

## NOTICE OF INTENT

### Office of the Governor Board of Home Inspectors

General Rules (LAC 46:XL.309 and 313)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., and through the authority granted in R.S. 37:1475(4), notice is hereby given that the Board of Home Inspectors proposes to amend LAC 46:XL.309.C.6 and 313.C.4. The proposed amendment to Section 309.C.6 makes the Section consistent with R.S. 37:1478(B) and provides for the extension of the prohibition against repairing homes inspected to one year after the inspection. The proposed amendment to Section 313.C.4 requires the home inspector to inspect a remote-control transmitter if it is the only other control device.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part XL: Home Inspectors

#### Chapter 3. Standards of Practice

#### §309. General Exclusions

A. - C.5. ...

6. advertise or solicit to repair, replace, or upgrade, or repair, replace or upgrade for compensation, any system or component of the home which the inspector noted in the inspection report as deficient, in need of repair or replacement, or unsafe for a period of one year following the date of the home inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475 and R.S. 37:1478.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2746 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1690 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:922 (May 2015), repromulgated LR 41:2339 (November 2015), amended LR 43:314 (February 2017), LR 43:1913 (October 2017), LR 51:

#### §313. Exterior System

A. - C.3. ...

4. garage door operator remote control transmitters, unless the device is the only control device;

5 - 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1475.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2747 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1691 (August 2004), LR 36:2862 (December 2010), LR 38:2532 (October 2012), LR 41:923 (May 2015), LR 51:

#### Family Impact Statement

The Rule has no known impact on family formation, family stability, and autonomy as described in R.S. 49:972.

#### Poverty Impact Statement

The Rule has no known impact on poverty as described in R.S. 49:973.

#### Small Business Analysis

The Rule has no known impact on small businesses as described in R.S. 49:965.6.

#### Provider Impact Statement

The Rule has no known impact on providers as described in HCR 170 of 2014.

## Public Hearing

A public hearing to solicit comments and testimony on the proposed Rule changes is scheduled for June 6, 2025, at 9 a.m., at the office of the Louisiana State Board of Home Inspectors, 5211 Essen Lane, Suite 9, Baton Rouge, LA 70809. During the hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments, either orally or in writing. The deadline for the receipt of all comments is 10 a.m. that same day. To request reasonable accommodation for persons with disabilities, please call the board office at (225) 248-1334.

Morgan Spinosa  
Chief Operating Officer

### FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: General Rules

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change is not anticipated to result in any cost or savings to the state or local government unit other than the cost of promulgation of FY 25, including \$1500 in attorney fees associated with crafting and publishing the rule in the state register.

The proposed rule change does the following:

1. Makes the administrative rule (LAC46.XL.309.C(6)) consistent with that of the Home Inspection Licensing Law (R.S. 37:1478B) by not allowing a home inspector to repair any deficient item listed in a home inspection for one year after the inspection.

2. Provides that home inspectors are to inspect remote control transmitters if that is the only operating device.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Home inspectors who are also licensed contractors may also realize a loss of revenue since they will no longer be able to perform work on items listed in a home inspection as defective or deficient for one year after the inspection.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition and employment by extending the requirement that a licensed home inspector wait until one year after a home inspection to perform any work on any area of the home that the home inspector listed as defective, unsafe, or deficient in the report. Any immediate repairs will have to be performed by a different contractor, company, or firm. The magnitude of the impact is indeterminable at this time.

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