*On June 20 Jerry Desmond and Dave Pace met with the staff of Senator Newman regarding proposed changes to SB442 which became law on January 1, 2018. Prior to the passage of the bill and for the years since then we have argued that the legislation could not and cannot be carried out as the bill was written.*

*During the meeting with Senator Newman's staff, Dave indicated that three times in the current legislation home inspectors are required to verify that a specific pool safety feature "meets" various ASTM standards. There is another provision in the bill which refers to AST and ASME standards. Dave took one of the safety features, mesh fencing, and explained in detail exactly what ASTM F2286 requires and why home inspectors cannot carry out the provisions of the current legislation. This creates significant legal exposure for the home inspector, the real estate community as well as a potential buyer of a property.*

*We proposed incorporating the following statement into section 7195 (a)(1) of the Business and Professions Code.*

*"This subdivision does not require a determination as to whether a pool safety feature meets the specifications referenced in Health and Safety Code Section 115922."*

*We proposed incorporating the following statement in section 7195 (c) of the Business and Professions Code.*

*"This subdivision does not require a determination as to whether a pool safety feature meets the specifications referenced in Health and Safety Code Section 115922."*

*We also proposed adding "and windows" after the word "doors" in Section 115922 (a)(4). The paragraph would then read:*

*"(4) Exit alarms on the private single-family home's doors and windows that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as a repeating notification that 'the door to the pool is open'."*

*Should our recommendation be found acceptable to Senator Newman, and it moves forward, it will necessitate additional meetings with other stakeholders of the original legislation.*