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Printed Page No. **162**

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. **1477**

March 1, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

March 24, 2007

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to the environment; modifying provisions for disclosure of individual
1.3 sewage treatment systems; amending Minnesota Statutes 2006, section 115.55,
1.4 subdivision 6.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 115.55, subdivision 6, is amended to read:

1.7 Subd. 6. **Disclosure of individual sewage treatment system to buyer.** (a) Before
1.8 signing an agreement to sell or transfer real property, the seller or transferor must disclose
1.9 in writing to the buyer or transferee information on how sewage generated at the property
1.10 is managed. The disclosure must be made by delivering a statement to the buyer or
1.11 transferee that either:

1.12 (1) the sewage goes to a facility permitted by the agency; or

1.13 (2) the sewage does not go to a permitted facility, is therefore subject to applicable
1.14 requirements, and ~~describes the system in use, including the legal description of the~~
1.15 ~~property, the county in which the property is located, and a map drawn from available~~
1.16 ~~information showing the location of the system on the property to the extent practicable~~
1.17 the system has a valid certificate of compliance or notice of noncompliance as provided

1.18 under subdivision 5. If the seller or transferor has knowledge that an abandoned individual
1.19 sewage treatment system exists on the property, the disclosure must include a map

1.20 showing its location. ~~In the disclosure statement the seller or transferor must indicate~~

1.21 ~~whether the individual sewage treatment system is in use and, to the seller's or transferor's~~

1.22 ~~knowledge, in compliance with applicable sewage treatment laws and rules.~~ A copy of

1.23 the certificate of compliance or notice of noncompliance shall be provided to the county

1.24 recorder or registrar of titles in the county where the individual sewage treatment system

2.1 is located. A copy of the filing shall go to the county office responsible for the individual
2.2 sewage treatment system program.

2.3 ~~(b) Unless the buyer or transferee and seller or transferor agree to the contrary in~~
2.4 ~~writing before the closing of the sale, A seller or transferor who fails to disclose the~~
2.5 ~~existence or known status of an individual sewage treatment system provide to the buyer~~
2.6 ~~or transferor a valid certificate of compliance or notice of noncompliance at the time~~
2.7 ~~of sale, and who knew or had reason to know of the existence or known status of the~~
2.8 ~~system, and whose system was noncompliant at the time of the sale is liable to the buyer~~
2.9 ~~or transferee for costs relating to bringing the system into compliance with the individual~~
2.10 ~~sewage treatment system rules and for reasonable attorney fees for collection of costs from~~
2.11 ~~the seller or transferor. An action under this subdivision must be commenced within two~~
2.12 ~~years after the date on which the buyer or transferee closed the purchase or transfer of the~~
2.13 ~~real property where the system is located.~~