Chapter SPS 131

HOME INSPECTORS

Subchapter I — General Provisions
SPS 131.01 Authority.
SPS 131.02 Definitions.
SPS 131.03 Applicability.

Subchapter II — Applications
SPS 131.11 Application for home inspector registration on or after January 1, 2001.
SPS 131.12 License renewal.
SPS 131.13 Late renewal.
SPS 131.14 Reinstatement of license.
SPS 131.15 Denial of registration.

Subchapter III — Examinations
SPS 131.21 Examination requirements.
SPS 131.22 Examination grade.
SPS 131.23 Examination review.
SPS 131.24 Reexamination.

Subchapter IV — Standards of Practice
SPS 131.31 General requirements.
SPS 131.32 Mechanical and structural components included in a home inspection.
SPS 131.33 Contents of a home inspection report.

Subchapter V — Continuing Education Requirements
SPS 131.41 Continuing education requirements for registration renewal.
SPS 131.42 Standards for continuing education training programs.
SPS 131.43 Certificate of completion, proof of attendance.
SPS 131.44 Recordkeeping.
SPS 131.45 Waiver of continuing education requirements.

Note: Chapter RL 131 was created as an emergency rule effective 11−1−98. Chapter RL 131 was renumbered chapter SPS 131 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.

Subchapter I — General Provisions

SPS 131.01 Authority. The rules in this chapter are adopted pursuant to ss. 227.11 (2), 440.972, 440.973, 440.974, 440.975, 440.978, and 440.979, Stats.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.

SPS 131.02 Definitions. As used in ch. SPS 131:

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

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

(3) "Client" means a person who contracts with a home inspector for the purpose of a home inspection.

(4) "Component" means a readily accessible and observable element of a system, such as a floor or wall.

(4e) "Continuing education" means the planned, professional development activities designed to contribute to the advancement, extension, and enhancement of the professional skills or knowledge of a registered home inspector.

(4m) "Continuing education credit hour" means a unit of credit for a continuing education training program, where one continuing education credit hour equals 50 minutes of actual instruction in a continuing education training program.

(4s) "Continuing education training program" means any course, program or activity meeting the requirements of s. SPS 131.42 and having a clear purpose and objective of maintaining, improving, or expanding the skills and knowledge relevant to the registrant's professional practice.

(5) "Cosmetic" means not required for the proper operation of the essential systems and components of a home.

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

(7) "Department" means the department of safety and professional services.

(8) "Describe" means to identify in writing a system or component by type or characteristics.

(9) "Dismantle" means to take apart or remove any component, device, or piece of equipment that is bolted, screwed, or otherwise fastened and which would not be taken apart or removed in the ordinary course of household maintenance.

(10) "Dwelling unit" means a structure or that part of a structure that is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons who are maintaining a common household, to the exclusion of all others.

(11) "Functional drainage" means the emptying of a drain in a reasonable amount of time with no sign of overflow when another fixture is drained simultaneously.

(12) "Home inspection" means the process by which a home inspector examines the observable systems and components of improvements to residential real property that are readily accessible.

(13) "Home inspection report" means a written opinion of a home inspector concerning all of the following:

(a) The condition of the improvements to residential real property that contains not more than 4 dwelling units.

(b) The condition of mechanical and structural components of the improvements specified in par. (a).

(14) "Home inspector" means an individual who, for compensation, conducts a home inspection.

(15) "Household appliances" means washers, dryers, refrigerators, freezers, stoves, ovens, room air conditioners and other similar equipment.

(16) "Inspect" means to examine observable systems and components.

(17) "Material adverse fact" means a condition or occurrence that is generally recognized by a competent home inspector as doing any of the following:

(a) Significantly reducing the functionality or structural integrity of components or systems of the improvements to the property being inspected.

(b) Posing a significant health or safety risk to occupants of the improvements.

(18) "Normal operating controls" means homeowner operated devices including, but not limited to, thermostats and wall or safety switches.

(19) "On−site water supply quality" means the condition of water, based on the existence of bacteria, chemicals, minerals, solids, or other similar elements in the water.

(20) "On−site water supply quantity" means the rate of water flow from a well or a municipal water source.

