

Text added to existing rules shown in ***bold italics*** Initial Proposal - xx-xx-24 - 1  
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**Readopt with amendments Home 400, effective 1-23-18 (Document #12463), to read as follows:**

CHAPTER Home 400 CONTINUED STATUS

PART Home 401 RENEWAL OF LICENSE

Home 401.01 Expirations and Renewals. Pursuant to RSA ~~310:8~~ ~~310-A:192~~, licenses shall be renewed by written application prior to the expiration date and by payment of the prescribed renewal fee. The ~~board~~ ***office*** shall notify each home inspector ~~one~~ ***at least 2 months*** prior to expiration of their license. If properly renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or revoked ~~by the board~~.

Home 401.02 Renewal of License.

(a) Any licensee wishing to renew a license shall submit:

- (1) The completed “~~NH Home Inspector Renewal Form~~” supplied by the board ***the “Universal Application for License Renewal” dated April 2024 and described in Plc 308.05 that contains the information specified in Plc 308.06 and Plc 308.07, and that is signed and attested to pursuant to Plc 308.08;***
- (2) The fee specified in ~~Plc 1002.20~~ ~~Home 301.04~~;
- (3) If the renewal is not received by the date of expiration, a late fee of 20 percent per month for a period of twelve months;
- (4) Proof of completion of the continuing education requirements of Home 403.; and
- (5) A copy of the licensee’s military orders calling them to active duty pursuant to Home 401.02 (b).

(b) ~~Upon request of the~~ ***A*** licensee who is a member of the armed forces or the reserves or the national guard of the United States that is called to active duty, ***may submit a request to place their license in inactive status to the board office pursuant to Plc 307.06.*** shall place the license in inactive status. The licensee may ***request license reactivation pursuant to Plc 307.07.*** ~~be reactivated within one year of the licensee’s release from active status by payment of the renewal fee unless still within the renewal period.~~

~~Home 401.03 Renewal Application. The applicant shall supply the following information on or with the “NH Home Inspector Renewal Form” for license renewal:~~

- ~~— (a) The applicant’s full name, license number, and license expiration date;~~
- ~~— (b) The applicant’s business address and telephone number;~~
- ~~— (c) The applicant’s home address and telephone number;~~
- ~~— (d) The applicant’s email address;~~

**Commented [CB1]:** Does the office use the 60 days language? I would suggest we mimic the OPLC language

**Commented [CW2R1]:**  
+cassandra.a.brown@oplcnh.gov RSA 310:8, IV and Plc 308.03(a) use 2 months.

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~~— (e) An attestation that the information provided by the applicant is true and correct to the best of the applicant's knowledge and belief and complies with the minimum of 20 continuing education hours required by RSA 310-A:192;~~

~~— (f) A statement indicating any disciplinary action brought against the applicant;~~

~~— (g) A statement indicating whether the applicant has ever been convicted of any felony, or any misdemeanor, and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;~~

~~— (h) A statement indicating that to his or her knowledge the applicant has adhered to the ethical and professional standards of RSA 310-A:185, Home 500, and Home 600;~~

~~— (i) A acknowledgment that the provision of materially false information in the application known by the applicant to be untrue is a basis for denial;~~

~~— (j) A acknowledgment that, if the applicant provided false information that is discovered after the license is renewed, it is a basis for disciplinary action by the board;~~

~~— (k) Proof of liability insurance coverage consisting of at least the following:~~

~~(1) The name and address of the insurance company;~~

~~(2) The name and address of the certificate holder;~~

~~(3) Liability insurance coverage and minimum amounts of coverage; and~~

~~(4) Cancellation policy of the insurance policy;~~

~~— (l) A "New Hampshire Board of Home Inspectors Continuing Education Activity Log", effective January 2018, which demonstrates successful completion of 20 hours of board approved education pursuant to RSA 310-A:190, I (a);~~

~~— (m) The renewal fee as specified in Home 301.04; and~~

~~— (n) The applicant's signature and date.~~

Home 401.04 ***Denial of Renewal***. ***Renewal shall be denied if, after notice and an opportunity for hearing, the board finds: Applications for license renewal shall be reviewed pursuant to Plc 308.11. Applicants may challenge a denial of license renewal pursuant to Plc 308.12.***

~~— (a) Noncompliance with the continuing education requirements of Home 403.01;~~

~~— (b) Any unethical act for which discipline shall be imposed under RSA 310-A:185;~~

~~— (c) Reasons for which an initial application could be denied;~~

~~— (d) Failure to furnish complete or accurate information on an initial or renewal license application;~~  
or

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~~— (e) Failure to file a renewal application within 12 months of license expiration.~~

Home 401.05 Reinstatement. A home inspector whose license to practice home inspection in this state has been allowed to lapse for a period of 12 months or more:

~~— (a) File an “Application for Reinstatement”, effective January 2018, with the board that shall include at least the following:~~

