



Rep. Dan Reitz

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LRB095 16947 RCE 49122 a

1 AMENDMENT TO HOUSE BILL 4789

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4789, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Radon-Resistant Residences Act.

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

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

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

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

16 (3) a representative of an Illinois home inspectors

1 association designated by the Director;

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

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

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

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

11 (8) a representative of an Illinois municipal  
12 organization designated by the Director;

13 (9) one member appointed by the Speaker of the House of  
14 Representatives;

15 (10) one member appointed by the Minority Leader of the  
16 House of Representatives;

17 (11) one member appointed by the President of the  
18 Senate; and

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

21 (b) The Task Force shall meet at the call of the chair.  
22 Members shall serve without compensation, but may be reimbursed  
23 for their reasonable expenses from moneys appropriated for that  
24 purpose. The Agency shall provide staff and support for the  
25 operation of the Task Force.

26 (c) The Task Force shall make recommendations to the

1 Governor, the Agency, the Environmental Protection Agency, and  
2 the Pollution Control Board concerning the adoption of rules  
3 for building codes under Section 10 of This Act.

4 Section 10. Proposed rules for radon control.

5 (a) Notwithstanding any other rulemaking authority that  
6 may exist, neither the Governor nor any agency or agency head  
7 under the jurisdiction of the Governor has any authority to  
8 make or promulgate rules to implement or enforce the provisions  
9 of this Act. The Governor shall propose rules to the General  
10 Assembly by filing them with the Clerk of the House and the  
11 Secretary of the Senate and by requesting that the General  
12 Assembly authorize such rulemaking by law, enact those proposed  
13 rules into law, or take any other appropriate action in the  
14 General Assembly's discretion. Nothing contained in this Act  
15 shall be interpreted to grant rulemaking authority under any  
16 other Illinois statute where such authority is not otherwise  
17 explicitly given.

18 (b) For the purposes of this Section, "rules" is given the  
19 meaning contained in Section 1-70 of the Illinois  
20 Administrative Procedure Act, and "agency" and "agency head"  
21 are given the meanings contained in Sections 1-20 and 1-25 of  
22 the Illinois Administrative Procedure Act to the extent that  
23 such definitions apply to agencies or agency heads under the  
24 jurisdiction of the Governor.

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

3           (420 ILCS 46/5)

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

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

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

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

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

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

22          (f) "Radon hazard" means exposure to indoor radon  
23 concentrations at or in excess of the United States  
24 Environmental Protection Agency's, or IEMA's recommended Radon  
25 Action Level.

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

5 (h) "Residential real property" means any estate or  
6 interest in ~~a manufactured housing lot or a parcel of real~~  
7 property, improved with one or more ~~not less than one nor more~~  
8 ~~than 4~~ residential dwelling units, including a manufactured  
9 home.

10 (i) "Seller" means any individual, partnership,  
11 corporation, or trustee transferring residential real property  
12 in return for consideration.

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

14 (420 ILCS 46/10)

15 Sec. 10. Radon testing and disclosure.

16 (a) Except as excluded by Section 20 of this Act, the  
17 seller shall provide to the buyer of any interest in  
18 residential real property the IEMA pamphlet entitled "Radon  
19 Testing Guidelines for Real Estate Transactions" (or an  
20 equivalent pamphlet approved for use by IEMA) and the Illinois  
21 Disclosure of Information on Radon Hazards, which is set forth  
22 in subsection (b) of this Section, stating that the property  
23 may present the potential for exposure to radon before the  
24 buyer is obligated under any contract to purchase residential  
25 real property. Nothing in this Section is intended to or shall

1 be construed to imply an obligation on the seller to conduct  
2 any radon testing or mitigation activities.

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

6 DISCLOSURE OF INFORMATION ON RADON HAZARDS  
7 (For Residential Real Property Sales or Purchases)

8 Radon Warning Statement

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

19 The Illinois Emergency Management Agency (IEMA) strongly  
20 recommends ALL homebuyers have an indoor radon test performed  
21 prior to purchase or taking occupancy, and mitigated if  
22 elevated levels are found. Elevated radon concentrations can

1 easily be reduced by a qualified, licensed radon mitigator.

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

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

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

10 (c)..... Seller either has no knowledge of elevated  
11 radon concentrations in the dwelling or prior elevated radon  
12 concentrations have been mitigated or remediated.

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

15 (420 ILCS 46/20)

16 Sec. 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  
23 possession, transfers by a trustee in bankruptcy,



1 transfers by eminent domain, and transfers resulting from a  
2 decree for specific performance.

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

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

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

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

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

24 (7) Transfers from an entity that has taken title to  
25 residential real property from a seller for the purpose of  
26 assisting in the relocation of the seller, so long as the

1           entity makes available to all prospective buyers a copy of  
2           the disclosure form furnished to the entity by the seller.

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

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

6           (10) Transfers of any residential dwelling unit  
7           located on the third story or higher above ground level of  
8           any structure or building, including, but not limited to,  
9           condominium units and dwelling units in a residential  
10          cooperative.

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

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