

HOUSE Substitute for SENATE BILL No. 315

By Committee on Judiciary

3-24

9 AN ACT concerning real property; relating to home inspections.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) As used in this section:

13 (1) "Home inspection" means a noninvasive visual examination of the
14 mechanical, electrical or plumbing systems or the structural and essential
15 components of a residential dwelling or any portion thereof designed to
16 identify material defects in those systems and components and performed
17 for a fee in connection with or preparation for a proposed or possible
18 residential real estate transfer. The term also includes any consultation
19 regarding the property that is represented to be a home inspection or
20 that is described by any similar term. The term does not include an ex-
21 amination of a single system or component of a residential dwelling such
22 as, for example, its electrical or plumbing system or its roof. The term
23 also does not include an examination that is limited to inspection for or
24 of one or more of the following: Wood destroying insects, underground
25 tanks and wells, septic systems, swimming pools and spas, alarm systems,
26 air and water quality, tennis courts and playground equipment, pollutants,
27 toxic chemicals and environmental hazards.

28 (2) "Home inspection report" means a written report on the results
29 of a home inspection.

30 (3) "Home inspector" means an individual who performs a home
31 inspection.

32 (b) Any clause or provision in an agreement or contract issued by a
33 home inspector for a home inspection report which contains language
34 limiting or disclaiming the home inspector's liability as to any system or
35 component of the residential dwelling covered by such report is hereby
36 declared to be against public policy and void.

37 Sec. 2. This act shall take effect and be in force from and after its
38 publication in the statute book.