

LIABILITY FOR CONTAMINATED PROPERTY

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Fred J. Fife

House Sponsor: _____

LONG TITLE**General Description:**

This bill addresses civil liability for renting or selling property known to be contaminated without disclosing that fact.

Highlighted Provisions:

This bill:

- provides a civil cause of action, including treble damages, costs, and attorney fees, against certain persons for the sale, lease, or rental of a contaminated property without disclosure of the contamination.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**ENACTS:****19-6-907**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **19-6-907** is enacted to read:**19-6-907. Disclosure of property contamination.****(1) A property owner, lessor, or agent of an owner or lessor shall disclose to a buyer,**

28 lessee, renter, or an agent of a buyer, lessee, or renter if the property owner, lessor, or agent of
29 an owner or lessor knows the property that is the subject of the transaction:

30 (a) is listed on the contamination list maintained by the local health department that has
31 jurisdiction over the property;

32 (b) is contaminated and has not been decontaminated;

33 (c) has been contaminated and the status of the decontamination of the property is not
34 known; or

35 (d) has been exposed to hazardous materials as a result of the manufacture, use, or
36 possession of an illegal controlled substance and has not been tested or decontaminated.

37 (2) Failure to provide notice under Subsection (1) is grounds for a civil cause of action.

38 If the plaintiff prevails, the defendant is liable to the plaintiff for:

39 (a) three times the amount of damages incurred by the plaintiff due to the violation of
40 Subsection (1);

41 (b) court costs; and

42 (c) reasonable attorney fees.

Legislative Review Note
as of 1-31-07 1:44 PM

Office of Legislative Research and General Counsel

S.B. 230 - Liability for Contaminated Property

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Provisions of this bill allows for civil action against individuals renting or selling property. It is unknown at this time how many civil actions will be filed or won. An accurate estimate of the dollar amounts that may be realized is not possible at this time.
