

1 AN ACT concerning safety.

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 Radon-Resistant Residences Act.

6 Section 5. The Task Force on Radon-Resistant Building  
7 Codes.

8 (a) The Radon-Resistant Building Codes Task Force is  
9 created. The Task Force consists of the following members:

10 (1) the Director of the Illinois Emergency Management  
11 Agency or his or her representative, *ex officio*, who is the  
12 chair of the Task Force;

13 (2) a representative of an Illinois home builders  
14 association designated by the Director;

15 (3) a representative of an Illinois home inspectors  
16 association designated by the Director;

17 (4) a representative of an international building code  
18 organization designated by the Director;

19 (5) a representative of an Illinois realtors  
20 organization designated by the Director;

21 (6) two representatives of respiratory disease  
22 organizations, each from a different organization,  
23 designated by the Director;

1           (7) a representative of a cancer research and  
2 prevention organization designated by the Director;

3           (8) a representative of an Illinois municipal  
4 organization designated by the Director;

5           (9) one member appointed by the Speaker of the House of  
6 Representatives;

7           (10) one member appointed by the Minority Leader of the  
8 House of Representatives;

9           (11) one member appointed by the President of the  
10 Senate; and

11           (12) one member appointed by the Minority Leader of the  
12 Senate.

13           (b) The Task Force shall meet at the call of the chair.  
14 Members shall serve without compensation, but may be reimbursed  
15 for their reasonable expenses from moneys appropriated for that  
16 purpose. The Agency shall provide staff and support for the  
17 operation of the Task Force.

18           (c) The Task Force shall make recommendations to the  
19 Governor, the Agency, the Environmental Protection Agency, and  
20 the Pollution Control Board concerning the adoption of rules  
21 for building codes under Section 10 of this Act.

22           Section 10. Proposed rules for radon control.

23           (a) Notwithstanding any other rulemaking authority that  
24 may exist, neither the Governor nor any agency or agency head  
25 under the jurisdiction of the Governor has any authority to

1 make or promulgate rules to implement or enforce the provisions  
2 of this Act. The Governor shall propose rules to the General  
3 Assembly by filing them with the Clerk of the House and the  
4 Secretary of the Senate and by requesting that the General  
5 Assembly authorize such rulemaking by law, enact those proposed  
6 rules into law, or take any other appropriate action in the  
7 General Assembly's discretion. Nothing contained in this Act  
8 shall be interpreted to grant rulemaking authority under any  
9 other Illinois statute where such authority is not otherwise  
10 explicitly given.

11 (b) For the purposes of this Section, "rules" is given the  
12 meaning contained in Section 1-70 of the Illinois  
13 Administrative Procedure Act, and "agency" and "agency head"  
14 are given the meanings contained in Sections 1-20 and 1-25 of  
15 the Illinois Administrative Procedure Act to the extent that  
16 such definitions apply to agencies or agency heads under the  
17 jurisdiction of the Governor.

18 Section 90. The Illinois Radon Awareness Act is amended by  
19 changing Sections 5, 10, and 20 as follows:

20 (420 ILCS 46/5)

21 Sec. 5. Definitions. As used in this Act, unless the  
22 context otherwise requires:

23 (a) "Agent" means a licensed real estate "broker" or  
24 "salesperson", as those terms are defined in Section 1-10 of

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

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

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

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

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

15 (f) "Radon hazard" means exposure to indoor radon  
16 concentrations at or in excess of the United States  
17 Environmental Protection Agency's, or IEMA's recommended Radon  
18 Action Level.

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

23 (h) "Residential real property" means any estate or  
24 interest in ~~a manufactured housing lot or a parcel of~~ real  
25 property, improved with one or more ~~not less than one nor more~~  
26 ~~than 4~~ residential dwelling units, including a manufactured

1 home.

2 (i) "Seller" means any individual, partnership,  
3 corporation, or trustee transferring residential real property  
4 in return for consideration.

5 (Source: P.A. 95-210, eff. 1-1-08.)

6 (420 ILCS 46/10)

7 Sec. 10. Radon testing and disclosure.

8 (a) Except as excluded by Section 20 of this Act, the  
9 seller shall provide to the buyer of any interest in  
10 residential real property the IEMA pamphlet entitled "Radon  
11 Testing Guidelines for Real Estate Transactions" (or an  
12 equivalent pamphlet approved for use by IEMA) and the Illinois  
13 Disclosure of Information on Radon Hazards, which is set forth  
14 in subsection (b) of this Section, stating that the property  
15 may present the potential for exposure to radon before the  
16 buyer is obligated under any contract to purchase residential  
17 real property. Nothing in this Section is intended to or shall  
18 be construed to imply an obligation on the seller to conduct  
19 any radon testing or mitigation activities.

