

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2304

By: Kannady of the House

and

Loveless of the Senate

7 An Act relating to property; amending 60 O.S. 2011,  
8 Section 833, which relates to the Residential  
9 Property Condition Disclosure Act; modifying  
10 information contained in property disclaimer and  
11 disclosure statements; and providing an effective  
12 date.

13 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause  
14 and entire bill and insert

15 "[ property - Residential Property Condition  
16 Disclosure Act; - effective date ]

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

18 SECTION 1. AMENDATORY 60 O.S. 2011, Section 833, is  
19 amended to read as follows:

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

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

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

7            b. has no actual knowledge of any defect; or

8        2. A written property condition disclosure statement on a form  
9 established by rule by the Oklahoma Real Estate Commission which  
10 shall include the information set forth in subsection B of this  
11 section; and

12        3. A written disclosure statement stating whether or not the  
13 property is subject to a homeowner association (HOA) on a form  
14 established by rule by the Oklahoma Real Estate Commission.

15        B. 1. The disclosure statement pursuant to paragraph 2 of  
16 subsection A of this section shall include an identification of  
17 items and improvements which are included in the sale of the  
18 property and whether such items or improvements are in normal  
19 working order. The disclosures required shall also include a  
20 statement of whether the seller has actual knowledge of defects or  
21 information in relation to the following:

22            a. water and sewer systems, including the source of  
23 household water, water treatment systems, sprinkler  
24 systems, occurrence of water in the heating and air

- 1 conditioning ducts, water seepage or leakage, drainage  
2 or grading problems and flood zone status,
- 3 b. structural systems, including the roof, walls, floors,  
4 foundation and any basement,
  - 5 c. plumbing, electrical, heating and air conditioning  
6 systems,
  - 7 d. infestation or damage of wood-destroying organisms,
  - 8 e. major fire or tornado damage,
  - 9 f. land use matters,
  - 10 g. existence of hazardous or regulated materials and  
11 other conditions having an environmental impact,
  - 12 h. existence of prior manufacturing of methamphetamine,
  - 13 i. any other defects known to the seller, and
  - 14 j. other matters the Oklahoma Real Estate Commission  
15 deems appropriate.

16 2. ~~The~~ Each disclosure statement shall include the following  
17 notices to the purchaser in bold and conspicuous type:

- 18 a. "The information and statements contained in this  
19 disclosure statement are declarations and  
20 representations of the seller and are not the  
21 representations of the real estate licensee.",
- 22 b. "The information contained in this disclosure  
23 statement is not intended to be a part of any contract  
24 between the purchaser and the seller.", and

1 c. "The declarations and information contained in this  
2 disclosure statement are not warranties, express or  
3 implied of any kind, and are not a substitute for any  
4 inspections or warranties the purchaser may wish to  
5 obtain."

6 C. Either the disclaimer statement or the disclosure statement  
7 and the notice of HOA required by this section must be completed,  
8 signed and dated by the seller. The date of completion on either  
9 the disclaimer statement or the disclosure statement may not be more  
10 than one hundred eighty (180) days prior to the date of receipt of  
11 the statement by the purchaser.

12 D. The Oklahoma Real Estate Commission shall develop by rule  
13 the forms for the residential property condition disclaimer ~~and,~~ the  
14 residential property condition disclosure statement, and the  
15 disclosure statement of HOA. After development of the initial  
16 forms, the Oklahoma Real Estate Commission may amend by rule the  
17 forms as is necessary and appropriate.

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

21 SECTION 2. This act shall become effective November 1, 2016."

22 and when the title is restored, amend the title to  
23 conform  
24

1 Passed the Senate the 20th day of April, 2016.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2016.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives