

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2304

By: Kannady of the House

and

6 Loveless of the Senate

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9 COMMITTEE SUBSTITUTE

10 An Act relating to property; amending 60 O.S. 2011,
11 Section 833, which relates to the Residential
12 Property Condition Disclosure Act; modifying
13 information for property disclosure statements;
14 including disclosure of HOA; and providing an
15 effective date.

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

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

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

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

- 1 a. has never occupied the property and makes no
2 disclosures concerning the condition of the property,
3 and
4 b. has no actual knowledge of any defect; or

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

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

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

- 19 a. water and sewer systems, including the source of
20 household water, water treatment systems, sprinkler
21 systems, occurrence of water in the heating and air
22 conditioning ducts, water seepage or leakage, drainage
23 or grading problems and flood zone status,
24

- b. structural systems, including the roof, walls, floors, foundation and any basement,
- c. plumbing, electrical, heating and air conditioning systems,
- d. infestation or damage of wood-destroying organisms,
- e. major fire or tornado damage,
- f. land use matters,
- g. existence of hazardous or regulated materials and other conditions having an environmental impact,
- h. existence of prior manufacturing of methamphetamine,
- i. any other defects known to the seller, and
- j. other matters the Oklahoma Real Estate Commission deems appropriate.

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

- a. "The information and statements contained in this disclosure statement are declarations and representations of the seller and are not the representations of the real estate licensee.",
- b. "The information contained in this disclosure statement is not intended to be a part of any contract between the purchaser and the seller.", and
- c. "The declarations and information contained in this disclosure statement are not warranties, express or

1 implied of any kind, and are not a substitute for any
2 inspections or warranties the purchaser may wish to
3 obtain."

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

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

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

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

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