

Senator Paula F. Julander proposes the following substitute bill:

**UTAH HOME INSPECTION STANDARD OF
PRACTICE**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Paula F. Julander

This act modifies the Real Estate Code by clarifying the practice of home inspections; setting forth guidelines and definitions; listing exclusions; specifying requirements for a written home inspection report; identifying prohibited practices; making home inspection service providers liable for inspections not performed in compliance with this chapter; and limiting the time within which a client may file a grievance against an inspector.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

57-24-101, Utah Code Annotated 1953

57-24-102, Utah Code Annotated 1953

57-24-103, Utah Code Annotated 1953

57-24-104, Utah Code Annotated 1953

57-24-105, Utah Code Annotated 1953

57-24-106, Utah Code Annotated 1953

57-24-107, Utah Code Annotated 1953

57-24-108, Utah Code Annotated 1953

57-24-109, Utah Code Annotated 1953

57-24-110, Utah Code Annotated 1953

57-24-111, Utah Code Annotated 1953

57-24-112, Utah Code Annotated 1953



- 26 **57-24-113**, Utah Code Annotated 1953
- 27 **57-24-114**, Utah Code Annotated 1953
- 28 **57-24-115**, Utah Code Annotated 1953
- 29 **57-24-116**, Utah Code Annotated 1953

30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **57-24-101** is enacted to read:

32 **CHAPTER 24. UTAH HOME INSPECTION STANDARD OF PRACTICE**

33 **57-24-101. Title.**

34 This chapter is known as the "Utah Home Inspection Standard of Practice."

35 Section 2. Section **57-24-102** is enacted to read:

36 **57-24-102. Definitions.**

37 As used in this chapter:

38 (1) "Alarm system" means any warning device, installed or free standing including,
39 carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector
40 pumps, and smoke alarms.

41 (2) "Architectural service" means any practice involving the art and science of building
42 design for construction of any structure or grouping of structures and the use of space within
43 and surrounding the structures or the design for construction, including, schematic design,
44 design development, preparation of construction contract documents, and administration of the
45 construction contract.

46 (3) "Automatic safety control" means any device designed and installed to protect
47 systems and components from unsafe conditions.

48 (4) "Client" means an individual who retains an inspector to perform the services
49 included in the definition of a home inspection.

50 (5) "Component" means a part of a system.

51 (6) "Decorative" means ornamental; not required for the operation of the essential
52 systems and components of a home.

53 (7) "Describe" means to report a system or by its type or other observed, significant
54 characteristics to distinguish it from other systems or components.

55 (8) "Dismantle" means to take apart or remove any component, device, or piece of
56 equipment that would not be taken apart or removed by a homeowner in the course of normal

57 and routine home owner maintenance.

58 (9) "Engineering service" means any professional service or creative work requiring
59 engineering education, training, and experience and the application of special knowledge of the
60 mathematical, physical, and engineering sciences to such professional service or creative work
61 as consultation, investigation, evaluation, planning, design, and supervision of construction for
62 the purpose of compliance with the specifications and design, in conjunction with structures,
63 buildings, machines, equipment, works, or processes.

64 (10) "Further evaluation" means examination and analysis by a qualified professional,
65 tradesman, or service technician beyond that provided by the home inspection.

66 (11) "Home inspection" means the process by which an inspector visually examines the
67 readily accessible systems and components of a home and which describes those systems and
68 components in accordance with this chapter.

69 (12) "Household appliances" mean kitchen, laundry, and similar appliances, whether
70 installed or free standing.

71 (13) "Inspect" means to examine readily accessible systems and components of a
72 building in accordance with this chapter, using normal operating controls and opening readily
73 accessible panels.

74 (14) "Inspector" means a person hired to examine any system or component of a
75 building in accordance with this chapter.

76 (15) "Installed" means attached such that removal requires tools.

77 (16) "Normal operating controls" mean devices such as thermostats, switches, or
78 valves intended to be operated by the homeowner.

79 (17) "Readily accessible" means available for visual inspection without requiring
80 moving of personal property, dismantling, destructive measures, or any action which will likely
81 involve risk to persons or property.

