

Senate Bill 739

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 **as introduced**.

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.

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 may adopt rules specifying additional contam-**
9 **inants for which the seller of the real estate must have the well tested.** [*The Department of*
10 *Human Services also may require additional tests for specific contaminants in an area of ground water*
11 *concern or ground water management area.*] The seller shall submit the results of the [*test*] **tests**
12 required under this section to the department **and to the buyer.**

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.