- ~~(1) The applicant’s full name;~~
- ~~(2) The applicant’s business address and telephone number;~~
- ~~(3) The applicant’s home address and telephone number;~~
- ~~(4) Documentation that the applicant has complied with the continuing education requirements of Home 403;~~
- ~~(5) A statement indicating any disciplinary action brought against the applicant;~~
- ~~(6) A statement indicating whether the applicant has ever been convicted of any felony, any misdemeanor, or a violation and if so, the name of the court, the details of the offense and the date of conviction and the sentence imposed;~~
- ~~(7) A statement indicating that to their knowledge the applicant has adhered to the ethical and professional standards of RSA 310-A:185 and Home 600;~~
- ~~(8) A representation that the applicant acknowledges that the provision of false information in the application is a basis for disciplinary action by the board;~~
- ~~(9) The names, complete addresses, occupation and business relationship with applicant of one reference from home inspectors as defined by RSA 310-A:183 VI;~~
- (10) Proof of liability insurance coverage consisting of at least the following:***
  - a. The name and address of the insurance company;***
  - b. The name and address of the certificate holder;***
  - c. Liability insurance coverage and minimum amounts of coverage; and***
  - d. Cancellation policy of the insurance policy;***
- (11) Evidence of successful completion of the National Home Inspectors licensing examination; and***
- (12) The applicant’s signature and date.***

~~— (b) Applicants for reinstatement shall provide the reference identified in (a)(9) above with a confidential reference form and cover letter, included in the application for reinstatement. Such reference form shall be returned directly to the board by the home inspector making the reference.~~

**Commented [CW3]:**  
+cassandra.a.brown@oplc.nh.gov is this needed for license renewal?

**Commented [CB4R3]:** We can discuss with the board.

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***(a) Plc 312.02 shall govern the application process for renewing a license not more than one year after expiration.***

***(b) Plc 312.03 shall govern the application process for licenses that have been expired for more than one year.***

(c) Applicants shall submit the ~~application and reinstatement~~ ***applicable renewal*** fees as specified in ***Plc 1002.20*** ~~Home 301.04.~~

Home 401.06 Denial of Reinstatement. Reinstatement shall be denied if, after notice and an opportunity for hearing, the board finds:

- (a) Noncompliance with the continuing education requirements of Home 403.01;
- (b) Any unethical act for which discipline shall be imposed under RSA 310-A:185;
- (c) Reasons for which an initial application could be denied; or
- (d) Failure to furnish complete or accurate information on an initial or renewal license application.

#### PART Home 402 DISCIPLINARY MATTERS

Home 402.01 Initiation of Disciplinary Action. ~~The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct. ***Allegations of misconduct sufficient to support disciplinary action under RSA 310-A:196 shall be brought in accordance with RSA 310:9 through RSA 310:11, and Plc 311.***~~

Home 402.02 Disciplinary Sanctions.

~~— (a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions ***pursuant to RSA 310:12 and Plc 311.08 through Plc 311.11.*** only:~~

- ~~(1) After prior notice and an opportunity to be heard; or~~
- ~~(2) Pursuant to a mutually agreed upon settlement or consent decree.~~

~~— (b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction, where the license was not reinstated, the board shall issue an order directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.~~

~~— (c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the licensee shall be subject to any disciplinary sanction authorized by RSA 310-A:196, V after considering the presence of aggravating or mitigating circumstances.~~

~~— (d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-A:197, V after considering the presence of aggravating or mitigating circumstances.~~

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Initial Proposal - xx-xx-24 - 1

~~— (e) The following shall be considered aggravating circumstances:~~

- ~~(1) The seriousness of the offense;~~
- ~~(2) Prior disciplinary record;~~
- ~~(3) Lack of willingness to cooperate with the board; and~~
- ~~(4) Potential harm to public health and safety.~~

~~— (f) The following shall be considered mitigating circumstances:~~

- ~~(1) Absence of a prior disciplinary record;~~
- ~~(2) Willingness to cooperate with the board;~~
- ~~(3) Acknowledgment of his or her wrongdoing; and~~
- ~~(4) The purpose of the rule or statute violated.~~

~~— (g) No hearing date established in a proceeding conducted under Home 402.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period, if any, pending issuance of the board's final decision.~~

~~— (h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.~~

Home 402.03 ***Administrative Fines. Plc 311.12 shall govern the assessment of administrative fines authorized pursuant to RSA 310:12, I(e).***

~~— (a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines under any provision of RSA 310-A when the board possesses evidence indicating that a violation has occurred.~~

~~— (b) When persons subject to the board's disciplinary authority are directed to pay fines pursuant to Home 402.02, such fines shall be assessed in accordance with the factors stated in Home 402.02 (e) and (f) and the following additional considerations:~~

- ~~(1) In addition to the circumstances outlined in Home 402.02(e), the board shall consider the aggravating factor of the cost of any investigation or hearing conducted by the board, as demonstrated by the cost of any third party investigators, prosecutors, or expert witnesses retained by the board; and~~
- ~~(2) In addition to the circumstances outlined in Home 402.02(f), the board shall consider the mitigating factor of the licensee's ability to pay a fine assessed by the board.~~

~~— (c) Administrative fines shall not exceed the following amounts:~~

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~~(1) When no violation of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,000.00 per offense, whichever is greater;~~

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~~(2) When a single disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater;~~

