

SECOND REGULAR SESSION

# SENATE BILL NO. 1149

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time March 1, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6737S.011

## AN ACT

To amend chapter 441, RSMo, by adding thereto one new section relating to the disclosure of information on radon hazards to buyers of residential real property.

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

Section A. Chapter 441, RSMo, is amended by adding thereto one new section, to be known as section 441.239, to read as follows:

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

**2. As used in this section, the following terms shall mean:**

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

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

**(3) "Radon hazard", exposure to indoor radon concentrations at or in excess of the United States Environmental Protection Agency's recommended radon action level;**

**(4) "Radon test", a measurement of indoor radon concentrations for performing radon measurements within the context of a residential real property transaction;**

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

**(6) "Seller", any individual, partnership, corporation, or trustee transferring residential real property in return for consideration;**

**(7) "SEMA", the state emergency management agency created**

21 under chapter 44.

22 3. Any seller of residential real property shall provide to the  
23 buyer of any interest in residential real property the SEMA pamphlet  
24 entitled, "Radon Testing Guidelines for Real Estate Transactions",  
25 disclosing that the property may present the potential for exposure to  
26 radon before the buyer is obligated under any contract to purchase  
27 residential real property. Nothing in this section shall be construed to  
28 imply an obligation on the seller to conduct any radon testing or  
29 mitigation activities.

30 4. The following shall be the form of the disclosure required  
31 under subsection 3 of this section located in the "Radon Testing  
32 Guidelines for Real Estate Transactions" pamphlet:

33 **DISCLOSURE OF INFORMATION ON RADON HAZARDS**

34 **(For Residential Real Property Sales or Purchases)**

35 **Radon Warning Statement**

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

45 The Missouri State Emergency Management Agency strongly  
46 recommends ALL homebuyers have an indoor radon test performed  
47 prior to purchase or taking occupancy, and have the radon mitigated  
48 if elevated levels are found. Elevated radon concentrations can easily  
49 be reduced by a qualified, licensed radon mitigator.

50 5. The seller of any interest in residential real property is also  
51 required to provide the buyer with any information on radon test  
52 results of the dwelling showing elevated levels of radon in the seller's  
53 possession. The disclosure provided to the seller to the buyer shall be  
54 in substantially the following form:

55 **Seller's Disclosure**

56 **(initial each of the following which applies)**

57 **(a)....Elevated radon concentrations are known to be present within the**

58 dwelling. (If initialed, explain)

59 (b)...Seller has provided the buyer with the most current records and  
60 reports pertaining to elevated radon concentrations within the  
61 residential real property.

62 (c)...Seller either has no knowledge of elevated radon concentrations  
63 in the residential real property, or prior elevated radon concentrations  
64 have been mitigated or remediated.

65 (d)...Seller has no records or reports pertaining to elevated radon  
66 concentrations within the residential real property.

67 6. Upon receiving the seller's disclosures as required under  
68 subsections 3 and 5 of this section, the buyer shall also acknowledge  
69 receipt of such disclosure on a form that substantially follows such  
70 form:

71 **Buyers Acknowledgment**

72 (initial each of the following which applies)

73 (a)...Buyer has received copies of the seller's disclosure and any  
74 relevant documents referenced in such disclosure.

75 (b)...Buyer has received the SEMA pamphlet entitled, "Radon Testing  
76 Guidelines for Real Estate Transactions".

77 7. This section shall not apply to the following:

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

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

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

- 95           **(4) Transfers from one co-owner to one or more other co-owners;**
- 96           **(5) Transfers pursuant to testate or intestate succession;**
- 97           **(6) Transfers made to a spouse, or to a person or persons in the**  
98 **lineal line of consanguinity of one or more of the sellers;**
- 99           **(7) Transfers from an entity that has taken title to residential**  
100 **real property from a seller for the purpose of assisting in the relocation**  
101 **of the seller, so long as the entity makes available to all prospective**  
102 **buyers a copy of the disclosure;**
- 103           **(8) Transfers to or from any governmental entity;**
- 104           **(9) Transfers of any residential dwelling unit located on the**  
105 **third story or higher above ground level of any structure or building,**  
106 **including but not limited to, condominium units and dwelling units in**  
107 **a cooperative.**

✓

Bill

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