Mississippi Home Inspector License Law Redline

2014 and 2025 editions of the Mississippi Code
Title 73, Chapter 60

This redline shows how Mississippi's home inspector licensing law changed between the two editions. It includes the transfer of regulatory authority from the Mississippi Real Estate Commission to the Mississippi Real Estate Appraisal Board under Senate Bill 2788, effective July 1, 2024, as well as amendments made after the 2014 edition and before the transfer.

Reading the redline. Red ~~strikethrough~~ shows wording from the 2014 edition that was removed. Red underlining shows wording added by the 2025 edition. Black text appears in both editions.

Sources and Scope. This comparison covers Chapter 60. Section headings follow the 2025 edition, and statutory history notes are omitted.

Section 21 of Senate Bill 2788 falls outside the scope of the redline. It amended § 73-34-9 to give the Appraisal Board authority to administer and enforce the home inspector licensing law. You can find the complete Senate Bill 2788 as signed by the governor, which includes Section 21.

- 2014 Mississippi Code, Title 73, Chapter 60
- 2025 Mississippi Code, Title 73, Chapter 60
- Mississippi Real Estate Commission notice on the 2024 transfer

Statutory Text

§ 73-60-1 Definitions

The following words shall have the meaning ascribed in this section unless the context clearly indicates otherwise:

(a) "Client" means any person who engages or seeks to engage the services of a home inspector for the purpose of obtaining an inspection of and written report on the conditions of a residential building.

(b) "Home inspection" means the process by which a home inspector examines the observable systems and components of improvements to residential real property that are readily accessible.

(c) "Home inspection report" means a written evaluation prepared and issued by a home inspector concerning the condition of the improvements to residential real property.

(d) "Home inspector" means any person, who for compensation, conducts a home inspection.

(e) "Residential real property" means a structure intended to be, or that is in fact, used as a residence and consisting of one (1) to four (4) family dwelling units.

(f) "~~Commission~~ Appraisal Board" means the Mississippi Real Estate ~~Commission~~ Appraisal Board as established under Section ~~73-35-5~~ 73-34-8, Mississippi Code of 1972.

(g) "Home Inspector Board" means the Home Inspector Regulatory Board that is created pursuant to this chapter.

§ 73-60-3 Administration and enforcement of chapter by Mississippi Real Estate Appraisal Board; powers and duties of board

This chapter shall be administered and enforced by the Mississippi Real Estate ~~Commission~~ Appraisal Board, which shall have the duties and powers to:

(a) Receive applications for licensure as a home inspector under this chapter, establish appropriate administrative procedures for the processing of applications and issue licenses to qualified applicants pursuant to the provisions of this chapter;

(b) Implement recommendations made to the ~~commission~~ Mississippi Real Estate Appraisal Board by the Home Inspector Regulatory Board with respect to upgrading and improving the experience, education and examination requirements that are required for a home inspector license;

(c) Adopt and publish a code of ethics and standards of practice for persons licensed under this chapter;

(d) Collect all licensing fees required or permitted by this chapter;

(e) Take appropriate action upon a decision and the related findings of fact made by the ~~commission~~ Home Inspector Board, or a hearing officer employed by the ~~commission~~ Home Inspector Board, if, after an administrative hearing, the ~~commission~~ Home Inspector Board or hearing officer (i) determines that a licensed home inspector under this chapter has violated the code of ethics and standards established under this section, and (ii) recommends that the license of the home inspector be suspended or revoked, that renewal be denied, or that some other disciplinary action be taken;

(f) Develop and adopt a licensing examination, which would meet nationally recognized standards, to determine the knowledge of an applicant of the home inspector profession;

(g) Solicit bids and enter into contracts with one ~~(1)~~ or more educational testing services or organizations approved by the ~~board~~ Home Inspector Board for the preparation of questions and answers for licensure examinations under this chapter;

(h) Develop the application and license forms;

(i) Adopt rules and regulations for the administration of this chapter that are not inconsistent with the provisions of this chapter or the Constitution and laws of Mississippi or of the United States;

(j) Employ an assistant to the ~~commission~~ Appraisal Board administrator who shall keep a record of all proceedings, transactions, communications and official acts of the ~~commission~~ Appraisal Board and perform such other duties as the ~~commission~~ Appraisal Board may require; and

(k) Employ such other staff and technical assistance as may be necessary to properly administer the requirements of this chapter.

