

REFERENCE TITLE: **technical correction; seller; disclosure**

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
Second Regular Session  
2022

# **HB 2173**

Introduced by  
Representative Wilmeth

**AN ACT**

**AMENDING SECTION 33-434.01, ARIZONA REVISED STATUTES; RELATING TO POWER TO CONVEY.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-434.01, Arizona Revised Statutes, is amended  
3 to read:

4 33-434.01. 33-434.01. Seller's duty to disclose; soil remediation;  
5 definition

6 A. An owner of property that has been subject to soil remediation  
7 conducted pursuant to ~~section 49-104, subsection B, paragraph 16 shall~~  
8 TITLE 49, CHAPTER 1, ARTICLE 4, prior to transferring ownership of the  
9 property, SHALL give written notice of the remediation to the purchaser,  
10 if the owner has actual knowledge that the property has been subject to  
11 soil remediation. Written notice is not required where soil remediation  
12 attains standards for residential uses in accordance with rules adopted  
13 pursuant to ~~section 49-104, subsection B, paragraph 16~~ TITLE 49, CHAPTER  
14 1, ARTICLE 4.

15 B. Actions brought under this section for failure of the seller to  
16 provide such written notice to the purchaser shall proceed as other civil  
17 actions.

18 C. For the purposes of this section, ~~the term~~ "residential use"  
19 means those uses of remediated property upon which there are dwellings  
20 where residents may reasonably be expected to be in frequent, repeated  
21 contact with soil, or other uses where natural persons are reasonably  
22 expected to be in similar contact, such as child care centers and  
23 elementary schools.