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

23 DISCLOSURE OF INFORMATION ON RADON HAZARDS

24 (For Residential Real Property Sales or Purchases)

## 1 Radon Warning Statement

2 Every buyer of any interest in residential real property is  
3 notified that the property may present exposure to dangerous  
4 levels of indoor radon gas that may place the occupants at risk  
5 of developing radon-induced lung cancer. Radon, a Class-A human  
6 carcinogen, is the leading cause of lung cancer in non-smokers  
7 and the second leading cause overall. The seller of any  
8 interest in residential real property is required to provide  
9 the buyer with any information on radon test results of the  
10 dwelling showing elevated levels of radon in the seller's  
11 possession.

12 The Illinois Emergency Management Agency (IEMA) strongly  
13 recommends ALL homebuyers have an indoor radon test performed  
14 prior to purchase or taking occupancy, and mitigated if  
15 elevated levels are found. Elevated radon concentrations can  
16 easily be reduced by a qualified, licensed radon mitigator.

17 Seller's Disclosure (initial each of the following which  
18 applies)

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

22 (b)..... Seller has provided the purchaser with all

1 available records and reports pertaining to elevated radon  
2 concentrations within the dwelling.

3 (c)..... Seller either has no knowledge of elevated  
4 radon concentrations in the dwelling or prior elevated radon  
5 concentrations have been mitigated or remediated.

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

8 Purchaser's Acknowledgment (initial each of the following  
9 which applies)

10 (e)..... Purchaser has received copies of all  
11 information listed above.

12 (f)..... Purchaser has received the IEMA approved  
13 Radon Disclosure Pamphlet.

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

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

17 Certification of Accuracy

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

21	Seller	Date	Seller	Date
22	Purchaser	Date	Purchaser	Date
23	Agent	Date	Agent	Date

1 (c) If any of the disclosures required by this Section  
2 occurs after the buyer has made an offer to purchase the  
3 residential real property, the seller shall complete the  
4 required disclosure activities prior to accepting the buyer's  
5 offer and allow the buyer an opportunity to review the  
6 information and possibly amend the offer.

7 (Source: P.A. 95-210, eff. 1-1-08.)

8 (420 ILCS 46/20)

9 Sec. 20. Exclusions. The provisions of this Act do not  
10 apply to the following:

11 (1) Transfers pursuant to court order, including, but  
12 not limited to, transfers ordered by a probate court in  
13 administration of an estate, transfers between spouses  
14 resulting from a judgment of dissolution of marriage or  
15 legal separation, transfers pursuant to an order of  
16 possession, transfers by a trustee in bankruptcy,  
17 transfers by eminent domain, and transfers resulting from a  
18 decree for specific performance.

19 (2) Transfers from a mortgagor to a mortgagee by deed  
20 in lieu of foreclosure or consent judgment, transfer by  
21 judicial deed issued pursuant to a foreclosure sale to the  
22 successful bidder or the assignee of a certificate of sale,  
23 transfer by a collateral assignment of a beneficial  
24 interest of a land trust, or a transfer by a mortgagee or a



1 successor in interest to the mortgagee's secured position  
2 or a beneficiary under a deed in trust who has acquired the  
3 real property by deed in lieu of foreclosure, consent  
4 judgment or judicial deed issued pursuant to a foreclosure  
5 sale.

6 (3) Transfers by a fiduciary in the course of the  
7 administration of a decedent's estate, guardianship,  
8 conservatorship, or trust.

9 (4) Transfers from one co-owner to one or more other  
10 co-owners.

11 (5) Transfers pursuant to testate or intestate  
12 succession.

13 (6) Transfers made to a spouse, or to a person or  
14 persons in the lineal line of consanguinity of one or more  
15 of the sellers.

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

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

22 (9) Transfers of a structure or building containing  
23 more than 4 residential dwelling units.

24 (10) Transfers of any residential dwelling unit  
25 located on the third story or higher above ground level of  
26 any structure or building, including, but not limited to,

1           condominium units and dwelling units in a residential  
2           cooperative.

3           (Source: P.A. 95-210, eff. 1-1-08.)

4           Section 99. Effective date. This Act takes effect upon  
5           becoming law.