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~~(3) When more than one disciplinary infraction of the same type has occurred during a period of licensure within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$2,000.00 per offense whichever is greater;~~

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~~(4) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues; and~~

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~~(5) A single course of continuing conduct shall be treated as a single violation for purposes of Home 402.03 (c), (1), (2), and (3).~~

#### Home 402.04 Procedures for Assessing and Collecting Fines.

~~— (a) Payment of a fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.~~

~~— (b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a "notice of apparent liability" describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay or compromise the fine by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board's disciplinary options shall not be limited to the assessment of an administrative fine.~~

~~— (c) Nonpayment of a fine by a licensee or respondent in contravention of an order, agreement, or promise to pay, shall be a separate ground for discipline by the board and a basis for denying a subsequent license and renewal application and a basis for judicial action seeking to collect the fine.~~

### PART Home 403 CONTINUING EDUCATION

#### Home 403.01 Renewal Requirements.

(a) Continuing education hours shall be earned pursuant to RSA 310-A:192.

(b) A renewal application shall not be accepted for filing unless the licensee indicates on the renewal application, and under penalty of unsworn falsification, that ***they have*** completed the minimum required hours of approved continuing education hours required pursuant to RSA 310-A:192.

(c) Each licensee shall obtain at least 20 continuing education hours of approved continuing education courses during the biennial renewal period as a condition of license renewal.

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Home 403.02 Continuing Education Hour Requirements. Continuing education hours shall meet the following criteria:

(a) Continuing education activities shall be relevant to the practice of home inspection, or no credit shall be awarded. Such continuing education activities may include technical, ethical, or managerial content;

(b) The content of each presentation shall be well organized and presented in a sequential manner; and

(c) There shall be a provision for individual participant course or program registration including information required for record keeping and reporting.

Home 403.03 Continuing Education Hour Credits. Continuing education hours shall be credited as follows:

(a) A maximum of 6 continuing education hours shall apply to activity on a state or national board of licensure;

(b) Courses or programs awarded one college semester hour of credit shall equal 45 continuing education hours based on course credit established by the college or university;

(c) Courses or programs awarded one college quarter hour shall equal 30 continuing education hours;

(d) Courses or programs awarded one continuing education unit shall equal 10 continuing education hours;

(e) Credit shall be awarded for one hour of continuing education in course work, seminars, or professional technical presentations made at meetings, conventions, or conferences for each hour of attendance. Attendance at qualifying programs presented at professional or technical society meetings shall earn continuing education hour units for the actual time of each program;

(f) Teaching or instructing qualifying courses or seminars or making presentations at technical meetings shall earn continuing education hours credit at twice that of participants. Teaching credit shall be valid for teaching a course or seminar for the first time only. Teaching credit shall not apply to full-time faculty;

(g) Active participation in professional or technical societies shall equal 2 continuing education hours and shall require that a registrant serve as an officer or actively participate in a committee of the organization. Continuing education hour credits shall not be earned until each year service is completed and shall be limited to 2 continuing education hours per organization per year; and

(h) Continuing education credits shall not be recognized for any repeat program attended or completed.

Home 403.04 Record Keeping.

(a) The responsibility of maintaining records to be used to support credits claimed shall be the responsibility of the licensee.

(b) Records shall contain at least the following documentation:

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- (1) A log showing the type of activity claimed, sponsoring organization, location, instructor’s or speaker’s name, and continuing education hours credits earned; and
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance such as:
  - a. Signed attendance receipts;
  - b. Paid receipts; or
  - c. A copy of a listing of attendees signed by a person sponsoring the course or program or the course or program provider.

(c) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit and verification purposes. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.

(d) Not less than ~~510%~~ of the licensees shall be randomly selected each year by the ~~board~~ ***office*** for compliance with Home. 403.01.

Home 403.05 Exemptions.

(a) A licensee shall be exempt from the continuing education requirements for any of the following reasons:

- (1) A licensee serving on temporary active duty in the armed forces of the United States for a period of time exceeding 120 consecutive days in a year shall be exempt from obtaining the continuing education hours required during that year; or
- (2) Licensees experiencing disability, illness, or other extenuating circumstances which would prevent the licensee from completing the required continuing education hours shall apply in writing to the board for specific exemption.

(b) Relevant supporting documentation shall be furnished to the board when necessary for a fair and informed determination by the board.

Home 403.06 Waiver of Continuing Education Deadline. A waiver of continuing education deadlines shall be granted provided that a petition to that effect is filed at least 30 days before the expiration of the biennial renewal period in question or that late filing is justified by a showing of good cause. Good cause shall include accident, illness, or other circumstances beyond the control of the licensee. No waiver petition shall be granted which does not propose a specific timetable for completing specific courses which will meet the petitioner’s continuing education deficiency.

**APPENDIX**

<b>Rule</b>	<b>Specific State Statute the Rule Implements</b>
Home 401	RSA 310-A:187, I(b); RSA 310-A:195, I
Home 402	RSA 310-A:196, II; RSA 310-A:197, VI



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Home 403	RSA 310-A:187, I(b); RSA 310-A:195
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