(21) "Operate" means to cause a piece of equipment or a system to function.

(22) "Permanently installed" means attached or connected to an item in a manner which requires tools to remove.

(23) "Primary" means an item such as a window or door designed to remain in the same place year−round.

(24) "Reasonably competent and diligent home inspection" means an inspection that complies with the standards established under subch. X of ch. 440, Stats., and ch. SPS 131.

(25) "Recreational facilities" means spas, saunas, steam baths, swimming pools, tennis courts, playground equipment, and other exercise, entertainment, or athletic facilities.

(25m) "Registrant" means a person who holds a home inspector registration issued by the department or who has the right to renew a home inspector registration issued by the department.

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

(27) "Safety glazing" means tempered or laminated glass, or rigid plastic.

(28) "Solid fuel heating device" means any wood, coal, or other similar solid organic fuel burning device including, but not limited to, fireplaces, fireplace inserts and stoves, wood stoves, and central furnaces, or any combination of those devices.

(29) "Structural component" means a component which supports a load bearing member.

(30) "System" means a combination of interacting or interdependent components, assembled to carry out one or more functions.

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

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (intro.), (7), (24) made under s. 13.92 (4) (b) 6., 7., Stats., Register November 2011 No. 671; **CR 14−010: cr. (4e), (4m), (4s), (25m) Register August 2014 No. 704, eff. 9−1−14; corrections in (intro.), (24) made under s. 13.92 (4) (b) 7., Stats., Register August 2014 No. 704.**

SPS 131.03 Applicability. As used in s. 440.9712, Stats., the terms "act as a home inspector" and "provide home inspection services" do not include individuals or business entities who inspect the energy−related components of a dwelling unit in order to assess or rate a home's energy performance, provided that the inspection is performed solely for this purpose and the individual or business entity is not described as a home inspector or does not convey the impression of being a home inspector.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99.

Subchapter II — Applications

SPS 131.11 Application for home inspector registration on or after January 1, 2001. An applicant for registration as a home inspector who applies for registration on or after January 1, 2001, shall submit all of the following:

(1) A completed application form.

Note: Application forms are available on request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708−8935.

(2) The fee specified in s. 440.05 (1), Stats.

(3) Evidence of having successfully passed the examination as specified in s. SPS 131.21 (2).

(4) Evidence satisfactory to the department that the applicant is not subject to a pending criminal charge, or has not been convicted of a felony, misdemeanor or other offense, the circumstances of which substantially relate to the practice of home inspection.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; **CR 14−010: renum. section 132.11 from section SPS 132.03 and am. (3) Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.12 License renewal. To renew a home inspector registration, a registrant shall, on or before December 15 of each even−numbered year following initial registration, file with the department all of the following:

(1) An application for renewal on a form provided by the department.

(2) Evidence that the registrant has, during the biennial period immediately preceding application, complied with the continuing education requirements in subch. V.

(3) The fee specified in s. 440.08 (2) (a), Stats.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (1) (intro.), (b), (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; CR 13−030: am. (1) (intro.) Register November 2013 No. 695, eff. 12−1−13; **CR 14−010: renum. section 131.12 (title), (intro.), (1) to (3) from SPS 132.05 (title), (1) (intro.), (1) (a) to (c) and am. (title), (intro.), (2) Register August 2014 No. 704, eff. 9−1−14; correction in (2) under s. 13.92 (4) (b) 7. Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.13 Late renewal. A registrant who fails to meet the requirements of s. SPS 131.12 by the renewal date may not engage in practice as a home inspector until the registration is renewed. A registrant who fails to meet the requirements of s. SPS 131.12 by the renewal date and who applies for renewal less than 5 years after the expiration date of his or her registration may renew by submitting all of the following to the department:

(1) An application for renewal on a form provided by the department.

(2) Evidence that the registrant has, during the biennial period immediately preceding application, completed the continuing education requirements specified in subch. V.

(3) The fee specified in s. 440.08 (2) (a) 38g., Stats.