82 (18) "Readily accessible panel" means a panel provided for homeowner inspection and
83 maintenance that is within normal reach, can be removed by one person, and is not sealed in
84 place.

85 (19) "Recreational facility" means any spa, sauna, steam bath, swimming pool,
86 exercise, entertainment, athletic, playground, or other similar equipment and associated
87 accessories.

88 (20) "Report" means to communicate in writing.

89 (21) "Representative number" means one component per room for multiple similar
90 interior components such as windows and electric outlets, and one component on each side of
91 the building for multiple similar exterior components.

92 (22) "Roof drainage systems" mean components used to carry water off a roof and
93 away from a building.

94 (23) "Significantly deficient" means unsafe or not functioning.

95 (24) "Shut down" means a state in which a system or component cannot be operated by
96 normal operating controls.

97 (25) "Solid fuel burning appliance" means a hearth and fire chamber or similar
98 prepared place in which a fire may be built and which is built in conjunction with a chimney; or
99 a listed assembly of a fire chamber, its chimney and related factory-made parts designed for
100 unit assembly without requiring field construction.

101 (26) "Standards of practice" means compliance with the construction or industry
102 standards required by this chapter.

103 (27) "Structural component" means a component which supports nonvariable forces or
104 weights (dead loads), and variable forces or weights (live loads).

105 (28) "System" means a combination of interacting or interdependent components
106 assembled to carry out one or more function.

107 (29) "Technically exhaustive" means an investigation that involves dismantling, the
108 extensive use of advanced techniques, measurements, instruments, testing, calculations, or
109 other means.

110 (30) "Underfloor crawl space" means the area within the confines of the foundation and
111 between the ground and the underside of the floor.

112 (31) "Unsafe" means a condition in a readily accessible, installed system or component
113 which is judged to be a significant risk of personal injury during normal, day-to-day use. The
114 risk may be due to damage, deterioration, improper installation, or a change in accepted
115 residential construction standards.

116 (32) "Wiring method" means identification of electrical conductors or wires by their
117 general type, such as "nonmetallic sheathed cable" ("Romex"), "armored cable" ("BX"), or "knob
118 and tube," etc.

119 Section 3. Section **57-24-103** is enacted to read:

120 **57-24-103. Inspection requirements.**

121 (1) This chapter establishes a minimum and uniform standard for private, fee-paid
122 home inspectors in Utah. Home inspections performed in accordance with this chapter shall
123 provide the client with information regarding the condition of the systems and components of
124 the home as inspected at the time of the home inspection.

125 (2) Inspectors shall inspect:

126 (a) readily accessible systems and components of homes listed in this chapter; and

127 (b) installed systems and components of homes listed in this chapter.

128 (3) Inspectors shall report:

129 (a) systems and components inspected which, in the professional opinion of the
130 inspector, are significantly deficient or are near the end of their service lives; and

131 (b) any system or component designated for inspection in this chapter that was present
132 at the time of the home inspection but was not inspected and a reason the system or component
133 was not inspected.

134 (4) This chapter is not intended to limit inspectors from:

135 (a) including other inspection services, systems, or components in addition to those
136 required by this chapter;

137 (b) specifying repairs needed, provided the inspector is appropriately qualified and
138 willing to do so; or

139 (c) excluding systems and components from the inspection if requested by the client.

140 Section 4. Section **57-24-104** is enacted to read:

141 **57-24-104. Structural system.**

142 (1) Inspectors shall inspect the structural components including foundation and framing
143 by probing a representative number of structural components where deterioration is suspected
144 or where clear indications of possible deterioration exist. Probing is not required when probing
145 would damage any finished surface or where no deterioration is visible.

