

FIRST REGULAR SESSION

HOUSE BILL NO. 449

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

1381L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 442, RSMo, by adding thereto one new section relating to radon awareness during real estate transactions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 442, RSMo, is amended by adding thereto one new section, to be known as section 442.625, to read as follows:

442.625. 1. This section shall be known and may be cited as the "Missouri Radon Awareness Act".

2. As used in this section, unless the context otherwise requires, the following terms mean:

(1) "Agent", a licensed real estate broker or salesperson acting on behalf of a seller or buyer of residential real property;

(2) "Buyer", any individual, partnership, corporation, or trustee entering into an agreement to purchase any estate or interest in real property;

(3) "Final settlement", the time at which the parties have signed and delivered all papers and consideration to convey title to the estate or interest in the residential real property being conveyed;

(3) "Mitigation", measures designed to permanently reduce indoor radon concentrations;

(4) "Radon hazard", exposure to indoor radon concentrations at or in excess of the U. S. Environmental Protection Agency's recommended radon action level;

(5) "Radon test", a measurement of indoor radon concentrations;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (6) "Residential real property", any estate or interest in a manufactured housing
18 lot or a parcel of real property, improved with not less than one nor more than four
19 residential dwelling units;

20 (7) "Seller", any individual, partnership, corporation, or trustee transferring
21 residential real property in return for consideration.

22 3. (1) Except as excluded by subsection 5 of this section, the seller shall provide to
23 the buyer of any interest in residential real property the disclosure of information on radon
24 hazards provided in this subdivision. The following shall be the form of disclosure of
25 information on radon hazards to be provided to a buyer of residential real property:

26 **DISCLOSURE OF INFORMATION ON RADON HAZARDS**

27

28 (For Residential Real Property Sales or Purchases)

29

30 **Radon Warning Statement**

31 Every buyer of any interest in residential real property is notified that the property
32 may present exposure to dangerous levels of indoor radon gas that may place the occupants
33 at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is
34 the leading cause of lung cancer in nonsmokers and the second leading cause overall. The
35 seller of any interest in residential real property is required to provide the buyer with any
36 information on radon test results of the dwelling showing elevated levels of radon in the
37 seller's possession.

38 All home buyers should have an indoor radon test performed prior to purchase or
39 taking occupancy, and mitigated if elevated levels are found. Elevated radon
40 concentrations can easily be reduced by a qualified, licensed radon mitigator.

41

42 **Seller's Disclosure (initial each of the following which applies)**

43 (a) Elevated radon concentrations (above EPA recommended radon action
44 level) are known to be present within the dwelling. (Explain)

45 (b) Seller has provided the purchaser with all available records and reports
46 pertaining to elevated radon concentrations within the dwelling.

47 (c) Seller either has no knowledge of elevated radon concentrations in the
48 dwelling or prior elevated radon concentrations have been mitigated or remediated.

49 (d) Seller has no records or reports pertaining to elevated radon
50 concentrations within the dwelling.

51

52 **Purchaser's Acknowledgment (initial each of the following which applies)**

53 (e) Purchaser has received copies of all information listed above.

54 (f) Purchaser has received the Environmental Protection Agency's Home
55 Buyer's and Seller's Guide to Radon pamphlet.

56

57 Agent's Acknowledgment (initial) (if applicable)

58 (g) Agent has informed the seller of the seller's obligations under Missouri
59 law.

60

61 Certification of Accuracy

62

63 The following parties have reviewed the information above and each party certifies, to the
64 best of his or her knowledge, that the information he or she provided is true and accurate.

65

66 Seller Date Seller Date

67

68 Purchaser Date Purchaser Date

69

70 Agent Date Agent Date

71 (2) If any of the disclosures required by this subsection occurs after the buyer has
72 made an offer to purchase the residential real property, the seller shall complete the
73 required disclosure activities prior to accepting the buyer's offer and allow the buyer an
74 opportunity to review the information and possibly amend the offer.

75 4. This section shall only apply to transfers by sale of residential real property.

76 5. The provisions of this section shall not apply to the following:

77 (1) Transfers under a court order, including, but not limited to, transfers ordered
78 by a probate court in administration of an estate, transfers between spouses resulting from
79 a judgment of dissolution of marriage or legal separation, transfers under an order of
80 possession, transfers by a trustee in bankruptcy, transfers by eminent domain, and
81 transfers resulting from a decree for specific performance;

82 (2) Transfers from a mortgagor to a mortgagee by deed in lieu of foreclosure or
83 consent judgment, transfer by judicial deed issued under a foreclosure sale to the
84 successful bidder or the assignee of a certificate of sale, transfer by a collateral assignment
85 of a beneficial interest of a land trust, or a transfer by a mortgagee or a successor in
86 interest to the mortgagee's secured position or a beneficiary under a deed in trust who has
87 acquired the real property by deed in lieu of foreclosure, consent judgment or judicial deed
88 issued under a foreclosure sale;

89 **(3) Transfers by a fiduciary in the course of the administration of a decedent's**
90 **estate, guardianship, conservatorship, or trust;**

91 **(4) Transfers from one co-owner to one or more other co-owners;**

92 **(5) Transfers under testate or intestate succession;**

93 **(6) Transfers made to a spouse, or to a person or persons in the lineal line of**
94 **consanguinity of one or more of the sellers;**

95 **(7) Transfers from an entity that has taken title to residential real property from**
96 **a seller for the purpose of assisting in the relocation of the seller, so long as the entity**
97 **makes available to all prospective buyers a copy of the disclosure form furnished to the**
98 **entity by the seller;**

99 **(8) Transfers to or from any governmental entity;**

100 **(9) Transfers of any residential dwelling unit located on the third story or higher**
101 **above ground level of any structure or building, including, but not limited to,**
102 **condominium units and dwelling units in a residential cooperative.**