(4) The late renewal fee specified in s. 440.08 (3) (a), Stats.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; **CR 14−010: renum. section 131.13 (intro.), (1) to (4) from section SPS 132.05 (2) (intro.), (a) to (c) and cr. (title) and am. (intro.), (2) Register August 2014 No. 704, eff. 9−1−14; correction in (2) under s. 13.92 (4) (b) 7. Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.14 Reinstatement of license. If an application for restoring a registration occurs 5 years or more after expiration of the applicant's most recent registration, the applicant's registration may be reinstated by filing with the department an application and the fees specified in s. 440.08 (3) (a), Stats. The department may also require demonstration of competence by various methods including, but not limited to, written or oral examination, documentation of home inspection in other jurisdictions, or documentation of current education or experience in the field. Any examination or education required under this section may not be more extensive than the educational or examination requirements for initial registration with the department.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (1) (intro.), (b), (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; **CR 13−030: renum. section 131.14 from section SPS 132.05 (3) and cr. (title) and am. Register November 2013 No. 695, eff. 12−1−13.**

SPS 131.15 Denial of registration. An application for registration under this chapter may be denied for fraud or misrepresentation in the application for registration, or for any of the grounds under s. 440.978, Stats., for which the department may discipline a registrant.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; **CR 14−010: renum. section 131.15 from section SPS 132.06 Register August 2014 No. 704, eff. 9−1−14.**

Subchapter III — Examinations

SPS 131.21 Examination requirements. (1) An applicant for registration as a home inspector shall file an application for examination on a form prescribed by the department and shall submit a fee specified in s. 440.05 (1) (b), Stats., at least 30 days before the date of the examination.

Note: Application forms are available on request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708−8935.

(2) On or after January 1, 2001, the department shall prepare or approve a 2−part examination. Part I shall consist of an examination relating to the Wisconsin statutes and administrative rules that relate to the practice of home inspection. Part II shall consist of an examination relating to the principles and procedures that relate to the practice of home inspection.

Note: An otherwise qualified applicant with a disability shall be provided with reasonable accommodations.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; am. (3), Register, May, 2001, No. 545, eff. 6−1−01; **CR 14−010: renum. section 131.21 (title), (1), (2) from section SPS 133.01 (title), (1), (3) Register August 2014 No. 704, eff. 9−1−14; correction in (title) made under s. 13.92 (4) (b) 2., Stats., Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.22 Examination grade. (1) To pass each examination part the applicant shall receive a grade determined by the department to represent the minimum competence to practice. The department shall determine the passing grade for part I of the examination after consultation with subject matter experts who have reviewed a representative sample of the examination questions and available candidate performance statistics, and shall set the passing grade for the examination at that point which represents minimum acceptable competence in the profession. The department shall determine the passing grade for part II of the examination in the same manner as for part I or the department may accept the passing grade recommendation of a testing agency whose examination has been approved by the department.

(2) The department may refuse to release grades or issue a home inspector registration if the department determines that an applicant violated the rules of conduct of the examination or otherwise acted dishonestly.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; am. (1), Register, May, 2001, No. 545, eff. 6−1−01; **CR 14−010: renum. section 131.22 from section SPS 133.02 Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.23 Examination review. An applicant who fails the required examination may request a review of that examination as permitted by the examination provider. If a review is provided, all of the following conditions apply:

(1) An applicant shall file a written request with the department within 30 days after the date on which the examination results were mailed and pay the fee specified in s. SPS 4.05.

(2) An applicant may review the examination by appointment only and shall be limited to the time permitted by the examination provider.

(3) An applicant may not be accompanied during the review by any person other than the proctor.

(4) An applicant shall be provided with a form on which to write comments, questions or claims of error regarding any items in the examination. Bound reference books shall be permitted. An applicant may not remove any notes from the area. Notes shall be retained by the proctor and made available to the applicant for use at a hearing, if desired. The proctor may not defend the examination nor attempt to refute claims of error during the review.

(5) An applicant may not review the examination more than once.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; **CR 14−010: renum. section 131.23 from section SPS 133.03 Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.24 Reexamination. An applicant who fails to achieve passing grades on the examinations required under this chapter may apply for reexamination on forms provided by the department. For each reexamination, the applicant shall pay the reexamination fee specified in s. 440.06, Stats.

