



KANSAS

HOME INSPECTION REGISTRATION BOARD

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Board of Directors
Jeff Barnes, Chair
Ed Robinson, Vice Chair
Pat Regan, Secretary
Ron Naab
Ralph Pimentel

February 19, 2009

An open letter to interested parties:

Due to many questions relating to the effective date of the provisions of KSA 58-4501 *et seq.* and questions regarding the constitutionality of one section of the bill, the Board officially ask the Attorney General to issue a written opinion. When questioned, the Board's representative from the AG's office, assistant AG Camille Nohe, stated that she believed that the language and the intent of the bill allowed a one year period for implementation of all of the provisions of the legislation. Questions still circulated however, which prompted our request for a formal written statement. I have included below, a copy of the opinion which has been received and which reverses her original opinion on one important area of the bill.

The key area of concern, is when must inspectors discontinue using limits of liability to less than \$10,000. The original intent of the bill was to include this as part of the requirements for "registered inspectors", however because the word "registered" is missing from paragraph (c) and (e) under Section 11 of KSA 58-4512 these sections were deemed, under the new opinion, to have been in force as of July 1, 2008.

As most of you know HB 2260 has been submitted to cleanup and clarify some of the ambiguous language in the original bill and to insert missing language. This bill passed out of the House today with a vote of 97 to 26 and when it arrives in the Senate we will be asking for a balloon amendment to insert the word "registered" in two key areas to bring the bill back inline with the intent of KSA 58-4501. Although the language will not be adopted until July 1, of this year it restores the intent of the bill and provides notice to others of the intent of the bill.

The AG's opinion regarding the constitutionality of requiring inspectors to belong to a particular home inspection association was upheld and this section has been stricken from the bill. Despite comments to the contrary, this is the only section which was questioned by the AG's office. All other changes to the bill made through HB 2260 were a result of discussions during the two Board meetings and consultation with the Board's attorney.

Should you have any additional questions please feel free to contact any of the Board members. Contact information is listed at www.ksinspectors.org

Sincerely,

Jeff Barnes, Chairperson
Kansas Home Inspection Registration Board