

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6153

Chapter 114, Laws of 2004

58th Legislature
2004 Regular Session

REAL PROPERTY--SEX OFFENDER INFORMATION

EFFECTIVE DATE: 1/1/05

Passed by the Senate February 17, 2004
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 3, 2004
YEAS 96 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved March 24, 2004.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SUBSTITUTE SENATE BILL
6153** as passed by the Senate and
the House of Representatives on
the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

March 24, 2004 - 3:05 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6153

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senate Committee on Financial Services, Insurance & Housing
(originally sponsored by Senators Prentice, Eide, Haugen, Winsley,
Kohl-Welles and Kline)

READ FIRST TIME 01/22/04.

1 AN ACT Relating to notifying home buyers of where information
2 regarding registered sex offenders may be obtained; amending RCW
3 64.06.020; adding a new section to chapter 64.06 RCW; creating a new
4 section; and providing an effective date.

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

6 **Sec. 1.** RCW 64.06.020 and 2003 c 200 s 1 are each amended to read
7 as follows:

8 (1) In a transaction for the sale of residential property, the
9 seller shall, unless the buyer has expressly waived the right to
10 receive the disclosure statement, or unless the transfer is exempt
11 under RCW 64.06.010, deliver to the buyer a completed seller disclosure
12 statement in the following format and that contains, at a minimum, the
13 following information:

14 INSTRUCTIONS TO THE SELLER

15 Please complete the following form. Do not leave any spaces blank. If
16 the question clearly does not apply to the property write "NA". If the
17 answer is "yes" to any * items, please explain on attached sheets.
18 Please refer to the line number(s) of the question(s) when you provide

1 your explanation(s). For your protection you must date and sign each
2 page of this disclosure statement and each attachment. Delivery of the
3 disclosure statement must occur not later than five business days,
4 unless otherwise agreed, after mutual acceptance of a written contract
5 to purchase between a buyer and a seller.

6 NOTICE TO THE BUYER

7 THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE
8 PROPERTY LOCATED AT
9 ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

10 SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR
11 MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE
12 PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT.
13 UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE
14 BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS
15 DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A
16 SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S
17 AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE
18 STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER
19 THE TIME YOU ENTER INTO A SALE AGREEMENT.

20 THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE
21 REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS
22 INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF
23 ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

24 FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS
25 PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF
26 QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT
27 LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS,
28 ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER
29 TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE
30 BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS
31 OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT
32 BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR
33 WARRANTIES.

34 Seller is/ is not occupying the property.

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D. If the property is connected to an on-site sewage system:

Yes No Don't know *(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?

(2) When was it last pumped:
.....

Yes No Don't know *(3) Are there any defects in the operation of the on-site sewage system?

Don't know (4) When was it last inspected?
.....

By Whom:

Don't know (5) For how many bedrooms was the on-site sewage system approved ?
..... bedrooms

Yes No Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:

Yes No Don't know *F. Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.
.....

Yes No Don't know H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? If yes, please explain.
.....

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

4. STRUCTURAL

Yes No Don't know *A. Has the roof leaked?

Yes No Don't know *B. Has the basement flooded or leaked?

Yes No Don't know *C. Have there been any conversions, additions, or remodeling?

Yes No Don't know *(1) If yes, were all building permits obtained?

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8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

Yes No Don't know

*A. Did you make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know

*B. Did any previous owner make any alterations to the home? If yes, please describe the alterations:

Yes No Don't know

*C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know

*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

- 1 C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real
- 2 estate licensees are not liable for inaccurate information
- 3 provided by Seller, except to the extent that real estate
- 4 licensees know of such inaccurate information.
- 5 D. This information is for disclosure only and is not intended to
- 6 be a part of the written agreement between the Buyer and
- 7 Seller.
- 8 E. Buyer (which term includes all persons signing the "Buyer's
- 9 acceptance" portion of this disclosure statement below) has
- 10 received a copy of this Disclosure Statement (including
- 11 attachments, if any) bearing Seller's signature.

12 DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY
 13 SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME
 14 SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER
 15 OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM
 16 THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO
 17 RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN
 18 STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER
 19 DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE
 20 THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE
 21 AGREEMENT.

22 BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE
 23 STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE
 24 OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.
 25 DATE BUYER BUYER

26 (2) If the disclosure statement is being completed for new
 27 construction which has never been occupied, the disclosure statement is
 28 not required to contain and the seller is not required to complete the
 29 questions listed in item 4. Structural or item 5. Systems and
 30 Fixtures.

31 (3) The seller disclosure statement shall be for disclosure only,
 32 and shall not be considered part of any written agreement between the
 33 buyer and seller of residential property. The seller disclosure
 34 statement shall be only a disclosure made by the seller, and not any
 35 real estate licensee involved in the transaction, and shall not be
 36 construed as a warranty of any kind by the seller or any real estate
 37 licensee involved in the transaction.

38 NEW SECTION. **Sec. 2.** A new section is added to chapter 64.06 RCW
 39 to read as follows:

1 The notice regarding sex offenders under RCW 64.06.020 does not
2 create any legal duty on the part of the seller, or on the part of any
3 real estate licensee, to investigate or to provide the buyer with
4 information regarding the actual presence, or lack thereof, of
5 registered sex offenders in the area of any property, including but not
6 limited to any property that is the subject of a disclosure or waiver
7 of disclosure under this chapter, or that is exempt from disclosure
8 under RCW 64.06.010.

9 NEW SECTION. **Sec. 3.** This act applies prospectively only and not
10 retroactively. It applies only to residential real property purchase
11 and sale agreements entered into on or after the effective date of this
12 act, without regard to when the agreements are closed or finalized.

13 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2005.
 Passed by the Senate February 17, 2004.
 Passed by the House March 3, 2004.
 Approved by the Governor March 24, 2004.
 Filed in Office of Secretary of State March 24, 2004.