Note: Forms are available on request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708−8935.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; **CR 14−010: renum. section 131.24 from section SPS 133.04 Register August 2014 No. 704, eff. 9−1−14.**

Subchapter IV — Standards of Practice

SPS 131.31 General requirements. (1) A home inspector shall perform a reasonably competent and diligent home inspection of the readily accessible installed systems and components required to be inspected under s. SPS 131.32 to detect observable conditions of an improvement to residential real property. A reasonably competent and diligent home inspection is not required to be technically exhaustive.

(2) This section does not require a home inspector to do any of the following:

(a) Offer a warranty or guarantee of any kind.

(b) Calculate the strength, adequacy or efficiency of any component of an improvement to residential real property.

(c) Enter any area or perform any procedure that may damage an improvement to residential real property or a component of an improvement to residential real property, or enter any area or perform any procedure that may be dangerous to the home inspector or to other persons.

(d) Operate any component of an improvement to residential real property that is inoperable.

(e) Operate any component of an improvement to residential real property that does not respond to normal operating controls.

(f) Disturb insulation or move personal items, furniture, equipment, vegetation, soil, snow, ice or debris that obstructs access to or visibility of an improvement to residential real property or a component of an improvement to residential real property.

(g) Determine the effectiveness of a component of an improvement to residential real property that was installed to control or remove suspected hazardous substances.

(h) Evaluate acoustic characteristics of a component of an improvement to residential real property.

(i) Project or estimate the operating costs of a component of an improvement to residential real property.

(j) Predict future conditions, including the failure of component of an improvement to residential real property.

(k) Inspect for the presence or absence of pests, including rodents, insects and wood−damaging organisms.

(L) Inspect cosmetic items, underground items or items not permanently installed.

(m) Inspect for the presence of any hazardous substances.

(n) Disassemble any component of an improvement to residential real property, except for removing an access panel that is normally removed by an occupant of residential real property.

(3) This section does not prohibit a home inspector from doing any of the following:

(a) Reporting observations or conditions in addition to those required under this section.

(b) Excluding a component of an improvement to residential real property from the inspection, if requested to do so by his or her client.

(c) Engaging in an activity that requires an occupation credential if he or she holds the necessary credential.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (1) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; **CR 14−010: renum. section 131.31 from section SPS 134.02 and am. (1) Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.32 Mechanical and structural components included in a home inspection. A reasonably competent and diligent home inspection shall meet the standards in subs. (1) to (11) and shall include an inspection of, and report on, all of the following items that are present on the property at the time of the home inspection:

(1) FOUNDATIONS. A home inspector shall observe and describe the type and condition of the foundation.

(2) COLUMNS. A home inspector shall observe and describe the type and condition of columns.

(3) FLOORING SYSTEMS. A home inspector shall observe and describe the type and condition of flooring systems.

(4) ROOFS. (a) A home inspector shall observe and describe the condition of all of the following:

1. Roof coverings, including type.
2. Roof drainage systems.
3. Flashings.
4. Skylights, chimneys and roof penetrations.
5. Signs of leaks or abnormal condensation on building components.

(b) A home inspector shall describe the methods used to observe the roof.

(c) A home inspector is not required to do any of the following:

1. Walk on the roofing.
2. Observe attached accessories, including, but not limited to, solar systems, antennae and lightning arrestors.
3. Observe internal gutter and downspout systems and related underground drainage piping.

(5) EXTERIORS. (a) A home inspector shall observe and describe the condition of all of the following:

1. Wall claddings, including type.
2. Flashings and trim.
3. Entryway doors and at least one window per side of a dwelling unit.
4. Garage door operators, including whether any garage door operator automatically reverses or stops when meeting reasonable resistance during closing.
5. Decks, balconies, stoops, steps and porches including railings.
6. Eaves, soffits and fascias.
7. Grading, drainage, driveways, patios, walkways, and retaining walls that abut the dwelling unit.

(b) A home inspector shall operate all entryway doors, garage doors, and at least one window per side of a dwelling unit.

