

58-4502. Definitions. As used in this act:

(a) (1) "Home inspection" means a non-invasive limited visual examination of a residential dwelling of not more than four attached units, or any portion thereof designed to identify material defects at the time of the inspection of three or more of the following readily accessible systems and components:

- (A) Heating systems;
- (B) cooling systems;
- (C) electrical systems;
- (D) plumbing systems;
- (E) structural components;
- (F) foundations;
- (G) roof coverings;
- (H) exterior and interior components; and

(I) any other components and systems that are part of the residential dwelling and included in the standards of practice followed by the home inspector.

(2) The term "home inspection" also includes any consultation regarding the property that is represented to be a home inspection or that is described by any similar term.

(3) The term "home inspection" does not include:

- (A) A compliance inspection for any code or governmental regulation;
- (B) an examination for the conditions and operation of kitchen-type appliances, on-site water supplies or wells, private waste systems, the determination of the presence of wood-destroying organisms or pests, or the presence of fungi, mold, bacteria, asbestos, lead-based paint, gases or conditions of air quality; and
- (C) an examination and evaluation of only two or less of the components listed in section (a)(1).

(b) "Home inspector" means an individual who performs a home inspection as defined by this act.

(c) "Home inspection report" means a written report on the results of a home inspection which is issued for a home inspection. The report shall include the following:

- (1) A clear identification and description of those systems, structures or components which were inspected;
- (2) a clear identification and description of those systems, structures or components designated to be inspected under the standards of practice approved by the board and which were not inspected, and the reason why they were not inspected;
- (3) a clear identification and description of any material defects found to be in need of repair, including any recommendations for further evaluation; and
- (4) a completed pre-inspection agreement.

(d) "Pre-inspection agreement" means a written contract between a customer and a home inspector to do a home inspection.

(e) "Pre-inspection notice" means a document which shall be provided to a customer prior to the start of the home inspection. The pre-inspection notice shall contain, at a minimum, the following information:

- (1) A clear description of the scope of the home inspection;
- (2) a clear description of any limitations on the liability of the home inspector for any errors and omissions which may arise during the home inspection; and
- (3) an identification of the standards of practice approved by the board which the home inspector will be following during the home inspection.

(f) "Readily accessible" means available for visual inspection without requiring the moving of personal property, dismantling, destructive measures or actions that would likely involve risk to persons or property.

(g) "Material defect" means any condition that significantly affects the value, habitability or safety of the dwelling. Style, cosmetic defects or aesthetics shall not be considered in determining whether a system, structure or component is materially defective.

(h) "Board" means the Kansas home inspectors registration board.

(i) "Registrant" means any person registered as a home inspector under this act.

(j) "Applicant" means any person who is applying for registration or renewal of registration under this act.

History: L. 2008, ch. 171, § 1; L. 2009, ch. 118, § 1; July 1.