

House Bill 2391

Sponsored by Representative ESQUIVEL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires seller of real estate that includes well that supplies ground water for domestic purposes to provide results of certain tests to buyer.

Makes failure to provide test results violation punishable by maximum fine of \$720.

A BILL FOR AN ACT

1
2 Relating to testing of wells; creating new provisions; and amending ORS 448.271.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 448.271 is amended to read:

5 448.271. (1) In any transaction for the sale or exchange of real estate that includes a well that
6 supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an
7 offer to purchase that real estate, have the well tested for nitrates and total coliform bacteria. The
8 Department of Human Services also may require additional tests for specific contaminants in an
9 area of ground water concern or a ground water management area. The seller shall submit the re-
10 sults of the test required under this section to the department **and to the buyer**.

11 (2) The failure of a seller to comply with the provisions of this section does not invalidate an
12 instrument of conveyance executed in the transaction.

13 **SECTION 2.** A seller commits a Class A violation if the seller fails to provide the results
14 of the test required in ORS 448.271 to the buyer.

15 **SECTION 3.** The amendments to ORS 448.271 by section 1 of this 2007 Act apply to tests
16 for nitrates and total coliform bacteria conducted on or after the effective date of this 2007
17 Act.

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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.