
SENATE BILL 5576

State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen, Winsley, Drew and Fraser

Read first time 02/04/93. Referred to Committee on Government Operations.

1 AN ACT Relating to requiring disclosures in the sale of residential
2 real property; and adding a new chapter to Title 64 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that the purchase of
5 residential real property is often the single largest transaction made
6 by an individual and that many purchasers do not have the experience
7 necessary to discover significant problems which may not otherwise
8 become apparent until the sale is completed.

9 NEW SECTION. **Sec. 2.** This chapter applies to all transfers of
10 residential real property except transfers:

11 (1) That involve a multiple housing structure with more than four
12 living units;

13 (2) Made to provide collateral for a loan of money, if the
14 transferee does not receive the right to immediate possession of the
15 property;

16 (3) Made as a distribution to an heir of a decedent's estate;

17 (4) Made under a court order, including, but not limited to,
18 transfers under a writ of execution, transfers by a trustee in

1 bankruptcy, transfers by eminent domain, transfers resulting from a
2 decree of specific performance, or transfers resulting from a quiet
3 title action;

4 (5) Made as a property settlement in a marriage dissolution;

5 (6) Made in a legal foreclosure or tax sale;

6 (7) Made to a person other than an individual or individuals;

7 (8) Made to a co-owner; or

8 (9) Made to a spouse, or to a person in the lineal line of
9 consanguinity of one or more of the transferors.

10 NEW SECTION. **Sec. 3.** (1) Whenever an owner of residential real
11 property offers the property for sale, the owner, at the earliest time
12 practicable, shall disclose in writing to a prospective purchaser, to
13 the best of his or her knowledge, the following information:

14 (a) If the property is served by a septic system:

15 (i) The location of the septic tank and drain field;

16 (ii) When the tank was last pumped; and

17 (iii) Whether a permit was issued for the septic system
18 construction and whether it was approved by the city or county
19 following its construction;

20 (b) Whether or not required building and occupancy permits have
21 been issued for any structures on the property; and

22 (c) Whether or not property lines have been surveyed, the location
23 of the corners of the property and whether there are any encroachments
24 on the property.

25 (2) For purposes of this section, the "earliest time practicable"
26 means:

27 (a) When the property is listed with a licensed real estate agent,
28 the information required to be disclosed shall be prepared at the time
29 the listing agreement is signed and shall be delivered to all
30 prospective purchasers during the term of the listing agreement; or

31 (b) When the property is not listed with a licensed real estate
32 agent, the information required to be disclosed shall be prepared and
33 delivered to a prospective purchaser at the time the prospective
34 purchaser first makes known to the owner an interest in purchasing the
35 property.

36 (3) The disclosures required by subsection (1) of this section may
37 be incorporated in a general disclosure form adopted for use by real
38 estate brokers and agents.

1 (4) Delivery of disclosures required by this chapter shall be by
2 personal delivery or mail to the prospective purchaser.

3 NEW SECTION. **Sec. 4.** (1) Prior to the closing of a real estate
4 sale subject to this chapter, and until the required disclosures have
5 been delivered to a prospective purchaser and for five days following
6 receipt of all of the required disclosures, the purchaser may rescind
7 any agreement to purchase the property and recover, in full, any
8 deposits or earnest money paid, notwithstanding the provisions of any
9 agreement regarding the disposition of the deposits or earnest money.

10 (2) Following the closing of a real estate sale subject to this
11 chapter, if the required disclosures were not delivered to the
12 purchaser at least six days prior to the closing, the person
13 responsible for making the disclosures is liable to the purchaser in
14 the amount of actual damages suffered by the purchaser resulting from
15 the failure to make the required disclosures.

16 NEW SECTION. **Sec. 5.** The specification of items for disclosure in
17 this chapter does not limit or abridge any obligation for disclosure
18 created by any other provision of law that may exist in order to avoid
19 fraud, misrepresentation, or deceit in the transfer transaction.

20 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
21 a new chapter in Title 64 RCW.

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