
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Senate Bill 74

**Senate
Amendment 1**

2021 SENATE BILL 74

2021 Senate Bill 74 revises certain aspects of the regulation of home inspectors.

First, the bill requires completion of at least 40 hours of instruction for initial registration as a home inspector, but specifies that continuing education is not required for a person's first two biennial renewal dates after an initial registration. Under current law, completion of an educational program is not required for initial registration, and continuing education is required for renewals.

Second, the bill specifies that a person who is registered or licensed in good standing as a home inspector in another state must be granted reciprocal registration as a home inspector in Wisconsin. The person must meet all application requirements other than the 40 hours of initial instruction, and the other state's requirements must meet or exceed Wisconsin's requirements.

Third, relating to home inspection procedures, the bill specifies that a written home inspection report must use the term "defect" if the home inspector believes that a condition in the home meets the definition of a "defect." The bill maintains the basic definition of a "defect" as a condition that would significantly impair the health or safety of occupants, or a condition that could significantly shorten or adversely affect the normal life of a home component, but adds that the condition is determined on the basis of a home inspector's judgment on the day of inspection.

The bill specifies that in providing a written home inspection report, certain specific elements are required, including a summary page for the consumer and basic inspection information, such as the property address and the home inspector's name. The summary page must include certain notices, and must include a list of conditions that are labeled as defects and other items that may need further evaluation or maintenance, with references to where detailed information for those items may be found in the report.

Lastly, the bill removes an alternative disciplinary filing procedure, states that the bill is not intended to change the standard of liability for a home inspector, and grants rulemaking authority to the Department of Safety and Professional Services to implement the provisions of the bill.

SENATE AMENDMENT 1

Senate Amendment 1 revises the emergency rulemaking authority granted in the bill. Under the bill, a finding of emergency is not necessary to promulgate an emergency rule, and an emergency rule may remain in effect until May 1, 2023, or until a permanent rule takes effect, whichever is earlier. The amendment removes the extended time period, which means that an emergency rule to implement the bill, if enacted, would be subject to the standard emergency rule time limits and extension procedures.

BILL HISTORY

Senate Amendment 1 was offered by Senators Bernier and Nass on March 16, 2021. That same day, the Senate adopted the amendment, and passed the bill, as amended, on voice votes. On March 17, 2021, the Assembly concurred in the engrossed bill on a voice vote.

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