

HOUSE BILL No. 1607

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-34.1-10-10.

Synopsis: Information and disclosures concerning radon. Establishes that, before signing a purchase agreement to sell or transfer residential property, an individual or entity issued a broker's real estate license by the Indiana real estate commission representing a seller shall ensure that the seller: (1) provides a radon warning statement to the buyer; (2) discloses in writing to the buyer any knowledge the seller has of radon concentrations in the dwelling; and (3) provides the buyer with a guide on radon, testing, and mitigation published by the Indiana department of health.

Effective: July 1, 2025.

King

January 21, 2025, read first time and referred to Committee on Employment, Labor and Pensions.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1607



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-34.1-10-10 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 10. (a) A licensee
3 representing a seller or landlord has the following duties and
4 obligations:
5 (1) To fulfill the terms of the agency relationship made with the
6 seller or landlord.
7 (2) To disclose the nature of the agency relationship with the
8 seller or landlord, and redefine and disclose if the relationship
9 changes.
10 (3) To promote the interests of the seller or landlord by:
11 (A) seeking a price or lease rate and contract terms satisfactory
12 to the seller or landlord; however, the licensee is not obligated
13 to seek additional offers to purchase or lease after an offer to
14 purchase or lease has been accepted by the seller or landlord,
15 unless otherwise agreed between the parties;
16 (B) presenting all offers to purchase or lease to and from the
17 seller or landlord immediately upon receipt of the offers



- 1 regardless of whether an offer to purchase or lease has been
2 accepted, unless otherwise directed by the seller or landlord;
3 (C) disclosing to the seller or landlord adverse material facts
4 or risks actually known by the licensee concerning the real
5 estate transaction;
6 (D) advising the seller or landlord to obtain expert advice
7 concerning material matters that are beyond the licensee's
8 expertise;
9 (E) timely accounting for all money and property received
10 from the seller or landlord;
11 (F) exercising reasonable care and skill; and
12 (G) complying with the requirements of this chapter and all
13 applicable federal, state, and local laws, rules, and regulations,
14 including fair housing and civil rights statutes, rules, and
15 regulations.
- 16 (b) A licensee representing a seller or landlord may not disclose the
17 following without the informed written consent of the seller or
18 landlord:
- 19 (1) That a seller or landlord will accept less than the listed price
20 or lease rate for the property or other contract concessions.
 - 21 (2) What motivates the seller to sell or landlord to lease the
22 property.
 - 23 (3) Any material or confidential information about the seller or
24 landlord unless the disclosure is required by law or where failure
25 to disclose would constitute fraud or dishonest dealing.
- 26 (c) A licensee representing a seller or landlord owes no duties or
27 obligations to the buyer or tenant except that a licensee shall treat all
28 prospective buyers or tenants honestly and shall not knowingly give
29 them false information.
- 30 (d) A licensee shall disclose to a prospective buyer or tenant adverse
31 material facts or risks actually known by the licensee concerning the
32 physical condition of the property and facts required by statute or
33 regulation to be disclosed and that could not be discovered by a
34 reasonable and timely inspection of the property by the buyer or tenant.
35 A licensee representing a seller or landlord owes no duty to conduct an
36 independent inspection of the property for the buyer or tenant or to
37 verify the accuracy of any statement, written or oral, made by the seller,
38 the landlord, or an independent inspector. This subsection does not
39 limit the obligation of a prospective buyer or tenant to obtain an
40 independent inspection of the physical condition of the property. A
41 cause of action does not arise against a licensee for disclosing
42 information in compliance with this section.



1 (e) Before signing a purchase agreement to sell or transfer
 2 residential property, a licensee representing a seller shall ensure
 3 that the seller does the following:

4 (1) Provides in writing to the buyer the following warning
 5 statement:

6 "The Indiana Department of Health strongly recommends
 7 that all homebuyers have an indoor radon test performed
 8 by a certified and licensed radon tester prior to purchase
 9 or taking occupancy and recommends having the radon
 10 levels mitigated if elevated radon concentrations are found.
 11 Elevated radon concentrations can easily be reduced by a
 12 certified and licensed radon mitigator. Every buyer of any
 13 interest in residential real property is notified that the
 14 property may present exposure to dangerous levels of
 15 indoor radon gas that may place the occupants at risk of
 16 developing radon-induced lung cancer. Radon, a Class A
 17 human carcinogen, is the leading cause of lung cancer in
 18 nonsmokers and the second leading cause overall. The
 19 seller of any interest in residential real property is
 20 required to provide the buyer with any information on
 21 radon test results for the dwelling."

22 (2) Discloses in writing to the buyer any knowledge the seller
 23 has of radon concentrations in the dwelling, including:

24 (A) whether any radon tests have occurred on the real
 25 property;

26 (B) the most current records or reports, or both,
 27 pertaining to radon concentrations in the dwelling;

28 (C) a description of any radon concentrations, mitigation,
 29 or remediation occurring or that has occurred in the
 30 dwelling; and

31 (D) information regarding any radon mitigation system
 32 installed in the dwelling, including system descriptions and
 33 documentation.

34 (3) Provides the buyer with a guide on radon, testing, and
 35 mitigation published by the Indiana department of health.

36 The radon disclosure requirements under this section apply to the
 37 transfer of any interest in residential real estate, whether by sale,
 38 exchange, deed, contract for deed, lease with an option to purchase,
 39 or any other option. The buyer shall acknowledge receipt of the
 40 information or materials described in subdivisions (1) through (3)
 41 by signing a notification.

42 (e) (f) A licensee representing a seller or landlord may:



- 1 (1) show alternative properties not owned by the seller or landlord
- 2 to a prospective buyer or tenant and may list competing properties
- 3 for sale or lease without breaching any duty or obligation to the
- 4 seller or landlord; and
- 5 (2) provide to a buyer or tenant services in the ordinary course of
- 6 a real estate transaction and any similar services that do not
- 7 violate the terms of the agency relationship made with the seller
- 8 or landlord.

