

HB 3526-6
(LC 2561)
3/20/25 (STN/ps)

Requested by Representative HARTMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3526**

1 On page 1 of the printed bill, line 2, delete “105.464” and insert
2 “105.475”.

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

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

5 “448.271. (1) In any transaction for the sale or exchange of real estate that
6 includes [*a well*] **an exempt well** that supplies ground water for domestic
7 purposes, the seller of the real estate shall[, *upon accepting an offer to pur-*
8 *chase that real estate,*] have the **exempt** well tested for arsenic, nitrates and
9 total coliform bacteria. The Oregon Health Authority also may, by rule, re-
10 quire additional tests for specific contaminants in specific areas of public
11 health concern. The seller shall submit the results of the tests required under
12 this section to [*the authority and to*] the buyer, **or the buyer’s agent, by**
13 **mail, email or personal delivery, prior to closing the transaction. The**
14 **seller shall submit the results of the tests to the authority** within 90
15 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) As used in this section, ‘exempt well’ means a well used for**
19 **exempt purposes under ORS 537.545 (1)(b) or (d).**

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

21 “105.475. (1) If a seller issues a seller’s property disclosure statement and

1 a buyer has not then delivered to the seller a written statement waiving the
2 buyer's right to revoke the buyer's offer, the buyer shall have five business
3 days after delivery of the seller's property disclosure statement to revoke the
4 buyer's offer by delivering to the seller a separate signed written statement
5 of revocation disapproving the seller's disclosure.

6 "(2) If a buyer fails to timely deliver to a seller a written statement re-
7 voking the buyer's offer, the buyer's right to revoke the buyer's offer expires.

8 "(3) If a buyer closes the transaction, the buyer's right to revoke based
9 on ORS 105.462 to 105.490, 696.301 and 696.870 is terminated.

10 "(4) If the seller fails or refuses to provide a seller's property disclosure
11 statement as required under this section, the buyer shall have a right of re-
12 vocation until the right is terminated pursuant to subsection (3) of this sec-
13 tion.

14 "(5) If the buyer revokes the offer pursuant to this section, notwith-
15 standing ORS 696.581, the buyer is entitled to immediate return of all de-
16 posits and other considerations delivered to any party or escrow agent with
17 respect to the buyer's offer, and the buyer's offer is void.

18 "(6) When the deposits and other considerations have been returned to the
19 buyer, upon the buyer's signed, written release and indemnification of the
20 holders of the deposits and other considerations, the holders are released
21 from all liability for the deposits and other considerations.

22 "(7) Any seller's property disclosure statement issued by the seller is part
23 of and incorporated into the offer and the acceptance.

24 **"(8) If a seller fails or refuses to provide to a buyer the well test**
25 **results required by ORS 448.271, the buyer shall have a right of revo-**
26 **cation until the right is terminated pursuant to subsection (3) of this**
27 **section."**