

198B.732 Prohibited activities -- Penalties -- Burden of proof -- Legal Division in Office of Legal Services to advise board.

- (1) An individual is guilty of a Class B misdemeanor if the individual:
 - (a) Performs or offers to perform home inspections for compensation without being licensed as a home inspector and without being exempt from licensing;
 - (b) Presents as the individual's own the license of another;
 - (c) Intentionally gives false or materially misleading information to the board or to a board member in connection with a licensing matter;
 - (d) Impersonates another licensee; or
 - (e) Uses an expired, suspended, revoked, or otherwise restricted license.
- (2) An individual is guilty of a Class A misdemeanor if the individual is convicted of a second or subsequent offense under this section within five (5) years after a prior conviction of an offense under this section.
- (3) When entering a judgment for an offense under this section, the court shall impose a service fee of an amount equal to any fee or other compensation earned by the individual in the commission of the offense.
- (4) Each transaction involving unauthorized activities as described in this section shall constitute a separate offense.
- (5) In all actions for the collection of a fee or other compensation for performing home inspections, the party seeking relief shall allege and prove that, at the time that the cause of action arose, the party seeking relief was not in violation of KRS 198B.712.
- (6) The Housing, Buildings and Construction Legal Division within the Office of Legal Services in the Public Protection Cabinet shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this section.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 301, effective July 15, 2010. -- Amended 2008 Ky. Acts ch. 100, sec. 7, effective July 15, 2008. -- Created 2004 Ky. Acts ch. 109, sec. 17, effective July 13, 2004.