



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2439

Introduced 2/19/2009, by Rep. Dan Reitz - Karen May

SYNOPSIS AS INTRODUCED:

420 ILCS 46/10
420 ILCS 46/20

Amends the Illinois Radon Awareness Act. Changes a provision on the Disclosure of Information on Radon Hazards form. Requires sellers of certain property to disclose, among other things, either (i) that they have no knowledge of elevated radon concentrations or (ii) that prior elevated radon concentrations have been mitigated or remediated (now, only (i) must be disclosed). Provides that the Act's provisions do not apply to the transfer of any residential dwelling unit located on the third story or higher above ground level of any structure or building. Effective immediately.

LRB096 10338 JDS 20508 b

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

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:

1 DISCLOSURE OF INFORMATION ON RADON HAZARDS
2 (For Residential Real Property Sales or Purchases)

3 Radon Warning Statement

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

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

19 Seller's Disclosure (initial each of the following which
20 applies)

21 (a)..... Elevated radon concentrations (above EPA or
22 IEMA recommended Radon Action Level) are known to be present

1 within the dwelling. (Explain)

2 (b)..... Seller has provided the purchaser with all
3 available records and reports pertaining to elevated radon
4 concentrations within the dwelling.

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

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

10 Purchaser's Acknowledgment (initial each of the following
11 which applies)

12 (e)..... Purchaser has received copies of all
13 information listed above.

14 (f)..... Purchaser has received the IEMA approved
15 Radon Disclosure Pamphlet.

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

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

19 Certification of Accuracy

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

23 Seller Date Seller Date

1	Purchaser	Date	Purchaser	Date
2	Agent	Date	Agent	Date

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

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

10 (420 ILCS 46/20)

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

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

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

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

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

11 (4) Transfers from one co-owner to one or more other
12 co-owners.

13 (5) Transfers pursuant to testate or intestate
14 succession.

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

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

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

24 (9) Transfers of any residential dwelling unit located
25 on the third story or higher above ground level of any
26 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.