Limitation of Liability Limitation

The Harm that would be done

“Deal Killer?”

Informing the purchase decision

Home Inspection Contingency Clause

The real estate contract is contingent upon a home inspection satisfactory to purchaser.

When Things go South

Who gets the call?

License Requirements

- High School
- Pass National Home Inspector Exam
- Training
- Experience
- $250k liability insurance

Limitations

- Visual process
  - We look at what we can see
- Don’t move furniture or belongings
  - These are often occupied homes
- Restricted by the calendar
  - We don’t often get to test systems under extreme weather conditions
- Limited by time and scope
  - There’s only so much time allotted before the seller shows up with hungry kids who need to use the bathroom

Professionalism

Bringing value to the table

What Could go Wrong

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Home Inspectors Are Generalists

- We make observations
- We make recommendations
- We defer to specialists

Inspections Are Visual and Time-Limited

Home inspectors do not open walls, move furniture, or perform invasive evaluations.

Inspection Fees Are Modest—Liability Should Match

Removing contractual liability limits would expose inspectors to claims worth tens or hundreds of thousands of dollars—far out of proportion to the fee charged.

Small Businesses Would Be Disproportionately Affected

Most inspectors in Virginia are solo operators or run small businesses. Unlimited liability would:

- Increase insurance costs
- Drive inspectors out of the profession
- Reduce competition and increase prices for consumers

Increased Risk of Frivolous Lawsuits

Without a contractual cap, even minor concerns could lead to legal claims. Defending against these suits—regardless of merit—would be costly, pressuring inspectors to settle unnecessarily.

Buyers Already Have Protection

Inspection reports include clear disclaimers about scope and limitations. Buyers are advised to seek follow-up evaluations when necessary. Virginia’s Department of Professional and Occupational Regulation (DPOR) already disciplines inspectors who violate standards.

Individual may become Uninsurable

A single mistake or misunderstanding could be career ending.

Increased Fear and Overreporting

Unlimited liability would encourage inspectors to over-call minor issues or include vague, overly cautious language. This reduces clarity for buyers and can harm the deal-making process.

Removing liability limits from home inspection contracts:

- Increases legal exposure without improving consumer protection
- Harms small businesses and raises costs for homebuyers
- Misrepresents the scope and purpose of a visual inspection
- Threatens insurance accessibility in Virginia

What can we do?

- Better/more entry-level training
- More/better field experience
- More/better continuing education

Public is not well served by anyone perpetuating this tired old myth

- Home Inspectors are dependent on REALTORS for referrals
- REALTORS are on commission
- Inspectors are incentivized, therefore, to under-report defects to ensure that the deal goes through

We’re all better off when we’re all better off

- Inspector informs buyer
- Buyer’s interest is protected
- Agent has satisfied customer

Current Entry-level Training Requirement

Pass National Home Inspector Exam

35-hour course Plus 50 ride alongs	Or	70-hour course Plus 25 ride-alongs

An applicant's experience must have been gained by assisting a properly licensed or certified home inspector, as applicable, and under such home inspector's direct supervision or through the performance of home inspections as authorized under the laws of the applicable jurisdiction.