HOUSE BILL NO. 352

AN ACT TO CREATE NEW SECTION 73-60-47, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A HOME INSPECTOR TO UNDERGO CERTAIN BACKGROUND CHECKS; TO AMEND SECTIONS 73-60-11 AND 73-60-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 73-60-47, Mississippi Code of 1972:

73-60-47. (1) (a) To qualify for a Mississippi home inspector license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination that the applicant does not possess a background which calls into question public trust, as set forth below in subsection (2), and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-60-31.

(b) To assist the commission in conducting its licensure investigation, on or after July 1, 2021, all applicants for a Mississippi home inspector license, and all applicants for
renewal of any home inspector license shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the commission, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(c) Any and all state or national criminal history records information obtained by the commission that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the commission, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the commission to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the commission to any other person or agency.

(d) The commission shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant
consenting to the check of the criminal records and to the use of
the fingerprints and other identifying information required by the
state or national repositories.

(e) The commission shall charge and collect from the
applicant, in addition to all other applicable fees and costs,
such amount as may be incurred by the commission in requesting and
obtaining state and national criminal history records information
on the applicant.

(2) (a) The commission must ensure that applicants for home
inspector licenses do not possess a background that could call
into question public trust. An applicant found by the commission
to possess a background which calls into question the applicant's
ability to maintain public trust shall not be issued a home
inspector license.

(b) The commission shall not issue a home inspector
license if:

(i) The applicant has had a home inspector license
revoked in any governmental jurisdiction within the five-year
period immediately preceding the date of the application;

(ii) The applicant has been convicted of, or pled
guilty or nolo contendere to, a felony in a domestic or foreign
court involving an act of fraud, dishonesty or a breach of trust,
or money laundering at any time preceding the date of the
application if, in the discretion of the commission following
notice to the applicant and a hearing, good cause exists to deny
or not renew licensure.

(c) Applicants for a home inspector license or renewal
of a home inspector license who hold any other license falling
under the jurisdiction of the commission requiring a background
check shall not be required to pay for more than one (1)
background check during a calendar year.

(d) The commission shall adopt rules and regulations
necessary to implement, administer and enforce the provisions of
this section.

SECTION 2. Section 73-60-11, Mississippi Code of 1972, is
amended as follows:

73-60-11. (1) An application for an original license shall
be made in writing to the commission on forms as the commission
may prescribe and shall be accompanied by the required fee and
proof of liability insurance and errors and omissions insurance.

(2) To qualify for a license under this chapter, a person
shall:

(a) Have successfully completed high school or its
equivalent;

(b) Be at least twenty-one (21) years of age;

(c) Have successfully completed an approved course of
study of at least sixty (60) hours that may include field work as
prescribed by the commission;
(d) Have passed an examination as prescribed by the commission; **

(e) Provide a certificate of insurance for errors and omissions and general liability insurance (in the required amounts) pursuant to Section 73-60-15 **; and

(f) Have passed a background investigation pursuant to Section 73-60-47.

(3) The commission must review each application for a license submitted to it and must notify each applicant that the application is either accepted or rejected. The commission must send notification of acceptance or rejections to the applicant at the address provided by the applicant in the application within thirty (30) days of receiving the application. If the application is rejected, the notice sent to the applicant must state the reasons for the rejection.

SECTION 3. Section 73-60-31, Mississippi Code of 1972, is amended as follows:

73-60-31. The commission may refuse to issue or to renew or may revoke or suspend a license or may place on probation, censure, reprimand, or take other disciplinary action with regard to any license issued under this chapter, including the issuance of fines for each violation, for any one (1) or combination of the following causes:

(a) Violations of this chapter or the commission's rules promulgated pursuant hereto;
(b) Violation of terms of license probation;
(c) Conviction of a felony or making a plea of guilty or nolo contendere within five (5) years prior to the date of application;
(d) Operating without adequate insurance coverage required for licensees; * * *
(e) Fraud in the procurement or performance of a contract to conduct a home inspection * * *; and
(f) Failure to submit to or pass a background investigation pursuant to Section 73-60-47.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.