{deleted text} shows text that was in SB0109 but was deleted in SB0109S01.

inserted text shows text that was not in SB0109 but was inserted into SB0109S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

**RADON TESTENGOF ARTHOOSINDIAR GODASES** the following substitute bill:

#### RADON AWARENESS CAMPAIGN

2014 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Aaron Osmond House Sponsor:

#### **LONG TITLE**

#### **General Description:**

This bill {enacts the Radon Testing and Disclosure Act} establishes an educational campaign regarding radon gas.

#### **Highlighted Provisions:**

This bill:

- ► {defines terms;
- requires an owner of a residential building to give a purchaser the following information and disclosures before the purchaser becomes obligated to purchase an interest in the residential building:
  - a copy of a radon hazard information pamphlet, developed by the division; and
  - a written disclosure that states each radon test that has been performed on the residential building within the last 5 years;

- provides a purchaser of an interest in a residential building no less than 10 days to perform a radon test on the residential building, unless the owner and the purchaser agree to a different time period;
- requires a real estate purchase contract for the sale of an interest in a residential building to include signed acknowledgments that the owner has complied with the requirements described in this bill;
  - provides a procedure to enforce compliance with the provisions of this bill;
    - → allows the division to make rules consistent with the provisions in this bill; and
- makes technical and conforming changes} requires the Department of Health, in consultation with the Division of Radiation Control, to develop a campaign to educate the public regarding radon gas, including health risks, testing options, and remediation.

### Money Appropriated in this Bill:

{None} This bill appropriates in fiscal year 2015:

<u>to the Department of Health - Radon Awareness Campaign as a one-time</u> appropriation from the General Fund, \$100,000.

