

HB 3526-7
(LC 2561)
4/2/25 (STN/ps)

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3526**

1 On page 1 of the printed bill, line 2, after “purposes;” delete the rest of
2 the line and line 3 and insert “creating new provisions; amending ORS
3 105.475 and 448.271; and prescribing an effective date.”.

4 Delete lines 5 through 28 and delete pages 2 through 10 and insert:

5 **“SECTION 1.** ORS 448.271 is amended to read:

6 “448.271. (1) In any transaction for the sale or exchange of real estate that
7 includes [*a well*] **an exempt well** that supplies ground water for domestic
8 purposes, the seller of the real estate shall[, *upon accepting an offer to pur-*
9 *chase that real estate,*] have the **exempt** well tested for arsenic, nitrates and
10 total coliform bacteria. The Oregon Health Authority also may, by rule, re-
11 quire additional tests for specific contaminants in specific areas of public
12 health concern. The seller shall submit the results of the tests required under
13 this section to [*the authority and to*] the buyer, **or the buyer’s agent, by**
14 **mail, email or personal delivery, prior to closing the transaction.**
15 [*within 90 days of receiving the results of the tests.*]

16 “(2) The failure of a seller to comply with the provisions of this section
17 does not invalidate an instrument of conveyance executed in the transaction.

18 **“(3) Within 90 days of submitting the results of the tests required**
19 **under this section to the seller of the real estate, the laboratory con-**
20 **ducting the tests shall also electronically submit the results of the**
21 **tests to the Oregon Health Authority, using an electronic submittal**

1 **form made available by the authority.**

2 **“(4) As used in this section, ‘exempt well’ means a well used for**
3 **exempt purposes under ORS 537.545 (1)(b) or (d).**

4 **“SECTION 2.** ORS 105.475 is amended to read:

5 “105.475. (1) If a seller issues a seller’s property disclosure statement and
6 a buyer has not then delivered to the seller a written statement waiving the
7 buyer’s right to revoke the buyer’s offer, the buyer shall have five business
8 days after delivery of the seller’s property disclosure statement to revoke the
9 buyer’s offer by delivering to the seller a separate signed written statement
10 of revocation disapproving the seller’s disclosure.

11 “(2) If a buyer fails to timely deliver to a seller a written statement re-
12 voking the buyer’s offer, the buyer’s right to revoke the buyer’s offer expires.

13 “(3) If a buyer closes the transaction, the buyer’s right to revoke based
14 on ORS 105.462 to 105.490, 696.301 and 696.870 is terminated.

15 “(4) If the seller fails or refuses to provide a seller’s property disclosure
16 statement as required under this section, the buyer shall have a right of re-
17 vocation until the right is terminated pursuant to subsection (3) of this sec-
18 tion.

19 “(5) If the buyer revokes the offer pursuant to this section, notwith-
20 standing ORS 696.581, the buyer is entitled to immediate return of all de-
21 posits and other considerations delivered to any party or escrow agent with
22 respect to the buyer’s offer, and the buyer’s offer is void.

23 “(6) When the deposits and other considerations have been returned to the
24 buyer, upon the buyer’s signed, written release and indemnification of the
25 holders of the deposits and other considerations, the holders are released
26 from all liability for the deposits and other considerations.

27 “(7) Any seller’s property disclosure statement issued by the seller is part
28 of and incorporated into the offer and the acceptance.

29 **“(8) If a seller fails or refuses to provide to a buyer the well test**
30 **results required by ORS 448.271, the buyer shall have a right of revo-**

1 cation until the right is terminated pursuant to subsection (3) of this
2 section.

3 **“SECTION 3. (1) The amendments to ORS 105.475 and 448.271 by**
4 **sections 1 and 2 of this 2025 Act become operative on July 1, 2026.**

5 **“(2) The Oregon Health Authority may take any action before the**
6 **operative date specified in subsection (1) of this section that is neces-**
7 **sary to enable the authority to exercise, on and after the operative**
8 **date specified in subsection (1) of this section, all of the duties, func-**
9 **tions and powers conferred on the authority by the amendments to**
10 **ORS 105.475 and 448.271 by sections 1 and 2 of this 2025 Act.**

11 **“SECTION 4. This 2025 Act takes effect on the 91st day after the**
12 **date on which the 2025 regular session of the Eighty-third Legislative**
13 **Assembly adjourns sine die.”.**

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