

HB5073



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5073

Introduced 1/27/2022, by Rep. Dan Ugaste

SYNOPSIS AS INTRODUCED:

225 ILCS 441/5-5

Amends the Home Inspector License Act. In provisions concerning exemptions to licensing requirements, provides that licensing requirements do not apply to any person holding a professional degree from a program accredited by the National Architectural Accrediting Board or the Canadian Architectural Certification Board.

LRB102 19558 SPS 28326 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Home Inspector License Act is amended by
5 changing Section 5-5 as follows:

6 (225 ILCS 441/5-5)

7 (Text of Section before amendment by P.A. 102-20)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 5-5. Necessity of license; use of title; exemptions.

10 (a) It is unlawful for any person, including any entity,
11 to act or assume to act as a home inspector, to engage in the
12 business of home inspection, to develop a home inspection
13 report, to practice as a home inspector, or to advertise or
14 hold himself, herself, or itself out to be a home inspector
15 without a home inspector license issued under this Act. A
16 person who violates this subsection is guilty of a Class A
17 misdemeanor for the first offense and a Class 4 felony for the
18 second and any subsequent offenses.

19 (b) It is unlawful for any person, other than a person who
20 holds a valid home inspector license issued pursuant to this
21 Act, to use the title "home inspector" or any other title,
22 designation, or abbreviation likely to create the impression
23 that the person is licensed as a home inspector pursuant to

1 this Act. A person who violates this subsection is guilty of a
2 Class A misdemeanor.

3 (c) The licensing requirements of this Article do not
4 apply to:

5 (1) any person who is employed as a code enforcement
6 official by the State of Illinois or any unit of local
7 government, while acting within the scope of that
8 government employment;

9 (2) any person licensed by the State of Illinois while
10 acting within the scope of his or her license; ~~or~~

11 (3) any person engaged by the owner or lessor of
12 residential real property for the purpose of preparing a
13 bid or estimate as to the work necessary or the costs
14 associated with performing home construction, home
15 remodeling, or home repair work on the residential real
16 property, provided such person does not hold himself or
17 herself out, or advertise himself or herself, as being
18 engaged in business as a home inspector; or;

19 (4) any person holding a professional degree from a
20 program accredited by the National Architectural
21 Accrediting Board or the Canadian Architectural
22 Certification Board.

23 (Source: P.A. 97-226, eff. 7-28-11.)

24 (Text of Section after amendment by P.A. 102-20)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 5-5. Necessity of license; use of title; exemptions.

2 (a) It is unlawful for any person, including any entity,
3 to act or assume to act as a home inspector, to engage in the
4 business of home inspection, to develop a home inspection
5 report, to practice as a home inspector, or to advertise or
6 hold oneself out to be a home inspector without a home
7 inspector license issued under this Act. A person who violates
8 this subsection is guilty of a Class A misdemeanor for the
9 first offense and a Class 4 felony for the second and any
10 subsequent offenses.

11 (b) It is unlawful for any person, other than a person who
12 holds a valid home inspector license issued pursuant to this
13 Act, to use the title "home inspector" or any other title,
14 designation, or abbreviation likely to create the impression
15 that the person is licensed as a home inspector pursuant to
16 this Act. A person who violates this subsection is guilty of a
17 Class A misdemeanor.

18 (c) The licensing requirements of this Article do not
19 apply to:

20 (1) any person who is employed as a code enforcement
21 official by the State of Illinois or any unit of local
22 government, while acting within the scope of that
23 government employment;

24 (2) any person licensed in this State by any other law
25 who is engaging in the profession or occupation for which
26 the person is licensed; ~~or~~

1 (3) any person engaged by the owner or lessor of
2 residential real property for the purpose of preparing a
3 bid or estimate as to the work necessary or the costs
4 associated with performing home construction, home
5 remodeling, or home repair work on the residential real
6 property, provided such person does not advertise or hold
7 oneself out as engaged in business as a home inspector;
8 or.

9 (4) any person holding a professional degree from a
10 program accredited by the National Architectural
11 Accrediting Board or the Canadian Architectural
12 Certification Board.

13 (d) The licensing of home inspector entities required
14 under this Act does not apply to an entity whose ownership
15 structure is one licensed home inspector operating a sole
16 proprietorship, a single member limited liability company, or
17 a single shareholder corporation, and that home inspector is
18 the only licensed home inspector performing inspections on the
19 entity's behalf. The licensed home inspector who is the sole
20 proprietor, sole shareholder, or single member of the company
21 or entity shall comply with all other provisions of this Act.

22 (Source: P.A. 102-20, eff. 1-1-22.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.