

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.