

Enrolled
Senate Bill 739

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

CHAPTER

AN ACT

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

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

SECTION 1. ORS 448.271 is amended to read:

448.271. (1) In any transaction for the sale or exchange of real estate that includes a well that supplies ground water for domestic purposes, the seller of the real estate shall, upon accepting an offer to purchase that real estate, have the well tested for **arsenic**, nitrates and total coliform bacteria. The Department of Human Services also may, **by rule**, require additional tests for specific contaminants in [*an area of ground water concern or ground water management area*] **specific areas of public health concern**. The seller shall submit the results of the [*test*] **tests** required under this section to the department **and to the buyer within 90 days of receiving the results of the tests**.

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

SECTION 2. **The amendments to ORS 448.271 by section 1 of this 2009 Act apply to real estate for which an offer to purchase is accepted by the seller on or after the effective date of this 2009 Act.**

Passed by Senate April 27, 2009

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Secretary of Senate

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President of Senate

Passed by House May 28, 2009

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Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State