR 812-008-0074(1) by approved education providers under 812-008-0074(2) that are not colleges or universities[~~, (10 points maximum~~).

(4) The individual applicant may substitute the following experiences for all or part of the education requirements in OAR 812-008-0040(3):

(a) Four points for each completed 12 months legally working as a home inspector in Oregon or another state or country [~~(16 points maximum)~~].

(b) Two points for each completed 12 months working or teaching at an accredited college or university, trade school or private business for monetary compensation in construction, remodeling, engineering, architecture, building design, building technology, real estate, or building inspections [~~(16 points maximum)~~].

(c) One-half point for each letter of recommendation from an Oregon-certified home inspector [~~(4 points maximum)~~].

(d) One point for each building codes certification issued by a government agency [~~(5 points maximum)~~].

Stat. Auth.: ORS 670.310, 701.235, 701.350 and 701.355

Stats. Implemented: ORS 701.081, 701.084, 701.350 and 701.355

(2/98, 5/99, temp. 6/99, 2/00, 6/00, 8/00, temp. 10/00, 12/00, 4/01, 9/01, temp. 10/01, 5/02, 12/06, 12/07, 2/08, 12/13 eff. 1/1/14, 7/15 eff. 10/1/15)

812-008-0050

[~~Testing~~] Examination Requirements

~~[(1) The agency shall provide a written test for certification of individuals.~~

~~(2) The test shall be divided into five sections and weighted as follows:~~

~~(a) 20 percent: Structure, roofing, site, exterior, and interior.~~

~~(b) 20 percent: Heating, cooling, insulation, ventilation, fireplaces and wood stoves.~~

~~(c) 20 percent: Electrical.~~

~~(d) 20 percent: Plumbing.~~

~~(e) 20 percent: Contracts, reports and standards.~~

~~(3) To be certified, applicants must successfully pass the test.~~

~~(4) Applicants shall schedule an appointment with the agency, or designated proctors throughout the state, to take the test after receipt of a letter of authorization from the agency and payment of the fee prescribed in Division 8.~~

~~(5) The passing score shall be 75 percent or higher based on 100 percent possible.~~

~~(6) Applicants shall score 75 percent or higher on each of five sections of the test.~~

~~(7) Applicants shall not take the same test version on consecutive attempts.~~

~~(8) The agency will notify applicants by mail of their test scores on each section of the test.~~

~~(9) Applicants who fail one or more sections of the test need not retake test sections already passed except as provided in (10) below.~~

~~(10) Applicants shall pass all sections of the test within one year of the date the person first took the test or retake all sections of the test.~~

~~(11) Applicants shall complete the certification process within one year from the date the person passed all sections of the test or retake the entire test.~~

~~(12) Applicants shall show picture identification before taking the test.~~

~~(13) Applicants shall not be accompanied by another individual while taking the test unless it is a translator.~~

~~(14) Applicants needing a translator shall pay for translator.~~

~~(15) Applicants taking the test shall not leave the testing room.~~

~~(16) Applicants shall not retain notes or other materials during the test.~~

~~(17) Applicants who attempt and fail the first test may take all subsequent tests in no less than 30 days.~~

~~(18) Applicants shall not review test questions or answer sheets.~~]

(1) Beginning October 1, 2015, home inspector applicants shall successfully pass the National Home Inspector Examination created and graded by the Examination Board of Professional Home Inspectors.

(2) National Home Inspector Examinations passed before October 1, 2015, may be used if the applicant applies for certification on or after October 1, 2015.

(3) The examination shall be administered at a test center in Oregon designated by the Examination Board of Professional Home Inspectors or in any other state that administers the National Home Inspector Examination.

(4) Successful applicants will submit their official score sheet to the agency. The agency may verify with the Examination Board of Professional Home Inspectors the validity of any official score sheet.

(5) Retesting after a failed examination will be administered in accordance with protocols of the Examination Board of Professional Home Inspectors.

(6) This requirement does not apply to any home inspector certified by the agency before October 1, 2015, whose certification is current and in good standing.

Stat. Auth.: ORS 670.310, 701.235 & 701.350

Stats. Implemented: ORS 701.350 & 701.355

(2/98, 4/98, 10/98, 9/99, 9/01, 6/03, 2/04, 3/06, 7/15 eff. 10/1/15)

812-008-0060

Certification Issuance

(1) The effective date of the certificate will be the date applicant meets all agency requirements, including but not limited the receipt of the fee required under OAR 812-008-0110[~~(4)~~].

(2) A unique certification number will be assigned to each certificate.

(3) All certificates shall be issued in the name of the individual who passed the test.

(4) An application for certification may be withdrawn upon receipt of a written request to the agency at any time prior to the issuance of the certification.

(5) When granted, the certificate shall be mailed to the applicant.
(6) If denied, the agency shall state, in writing, the reasons for denial.
(7) A certificate shall be non-transferable and shall be effective for two years from date of issue.
Stats. Auth.: ORS 670.310, 701.235 & 701.350
Stats. Implemented: ORS 701.350 & 701.355
(2/98, 8/00, 6/03, 12/07, 7/15 eff. 10/1/15)

812-008-0110
Prescribed Fees

The following prescribed fees are established:
[~~(1) Application to become certified, $50~~].
[~~(2) Test, first attempt, $50.~~]
[~~(3) Test, each sitting to retake one or more sections, $25.~~]
[~~(4)~~] **(1)** Initial two-year Certification, $150.
[~~(5)~~] **(2)** Certification renewal (two years), $150.
[~~(6)~~] **(3)** Refunds:

(a) The agency shall not refund fees or civil penalties overpaid by an amount of $20 or less unless requested by the payer in writing within three years after the date payment is received by the agency, as provided by ORS 293.445.

(b) Except as set forth in subsection [~~(6)~~]**(3)**(c) of this rule, all fees are non-refundable and nontransferable.

(c) When an applicant withdraws their application for a certification or a certification renewal prior to issuance of a certification or certification renewal, or fails to complete the certification process, the agency may refund the certification fee but shall retain a processing fee of $40.

(d) If the agency receives payment of any fees or penalty by check and the check is returned to the agency as an NSF check, the payer of the fees will be assessed an NSF charge of $25 in addition to the required payment of the fees or penalty.

[~~(7)~~] **(4)**(a) Any certified home inspector in the United States armed forces need not pay a renewal fee if such fee would be due during the certified home inspector's active duty service.

(b) A certified home inspector in the United States armed forces shall pay the next license renewal fee that will become due after the certified home inspector is discharged from active duty service.

(c) The agency may request that the certified home inspector provide documentation of active duty status and of discharge.

Stat. Auth.: ORS 293.445, 670.310, 701.235 & 701.350
Stats. Implemented: ORS 293.445, 701.350 & 701.355
(2/98, 6/99, 9/01, temp. 1/03, 6/03, 12/04, 12/05, 12/07, 11/09 eff. 1/1/10, 7/15 eff. 10/1/15)