

HOUSE BILL NO. 351
INTRODUCED BY M. LANGE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A VOLUNTARY ACTION LEVEL FOR RADON GAS IN BUILDINGS AT 8 PICOCURIES PER LITER; AMENDING SECTIONS 75-3-604 AND 75-3-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-3-604, MCA, is amended to read:

"75-3-604. Voluntary disclosure of information to department -- acceptable radon standards. (1)

The results of measurements of radon gas or radon progeny performed by a person may be reported to the department. The report may include the radon levels detected and the location and description of the building.

(2) Except for use in conducting legitimate scientific studies, as determined by the department, data and information relating to radon gas and radon progeny contamination at nonpublic properties, including residential dwellings, gathered under this part must be considered confidential by the department. The department shall provide the bureau of mines and geology with all information received by the department under subsection (1) for conducting legitimate scientific studies. The department may not release the data or information in its possession to anyone other than the owner or occupant of the property.

(3) Action levels for voluntary radon mitigation efforts in enclosed buildings are those levels that exceed a 24-hour average of 8 picocuries per liter."

Section 2. Section 75-3-606, MCA, is amended to read:

"75-3-606. Radon disclosure statement on real estate documents -- disclosure of prior radon testing -- immunity from liability. (1) A radon disclosure statement must be provided on at least one document, form, or application executed prior to or contemporaneously with an offer for the purchase and sale of inhabitable real property. The seller or seller's agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge receipt of this disclosure statement by signing a copy of the disclosure statement:

"RADON GAS: RADON IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL

GUIDELINES THE NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS' RECOMMENDED LEVEL OF 8 PICOCURIES PER LITER OVER A 24-HOUR PERIOD HAVE BEEN FOUND IN BUILDINGS IN MONTANA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR COUNTY OR STATE PUBLIC HEALTH UNIT."

(2) Whenever a seller knows that a building has been tested for radon gas and radon progeny, the seller shall provide to the buyer, prior to or upon entry into a contract for the purchase of that building, a copy of the results of that test and evidence of any subsequent mitigation or treatment. A prospective buyer who contracts for the testing may receive the results of that testing. The furnishing of test results and evidence of mitigation or treatment is not to be construed as a promise, warranty, or representation of any sort by the seller or the seller's agent that the test results are accurate or that the mitigation or treatment is effective. This section does not create a contingency on the purchase of the property or any right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the applicable contract.

(3) A seller or seller's agent who complies with subsections (1) and (2) is not liable in any action based on the presence of radon gas or radon progeny in the building."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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