



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-3089/2
FFK:jld:jf

2013 SENATE BILL 344

October 14, 2013 – Introduced by Senators COWLES, LASSA, SCHULTZ and LEHMAN, cosponsored by Representatives PETRYK, BALLWEG, CZAJA, VRUWINK, BORN and A. OTT. Referred to Committee on Insurance and Housing.

1 **AN ACT** *to amend* 709.03 (form) C. 8. and 709.033 (form) C. 9.; and *to create*
2 709.03 (form) C. 9m. and 709.033 (form) C. 9m. of the statutes; **relating to:**
3 disclosing ownership of a dam to prospective buyers of certain real property and
4 updating disclosure reports for certain real property.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, owners selling residential real property or vacant land must give prospective buyers a form, known as a real estate condition report for residential real property and as the vacant land disclosure report for vacant land, on which the owner discloses certain conditions of, and other information about, the real property of which the owner is aware. This bill requires an owner to disclose on the applicable report whether the owner has notice or knowledge that a dam is located on the property or that ownership of a dam that is collectively owned by a homeowner association, lake district, or other group runs with the property even though the dam is not located on the property. This bill also updates the real estate condition report and the vacant land disclosure report to indicate that the regulation of underground storage tanks was transferred to the Department of Agriculture, Trade and Consumer Protection.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1 **SECTION 1.** 709.03 (form) C. 8. of the statutes is amended to read:

2 **709.03** (form)

3 C. 8. I am aware of underground or aboveground

4 fuel storage tanks on the property. (If “yes”,

5 “yes,” the owner, by law, may have to register

6 the tanks with the department Wisconsin

7 ~~Department of safety~~ Agriculture, Trade and

8 ~~professional services~~ Consumer Protection at

9 P.O. Box ~~7970~~ 8911, Madison, Wisconsin,

10 ~~53707~~ 53708, whether the tanks are in use or

11 not. Regulations of the department Wiscon-

12 ~~sin Department of safety~~ Agriculture, Trade

13 and ~~professional services~~ Consumer Protec-

14 tion, may require the closure or removal of

15 unused tanks.

16 **SECTION 2.** 709.03 (form) C. 9m. of the statutes is created to read:

17 **709.03** (form)

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1 C. 9m. I am aware that a dam is totally or partially
 2 located on the property or that an ownership
 3 in a dam that is not located on the property
 4 will be transferred with the property because
 5 it is owned collectively by members of a home-
 6 owners association, lake district, or similar
 7 group. (If “yes,” contact the Wisconsin
 8 Department of Natural Resources to find out
 9 if dam transfer requirements apply.)

10 **SECTION 3.** 709.033 (form) C. 9. of the statutes is amended to read:

11 **709.033** (form)

12 C. 8. I am aware of underground storage tanks pres-
 13 ently or previously on the property for storage
 14 of flammable or combustible liquids, includ-
 15 ing, but not limited to, gasoline or heating oil.
 16 (If “yes”, “yes,” the owner, by law, may have to
 17 register the tanks with the Wisconsin Depart-
 18 ment of ~~Safety Agriculture, Trade and Profes-~~
 19 ~~sional Services Consumer Protection~~ at P.O.
 20 Box 7970 8911, Madison, Wisconsin, 53707
 21 53708, whether the tanks are in use or not.
 22 Regulations of the Wisconsin Department of
 23 ~~Safety Agriculture, Trade and Professional~~
 24 ~~Services Consumer Protection~~, may require
 25 the closure or removal of unused tanks.

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1 **SECTION 4.** 709.033 (form) C. 9m. of the statutes is created to read:

2 **709.033** (form)

3 C. 9m. I am aware that a dam is totally or partially

4 located on the property or that an ownership

5 interest in a dam not located on the property

6 will be transferred with the property because

7 it is owned collectively by members of a home-

8 owners association, lake district, or similar

9 group. (If "yes," contact the Wisconsin

10 Department of Natural Resources to find out

11 if dam transfer requirements apply.)

12 **SECTION 5. Nonstatutory provisions.**

13 (1) REAL ESTATE CONDITION AND VACANT LAND DISCLOSURE REPORTS.

14 Notwithstanding section 709.035 of the statutes, the creation of sections 709.03

15 (form) C. 9m. and 709.033 (form) C. 9m. of the statutes does not require a property

16 owner who has furnished to a prospective buyer of the property an original or

17 amended report before the effective date of this subsection to submit an amended

18 report with respect to the information required by section 709.03 (form) C. 9m. of the

19 statutes, as created by this act, or by section 709.033 (form) C. 9m. of the statutes,

20 as created by this act.

21 **SECTION 6. Initial applicability.**

22 (1) The treatment of sections 709.03 (form) C. 8. and 9m. and 709.033 (form)

23 C. 9. and 9m. of the statutes first applies to reports that are furnished on the effective

24 date of this subsection.

25 **SECTION 7. Effective date.**

