

January 27, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

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, ~~except as otherwise provided in an offer to execute a purchase agreement~~, a
20 seller shall disclose in writing to the buyer any knowledge the seller has of radon

1 concentrations in the property. The seller or seller's agent shall provide the following
2 disclosure statement to the buyer, and the buyer shall acknowledge its receipt by
3 signing a copy of the disclosure statement:

4 RADON GAS IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT,
5 WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES,
6 MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT
7 OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES
8 HAVE BEEN FOUND IN BUILDINGS ON RESIDENTIAL ~~AND COMMERCIAL~~
9 REAL PROPERTY IN NORTH DAKOTA. ADDITIONAL INFORMATION
10 REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM
11 YOUR LOCAL PUBLIC HEALTH UNIT OR THE STATE DEPARTMENT OF
12 ENVIRONMENTAL QUALITY.

- 13 3. If the seller has knowledge the property previously has undergone testing for radon
14 gas and radon progeny, the seller shall provide a copy of ~~the~~ test results reasonably
15 available to or in the seller's possession and evidence of mitigation to the buyer before
16 executing an agreement to sell or transfer the property. Any test result or evidence of
17 mitigation furnished under this section does not constitute a promise, warranty, or
18 representation by the seller or the seller's agent that the test results are accurate or
19 the mitigation is effective.
- 20 4. This section does not create a contingency on the purchase of the property or any
21 right to rescind a contract for purchase unless the contingency or right to rescind is an
22 express term of the contract.
- 23 5. A seller or seller's agent complying with this section is not liable for any claim or action
24 based on the presence of radon gas or radon progeny found in the residential ~~or~~
25 ~~commercial~~ real property subject to disclosure under this section.