

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 2304

By: Kannady of the House

and

Loveless of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to property; amending 60 O.S. 2011,  
11 Section 833, which relates to the Residential  
12 Property Condition Disclosure Act; modifying  
13 information contained in property disclaimer and  
14 disclosure statements; and providing an effective  
15 date.

16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY 60 O.S. 2011, Section 833, is  
18 amended to read as follows:

19 Section 833. A. A seller of property located in this state  
20 shall deliver, or cause to be delivered, to the purchaser of such  
21 property one of the following:

22 1. A written property disclaimer statement on a form  
23 established by rule by the Oklahoma Real Estate Commission which  
24 states that the seller:

- 1           a.    has never occupied the property and makes no  
2                   disclosures concerning the condition of the property,  
3                   and  
4           b.    has no actual knowledge of any defect; or

5           2.    A written property condition disclosure statement on a form  
6 established by rule by the Oklahoma Real Estate Commission which  
7 shall include the information set forth in subsection B of this  
8 section.

9           B.    1.   The disclosure statement shall include an identification  
10 of items and improvements which are included in the sale of the  
11 property and whether such items or improvements are in normal  
12 working order. The disclosures required shall also include a  
13 statement of whether the seller has actual knowledge of defects or  
14 information in relation to the following:

- 15           a.    water and sewer systems, including the source of  
16                   household water, water treatment systems, sprinkler  
17                   systems, occurrence of water in the heating and air  
18                   conditioning ducts, water seepage or leakage, drainage  
19                   or grading problems and flood zone status,  
20           b.    structural systems, including the roof, walls, floors,  
21                   foundation and any basement,  
22           c.    plumbing, electrical, heating and air conditioning  
23                   systems,  
24           d.    infestation or damage of wood-destroying organisms,

- 1 e. major fire or tornado damage,  
2 f. land use matters,  
3 g. existence of hazardous or regulated materials and  
4 other conditions having an environmental impact,  
5 h. existence of prior manufacturing of methamphetamine,  
6 i. existence of any requirements, restrictions,  
7 covenants, reservations or dedications regulating the  
8 property,  
9 j. any other defects known to the seller, and  
10 ~~j.~~ k. other matters the Oklahoma Real Estate Commission  
11 deems appropriate.

12 2. The disclosure statement shall include the following notices  
13 to the purchaser in bold and conspicuous type:

- 14 a. "The information and statements contained in this  
15 disclosure statement are declarations and  
16 representations of the seller and are not the  
17 representations of the real estate licensee.",  
18 b. "The information contained in this disclosure  
19 statement is not intended to be a part of any contract  
20 between the purchaser and the seller.", and  
21 c. "The declarations and information contained in this  
22 disclosure statement are not warranties, express or  
23 implied of any kind, and are not a substitute for any  
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1 inspections or warranties the purchaser may wish to  
2 obtain."

3 C. Either the disclaimer statement or the disclosure statement  
4 required by this section must be completed, signed and dated by the  
5 seller. The date of completion on either statement may not be more  
6 than one hundred eighty (180) days prior to the date of receipt of  
7 the statement by the purchaser.

8 D. The Oklahoma Real Estate Commission shall develop by rule  
9 the forms for the residential property condition disclaimer and the  
10 residential property condition disclosure statement. After  
11 development of the initial forms, the Oklahoma Real Estate  
12 Commission may amend by rule the forms as is necessary and  
13 appropriate.

14 Such forms shall be made available upon request irrespective of  
15 whether the person requesting a disclaimer or disclosure form is  
16 represented by a real estate licensee.

17 SECTION 2. This act shall become effective November 1, 2016.

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19 55-2-9902 LRB 04/28/16  
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