

HB 3071 -- CONTAMINATION OF RADIOACTIVE OR HAZARDOUS MATERIAL

SPONSOR: Wellenkamp

This bill specifies that if any premises currently rented, leased, sold, transferred, or conveyed is or was previously contaminated with radioactive or other hazardous material, the owner, seller, landlord, or other transferor must disclose in writing to the current lessee, in addition to any other required recipients, as long as the person required to give notice has empirically supported knowledge of the contamination. The term "knowledge" includes written or electronic communication from a governmental agency. If a lessee learns that the owner, seller, landlord, or other transferor had knowledge and failed to disclose the knowledge to the lessee, the lessee has the right to terminate his or her lease at no cost under the provisions stipulated in the lease.

If a governmental agency requests from an owner, seller, landlord, or other transferor a signed right of entry to test for radioactive or other hazardous material contamination, the request must be disclosed in writing to the prospective or current lessee, the purchaser, or the transferee.

If a state agency has knowledge of a contamination at a residential property, the agency must send written notice to the current resident within 30 days.