



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1425

Introduced 2/21/2007, by Rep. Dan Reitz

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Radon Awareness Act. Provides definitions, including "residential real property" which means a manufactured housing lot or a parcel of real property, improved with not less than one nor more than 4 residential dwelling units. Provides that the Act applies to the sale of any interest in residential real property by an owner or through a real estate broker. Provides that the seller shall provide a prospective buyer with a pamphlet entitled "Radon Testing Guidelines for Real Estate Transactions", prepared by the Illinois Emergency Management Agency. Provides that buyer has the right to have the property inspected for radon. Provides that the buyer and seller, and any brokers involved, must sign a statement acknowledging that the buyer was notified of his or her rights under the Act and received the information required by the Act. Provides that a seller is not required to have the property tested for radon, but must furnish the buyer with a copy of any radon tests conducted on the property. Provides that the Act does not apply to transfers: pursuant to court order; from a mortgagor to a mortgagee in lieu of foreclosure; by a fiduciary; from a co-owner to another co-owner; through testate or intestate succession; to a spouse or a relative in the lineal line of consanguinity; that are part of a seller's relocation; or, to or from a governmental entity. Effective immediately.

LRB095 08963 AJO 29154 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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

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

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

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

15 (c) "Final settlement" means the time at which the
16 parties have signed and delivered all papers and
17 consideration to convey title to the estate or interest in
18 the residential real property being conveyed.

19 (d) "IEMA" means the Illinois Emergency Management
20 Agency Division of Nuclear Safety.

21 (e) "Mitigation" means measures designed to
22 permanently reduce indoor radon concentrations according
23 to procedures described in 32 Illinois Administrative Code

1 Part 422.

2 (f) "Radon test" means a measurement of indoor radon
3 concentrations in accordance with 32 Illinois
4 Administrative Code Part 422 for performing radon
5 measurements within the context of a real estate
6 transaction.

7 (g) "Radon hazard" means any condition that causes
8 exposure to indoor radon concentrations at or in excess of
9 the United States Environmental Protection Agency's, or
10 IEMA's recommended Radon Action Level.

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

15 (i) "Seller" means any individual, partnership,
16 corporation or trustee transferring residential real
17 property in return for consideration.

18 (j) "Subagent" means any individual, partnership,
19 corporation or trustee working as a broker or salesperson
20 acting on behalf of an agent.

21 Section 10. Radon testing and disclosure.

22 (a) The following activities shall be completed before the
23 buyer is obligated under any contract to purchase residential
24 real property that is not otherwise an exempt transaction
25 pursuant to Section 20. Nothing in this Section implies a

1 positive obligation on the seller to conduct any radon testing
2 or mitigation activities.

3 (1) Except as excluded by Section 20 of this Act, every
4 buyer of any interest in residential real property shall be
5 provided the IEMA pamphlet entitled "Radon Testing
6 Guidelines for Real Estate Transactions" (or an equivalent
7 pamphlet approved for use by IEMA) and an Illinois Radon
8 Warning Statement stating that the property may present the
9 potential for exposure to radon.

10 (2) Except as excluded by Section 20 of this Act, the
11 seller of any interest in residential real property is
12 required to disclose to the buyer and each agent any
13 information on radon tests previously performed or radon
14 test reports in the seller's possession, and notify the
15 buyer and each agent of any known radon hazards.

16 (3) The Illinois Emergency Management Agency shall
17 develop the content of the Illinois Radon Warning Statement
18 that the seller shall provide a copy of the statement to
19 the buyer of any interest in residential real property.

20 (4) The Department of Financial and Professional
21 Regulation shall develop a form that will document that
22 subsections (a), (b), and (c) of this Section have
23 occurred. The form shall be utilized for every transfer of
24 residential real property as described in this Section and
25 shall include:

26 A) The property address;

1 B) The seller's disclosure of the presence of radon
2 hazards, if known;

3 C) The buyer's acknowledgement that information
4 about radon was received;

5 D) The buyer's acknowledgement of the buyer's
6 option to test for radon;

7 E) The buyer's acknowledgement, if applicable,
8 that the buyer waives the opportunity to test for
9 radon;

10 F) The seller's acknowledgement that the seller
11 has been informed of the seller's obligation and is
12 aware of that seller's responsibility to ensure
13 compliance with this Section; and

14 G) Signatures of the buyer and seller and of any
15 the agents attesting to the above and the date so
16 signed.

17 (b) If any of the disclosure activities identified in
18 subsection a occurs after the buyer has made an offer to
19 purchase the residential real property, the seller shall
20 complete the required disclosure activities prior to accepting
21 the buyer's offer and allow the buyer an opportunity to review
22 the information and possibly amend the offer.

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

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

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

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

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

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

1 (5) Transfers pursuant to testate or intestate
2 succession.

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

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

11 (8) Transfers to or from any governmental entity.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.