



Environmental Health Committee

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09500HB1425ham001

LRB095 08963 AJ0 32705 a

1 AMENDMENT TO HOUSE BILL 1425

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1425 by replacing  
3 everything after the enacting clause with the following:

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

1 convey title to the estate or interest in the residential real  
2 property being conveyed.

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

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

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

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

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

20 (i) "Seller" means any individual, partnership,  
21 corporation, or trustee transferring residential real property  
22 in return for consideration.

23 Section 10. Radon testing and disclosure.

24 (a) Except as excluded by Section 20 of this Act, the  
25 seller shall provide to the buyer of any interest in

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

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

14 DISCLOSURE OF INFORMATION ON RADON HAZARDS

15 (For Residential Real Property Sales or Purchases)

16 Radon Warning Statement

17 Every buyer of any interest in residential real property is  
18 notified that the property may present exposure to dangerous  
19 levels of indoor radon gas that may place the occupants at risk  
20 of developing radon-induced lung cancer. Radon, a Class-A human  
21 carcinogen, is the leading cause of lung cancer in non-smokers  
22 and the second leading cause overall. The seller of any  
23 interest in residential real property is required to provide

1 the buyer with any information on radon test results of the  
2 dwelling showing elevated levels of radon in the seller's  
3 possession.

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

9 Seller's Disclosure (initial each of the following which  
10 applies)

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

14 (b)..... Seller has provided the purchaser with all  
15 available records and reports pertaining to elevated radon  
16 concentrations within the dwelling.

17 (c)..... Seller has no knowledge of elevated radon  
18 concentrations in the dwelling.

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

21 Purchaser's Acknowledgment (initial each of the following  
22 which applies)

23 (e)..... Purchaser has received copies of all

1 information listed above.

2 (f)..... Purchaser has received the IEMA approved  
3 Radon Disclosure Pamphlet.

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

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

7 Certification of Accuracy

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

11	Seller	Date	Seller	Date
12	Purchaser	Date	Purchaser	Date
13	Agent	Date	Agent	Date

14 (c) If any of the disclosures required by this Section  
15 occurs after the buyer has made an offer to purchase the  
16 residential real property, the seller shall complete the  
17 required disclosure activities prior to accepting the buyer's  
18 offer and allow the buyer an opportunity to review the  
19 information and possibly amend the offer.

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

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

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

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

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

25           (4) Transfers from one co-owner to one or more other  
26 co-owners.

1           (5) Transfers pursuant to testate or intestate  
2           succession.

3           (6) Transfers made to a spouse, or to a person or  
4           persons in the lineal line of consanguinity of one or more  
5           of the sellers.

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

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

12          Section 99. Effective date. This Act takes effect January  
13          1, 2008.".