

By: False

To: Judiciary A

HOUSE BILL NO. 352

1 AN ACT TO CREATE NEW SECTION 73-60-47, MISSISSIPPI CODE OF  
2 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A HOME INSPECTOR TO  
3 UNDERGO CERTAIN BACKGROUND CHECKS; TO AMEND SECTIONS 73-60-11 AND  
4 73-60-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
5 PURPOSES.

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

7 **SECTION 1.** The following shall be codified as Section  
8 73-60-47, Mississippi Code of 1972:

9 73-60-47. (1) (a) To qualify for a Mississippi home  
10 inspector license, an applicant must have successfully been  
11 cleared for licensure through an investigation that shall consist  
12 of a determination that the applicant does not possess a  
13 background which calls into question public trust, as set forth  
14 below in subsection (2), and verification that the prospective  
15 licensee is not guilty of or in violation of any statutory ground  
16 for denial of licensure as set forth in Section 73-60-31.

17 (b) To assist the commission in conducting its  
18 licensure investigation, on or after July 1, 2021, all applicants  
19 for a Mississippi home inspector license, and all applicants for



20 renewal of any home inspector license shall undergo a  
21 fingerprint-based criminal history records check of the  
22 Mississippi central criminal database and the Federal Bureau of  
23 Investigation criminal history database. Each applicant shall  
24 submit a full set of the applicant's fingerprints in a form and  
25 manner prescribed by the commission, which shall be forwarded to  
26 the Mississippi Department of Public Safety (department) and the  
27 Federal Bureau of Investigation Identification Division for this  
28 purpose.

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

42 (d) The commission shall provide to the department the  
43 fingerprints of the applicant, any additional information that may  
44 be required by the department, and a form signed by the applicant



45 consenting to the check of the criminal records and to the use of  
46 the fingerprints and other identifying information required by the  
47 state or national repositories.

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

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

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

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

64 (ii) The applicant has been convicted of, or pled  
65 guilty or nolo contendere to, a felony in a domestic or foreign  
66 court involving an act of fraud, dishonesty or a breach of trust,  
67 or money laundering at any time preceding the date of the  
68 application if, in the discretion of the commission following



69 notice to the applicant and a hearing, good cause exists to deny  
70 or not renew licensure.

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

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

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

81 73-60-11. (1) An application for an original license shall  
82 be made in writing to the commission on forms as the commission  
83 may prescribe and shall be accompanied by the required fee and  
84 proof of liability insurance and errors and omissions insurance.

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

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

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

90 (c) Have successfully completed an approved course of  
91 study of at least sixty (60) hours that may include field work as  
92 prescribed by the commission;



93 (d) Have passed an examination as prescribed by the  
94 commission; \* \* \*

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

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

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

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

110 73-60-31. The commission may refuse to issue or to renew or  
111 may revoke or suspend a license or may place on probation,  
112 censure, reprimand, or take other disciplinary action with regard  
113 to any license issued under this chapter, including the issuance  
114 of fines for each violation, for any one (1) or combination of the  
115 following causes:

116 (a) Violations of this chapter or the commission's  
117 rules promulgated pursuant hereto;



- 118 (b) Violation of terms of license probation;
- 119 (c) Conviction of a felony or making a plea of guilty  
120 or nolo contendere within five (5) years prior to the date of  
121 application;
- 122 (d) Operating without adequate insurance coverage  
123 required for licensees; \* \* \*
- 124 (e) Fraud in the procurement or performance of a  
125 contract to conduct a home inspection \* \* \*; and
- 126 (f) Failure to submit to or pass a background  
127 investigation pursuant to Section 73-60-47.

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