146 (2) Inspectors shall describe the:

147 (a) foundation and report the methods used to inspect the underfloor crawl space;

148 (b) floor structure;

149 (c) wall structure;

- 150 (d) ceiling structure; and
- 151 (e) roof structure, including a report of the methods used to inspect the attic.
- 152 (3) Inspectors are not required to:
- 153 (a) provide any engineering service or architectural service; or
- 154 (b) offer an opinion as to the adequacy of any structural system or component.
- 155 Section 5. Section **57-24-105** is enacted to read:
- 156 **57-24-105. Exterior.**
- 157 (1) Inspectors shall inspect:
- 158 (a) the exterior wall covering, flashing, and trim;
- 159 (b) all exterior doors;
- 160 (c) attached decks, balconies, stoops, steps, porches, and their associated railings;
- 161 (d) the eaves, soffits, and fascias where accessible from the ground level;
- 162 (e) the vegetation, grading, surface drainage, and retaining walls on the property when
- 163 any of these are likely to adversely affect the building; and
- 164 (f) walkways, patios, and driveways leading to dwelling entrances.
- 165 (2) Inspectors shall describe the exterior wall covering.
- 166 (3) Inspectors are not required to inspect:
- 167 (a) screening, shutters, awnings, and similar seasonal accessories;
- 168 (b) fences;
- 169 (c) geological or hydrological conditions;
- 170 (d) recreational facilities;
- 171 (e) outbuildings;
- 172 (f) sea walls, break-walls, and docks; or
- 173 (g) erosion control and earth stabilization measures.
- 174 Section 6. Section **57-24-106** is enacted to read:
- 175 **57-24-106. Roof system.**
- 176 (1) Inspectors shall inspect:
- 177 (a) roof covering;
- 178 (b) roof drainage systems;
- 179 (c) flashes; and
- 180 (d) skylights, chimneys, and roof penetrations.

181 (2) Inspectors shall describe the roof covering and report the methods used to inspect
182 the roof.

183 (3) Inspectors are not required to inspect:

184 (a) antennae;

185 (b) interiors of flues or chimneys that are not readily accessible; or

186 (c) other installed accessories.

187 Section 7. Section **57-24-107** is enacted to read:

188 **57-24-107. Plumbing system.**

189 (1) Inspectors shall inspect the:

190 (a) interior water supply and distribution system including all fixtures and faucets;

191 (b) drain, waste, and vent systems including all fixtures;

192 (c) water heating equipment;

193 (d) vent systems, flues, and chimneys;

194 (e) fuel storage and fuel distribution systems; and

195 (f) drainage sumps, sump pumps, and related piping.

196 (2) Inspectors shall describe the:

197 (a) water supply, drain, waste, and vent piping materials;

198 (b) water heating equipment including the energy source; and

199 (c) location of main water and main fuel shut-off valves.

200 (3) Inspectors are not required to inspect:

201 (a) clothes washing machine connections;

202 (b) interiors of flues or chimneys that are not readily accessible;

203 (c) wells, well pumps, or water storage related equipment;

204 (d) conditioning systems;

205 (e) solar water heating systems;

206 (f) fire and lawn sprinkler systems; or

207 (g) private waste disposal systems.

208 (4) Inspectors are not required to determine:

209 (a) whether water supply and waste disposal systems are public or private;

210 (b) quantity or quality of the water supply; or

211 (c) whether safety valves or shut-off valves operate.

212 Section 8. Section **57-24-108** is enacted to read:

213 **57-24-108. Electrical system.**

214 (1) Inspectors shall inspect:

215 (a) service drop;

216 (b) service entrance conductors, cables, and raceways;

217 (c) service equipment and main disconnects;

218 (d) service grounding;

219 (e) interior components of service panels and subpanels;

220 (f) conductors;

221 (g) over current protection devices;

222 (h) a representative number of installed lighting fixtures, switches, and replacements;

223 and

224 (i) ground fault circuit interrupters.

225 (2) Inspectors shall describe:

226 (a) amperage and voltage rating of the service;

227 (b) location of main disconnect(s) and subpanels; and

228 (c) wiring methods.

229 (3) Inspectors shall report:

230 (a) the presence of solid conductor aluminum branch circuit wiring; and

231 (b) the absence of smoke detectors.

232 (4) Inspectors are not required to:

233 (a) inspect remote control devices unless the device is the only control device;

234 (b) inspect alarm system components;

235 (c) inspect low voltage wiring, systems, and components;

236 (d) inspect ancillary wiring, systems, and components not a part of the primary
237 electrical power distribution system; or

238 (e) measure amperage, voltage, or impedance.

