

**A-Engrossed**  
**Senate Bill 739**

Ordered by the Senate April 15  
Including Senate Amendments dated April 15

Sponsored by COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**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.

Requires seller of real estate to test for arsenic in certain wells upon accepting offer to purchase real estate. Allows Department of Human Services to adopt rules requiring testing for [other] contaminants **in specific areas of public health concern. Requires seller to submit results of tests to department and buyer within 90 days of receiving results.**

**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 **arsenic**, nitrates and total coliform  
8 bacteria. The Department of Human Services also may, **by rule**, require additional tests for specific  
9 contaminants in [*an area of ground water concern or ground water management area*] **specific areas**  
10 **of public health concern.** The seller shall submit the results of the [*test*] **tests** required under this  
11 section to the department **and to the buyer within 90 days of receiving the results of the**  
12 **tests.**

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

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