§ 73-60-5 Home Inspector Regulatory Board

(1) There is hereby created, as an adjunct board to the Mississippi Real Estate Appraisal Board, a board to be known as the Home Inspector Regulatory Board, which shall consist of five (5) members appointed by the Governor, with the advice and consent of the Senate, to include one (1) representative from each congressional district, one (1) from the state at large and all shall be licensed home inspectors. Two (2) members shall be appointed to serve for a term of three (3) years, two (2) members shall be appointed to serve for a term of two (2) years and one (1) member shall be appointed to serve for a term of one (1) year. Thereafter, each member shall be appointed to serve for a term of four (4) years.

(2) The Home Inspector Regulatory Board shall advise the Mississippi Real Estate Appraisal Board or its designee on all matters relating to this chapter. The Home Inspector Regulatory Board shall meet no less than four (4) times annually and shall be reimbursed for expenses on a per diem basis pursuant to state law.

§ 73-60-7 Powers and duties of Home Inspector Regulatory Board; civil and criminal immunity

(1) The ~~Mississippi~~ Home ~~Real~~ Inspector ~~Estate~~ Regulatory ~~Commission~~ Board shall have the duties and powers to:

(a) Be responsible for matters relating to home inspectors' code of ethics and standards, home inspector qualifications, testing standards and disciplinary functions.

(b) Hold meetings, public hearings and administrative hearings and prepare examination specifications for licensed home inspectors.

(c) Conduct investigations, subpoena individuals and records, administer oaths, take testimony and receive evidence and to do all other things necessary and proper to discipline a person licensed under this chapter and to enforce this chapter. In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon application by the ~~commission~~ Appraisal Board, may issue to this person an order requiring him or her to appear before the ~~commission~~ Appraisal Board, or the officer designated by him or her, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as contempt of court.

(d) Further define by regulation, the type of educational experience, home inspector experience and equivalent experience that will meet the statutory requirements.

(e) ~~Suspend~~ Recommend suspension or ~~revoke~~ revocation of licenses pursuant to the disciplinary proceedings provided for in this chapter.

(f) Present an annual budget to the Mississippi Legislature for approval. A copy of the budget shall be given to the ~~commission~~ Appraisal Board.

(2) The members of the ~~commission~~ Appraisal Board and the Home Inspector Board shall be immune from any civil action or criminal prosecution for initiating or assisting in any lawful investigation of the actions of, or participating in any disciplinary proceeding concerning, a home inspector licensed pursuant to this chapter, provided that such action is taken without malicious intent and in the reasonable belief that the action was taken pursuant to the powers and duties vested in the members of the ~~commission~~ Appraisal Board and Home Inspector Board under this chapter.

§ 73-60-9 License required to transact home inspection business

(1) No person may engage in or transact any home inspection business, or hold himself or herself out to the public as a home inspector, or offer to engage in or transact any home inspection business in this state unless the person is licensed by the ~~commission~~ Appraisal Board.

(2) No license shall be issued under the provisions of this chapter to a partnership, association, corporation, limited liability company or partnership, firm or group. However, nothing in this chapter precludes a licensed home inspector from performing home inspection for and on behalf of a partnership, association, corporation, limited liability company or partnership, firm or group or from entering into contracts or enforcing contracts as partnership, association, corporation, limited liability company or partnership, firm or group.

§ 73-60-11 Licensing requirements and qualifications

(1) An application for an original license shall be made in writing to the ~~commission~~ Appraisal Board on forms as the ~~commission~~ Appraisal Board may prescribe and shall be accompanied by the required fee and proof of liability insurance and errors and omissions insurance.

(2) To qualify for a license under this chapter, a person shall:

(a) Have successfully completed high school or its equivalent;

(b) Be at least twenty-one (21) years of age;

(c) Have successfully completed an approved course of study of at least sixty (60) hours that may include field work as prescribed by the ~~commission~~ Appraisal Board;

(d) Have passed an examination as prescribed by the ~~commission~~ Appraisal Board;~~ and~~

(e) Provide a certificate of insurance for errors and omissions and general liability insurance (in the required amounts) pursuant to Section 73-60-15~~.~~; and

(f) Have passed a background investigation pursuant to Section 73-60-47.

