

HOUSE BILL No. 5253

November 5, 2003, Introduced by Reps. Phillips, Byrum, Pumford, Clack, Jamnick, Garfield, Wenke, Stallworth, Hunter, Plakas, Pappageorge, Ruth Johnson, McConico, Murphy, Gillard, Tobocman, Williams, Farrah, Reeves, Meisner, Hopgood, Cheeks, Lipsey, Kolb, Vagnozzi and O'Neil and referred to the Committee on Regulatory Reform.

A bill to require radon gas testing when conveying certain real property.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act, "basement" and "cellar" mean
2 those terms as defined in section 2 of the housing law of
3 Michigan, 1917 PA 167, MCL 125.402.

4 Sec. 2. (1) Real property containing a structure that has a
5 basement or cellar shall not be transferred unless the
6 transferor, at his or her expense, causes a test for the presence
7 of radon gas to be conducted on the real property and provides to
8 the prospective transferee a written copy of the test results.
9 The written copy shall be provided within the following time
10 limits:

11 (a) In the case of a sale, before the transferor executes a
12 binding purchase agreement with the prospective transferee.

1 (b) In the case of transfer by an installment sales contract
2 where a binding purchase agreement has not been executed, or in
3 the case of a lease together with an option to purchase, before
4 the transferor executes the installment sales contract or
5 lease-purchase agreement with the prospective transferee.

6 (2) The transferor shall indicate compliance with this act
7 either on the purchase agreement, the installment sales contract,
8 the lease-purchase agreement, or any addendum attached to the
9 purchase agreement, contract, or lease-purchase agreement or on a
10 separate document.

11 (3) Except as provided in subsection (4), if any disclosure
12 or amendment of any disclosure required to be made by this act is
13 delivered after the transferor executes a binding purchase
14 agreement, contract, or lease-purchase agreement, the prospective
15 transferee may terminate the purchase agreement by delivering
16 written notice of termination to the transferor or the
17 transferor's agent within the following time limits:

18 (a) Not later than 72 hours after delivery of the disclosure
19 statement to the prospective transferee, if the disclosure
20 statement was delivered to the prospective transferee in person.

21 (b) Not later than 120 hours after delivery of the disclosure
22 statement to the prospective transferee, if the disclosure
23 statement was delivered to the prospective transferee by
24 registered mail.

25 (4) A transferee's right to terminate the purchase agreement
26 expires upon the transfer of the subject property by deed or
27 installment sales contract.