

SENATE BILL NO. 2204

Introduced by

Senators Barta, Boschee, Dever

Representatives Conmy, Schauer

1 A BILL for an Act to create and enact a new section to chapter 47-10 of the North Dakota
2 Century Code, relating to the required disclosure of radon hazards by a seller.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

7 1. As used in this section:

8 a. "Buyer" means a person negotiating or offering to acquire real property for value
9 or legal or equitable title, or the right to acquire legal or equitable title to
10 residential or commercial real property.

11 b. "Mitigation" means measures designed to permanently reduce indoor radon
12 concentrations.

13 c. "Seller" means a person that owns legal or equitable title to residential or
14 commercial real property.

15 d. "Test" or "testing" means a measurement of indoor radon concentrations
16 according to the *National Radon Action Plan 2021-2025*, published by the
17 environmental protection agency.

18 2. Before executing an agreement to sell or transfer residential or commercial real
19 property, a seller shall disclose in writing to the buyer any knowledge the seller has of
20 radon concentrations in the property. The seller or seller's agent shall provide the
21 following disclosure statement to the buyer, and the buyer shall acknowledge its
22 receipt by signing a copy of the disclosure statement:

23 RADON GAS IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT,
24 WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES,

1 MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT
2 OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES
3 HAVE BEEN FOUND IN BUILDINGS ON RESIDENTIAL AND COMMERCIAL
4 REAL PROPERTY IN NORTH DAKOTA. ADDITIONAL INFORMATION
5 REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM
6 YOUR LOCAL PUBLIC HEALTH UNIT OR THE STATE DEPARTMENT OF
7 ENVIRONMENTAL QUALITY.

8 3. If the seller has knowledge the property previously has undergone testing for radon
9 gas and radon progeny, the seller shall provide a copy of the test results and evidence
10 of mitigation to the buyer before executing an agreement to sell or transfer the
11 property. Any test result or evidence of mitigation furnished under this section does not
12 constitute a promise, warranty, or representation by the seller or the seller's agent that
13 the test results are accurate or the mitigation is effective.

14 4. This section does not create a contingency on the purchase of the property or any
15 right to rescind a contract for purchase unless the contingency or right to rescind is an
16 express term of the contract.

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