(3) The ~~commission~~ Appraisal Board must review each application for a license submitted to it and must notify each applicant that the application is either accepted or rejected. The ~~commission~~ Appraisal Board must send notification of acceptance or rejections to the applicant at the address provided by the applicant in the application within thirty (30) days of receiving the application. If the application is rejected, the notice sent to the applicant must state the reasons for the rejection.

§ 73-60-13 General liability insurance and errors and omissions insurance; notice of cancellation and nonrenewal; coverage limits

(1) All home inspectors are required to carry general liability insurance and errors and omissions insurance.

(2) Such policy and certificates shall provide that cancellation or nonrenewal of the policy shall not be effective unless and until at least ten (10) days' notice of cancellation or nonrenewal has been received in writing by the ~~commission~~ Appraisal Board.

(3) Insurance coverage limits shall be no less than Two Hundred Fifty Thousand Dollars ($250,000.00) for general liability and no less than Two Hundred Fifty Thousand Dollars ($250,000.00) for errors and omissions, per occurrence.

§ 73-60-15 Liability protections

(1) An action by a client to recover damages for any act or omission of a home inspector relating to a home inspection that he conducts shall be commenced within three (3) years after the date a home inspection is completed or the action shall be barred. Further, a licensed home inspector shall not be liable for any latent defects that may be contained in the observable systems and components of improvements to residential real property that he has inspected and has issued a home inspection report.

(2) Any professional who is licensed by the State of Mississippi when acting within the scope of his profession and is not a licensed home inspector shall not be liable for the findings, errors, or omissions of the home inspection, provided that he has not provided physical work on the residential building; has not committed proven fraud in the real estate transaction; and has no personal or financial interest in the ownership of the residential building.

(3) Any person who in good faith or intention recommends or endorses a home inspector without compensation, remuneration, rebate, or any other form of consideration shall not be liable for the actions of that home inspector, including errors, omissions, failure to perform any contracted duties of a home inspection, or failure to meet the standards of practice, report writing standards, or code of ethics.

§ 73-60-17 Standards of practice and code of ethics

(1) A licensed home inspector is required to follow the Standards of Practice and Code of Ethics as adopted and published by the commission.

(2) A home inspection report must be issued by a home inspector to a client as specified in the Standards of Practice.

§ 73-60-19 Exemptions from licensing provisions

The requirements of this chapter shall not prevent the following from performing a visual inspection of a home that is within the scope of their license without further license from the board: specialty contractor, general contractor, architect, engineer, insurance adjuster, individual employed by a governmental entity, person employed by a bank, savings and loan or credit union, licensed real estate broker or salesperson, a licensed appraiser or a home builder.

§ 73-60-21 Expiration and renewal of license

Except as provided in Section 33-1-39, a license under this chapter shall expire two (2) years after its date of issuance. The ~~commission~~ Appraisal Board may issue a renewal license without examination, on submission of a completed renewal application, payment of the required license renewal fee, and successful completion of continuing education requirements.

§ 73-60-23 Continuing education courses

(1) Each person who applies for renewal of his or her license shall successfully complete home inspector continuing education courses approved by the ~~commission~~ Appraisal Board at the rate of twenty (20) hours every two (2) years. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the ~~commission~~ Appraisal Board pursuant to rule with the recommendation of the Home Inspector Board.

(2) The ~~commission~~ Appraisal Board shall establish criteria for certifying providers of continuing education for home inspectors. All such continuing education providers must be approved by the ~~commission~~ Appraisal Board.

(3) Each renewal applicant shall certify, on his or her renewal application, full compliance with continuing education requirements. The provider of approval of continuing education shall retain and submit to the commission, after the completion of each course, evidence of those successfully completing the course.

§ 73-60-25 Reciprocity for nonresident home inspectors

A home inspector license may be issued to a home inspector from another state who satisfies one (1) of the following requirements: (a) holds a valid certificate of certification, registration or home inspector license in good standing issued by another state, which has requirements for licensure substantially identical to those of this state, or (b) has passed the examination offered by the American Society of Home Inspectors or the National Association of Home Inspectors. The issuance of a license by reciprocity to a military-trained applicant ~~or~~, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

§ 73-60-27 Penalties for unlicensed practice of home inspection; authority of Appraisal Board to investigate unlicensed activity; home repairs prohibited as part of home inspection services; additional licensing and certification requirements

(1) On or after July 1, 2001, any person who acts as a home inspector, or holds himself or herself out as a home inspector, without being licensed under this chapter, shall, in addition to any other penalty provided by law, be liable for an administrative fine not to exceed One Thousand Dollars ($1,000.00) for a first offense and not to exceed Five Thousand Dollars ($5,000.00) for a second or subsequent offense as determined by the ~~commission~~ Appraisal Board.

