

HB 1425

AN ACT concerning civil law.

Be it enacted by the People of the State of Illinois, represented in the general Assembly:

Section 1. Short title. This Act may be cited as the Illinois Radon Awareness Act.

Section 5. Definitions. As used in this Act, unless the context otherwise requires:

(a) “Agent” means a licensed real estate “broker” or “salesperson”, as those terms are defined in Section 1-10 of the Real Estate License Act of 2000, acting on behalf of a seller or buyer of residential real property.

(b) “Buyer” means any individual, partnership, corporation or trustee entering into an agreement to purchase any estate or interest in real property.

(c) “Final settlement” means 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.

(d) “IEMA” means the Illinois Emergency Management Agency Division of Nuclear Safety.

(e) “Mitigation” means measures designed to permanently reduce indoor radon concentrations according to procedures described in 32 Illinois Administrative Code Part 422.

(f) “Radon test” means a measurement of indoor radon concentrations in accordance with 32 Illinois Administrative Code Part 422 for performing radon measurements within the context of a real residential property transaction.

(g) “Radon hazard” means exposure to indoor radon concentrations at or in excess of the United States Environmental Protection Agency’s, or IEMA’s recommended Radon Action Level.

(h) “Residential real property” means any estate or interest in a manufactured housing lot or a parcel of real property, improved with not less than one nor more than 4 residential dwelling units.

(i) “Seller” means any individual, partnership, corporation or trustee transferring residential real property in return for consideration.

Section 10. Radon testing and disclosure.

(a) Except as excluded by Section 20 of this Act, the seller shall provide to the buyer of any interest in residential real property the IEMA pamphlet entitled “Radon Testing Guidelines for Real Estate Transactions” (or an equivalent pamphlet approved for use by IEMA) and the Illinois Disclosure of Information on Radon Hazards, which is set forth in Subparagraph (b) of this Section, stating that the property may present the potential for exposure to radon before the buyer is obligated under any contract to purchase residential real property. Nothing in this Section is intended to or shall be construed to imply an obligation on the seller to conduct any radon testing or mitigation activities.

(b) The following shall be the form of Disclosure of Information on Radon Hazards to be provided to a buyer of residential real property as required by this Section:

DISCLOSURE OF INFORMATION ON RADON HAZARDS
(For Residential Real Property Sales/Purchases)

Radon Warning Statement

Every buyer of any interest in residential real property is notified that such property may present exposure to dangerous levels of indoor radon gas that may place the occupants at risk of developing radon-induced lung cancer. Radon, a Class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the 2nd leading cause overall. The seller of any interest in residential real property is required to provide the buyer with any information on radon test results of the dwelling in the seller's possession.

The Illinois Emergency Management Agency (IEMA) strongly recommends ALL homebuyers have an indoor radon test performed prior to purchase and/or taking occupancy, and mitigated if elevated levels are found. Elevated radon concentrations can easily be reduced by a qualified, licensed radon mitigator.

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

- (a) _____ Elevated radon concentrations (above EPA and/or IEMA recommended Radon Action Level) are known to be present within the dwelling. (Explain)

- (b) _____ Seller has provided the purchaser with all available records and reports pertaining to radon concentrations within the dwelling.
- (c) _____ Seller has no knowledge of elevated radon concentrations in the dwelling.
- (d) _____ Seller has no records or reports pertaining to radon concentrations within the dwelling.

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

- (e) _____ Purchaser has received copies of all information listed above.
- (f) _____ Purchaser has received the IEMA approved Radon Disclosure Pamphlet.
- (g) Purchaser has: (check 1 or 2 below)
 - 1. ___ received a 10-day opportunity (or mutually agreed upon period) to have an indoor radon test of the dwelling conducted.
 - 2. ___ waived the opportunity to have a radon test conducted and assume all liability for elevated radon concentrations discovered after the transaction closes that such a test would have revealed.

Agent's Acknowledgment (initial) (if applicable)

- (h) _____ Agent has informed the seller of the seller's obligations under Illinois law.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

_____ Seller	_____ Date	_____ Seller	_____ Date
_____ Purchaser	_____ Date	_____ Purchaser	_____ Date
_____ Agent	_____ Date	_____ Agent	_____ Date

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

Section 15. Applicability. This Act shall only apply to transfers by sale of residential real property.

Section 20. The provisions of this Act do not apply to the following:

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

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

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

(4) Transfers from one co-owner to one or more other co-owners.

(5) Transfers pursuant to testate or intestate succession.

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

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

(8) Transfers to or from any governmental entity.

Section 99. Effective date. This Act shall be effective January 1, 2008.