

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No. 80-10-9-.18

Rule Title: REAL ESTATE TRANSACTION REPORT

New;  Amend;  Repeal;  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer: John McMiller

Date: 12-15-2011

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(DATE FILED)  
(STAMP)

APA-2  
6/96

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES  
DIVISION OF PLANT INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule Nos. & Titles: 80-10-9-.18. Real Estate Transaction Inspection Report - Official Alabama Wood Infestation Inspection Report

Intended Action: To Amend

Substance of Proposed Action: Amend to correct misspelling.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on the meeting date, Tuesday, February 14, 2012, at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: February 14, 2012.

Contact Person at Agency: Daniel Autrey, Assistant Attorney General and Legal Advisor, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. 240-7117.

12-15-2011  
Date

John McMillan  
John McMillan,  
Commissioner of Agriculture  
and Industries

**80-10-9-.18 Rule Real Estate Transaction Inspection Report-  
Official Alabama Wood Infestation Inspection Report.**

(1) The official Alabama wood infestation inspection report, which may be required as a condition of sale financing or refinancing of property shall be the written instrument for the purpose of determining the visible presence of an active or previous infestation of wood destroying organisms in an existing structure. The inspection conducted for issuance of this report shall only be performed by a qualified inspector and the report shall only be completed and issued by a person certified and permitted to engage in the category of structural pest control work involving control of wood destroying organisms. The inspection must be conducted so as to ensure examination of visible accessible areas in accordance with accepted procedures. While such an inspection may reveal wood destroying organisms, there are inaccessible areas where concealed infestations and/or damage may not be discovered. Inspection of inaccessible areas is not required. Such instrument shall carry a guarantee that if an infestation of wood destroying organisms from which apparent freedom is certified, is found within ninety (90) days from date of issuance, the infested structure(s) shall be treated by the licensee, free of charge, subject to the following:

(a) Subterranean Termites

1. Structures which show no evidence of a previous treatment or are not known to have been pretreated will receive a full minimum adequate treatment pursuant to Rule 80-10-9-20.

2. Structures which show evidence of previous treatment will be treated in such manner to adequately control the infestation.

(b) Powder post beetles and wood boring beetle--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.22.

(c) Wood decaying fungi--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.26.

(d) Dry wood termites--structures will receive a minimum adequate treatment pursuant to Rule 80-10-9-.27.

(2) A copy of the official Alabama wood infestation inspection report, Part A and Part B, shall be kept in the files

of the permittee for a period of one (1) year following inspection of the structure and made available to the commissioner or his authorized agent upon request.

(3) A copy of the official Alabama wood infestation inspection report, Part A and Part B, to include scope and limitations of inspection of said report, is attached to and made a part of this rule as \*Exhibit "A." A copy of this report is available from the Commissioner of Agriculture and Industries for reproduction.

(4) The official Alabama wood infestation inspection report is evidence of an active or previous infestation of wood destroying organisms that were visible and accessible to a qualified inspector on the date the inspection was performed. The permittee is responsible for the accuracy of the inspection and the report as to evidence of an active or previous infestation of wood destroying organisms on the date of inspection.

**\*Note: See Exhibit "A" for Rule 80-10-9-.18 at end of Chapter.**

**Authors:** Charles H. Barnes, Robert J. Russell, Daniel Autrey

**Statutory Authority:** Code of Ala. 1975, §§2-28-1, et seq.

**History:** Filed April 19, 1982 as Rule No. 80-10-3-.01. Rules reformatted - Rule No. changed to Chapter 80-10-9: Filed June 19, 1986. **Amended:** Filed May 22, 1991. **Amended (Exhibit A also):** Filed February 11, 2005; effective March 18, 2005.

**Amended :** Filed February 19, 2009; effective March 26, 2009. **Amended:** Filed December 16, 2011.