(2) The ~~commission~~ Appraisal Board has the authority and power to investigate any and all unlicensed activity.

(3) No licensed home inspector may perform repairs on a residential building as part of or result of the home inspection.

(4) After October 1, 2001, no person licensed under this chapter shall offer to perform or perform inspection services on new construction for a fee without having first obtained a residential home builders license from the Mississippi Board of Contractors and certification by the Southern Building Code Congress or any other national professional code organization.

§ 73-60-29 Licensing fees; Home Inspectors License Fund

The ~~commission~~ Appraisal Board shall charge and collect appropriate fees for its services under this chapter. The fees charged shall not exceed the amounts indicated below and shall be set by the ~~commission~~ Appraisal Board.

Licensure fees:

LICENSURE FEES:

Application and examination $175.00

Initial and renewal license $325.00

Delinquent renewal penalty 100% of renewal fee

SERVICES:

For each change of address $25.00

For each duplicate license $25.00

To change status as a licensee from active to inactive $25.00

For each bad check received by the commission $25.00

All fees charged and collected under this chapter shall be paid by the ~~commission~~ Appraisal Board at least once a week, accompanied by a detailed statement thereof, to the credit of the fund known as the "Home Inspector License Fund," hereby created in the State Treasury. All monies which are collected under this chapter shall be paid into and credited to such fund for the use of the ~~commission~~ Home Inspector Board in carrying out the provisions of the chapter, including the payment of salaries and expenses, printing an annual directory of licensees, and for educational purposes. All interest earned on the Home Inspector License Fund shall be retained by the ~~commission~~ Home Inspector Board for purposes consistent with this chapter. The ~~commission~~ Appraisal Board shall submit a monthly statement to the Home Inspector Board detailing any expenses which it bears as a share in the expense of administering this chapter, for which expenses it shall be reimbursed in the amount approved by the Home Inspector Board. The Appraisal Board shall prepare an annual statement of income and expenses related to its ~~regulatory related~~ regulatory-related administrative function.

§ 73-60-31 Disciplinary actions; causes

The ~~commission~~ Appraisal Board may refuse to issue ~~or to~~, renew, or may revoke or suspend, a license or may place on probation, censure, reprimand~~,~~ or take other disciplinary action with regard to any license

issued under this chapter, including the issuance of fines for each violation, for any one (1) or combination of the following causes:

(a) Violations of this chapter or the ~~commission's~~ Appraisal Board's rules promulgated pursuant hereto;

(b) Violation of terms of license probation;

(c) Conviction of a felony or making a plea of guilty or nolo contendere within five (5) years prior to the date of application;

(d) Operating without adequate insurance coverage required for licensees;~~ and~~

(e) Fraud in the procurement or performance of a contract to conduct a home inspection~~.~~; and

(f) Failure to submit to or pass a background investigation pursuant to Section 73-60-47.

§ 73-60-33 Disciplinary actions; proceedings

(1) The ~~commission~~ Appraisal Board may investigate the actions of an applicant or of a person holding or claiming to hold a license upon complaint in writing of any person setting forth facts which, if proved, would constitute a violation of this chapter or rules promulgated hereunder.

(2) Whenever it appears to the ~~commission~~ Appraisal Board that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order hereunder, they may, in their discretion, seek any or all of the following remedies:

(a) When in the public interest to prevent harm to the welfare and safety of the public, issue a cease and desist order, with or without a prior hearing against the person or persons engaged in the prohibited activities, directing them to cease and desist from further illegal activity; or

(b) Bring an action in chancery court to enjoin the acts or practices to enforce compliance with this chapter or any rule or order hereunder. Upon a proper showing a permanent or temporary injunction, restraining order or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets.

(3) With the exception of actions authorized by subsection (2)~~.~~(a) and (b) above, the ~~commission~~ Appraisal Board shall, before taking any disciplinary action that it may deem proper with regard to a license, at least twenty (20) days prior to the date set for a hearing, notify the applicant or licensee in writing of any charges made and the time and place for a hearing of the charges. Such written notice may be served by personal delivery or certified or registered mail at the licensee's last known address as reflected on their licensing application.