(c) A home inspector is not required to observe the following:

1. Storm windows, storm doors, screening, shutters, awnings, and similar seasonal accessories.
2. Locks, latches or other security devices or systems.
3. Intercom systems.
4. Fences or privacy walls.
5. Insulation or vapor barriers in exterior walls.
6. Safety glazing.
7. Garage door operator remote control transmitters.
8. Geological or soil conditions.
9. Recreational facilities.
10. Out−buildings other than garages and carports.
11. Trees, shrubs and other vegetation.

(6) PLUMBING SYSTEMS. (a) A home inspector shall observe and describe the condition of all of the following:

1. Interior water supply and distribution system, including piping materials, supports, fixtures, faucets, functional flow and drainage, leaks and cross connections.
2. Interior drain, waste and vent system, including traps, drain, waste, and vent piping, piping supports and leaks.
3. Hot water systems, including water heating equipment, normal operating controls, automatic safety controls, and the exterior surfaces of chimneys, flues, and vents.
4. Fuel storage and distribution systems, including interior fuel storage equipment, supply piping, venting, supports and leaks.
5. Sump pumps.

(b) A home inspector shall operate all plumbing fixtures, including their faucets and accessible exterior faucets attached to the dwelling unit.

(c) A home inspector is not required to do any of the following:

1. State the effectiveness of anti−siphon devices.
2. Determine whether the water supply and waste disposal systems are public or private.
3. Operate automatic safety controls or sump pumps equipped with internal or water dependent switches.
4. Operate any valve except water closet flush valves, fixture faucets and hose faucets.
5. Observe water conditioning systems, fire and lawn sprinkler systems, on−site water supply quantity and quality, on−site disposal systems, foundation drainage systems, or spas.
6. Observe the interior of flues, chimneys and vents, or solar water heating systems.
7. Observe any exterior plumbing components such as water mains or swimming pools.
8. Determine water temperature.
9. Determine the proper sizing, design or use of plumbing materials.

(7) ELECTRICAL SYSTEMS. (a) A home inspector shall observe and describe the condition of all of the following:

1. Service entrance conductors.
2. Service equipment, grounding equipment, main over current device.
3. Main and distribution panels, including their location.
4. Amperage and voltage ratings of the service, including whether service type is overhead or underground.
5. Branch circuit conductors, their over current devices, and the compatibility of their ampacities and voltages, including any aluminum branch circuit wiring.
6. The operation of a representative number of installed lighting fixtures, switches and receptacles located inside the house, garage and any exterior walls.
7. The polarity and grounding of all receptacles within 6 feet of interior plumbing fixtures, in the garage or carport, and on the exterior of inspected structures.
8. The operation of ground fault circuit interrupters.
9. The functionality of the power sources for smoke detectors.

(b) A home inspector is not required to do any of the following:

1. Insert any tool, probe or testing device inside the panels.
2. Test or operate any over current device except ground fault circuit interrupters.
3. Dismantle any electrical device or control other than to remove the covers of the main and auxiliary distribution panels.
4. Observe low voltage systems, telephones, security systems, cable TV, intercoms, or other ancillary wiring that is not a part of the primary electrical distribution systems.
5. Measure amperage, voltage or impedance.

(8) INTERIORS. (a) A home inspector shall observe and describe the condition of all of the following:

1. Walls, ceilings and floors.
2. Steps, stairways, balconies and railings.
3. Counters and all sink base cabinets.
4. A random sample of doors and windows.
5. Separation walls, ceilings, and doors between a dwelling unit and an attached garage or another dwelling unit.
6. Signs of water penetration into the building or signs of abnormal or harmful condensation on building components.

(b) A home inspector is not required to observe any of the following:

1. Paint, wallpaper, and other cosmetic finish treatments on the interior walls, ceilings and floors.

2. Carpeting.

3. Draperies, blinds or other window treatments.

4. Household appliances.

5. Recreational facilities or another dwelling unit.

(9) HEATING SYSTEMS. (a) A home inspector shall observe and describe the condition of all of the following within a permanently installed heating system:

1. Heating equipment and distribution systems.

2. Normal operating controls and energy source.

3. Automatic safety controls.

4. Exterior surfaces of chimneys, flues and vents.

5. Solid fuel heating devices.

6. The presence of an installed heat source in each room.

(b) A home inspector shall operate the systems using normal operating controls and open readily accessible access panels provided by the manufacturer or installer for routine homeowner maintenance.

