

Chapter 27
Disclosure of Methamphetamine Contaminated Property Act

Part 1
General Provisions

57-27-101 Title.

This chapter is known as the "Disclosure of Methamphetamine Contaminated Property Act."

Enacted by Chapter 194, 2009 General Session

57-27-102 Definitions.

As used in this chapter:

- (1) "Contaminated" or "contamination" is as defined in Section 19-6-902.
- (2) "Decontaminated" or "decontamination" is as defined in Section 19-6-902.
- (3)
 - (a) "Owner" means the holder of a legal or equitable title or interest in real property.
 - (b) "Owner" includes a shareholder, partner, operator, or other legal entity.
- (4) "Real estate professional" means a licensee under Title 61, Chapter 2f, Real Estate Licensing and Practices Act.

Amended by Chapter 379, 2010 General Session

Part 2
Disclosure of Contaminated Property

57-27-201 Disclosure of contaminated property required.

- (1) Subject to Section 57-1-37, if an owner or lessor of real property has actual knowledge that the property is currently contaminated from the use, storage, or manufacture of methamphetamines, the owner or lessor shall, in a real property lease, conveyance, or other transaction related to the contaminated property, disclose that the property is contaminated.
- (2)
 - (a) If an owner's or lessor's real property is contaminated from the use, storage, or manufacture of methamphetamines, the owner or lessor may report the contaminated property to a government agency responsible for monitoring the decontamination process and documenting that the test results meet decontamination standards.
 - (b) Notwithstanding Subsection (2)(a), an owner or lessor whose contaminated property is reported in a police action related to the manufacturing of methamphetamines shall be subject to the provisions of Title 19, Chapter 6, Part 9, Illegal Drug Operations Site Reporting and Decontamination Act.
- (3)
 - (a) A person may file a civil action to enforce this chapter.
 - (b) A court may award a prevailing party damages, court costs, and reasonable attorney fees for an action filed under this chapter.

Enacted by Chapter 194, 2009 General Session

57-27-202 Real estate professional not liable.

A real estate professional is not liable for an owner or lessor of real property making, or failing to make, a disclosure required by Section 57-27-201, unless the real estate professional is also the owner or lessor of the real property.

Enacted by Chapter 194, 2009 General Session

57-27-203 Decontamination of real property.

- (1) A government subdivision or agency may charge an owner or lessor a fee, in accordance with the provisions of Section 63J-1-504, for:
 - (a) a permit issued by the subdivision or agency to decontaminate a property;
 - (b) the subdivision or agency to determine whether or not the property has been decontaminated; and
 - (c) any other related service provided by the subdivision or agency, including investigation or decontamination of the property.
- (2) A government subdivision or agency may not prohibit an owner or lessor from decontaminating the owner's or lessor's real property.

Enacted by Chapter 194, 2009 General Session