

1 ENGROSSED HOUSE  
2 BILL NO. 2304

By: Kannady of the House

and

Loveless of the Senate

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

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

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

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

- 22 a. has never occupied the property and makes no  
23 disclosures concerning the condition of the property  
24 except for the existence of any requirements,

1           restrictions, covenants, reservations or dedications  
2           of any owners association regulating the property, and

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

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

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

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

- 1 f. land use matters,
- 2 g. existence of hazardous or regulated materials and
- 3 other conditions having an environmental impact,
- 4 h. existence of prior manufacturing of methamphetamine,
- 5 i. existence of any requirements, restrictions,
- 6 covenants, reservations or dedications of any owners
- 7 association regulating the property,
- 8 j. any other defects known to the seller, and
- 9 ~~j.~~ k. other matters the Oklahoma Real Estate Commission
- 10 deems appropriate.

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

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

