

**198B.704 Kentucky Board of Home Inspectors -- Members -- Removal -- Compensation -- Meetings.**

- (1)
  - (a) There is hereby created an independent agency of state government to be known as the Kentucky Board of Home Inspectors, which shall be attached to the Department of Professional Licensing for administrative purposes. The board shall consist of five (5) members, each appointed by the Governor. Each board member shall serve a term of three (3) years. The board shall annually select one (1) of its members to serve as chair and one (1) of its members to serve as vice chair to act in the chair's absence. The board shall designate either a board member or a member of the board's administrative staff to serve as secretary to the board.
  - (b) Any member appointed to fill a vacancy occurring other than by expiration of a term shall be appointed for the remainder of the unexpired term.
  - (c) No more than three (3) members of the same political party shall serve on the board at the same time.
  - (d) No member of the board shall reside in the same county as another member. The members of the board shall be residents of Kentucky.
  - (e)
    1. A majority of the board shall constitute a quorum for the transaction of business. The affirmative vote of a majority of the members is necessary for the board to take official action.
    2. If the chair and vice chair are absent from a meeting of the board when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chair until the conclusion of the meeting or until the arrival of the chair or vice chair.
  - (f) No member may serve on the board for more than six (6) consecutive years. A member may serve on the board for six (6) consecutive years on more than one (1) occasion if that person is not a member of the board for at least two (2) years between periods of board service.
- (2) The five (5) members of the board shall be chosen as follows:
  - (a) Three (3) members shall:
    1. Have been actively engaged in performing home inspections in Kentucky for at least five (5) years immediately before the member's appointment to the board, or have completed no less than one hundred (100) fee-paid inspections per year over the last five (5) years; and
    2. Be licensed by the board as a home inspector;
  - (b) One (1) member shall represent the public at large and shall not be associated with the home inspection, home building, or real estate business other than as a consumer; and
  - (c) One (1) member shall be a real estate professional licensed under KRS Chapter 324 who has been actively engaged in selling, trading, exchanging, optioning, leasing, renting, managing, or listing residential real estate in Kentucky for at least five (5) years immediately before the member's appointment to the board. This member shall be selected from a list of three (3) names submitted to the Governor from the Kentucky

Association of Realtors. When a vacancy occurs in this member position, the Kentucky Association of Realtors shall have sixty (60) days after the vacancy occurs to submit a list of three (3) names to the Governor to fill the vacancy. The Governor may reject the list of three (3) names and request that the Kentucky Association of Realtors submit a new list of three (3) names within sixty (60) days of the Governor's request. If the Kentucky Association of Realtors fails to timely submit this list to the Governor, the Governor may immediately appoint a qualified person to fill this vacancy.

- (3) A board member shall be automatically removed from the board and a vacancy shall occur when the board member:
  - (a) Ceases to be a resident of the Commonwealth of Kentucky;
  - (b) Displays incompetence, neglect of duty, or unprofessional conduct;
  - (c) Fails to adhere to a duly adopted code of ethics of the board. Failure to adhere to this code shall be determined by official action of the board;
  - (d) Enters a plea of guilty to, or has been found guilty of, a felony and the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal; or
  - (e) Misses three (3) consecutive meetings or misses more than twenty-five percent (25%) of the meetings held over the previous twelve (12) month period.
- (4) Voting members of the board shall be compensated no more than three hundred dollars (\$300) per day for official business, subject to an annual maximum of six thousand dollars (\$6,000). Members shall be reimbursed for all expenses paid and incurred in the discharge of official business consistent with the reimbursement policy for state employees. With the approval of the executive director of the Kentucky Real Estate Authority within the Department of Professional Licensing, board members and board staff may attend and travel to and from meetings and events relevant to the board or the industry the board represents.
- (5) The board shall meet at least quarterly each calendar year upon the call of the chair or the written request of a majority of the members of the board.
- (6) The chair shall establish the date, time, and place for each meeting.

**Effective:** April 11, 2017

**History:** Repealed and reenacted 2017 Ky. Acts ch. 178, sec. 17, effective April 11, 2017. -- Amended 2011 Ky. Acts ch. 100, sec. 5, effective June 8, 2011. -- Amended 2010 Ky. Acts ch. 24, sec. 299, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 100, sec. 2, effective July 15, 2008. -- Amended 2006 Ky. Acts ch. 77, sec. 1, effective July 12, 2006. -- Created 2004 Ky. Acts ch. 109, sec. 3, effective July 13, 2004.

**Legislative Research Commission Note (7/12/2006).** The reference to "subsection (2)(a)3. of this section" that is contained in subsection (3) of this statute pertains to provisions involving the appointment of certain board members that were removed in 2006 Ky. Acts ch. 77, sec. 1. Because this reference relates to licensure requirements that were to be met by July 1, 2006, and was not removed in the Act, the Reviser of Statutes has not altered or attempted to correct this phrase during codification.