(c) A home inspector is not required to do any of the following:

1. Operate heating systems when weather conditions or other circumstances may cause equipment damage.

2. Operate automatic safety controls.

3. Ignite or extinguish fuel fires.

4. Observe the interior of flues, fireplace insert flue connectors, humidifiers, electronic air filters, or the uniformity or adequacy of heat supply to the various rooms.

5. Observe a heat exchanger unless it is readily observable and normally accessible to an occupant of a dwelling unit.

(10) CENTRAL AIR CONDITIONING. (a) A home inspector shall observe and describe the condition of all of the following:

1. Cooling and air handling equipment, including type and energy source.

2. Normal operating controls.

3. The presence of an installed cooling source in each room.

(b) A home inspector shall operate the systems, using normal operating controls, and open readily accessible access panels provided by the manufacturer or installer for routine homeowner maintenance.

(c) A home inspector is not required to do any of the following:

1. Operate cooling systems when weather conditions or other circumstances may cause equipment damage.

2. Observe non−central air conditioners.

3. Observe the uniformity or adequacy of cool−air supply to the various rooms.

4. Operate electronic air filters.

5. Observe the pressure of the system coolant or determine the presence of leakage.

6. Test the electrical current drawn by the unit.

(11) INSULATION AND VENTILATION. (a) A home inspector shall observe and describe the condition of all of the following:

1. The presence or absence of insulation in unfinished spaces.

2. Ventilation of attics and foundation areas.

3. Kitchen, bathroom, and laundry venting systems.

(b) A home inspector is not required to observe any of the following:

1. Concealed insulation.

2. Venting equipment which is integrated with household appliances.

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; **CR 14−010: renum. section 131.32 from section SPS 134.03 Register August 2014 No. 704, eff. 9−1−14.**

SPS 131.33 Contents of a home inspection report.

(1) After completing a home inspection, a home inspector shall submit a written report to a client that does all of the following:

(a) Lists the items described in s. SPS 131.32 that a home inspector is required to inspect.

(b) Lists the items described in s. SPS 131.32 that a home inspector has inspected.

(c) Describes the condition of any item identified in s. SPS 131.32.

(d) Describes the condition of any item identified in s. SPS 131.32 that, if not repaired, will have significant adverse effect on the life expectancy of the identified item.

(e) Lists any material adverse facts that a home inspector has knowledge of or has observed.

(2) A home inspector is not required to report on any of the following aspects of items identified in s. SPS 131.32:

(a) Their life expectancy.

(b) The reason for the necessity of a major repair.

(c) The method of making any repair or correction, the materials needed for any repair or correction, or the cost of any repair or correction.

(d) The suitability for any specialized use of an improvement to residential real property.

(e) Whether they comply with applicable regulatory requirements.

(3) A home inspector may not report in writing or verbally on any of the following:

(a) The market value or marketability of a property.

(b) Whether a property should be purchased.

(4) A home inspector is not required to retain inspectors or investigators to perform follow−up inspections or investigations of any material adverse facts that a home inspector has knowledge of or has observed under sub. (1) (d).

History: Cr. Register, July, 1999, No. 523, eff. 8−1−99; correction in (1) (a), (b), (c), (d), (2) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671; **CR 14−010: renum. section 131.33 from section SPS 134.04 and am. (1) (a), (b) Register August 2014 No. 704, eff. 9−1−14; corrections in (1) (c), (d), (2) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register August 2014 No. 704.**

Subchapter V — Continuing Education Requirements

SPS 131.41 Continuing education requirements for registration renewal.

(1) Except as provided in sub. (2), every registered home inspector shall complete a minimum of 40 continuing education credit hours during each biennial registration period.

(2) A registrant is not required to complete continuing education credit hours between initial registration and the first registration renewal period.

(3) (a) If a registrant fails to satisfy the continuing education requirements provided in sub. (1) within a biennial registration period, continuing education credit hours acquired on or after December 15 of any even−numbered year will be first applied to the preceding biennium until the requirement is fulfilled. Continuing education credit hours may not apply to more than one biennium.

