

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1186

Introduced by

Representatives Delmore, Beadle, Dobervich, Keiser

Senators J. Lee, Poolman

- 1 A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century
2 Code, relating to disclosure of radon hazards by a seller.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new chapter to title 47 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 In this chapter, unless context otherwise requires:

- 8 1. "Buyer" means an individual negotiating or offering to acquire land for value or legal or
9 equitable title, or the right to acquire legal or equitable title to residential property.
10 2. "Mitigation" means measures designed to permanently reduce indoor radon
11 concentrations.
12 3. "Radon test" means a measurement of indoor radon concentrations according to the
13 environmental protection agency's "Federal Radon Action Plan" (2011), for residential
14 real property.
15 4. "Residential real property" means property occupied as or intended to be occupied as
16 a single-family residence.
17 5. "Seller" means a person that owns legal or equitable title to residential real property.

18 **Radon disclosure.**

- 19 1. Before signing an agreement to sell or transfer residential real property, a seller shall
20 disclose in writing to the buyer any knowledge the seller has of radon concentrations
21 in the residential property. The disclosure must include:
22 a. Whether a radon test has been conducted on the property;
23 b. The most current records and reports pertaining to radon concentrations within
24 the property;

1 c. A description of any radon concentrations, mitigation, or remediation; and

2 d. Information regarding any radon mitigation system, including a description and
3 documentation of any such system; .

4 2. A seller's radon disclosure requirements under this section apply to the transfer of any
5 interest in residential real estate, whether by sale, exchange, deed, contract for deed,
6 lease with an option to purchase, or any other option.

7 3. A seller's radon disclosure requirements under this section do not apply to:

8 a. Real property that is not residential real property;

9 b. A gratuitous transfer;

10 c. A transfer made pursuant to court order;

11 d. A transfer to a government or governmental agency;

12 e. A transfer by foreclosure or deed in lieu of foreclosure;

13 f. A transfer to heirs or devisees of a decedent;

14 g. A transfer made to a spouse, parent, grandparent, child, or grandchild of the
15 seller;

16 h. A transfer between spouses resulting from a decree of marriage dissolution or
17 from a property settlement agreement;

18 i. An option to purchase a unit in an interest in common community, until exercised;
19 or

20 j. A transfer to a tenant who is in possession of the residential real property.