



SPONSOR: Sen. Sorenson & Rep. Ulbrich
Sen. Blevins, Cloutier; Rep. Hall-Long

DELAWARE STATE SENATE
143rd GENERAL ASSEMBLY
SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 198

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO RADON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 25, Title 6, Delaware Code by inserting a new section therein as follows:

2 “§2572A Radon Testing and Disclosure

3 (a) Except as excluded by §2577 of this subchapter, every purchaser of any interest in residential real property on which a
4 residential dwelling exists shall be notified that said property may present the potential for exposure to radon.

5 (b) Except as excluded by §2577 of this subchapter, the seller of any interest in residential real property on which a
6 residential dwelling exists is required to provide the buyer with any information on radon from tests or inspections in the seller’s
7 possession, and notify the buyer of any known radon hazards.

8 (c) The Department of Health and Social Services shall develop the content of written information that the buyer’s agent
9 shall provide to the buyer of any interest in residential real property on which a residential dwelling exists. The information shall
10 describe potential hazards of exposure to radon, testing for radon, radon remediation, and the buyer’s rights during a property
11 transaction.

12 (d) The Delaware Real Estate Commission with consultation from The Department of Health and Social Services shall
13 develop a form that will document that subsections (a), (b) and (c) of this section have occurred. The form shall be utilized for
14 every transfer of residential real property as described in this section and shall include:

15 (i) The property address;

16 (ii) The seller’s disclosure of the presence of radon hazards, if known;

17 (iii) The buyer’s acknowledgement that information about radon was received;

18 (iv) The buyer’s acknowledgement of his/her option to test for radon;

19 (v) The agent's acknowledgement that the seller has been informed of the seller's obligation and is aware of
20 his/her responsibility to ensure compliance with this section; and

21 (vi) Signatures of the buyer, seller, and agent attesting to the above and the date so signed."

22 Section 2. Amend §2578, Title 6, Delaware Code by adding at the end thereof the following: "Each form shall also
23 include the results of the radon test or tests required to be disclosed by §2572A of this subchapter."

24 Section 3. This Act shall become effective upon enactment into law but shall not be enforced until the development of the
25 written information and form required by subsections (c) and (d) of the new code section created by Section 1 of this Act, or until
26 one year after enactment into law, whichever shall first occur.

SYNOPSIS

This Act requires potential buyers of residential property to be informed of radon hazards and their option to have the property tested for radon.

AUTHOR: Sen. Sorenson