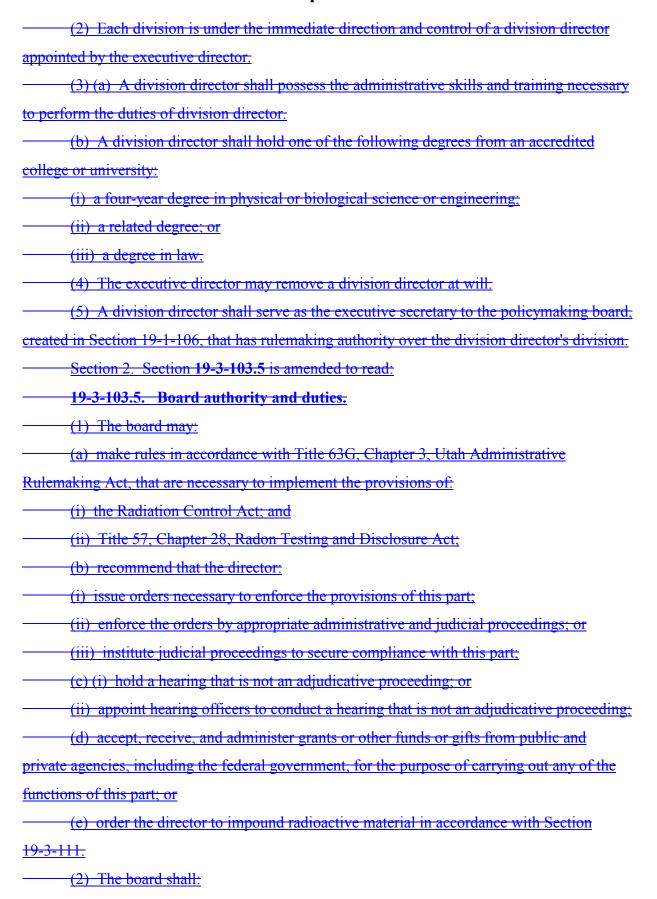
#### **Other Special Clauses:**

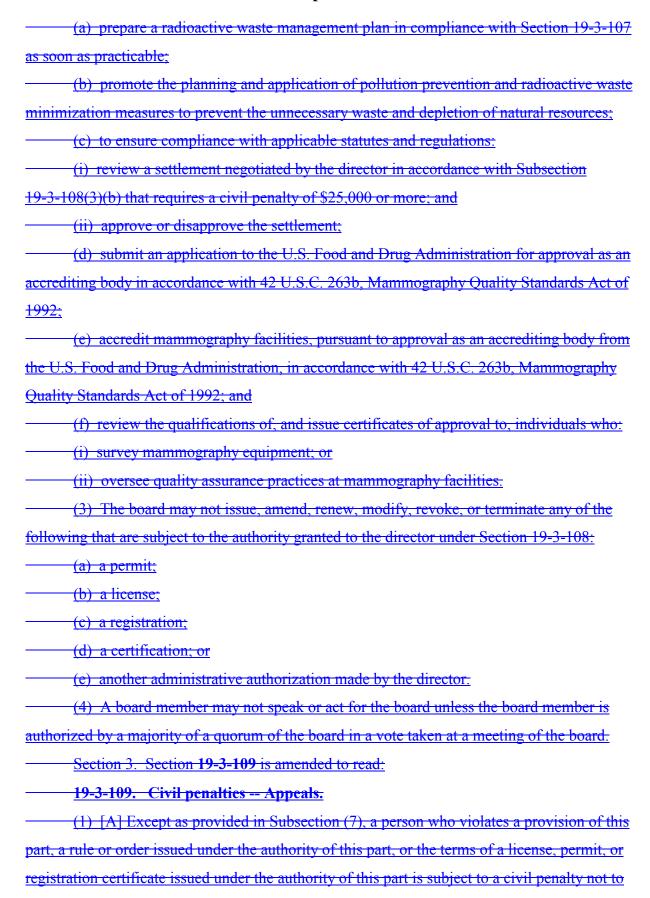
None

#### **Utah Code Sections Affected:**

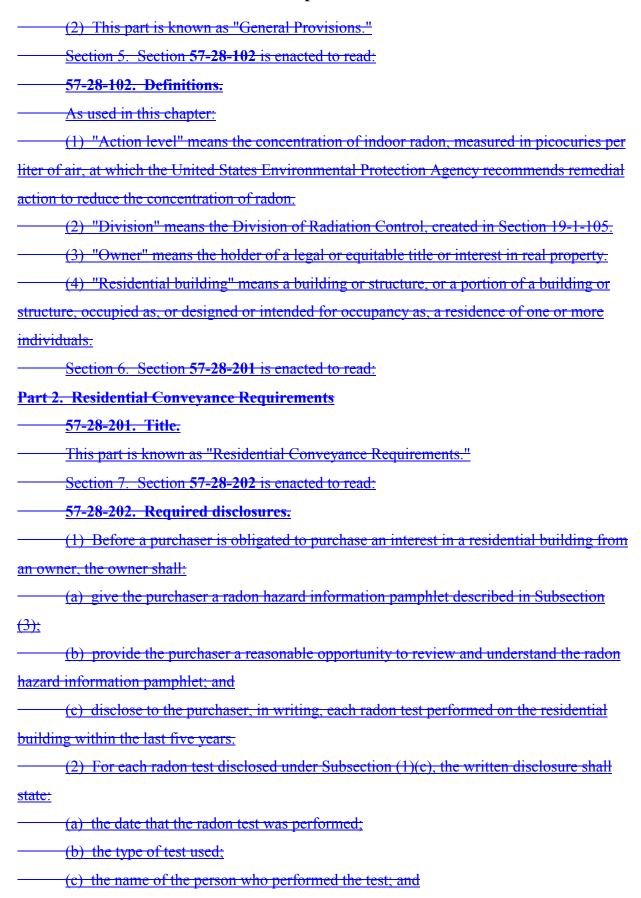
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\[
\text{AMENDS:}
\tag{19-1-105, as last amended by Laws of Utah 2012, Chapter 360}
\tag{19-3-103.5, as last amended by Laws of Utah 2012, Chapter 360}
\tag{19-3-109, as last amended by Laws of Utah 2013, Chapter 330}
\text{FENACTS:}
\tag{57-28-101}\frac{26-7-7}{26-7-7}, Utah Code Annotated 1953}
\tag{57-28-201, Utah Code Annotated 1953}
\tag{57-28-202, Utah Code Annotated 1953}
\tag{57-28-203, Utah Code Annotated 1953}
\tag{57-28-204, Utah Code Annotated 1953}
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57-28-302, Utah Code Annotated 1953 57-28-303, Utah Code Annotated 1953 *Be it enacted by the Legislature of the state of Utah:* Section 1. Section {19-1-105 is amended to read: 19-1-105. Divisions of department -- Control by division directors. (1) The following divisions are created within the department: (a) the Division of Air Quality, to administer Title 19, Chapter 2, Air **Conservation Act**; (b) the Division of Drinking Water, to administer Title 19, Chapter 4, Safe **Drinking Water Act**; (c) the Division of Environmental Response and Remediation, to administer: (i) Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act; and (ii) Title 19, Chapter 6, Part 4, Underground Storage Tank Act; (d) \26-7-7 is enacted to read: 26-7-7. Radon awareness campaign. The department shall, in consultation with the Division of Radiation Control, to administer: (i) Title 19, Chapter 3, Radiation Control Act; and (ii) Title 57, Chapter 28, Radon Testing and Disclosure Act; (e) the Division of Solid and Hazardous Waste, to administer: (i) Title 19, Chapter 6, Part 1, Solid and Hazardous Waste Act; (ii) Title 19, Chapter 6, Part 2, Hazardous Waste Facility Siting Act; (iii) Title 19, Chapter 6, Part 5, Solid Waste Management Act; (iv) Title 19, Chapter 6, Part 6, Lead Acid Battery Disposal; (v) Title 19, Chapter 6, Part 7, Used Oil Management Act; (vi) Title 19, Chapter 6, Part 8, Waste Tire Recycling Act; (vii) Title 19, Chapter 6, Part 10, Mercury Switch Removal Act; (viii) Title 19, Chapter 6, Part 11, Industrial Byproduct Reuse; and (ix) Title 19, Chapter 6, Part 12, Disposal of Electronic Waste Program; and (f) the Division of Water Quality, to administer Title 19, Chapter 5, Water Quality Act.





