



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0973/1
MED:amn&klm

**ASSEMBLY AMENDMENT 1,
TO ASSEMBLY BILL 655**

January 28, 2020 - Offered by Representative BROOKS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 6, line 19: delete “describing a defect” and substitute “describing a
3 defect condition”.

4 **2.** Page 6, line 20: after “subsection” insert “if the home inspector believes the
5 condition satisfies the definition of defect under s. 440.97 (2m)”.

6 **3.** Page 6, line 23: delete the material beginning with that line and ending with
7 page 7, line 2, and substitute:

8 “440.975 (3) (cr) 1. Includes a summary page that includes at least all of the
9 following:

10 a. A list of conditions, labeled as defects, that are observed under par. (cm) to
11 be defects, as defined in s. 440.97 (2m).

12 b. A listing of components needing repairs, components needing further
13 evaluation, items to monitor, and maintenance items.

1 2. The summary page shall include references to the page, heading, or item
2 number in the detailed account for further information.

3 3. The summary page shall include all of the following statements:

4 NOTE: This summary page is provided for convenience and is not a substitute
5 for reading the entire report and should not be relied upon as the complete list for
6 the client's reference.

7 For the purposes of the report, "defect," as defined in section 440.97 (2m), Wis.
8 Stats., means a condition of any component of an improvement that would
9 significantly impair the health or safety of future occupants of a property or that, if
10 not repaired, removed, or replaced, would significantly shorten or adversely affect
11 the expected normal life of the component of the improvement. The contract of sale
12 may define "defect" to also include a condition that would have a significant adverse
13 effect on the value of the property, but such a condition may not be labeled a defect
14 in the report unless it meets the definition in section 440.97 (2m), Wis. Stats.

15 NOTE: A home inspector may not report on the market value or marketability
16 of a property or whether a property should or should not be purchased.".

17 **4.** Page 8, line 3: after that line insert:

18 “(1g) In requiring a home inspector, under s. 440.975 (3) (cm), to describe a
19 defect, as defined in s. 440.97 (2m), by using the term “defect” in a home inspection
20 consistent with the definition under s. 440.97 (2m), the legislature does not intend
21 to modify the liability of a home inspector in any action relating to a home inspection
22 conducted by the home inspector.”.

23 **5.** Page 8, line 4: delete “(1)” and substitute “(1r)”.

24 **6.** Page 8, line 21: after that line insert:

