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SENATE BILL 5045

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State of Washington

53rd Legislature

1993 Regular Session

By Senator Haugen

Read first time 01/11/93. Referred to Committee on Government Operations.

1 AN ACT Relating to disclosure of location of septic systems and  
2 issuance of necessary permits in sales of residential real estate; and  
3 adding a new section to chapter 65.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 65.04 RCW  
6 to read as follows:

7 (1) The county auditor or recording officer shall not record any  
8 deed or contract conveying an interest in residential real property  
9 unless accompanied by a disclosure statement signed by both the seller  
10 and purchaser. The disclosure statement must be in substantially the  
11 same form as prescribed in subsection (3) of this section.

12 (2) This section shall not apply to any conveyance made for the  
13 purpose of establishing security for a loan of money where no immediate  
14 possessory interest in real estate is being transferred.

15 (3) The disclosure statement shall be prepared by the county  
16 auditor or recording officer and shall be in substantially the  
17 following form:

1 RESIDENTIAL REAL ESTATE SALE

2 DISCLOSURE STATEMENT

3 The undersigned buyer acknowledges that he and/or she has made and  
4 the undersigned purchaser acknowledges that he and/or she has received  
5 the following disclosures:

6 1. If the real property being conveyed is served by an on-site  
7 septic system, that system does not improperly encroach on any easement  
8 or right-of-way and is in compliance with all applicable regulations.

9 2. Any required building and occupancy permits have been issued  
10 for all residential structures being conveyed.

11 SIGNED . . . . .

12 Seller

Purchaser

13 . . . . .

14 Seller

Purchaser

15 Date: . . . . .

Date: . . . . .

16 (4) As used in this section, "residential real property" means  
17 single-family dwelling or multiunit dwelling whether acquired as the  
18 personal residence for the purchaser or for commercial purposes.

19 (5) The failure to represent the transaction as one involving  
20 residential real property to the county auditor or recording officer  
21 and to complete and submit a disclosure statement as required by this  
22 section shall result in the liability of the seller and any person  
23 assisting either the seller or the purchaser in the closing of the sale  
24 transaction who receives compensation from either the seller or  
25 purchaser for such assistance, to the purchaser for any damages  
26 incurred by the seller because of improper siting or construction of  
27 any septic system or because of the failure to obtain any required  
28 building or occupancy permits at the time of the construction of any  
29 residential structures.

30 (6) This section shall not impair or alter any other rights the  
31 purchaser may have under common law or statute.

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