(b) A registrant who fails to meet the continuing education requirements provided in sub. (1) by December 14 of any even−numbered year may not engage in the practice of home inspection until the registration is renewed, except as provided in s. SPS 131.45.

(4) Continuing education credit hours shall be obtained through any of the following means:

(a) Attending seminars, corporate in−house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences meeting the requirements of s. SPS 131.42. Attendance may be in person or via remote classroom where a provider is available to participate to comment and answer questions.

(b) Teaching a continuing education training program. Fifty minutes of actual instruction is equivalent to one continuing education credit hour. No additional continuing education credit hours will be granted for subsequent presentations of identical material.

(c) Participating in a continuing education training program that does not meet in person including the completion of interactive short courses or tutorials, delivery of educational programs and courses on CD−ROM or the Internet, webinars, or correspondence courses.

(5) A registrant may only receive credit for the initial attendance of a continuing education training program during a biennium. A registrant may not receive additional continuing education credit hours for repeated attendance at a continuing education training program during a biennium.

(6) A registrant may not receive continuing education credit hours for work completed as part of the registrant's regular duties as a home inspector.

History: CR 14−010: cr. Register August 2014 No. 704, eff. 9−1−14.

SPS 131.42 Standards for continuing education training programs. An acceptable continuing education training program shall meet all of the following criteria:

(1) Include instruction in an organized method of learning contributing directly to the professional competency of the registrant and pertaining to subject matters that significantly relate to the practice of home inspection. The instruction shall include amplification, evaluation, examples, and explanation of the course subject matter to the licensee.

(2) Be conducted by individuals or entities which have specialized education, training, or experience in the subject matter of the program.

(3) Provide attendance or completion verification records in the form of certificates of completion evidencing attendance at, or completion of, the continuing education training program. A certificate of completion shall include all of the following:

(a) The name of the course.

(b) The provider's name.

(c) The registrant's name.

(d) The date of completion.

(e) The location of the course.

(f) The number of hours.

(g) A signature from the instructor or provider.

History: CR 14−010: cr. Register August 2014 No. 704, eff. 9−1−14; correction in numbering in (3) (a) to (g) made under s. 13.92 (4) (b) 1., Stats., Register August 2014 No. 704, eff. 9−1−14.

SPS 131.43 Certificate of completion, proof of attendance. (1) Each registrant shall certify on the registration renewal application that he or she has fully complied with the continuing education requirements of this subchapter.

(2) The department may conduct a random audit of its registrants on a biennial basis for assessing compliance with the continuing education requirements in this subchapter. It is the responsibility of each registrant to retain or otherwise produce evidence of compliance.

(3) If evidence of compliance is required by the department or its designee, the registrant shall submit the requested information within 30 business days of receiving written notice. Failure to do so may result in disciplinary action.

History: CR 14−010: cr. Register August 2014 No. 704, eff. 9−1−14.

SPS 131.44 Recordkeeping. A registrant shall obtain a certificate of completion from the program provider for each continuing education training program completed. The registrant shall retain the certificate of completion and any other required, related documentation for a minimum of 5 years.

History: CR 14−010: cr. Register August 2014 No. 704, eff. 9−1−14.

SPS 131.45 Waiver of continuing education requirements. (1) A renewal applicant who is actively practicing in the profession and is unable to fully comply with the continuing education requirements due to temporary, extreme hardship, as determined by the department, may submit a written request for a waiver or a written request for an extension of time to complete the continuing education requirements. The department will review the request, and in its sole discretion may grant a full or partial waiver, or an extension of time to comply with the requirements.

(2) A renewal applicant who prior to the expiration date of the registration submits a request for a waiver and provides a written statement setting forth the basis for the request, shall be deemed to be in good standing until the final decision on the request is made by the department. If the waiver is denied and the registration has expired, the applicant shall immediately discontinue engaging in the practice of home inspection until the applicant meets the requirements of s. SPS 131.41 and submits evidence of compliance to the department.

(3) A renewal applicant may not receive a waiver under this section for 2 consecutive biennia.

History: CR 14−010: cr. Register August 2014 No. 704, eff. 9−1−14.