

**EHB 1319**

**THE STATE SENATE**  
**Thursday, March 20, 2003**

**ENGROSSED**

**House Bill No. 1319**

**As Amended**

ENGROSSED HOUSE BILL NO. 1319 - By: TIBBS and NANCE of the House and BROGDON of the Senate.

An Act relating to property; amending 60 O.S. 2001, Sections 833 and 837, which relate to the Residential Property Condition Disclosure Act; adding certain disclosure requirement; clarifying available remedies; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 60 O.S. 2001, Section 833, is amended to read as follows:

Section 833. A. A seller of property located in this state shall deliver, or cause to be delivered, to the purchaser of such property one of the following:

1. A written property disclaimer statement on a form established by rule by the Oklahoma Real Estate Commission which states that the seller:

a. has never occupied the property and makes no disclosures concerning the condition of the property, and

b. has no actual knowledge of any defect; or

1           2. A written property condition disclosure statement on a form  
2 established by rule by the Oklahoma Real Estate Commission which  
3 shall include the information set forth in subsection B of this  
4 section.

5           B. 1. The disclosure statement shall include an identification  
6 of items and improvements which are included in the sale of the  
7 property and whether such items or improvements are in normal  
8 working order. The disclosures required shall also include a  
9 statement of whether the seller has actual knowledge of defects or  
10 information in relation to the following:

- 11           a. water and sewer systems, including the source of  
12 household water, water treatment systems, sprinkler  
13 systems, occurrence of water in the heating and air  
14 conditioning ducts, water seepage or leakage, drainage  
15 or grading problems and flood zone status,
- 16           b. structural systems, including the roof, walls, floors,  
17 foundation and any basement,
- 18           c. plumbing, electrical, heating and air conditioning  
19 systems,
- 20           d. infestation or damage of wood-destroying organisms,
- 21           e. major fire or tornado damage,
- 22           f. land use matters,

- 1           g.    existence of hazardous or regulated materials and  
2                    other conditions having an environmental impact,  
3           h.    existence of prior manufacturing of methamphetamine,  
4           i.    any other defects known to the seller, and  
5           ~~i.~~ j.  other matters the Oklahoma Real Estate Commission deems  
6                    appropriate.

7           2.    The disclosure statement shall include the following notices  
8 to the purchaser in bold and conspicuous type:

- 9           a.    "The information and statements contained in this  
10                   disclosure statement are declarations and  
11                   representations of the seller and are not the  
12                   representations of the real estate licensee.",  
13           b.    "The information contained in this disclosure  
14                   statement is not intended to be a part of any contract  
15                   between the purchaser and the seller.", and  
16           c.    "The declarations and information contained in this  
17                   disclosure statement are not warranties, express or  
18                   implied of any kind, and are not a substitute for any  
19                   inspections or warranties the purchaser may wish to  
20                   obtain."

21           C.    Either the disclaimer statement or the disclosure statement  
22 required by this section must be completed, signed and dated by the  
23 seller.  The date of completion on either statement may not be more

1 than one hundred eighty (180) days prior to the date of receipt of  
2 the statement by the purchaser.

3 D. The Oklahoma Real Estate Commission shall develop by rule  
4 the forms for the residential property condition disclaimer and the  
5 residential property condition disclosure statement. After  
6 development of the initial forms, the Oklahoma Real Estate  
7 Commission may amend by rule the forms as is necessary and  
8 appropriate.

9 Such forms shall be made available upon request irrespective of  
10 whether the person requesting a disclaimer or disclosure form is  
11 represented by a real estate licensee.

12 SECTION 2. This act shall become effective November 1, 2003.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-18-03 - DO  
14 PASS, As Amended.