# exceed \$10,000 for each violation. (2) The director may assess and make a demand for payment of a penalty under this section and may compromise or remit that penalty. (3) In order to make demand for payment of a penalty assessed under this section, the director shall issue a notice of agency action, specifying, in addition to the requirements for notices of agency action contained in Title 63G, Chapter 4, Administrative Procedures Act: (a) the date, facts, and nature of each act or omission charged: (b) the provision of the statute, rule, order, license, permit, or registration certificate that is alleged to have been violated; (c) each penalty that the director proposes to impose, together with the amount and date of effect of that penalty; and (d) that failure to pay the penalty or respond may result in a civil action for collection. (4) A person notified according to Subsection (3) may request an adjudicative proceeding. (5) Upon request by the director, the attorney general may institute a civil action to collect a penalty imposed under this section. (6) (a) Except as provided in Subsection (6)(b), the department shall deposit all money collected from civil penalties imposed under this section into the General Fund. (b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities. (c) The department shall regulate reimbursements by making rules that: (i) define qualifying environmental enforcement activities; and (ii) define qualifying extraordinary expenses. (7) This section does not apply to a violation of, or a rule issued under, Title 57, Chapter 28, Radon Testing and Disclosure Act. Section 4. Section 57-28-101 is enacted to read: CHAPTER 28. RADON TESTING AND DISCLOSURE ACT **Part 1. General Provisions** <del>57-28-101. Title.</del> (1) This chapter is known as the "Radon Testing and Disclosure Act."



(d) the results of the test.
(3) The division shall develop and make available to the public a radon hazard
information pamphlet that describes the dangers associated with radon.
Section 8. Section 57-28-203 is enacted to read:
57-28-203. Optional radon testing.
(1) Before a purchaser is obligated to purchase an interest in a residential building from
an owner, the owner shall provide the purchaser no less than 10 days to conduct a radon test.
(2) The owner and the purchaser may mutually agree to a time period different from
the time period described in Subsection (1).
(3) If, during the 10-day period described in Subsection (1) or the time period mutually
agreed to by the owner and the purchaser under Subsection (2), the purchaser learns that the
radon concentration in the residential building is at or above the action level, the purchaser may
revoke any offer, or cancel any agreement, to purchase an interest in the residential building.
Section 9. Section 57-28-204 is enacted to read:
57-28-204. Real estate purchase contract required contents.
(1) Each contract for the purchase of an interest in a residential building shall contain a
provision, signed by the purchaser, that states that the purchaser has:
(a) received a radon hazard information pamphlet;
(b) read the radon hazard information pamphlet;
(c) understood the contents of the radon hazard information pamphlet; and
(d) had an opportunity to perform a radon test on the residential building in accordance
with the requirements described in Section 57-28-203.
(2) Except as provided in Subsection 57-28-203(3), nothing in this chapter shall affect
the validity or enforceability of a sale of an interest in a residential building or a contract to
purchase an interest in a residential building.
Section 10. Section 57-28-301 is enacted to read:
Part 3. Administration and Enforcement
57-28-301. Title.
This part is known as "Administration and Enforcement."
Section 11. Section 57-28-302 is enacted to read:
<del>57-28-302. Rulemaking.</del>

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with this chapter, the division may make rules governing:

- (1) the content, form, and procedures relating to radon-related disclosures;
- (2) acceptable radon testing; and
- (3) the contents of a real estate purchase contract relating to radon testing and disclosures.

Section 12. Section 57-28-303 is enacted to read:

57-28-303. Private action.

- (1) A person may file an action in district court to enforce any provision of this chapter.
- (2) In an action filed under Subsection (1), the court may award costs, including expert witness fees, and reasonable attorney fees to the party that commenced the action if the party that commenced the action is the prevailing party.

### **<u>Legislative Review Note</u>**

as of 9-10-13 6:34 AM

Office of Legislative Research and General Counsel} develop a campaign to educate the public regarding:

- (1) the existence and prevalence of radon gas in buildings and structures;
- (2) the health risks associated with radon gas;
- (3) options for radon gas testing; and
- (4) options for radon gas remediation.

Section 2. Appropriation.

Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for the fiscal year beginning July 1, 2014, and ending June 30, 2015, the following sums of money are appropriated from resources not otherwise appropriated, or reduced from amounts previously appropriated, out of the funds or accounts indicated. These sums of money are in addition to any amounts previously appropriated for fiscal year 2015.

To the Department of Health

From General Fund, one-time

\$100,000

**Schedule of Programs** 

Radon Awareness Campaign

\$100,000

<u>The Legislature intends that the appropriation under this Section 2 be used only for an educational campaign under Section 26-7-7.</u>