239 Section 9. Section **57-24-109** is enacted to read:

240 **57-24-109. Heating system.**

241 (1) Inspectors shall inspect:

242 (a) installed heating equipment; and

- 243 (b) vent systems, flues, and chimneys.
- 244 (2) Inspectors shall describe the:
- 245 (a) energy source; and
- 246 (b) heating method by its distinguishing characteristics.
- 247 (3) Inspectors are not required to:
- 248 (a) inspect interiors of flues or chimneys which are not readily accessible;
- 249 (b) inspect heat exchanger;
- 250 (c) inspect humidifier or dehumidifier;
- 251 (d) inspect electronic air filter;
- 252 (e) inspect solar space heating system; or
- 253 (f) determine heat supply adequacy or distribution balance.

254 Section 10. Section **57-24-110** is enacted to read:

255 **57-24-110. Air-conditioning systems.**

- 256 (1) Inspectors shall:
- 257 (a) inspect the installed central and through-wall cooling equipment; and
- 258 (b) describe the energy source and cooling method by its distinguishing characteristics.
- 259 (2) Inspectors are not required to:
- 260 (a) inspect electronic air filters; or
- 261 (b) determine cooling supply adequacy or distribution balance.

262 Section 11. Section **57-24-111** is enacted to read:

263 **57-24-111. Interior.**

- 264 (1) Inspectors shall inspect:
- 265 (a) walls, ceilings, and floors;
- 266 (b) steps, stairways, and railings;
- 267 (c) countertops and a representative number of installed cabinets;
- 268 (d) a representative number of doors and windows; and
- 269 (e) garage doors and garage door operators.
- 270 (2) Inspectors are not required to inspect:
- 271 (a) paint, wallpaper, and other finish treatments;
- 272 (b) carpeting;
- 273 (c) window treatments;

274 (d) central vacuum systems;

275 (e) household appliances; or

276 (f) recreational facilities.

277 Section 12. Section **57-24-112** is enacted to read:

278 **57-24-112. Insulation and ventilation.**

279 (1) Inspectors shall inspect:

280 (a) insulation and vapor retarders in unfinished spaces;

281 (b) ventilation of attics and foundation areas; and

282 (c) mechanical ventilation systems.

283 (2) Inspectors shall describe:

284 (a) insulation and vapor retarders in unfinished spaces; and

285 (b) absence of insulation in unfinished spaces at conditioned surfaces.

286 (3) Inspectors are not required to:

287 (a) disturb insulation or vapor retarders; or

288 (b) determine indoor air quality.

289 Section 13. Section **57-24-113** is enacted to read:

290 **57-24-113. Fireplaces and solid fuel burning appliances.**

291 (1) Inspectors shall inspect:

292 (a) system components; and

293 (b) vent systems, flues, and chimneys.

294 (2) Inspectors shall describe:

295 (a) fireplaces and solid fuel burning appliances; and

296 (b) chimneys.

297 (3) Inspectors are not required to:

298 (a) inspect interiors of flues or chimneys;

299 (b) inspect fire screens and doors;

300 (c) inspect seals and gaskets;

301 (d) inspect automatic fuel feed devices;

302 (e) inspect mantles and fireplace surrounds;

303 (f) inspect combustion make-up air devices;

304 (g) inspect heat distribution assists whether gravity controlled or fan assisted;

- 305 (h) ignite or extinguish fires;
- 306 (i) determine draft characteristics; or
- 307 (j) move fireplace inserts, stoves, or firebox contents.

308 Section 14. Section **57-24-114** is enacted to read:

309 **57-24-114. General limitations and exclusions.**

310 (1) Home inspections performed in accordance with this chapter shall include the
311 following general limitations:

312 (a) that the inspection is not technically exhaustive and will not identify concealed
313 conditions of latent defects; and

314 (b) that the inspection is applicable to buildings with four or fewer dwelling units and
315 their garages or carports.

