

Senate Study Bill 1208

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON WARNSTADT)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to disclosures required to be made by a
2 prospective transferor of real property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2302SC 83
5 rn/nh/5

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1 1 Section 1. Section 558A.4, Code 2009, is amended by adding
1 2 the following new subsections:
1 3 NEW SUBSECTION. 4. The disclosures required pursuant to
1 4 this section shall be applicable to information or conditions
1 5 known or in existence during the ten-year period preceding a
1 6 proposed transfer of real property or the transferor's term of
1 7 ownership, whichever is less.
1 8 NEW SUBSECTION. 5. A transferee is responsible for
1 9 requesting the disclosure of information of a significant or
1 10 material nature beyond information which is required to be
1 11 included in the disclosure statement pursuant to subsection 1.
1 12 A transferor, or a broker or salesperson, shall not be held
1 13 liable for the failure to disclose such information unless a
1 14 request for such disclosure was received and the transferor,
1 15 or broker or salesperson, failed to exercise ordinary care in
1 16 obtaining the requested information.

1 17 EXPLANATION
1 18 This bill relates to disclosures required to be made by a
1 19 prospective transferor of real property to a prospective
1 20 transferee. The bill provides that required disclosures shall
1 21 apply only to information or conditions known or in existence
1 22 during the 10-year period preceding the proposed transfer or
1 23 the transferor's term of ownership, whichever is less. The
1 24 bill also provides that a transferee is responsible for
1 25 requesting the disclosure of information of a significant or
1 26 material nature beyond that which is required in rules
1 27 established by the real estate commission to be included in
1 28 the disclosure statement. The bill adds that a transferor or
1 29 salesperson shall not be liable for failing to disclose such
1 30 information unless a request has been received and they failed
1 31 to exercise ordinary care in obtaining the information.
1 32 LSB 2302SC 83
1 33 rn/nh/5