

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 of  
10 the Real Estate License Act of 2000, acting on behalf of a  
11 seller or buyer of residential real property.

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

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

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

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

1 (f) "Radon hazard" means exposure to indoor radon  
2 concentrations at or in excess of the United States  
3 Environmental Protection Agency's, or IEMA's recommended Radon  
4 Action Level.

5 (g) "Radon test" means a measurement of indoor radon  
6 concentrations in accordance with 32 Illinois Administrative  
7 Code Part 422 for performing radon measurements within the  
8 context of a residential real property transaction.

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

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

16 Section 10. Radon testing and disclosure.

17 (a) Except as excluded by Section 20 of this Act, the  
18 seller shall provide to the buyer of any interest in  
19 residential real property the IEMA pamphlet entitled "Radon  
20 Testing Guidelines for Real Estate Transactions" (or an  
21 equivalent pamphlet approved for use by IEMA) and the Illinois  
22 Disclosure of Information on Radon Hazards, which is set forth  
23 in subsection (b) of this Section, stating that the property  
24 may present the potential for exposure to radon before the  
25 buyer is obligated under any contract to purchase residential

1 real property. Nothing in this Section is intended to or shall  
2 be construed to imply an obligation on the seller to conduct  
3 any radon testing or mitigation activities.

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

7 DISCLOSURE OF INFORMATION ON RADON HAZARDS

8 (For Residential Real Property Sales or Purchases)

9 Radon Warning Statement

10 Every buyer of any interest in residential real property is  
11 notified that the property may present exposure to dangerous  
12 levels of indoor radon gas that may place the occupants at risk  
13 of developing radon-induced lung cancer. Radon, a Class-A human  
14 carcinogen, is the leading cause of lung cancer in non-smokers  
15 and the second leading cause overall. The seller of any  
16 interest in residential real property is required to provide  
17 the buyer with any information on radon test results of the  
18 dwelling showing elevated levels of radon in the seller's  
19 possession.

20 The Illinois Emergency Management Agency (IEMA) strongly  
21 recommends ALL homebuyers have an indoor radon test performed  
22 prior to purchase or taking occupancy, and mitigated if

1 elevated levels are found. Elevated radon concentrations can  
2 easily be reduced by a qualified, licensed radon mitigator.

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

5 (a)..... Elevated radon concentrations (above EPA or  
6 IEMA recommended Radon Action Level) are known to be present  
7 within the dwelling. (Explain)

8 (b)..... Seller has provided the purchaser with all  
9 available records and reports pertaining to elevated radon  
10 concentrations within the dwelling.

11 (c)..... Seller has no knowledge of elevated radon  
12 concentrations in the dwelling.

13 (d)..... Seller has no records or reports pertaining  
14 to elevated radon concentrations within the dwelling.

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

17 (e)..... Purchaser has received copies of all  
18 information listed above.

19 (f)..... Purchaser has received the IEMA approved  
20 Radon Disclosure Pamphlet.

21 Agent's Acknowledgment (initial) (if applicable)

22 (g)..... Agent has informed the seller of the seller's  
23 obligations under Illinois law.

1 Certification of Accuracy

2 The following parties have reviewed the information above and  
3 each party certifies, to the best of his or her knowledge, that  
4 the information he or she provided is true and accurate.

5 Seller	Date	Seller	Date
6 Purchaser	Date	Purchaser	Date
7 Agent	Date	Agent	Date

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

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

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

18 (1) Transfers pursuant to court order, including, but  
19 not limited to, transfers ordered by a probate court in  
20 administration of an estate, transfers between spouses  
21 resulting from a judgment of dissolution of marriage or  
22 legal separation, transfers pursuant to an order of

1 possession, transfers by a trustee in bankruptcy,  
2 transfers by eminent domain, and transfers resulting from a  
3 decree for specific performance.

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

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

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

20 (5) Transfers pursuant to testate or intestate  
21 succession.

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

25 (7) Transfers from an entity that has taken title to  
26 residential real property from a seller for the purpose of

1           assisting in the relocation of the seller, so long as the  
2           entity makes available to all prospective buyers a copy of  
3           the disclosure form furnished to the entity by the seller.

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

5           Section 99. Effective date. This Act takes effect January  
6           1, 2008.