316 (2) Home inspections performed in accordance with this chapter shall include the
317 following general exclusions:

318 (a) inspectors are not required to perform any action or make any determination unless
319 specifically stated in this chapter, except as may be required by lawful authority; and

320 (b) inspectors are not required to determine:

321 (i) condition of systems or components which are not readily accessible;

322 (ii) remaining life of any system or component;

323 (iii) strength, adequacy, effectiveness, or efficiency of any system or component;

324 (iv) causes of any condition or deficiency;

325 (v) methods, materials, or costs of corrections;

326 (vi) future conditions including failure of system or components;

327 (vii) suitability of the property for any specialized use;

328 (viii) compliance with regulatory requirements such as codes, regulations, laws, and
329 ordinances;

330 (ix) market value of the property or its marketability;

331 (x) advisability of the purchase of the property;

332 (xi) presence of potentially hazardous plants or animals including wood destroying
333 organisms or diseases harmful to humans;

334 (xii) presence of any environmental hazards including toxins, carcinogens, noise, and
335 contaminants in soil, water, and air;

- 336 (xiii) effectiveness of any system installed or methods utilized to control or remove
337 suspected hazardous substances;
- 338 (xiv) operating costs of systems or components; or
339 (xv) acoustical properties of any system or component.
- 340 (c) Inspectors are not required to offer or perform:
341 (i) any act or service contrary to law;
342 (ii) engineering services;
343 (iii) work in any trade or any professional service other than home inspection; or
344 (iv) offer warranties or guarantees of any kind.
- 345 (d) Inspectors are not required to operate:
346 (i) any system or component which is shut down or otherwise inoperable;
347 (ii) any system or component which does not respond to normal operating controls; or
348 (iii) shut-off valves.
- 349 (e) Inspectors are not required to enter:
350 (i) any area which will, in the opinion of the inspector, likely be dangerous to the
351 inspector or other persons, or damage the property or its systems or components; or
352 (ii) under floor crawl spaces or attics which are not readily accessible.
- 353 (f) Inspectors are not required to inspect:
354 (i) underground items including storage tanks or other underground indications of their
355 presence, whether abandoned or active;
356 (ii) systems or components which are not installed;
357 (iii) decorative items;
358 (iv) systems or components located in areas that are not entered in accordance with this
359 chapter;
- 360 (v) detached structures other than garages and carports; or
361 (vi) common elements or common areas in multiunit housing, such as condominium
362 properties or cooperative housing.
- 363 (g) Inspectors are not required to:
364 (i) perform any procedure or operation which will, in the opinion of the inspector,
365 likely be dangerous to the inspector or other persons or damage the property or its components;
366 (ii) move or suspend ceiling tiles, personal property, furniture, equipment, plants, soil,

367 snow, ice, or debris; or
368 (iii) dismantle any system or component, except as explicitly required by this chapter.
369 Section 15. Section **57-24-115** is enacted to read:
370 **57-24-115. Utah home inspector code of ethics.**
371 (1) It is the duty of home inspectors to practice the profession according to this chapter.
372 (2) Inspectors shall:
373 (a) express an opinion only when it is based on practical experience;
374 (b) be fair in actions toward each client;
375 (c) not disclose any information concerning the results of the inspection without the
376 approval of the clients or their representatives;
377 (d) not accept compensation, financial or otherwise, from more than one interested
378 party for the same service without the consent of all interested parties;
379 (e) not accept nor offer commissions or allowances, directly or indirectly, from other
380 parties dealing with their client in connection with the work for which the home inspector is
381 responsible; and
382 (f) (i) promptly disclose to his client any interest in a business which may affect the
383 client; and
384 (ii) not allow an interest in any business to affect the quality of the results of the
385 inspector's inspection work which they may be called upon to perform.
386 Section 16. Section **57-24-116** is enacted to read:
387 **57-24-116. Time to file grievance by client.**
388 A home inspection is an evaluation of property at a particular point in time, but not
389 meant to be a warranty of any kind to the client. The maximum time that a client may file a
390 complaint or commence a suit against an inspector for failure to fully comply with an
391 inspection as provided under this chapter is one year from the date of the inspector's inspection.