(4) The ~~commission~~ Appraisal Board shall, after a hearing, issue an order either issuing, renewing, refusing to issue or renew, reinstating~~,~~ or revoking the license.

§ 73-60-35 Revocation or suspension of license

(1) Upon the revocation or suspension of a license, the licensee shall immediately surrender the license to the ~~commission~~ Appraisal Board. If the licensee fails to do so, the ~~commission~~ Appraisal Board shall have the right to seize the license.

(2) If circumstances of suspension or revocation so indicate, the ~~commission~~ Appraisal Board may require an examination of the licensee before restoring his license.

§ 73-60-37 Appraisal Board to maintain roster of licensees

The ~~commission~~ Appraisal Board shall maintain a roster of names and addresses of all licenses and of all persons whose licenses have been suspended or revoked. This roster shall be published on a web site designated by the ~~commission~~ Appraisal Board. All licensees under this chapter shall inform the ~~commission~~ Appraisal Board of any change in their business or home address.

§ 73-60-39 Qualification for license without examination

A person already engaged in the business of performing home inspections on July 1, 2001, is allowed ninety (90) days from July 1, 2001, to comply with the provisions of this chapter for the purpose of qualifying to perform home inspections. Such person will qualify for a license without being required to take an examination if he or she can document to the satisfaction of the ~~commission~~ Appraisal Board that he or she has conducted not less than twenty (20) fee-paid home inspections in the previous twelve (12) months or one hundred (100) fee-paid home inspections over his or her career or that he or she has received certification as a home inspector from a nationally recognized education center in a curriculum approved by the United States Department of Housing and Urban Development and the United States Department of Education.

§ 73-60-41 Public disclosure of information in registration or renewal application

The information contained in or filed with any registration application or renewal application is subject to public disclosure. Information in the possession of, submitted to or obtained by the ~~commission~~ Appraisal Board in connection with any investigation or examination under this chapter shall be confidential and exempt from the requirements of the Mississippi Public Records Act of 1983. No such information may be disclosed by the ~~commission~~ Appraisal Board or its employees unless necessary or appropriate in connection with a particular investigation or proceeding under this chapter or for any law enforcement purpose, in the absence of an order of a court of competent jurisdiction requiring such disclosure.

§ 73-60-43 Provisions of chapter may not be waived

Any condition, stipulation or provision binding any person engaging the services of a home inspector to waive compliance with any provision of this chapter or any rule or order hereunder is void.

§ 73-60-45 Home Inspector Board authorized to employ legal counsel

The ~~commission~~ Home Inspector Board may employ legal counsel to represent it in any proceedings when legal counsel is required.

§ 73-60-47 Background checks required for license applicants

(1)

(a) To qualify for a Mississippi home inspector license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination that the applicant

does not possess a background which calls into question public trust, as set forth below in subsection (2), and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-60-31.

(b) To assist the commission in conducting its licensure investigation, on or after July 1, 2021, all applicants for a Mississippi home inspector license, and all applicants for renewal of any home inspector license shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the Appraisal Board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(c) Any and all state or national criminal history records information obtained by the Appraisal Board that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the Appraisal Board, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the Appraisal Board to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the commission to any other person or agency.

(d) The Appraisal Board shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(e) The Appraisal Board shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the Appraisal Board in requesting and obtaining state and national criminal history records information on the applicant.

(2)

(a) The Appraisal Board must ensure that applicants for home inspector licenses do not possess a background that could call into question public trust. An applicant found by the Appraisal Board to possess a background which calls into question the applicant's ability to maintain public trust shall not be issued a home inspector license.

(b) The Appraisal Board shall not issue a home inspector license if:

(i) The applicant has had a home inspector license revoked in any governmental jurisdiction within the five-year period immediately preceding the date of the application;

(ii) The applicant has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic or foreign court involving an act of fraud, dishonesty or a breach of trust, or money laundering at any time preceding the date of the application if, in the discretion of the Appraisal Board following notice to the applicant and a hearing, good cause exists to deny or not renew licensure.

(c) Applicants for a home inspector license or renewal of a home inspector license who hold any other license falling under the jurisdiction of the Appraisal Board requiring a background check shall not be required to pay for more than one (1) background check during a calendar year.

(d) The Appraisal Board shall adopt rules and regulations necessary to implement, administer and enforce the provisions of this section.