



Rep. Karen May

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09500HB4789ham003

LRB095 16947 HLH 48539 a

1 AMENDMENT TO HOUSE BILL 4789

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4789, AS AMENDED,  
3 with reference to page and line numbers of House Amendment No.  
4 1, on page 4, immediately below line 3, by inserting the  
5 following:

6 "Section 50. The Illinois Radon Awareness Act is amended by  
7 changing Sections 5, 10, and 20 as follows:

8 (420 ILCS 46/5)

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

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

15 (b) "Buyer" means any individual, partnership,  
16 corporation, or trustee entering into an agreement to purchase

1 any estate or interest in real property.

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

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

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

11 (f) "Radon hazard" means exposure to indoor radon  
12 concentrations at or in excess of the United States  
13 Environmental Protection Agency's, or IEMA's recommended Radon  
14 Action Level.

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

19 (h) "Residential real property" means any estate or  
20 interest in ~~a manufactured housing lot or a parcel of real~~  
21 ~~property, improved with one or more not less than one nor more~~  
22 ~~than 4 residential dwelling units, including a manufactured~~  
23 ~~home.~~

24 (i) "Seller" means any individual, partnership,  
25 corporation, or trustee transferring residential real property  
26 in return for consideration.

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

2 (420 ILCS 46/10)

3 Sec. 10. Radon testing and disclosure.

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

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

19 DISCLOSURE OF INFORMATION ON RADON HAZARDS

20 (For Residential Real Property Sales or Purchases)

21 Radon Warning Statement

22 Every buyer of any interest in residential real property is

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

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

15 Seller's Disclosure (initial each of the following which  
16 applies)

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

20 (b)..... Seller has provided the purchaser with all  
21 available records and reports pertaining to elevated radon  
22 concentrations within the dwelling.

23 (c)..... Seller either has no knowledge of elevated  
24 radon concentrations in the dwelling or prior elevated radon

1 concentrations have been mitigated or remediated.

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

4 Purchaser's Acknowledgment (initial each of the following  
5 which applies)

6 (e)..... Purchaser has received copies of all  
7 information listed above.

8 (f)..... Purchaser has received the IEMA approved  
9 Radon Disclosure Pamphlet.

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

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

13 Certification of Accuracy

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

17	Seller	Date	Seller	Date
18	Purchaser	Date	Purchaser	Date
19	Agent	Date	Agent	Date

20 (c) If any of the disclosures required by this Section  
21 occurs after the buyer has made an offer to purchase the  
22 residential real property, the seller shall complete the

1 required disclosure activities prior to accepting the buyer's  
2 offer and allow the buyer an opportunity to review the  
3 information and possibly amend the offer.

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

5 (420 ILCS 46/20)

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

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

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

1 sale.

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

5 (4) Transfers from one co-owner to one or more other  
6 co-owners.

7 (5) Transfers pursuant to testate or intestate  
8 succession.

9 (6) Transfers made to a spouse, or to a person or  
10 persons in the lineal line of consanguinity of one or more  
11 of the sellers.

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

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

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

20 (10) Transfers of any residential dwelling unit  
21 located on the third story or higher above ground level of  
22 any structure or building, including, but not limited to,  
23 condominium units and dwelling units in a residential  
24 cooperative.

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