

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE BILL NO. 2204
(Senators Barta, Boschee, Dever)
(Representatives Conmy, Schauer)

AN ACT to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to the required disclosure of radon hazards by a seller.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Disclosure of prior radon test - Immunity from liability - Definitions.

1. As used in this section:
 - a. "Buyer" means a person negotiating or offering to acquire real property for value or legal or equitable title, or the right to acquire legal or equitable title to residential real property.
 - b. "Mitigation" means measures designed to permanently reduce indoor radon concentrations.
 - c. "Seller" means a person that owns legal or equitable title to residential real property.
 - d. "Test" or "testing" means a measurement of indoor radon concentrations according to the "National Radon Action Plan 2021-2025", published by the environmental protection agency.
2. Before executing an agreement to sell or transfer residential real property, except as otherwise provided in an offer to execute a purchase agreement, a seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the property. The seller or seller's agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge its receipt by signing a copy of the disclosure statement:

RADON GAS IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES HAVE BEEN FOUND IN BUILDINGS ON RESIDENTIAL REAL PROPERTY IN NORTH DAKOTA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR LOCAL PUBLIC HEALTH UNIT OR THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY.
3. If the seller has knowledge the property previously has undergone testing for radon gas and radon progeny, the seller shall provide a copy of test results reasonably available to or in the seller's possession and evidence of mitigation to the buyer before executing an agreement to sell or transfer the property. Any test result or evidence of mitigation furnished under this section does not constitute a promise, warranty, or representation by the seller or the seller's agent that the test results are accurate or the mitigation is effective.
4. This section does not create a contingency on the purchase of the property or any right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the contract.

5. A seller or seller's agent complying with this section is not liable for any claim or action based on the presence of radon gas or radon progeny found in the residential real property subject to disclosure under this section.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-ninth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2204.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 87 Nays 3 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2025.

Approved at _____ M. on _____, 2025.

Governor

Filed in this office this _____ day of _____, 2025,

at _____ o'clock _____ M.

Secretary of State