

House File 2343 - Reprinted

HOUSE FILE 2343
BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HSB 553)

(As Amended and Passed by the House March 14, 2022)

A BILL FOR

1 An Act relating to the submission of a groundwater hazard
2 statement.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 558.69, subsection 1, unnumbered
2 paragraph 1, Code 2022, is amended to read as follows:

3 With each declaration of value submitted to the county
4 recorder under chapter 428A, except as specified in subsection
5 8A, there shall be submitted a groundwater hazard statement
6 stating all of the following:

7 Sec. 2. Section 558.69, subsection 3, Code 2022, is amended
8 by striking the subsection.

9 Sec. 3. Section 558.69, subsections 4, 7, and 8, Code 2022,
10 are amended to read as follows:

11 4. A buyer of property shall be provided with a copy of the
12 submitted groundwater hazard statement, if required under this
13 section, by the seller.

14 7. The county recorder shall transmit the groundwater
15 hazard statements to the department of natural resources
16 ~~at times and in a manner directed by the director of the~~
17 department. Groundwater hazard statements may be transmitted
18 electronically to the department or may be presented to the
19 department through a browser interface provided through the
20 county land record information system. The form and timing of
21 the transmittal shall be determined by the department and the
22 county recorders.

23 8. The owner of the property is responsible for the
24 accuracy of the information submitted on the groundwater
25 hazard statement. The owner's agent and the preparer of the
26 groundwater hazard statement shall not be liable for the
27 accuracy of information provided by the owner of the property
28 unless the owner's agent or the preparer of the groundwater
29 hazard statement has direct knowledge contrary to the submitted
30 statement. The provisions of this subsection do not limit
31 liability which may be imposed under a contract or under any
32 other law.

33 Sec. 4. Section 558.69, Code 2022, is amended by adding the
34 following new subsections:

35 NEW SUBSECTION. 8A. a. If there are no conditions present,

1 as described in subsection 1, then a groundwater hazard
2 statement shall not be submitted. In lieu of the submission
3 of a groundwater hazard statement, any deed, instrument, or
4 writing by which any real property in this state shall be
5 granted, assigned, transferred, or otherwise conveyed shall
6 include on the first page of the deed, instrument, or writing
7 the following statement:

8 There is no known private burial site, well, solid waste
9 disposal site, underground storage tank, hazardous waste, or
10 private sewage disposal system on the property as described
11 in Iowa Code section 558.69, and therefore the transaction is
12 exempt from the requirement to submit a groundwater hazard
13 statement.

14 *b.* The owner of the property is responsible for the accuracy
15 of the statement provided in paragraph "a".

16 *c.* The owner's agent and the preparer of a statement
17 included pursuant to paragraph "a" shall not be liable for
18 information pertaining to the statement unless the owner's
19 agent or the preparer has direct knowledge contrary to the
20 included statement.

21 NEW SUBSECTION. 8B. *a.* If a required declaration of
22 value is not accompanied by a groundwater hazard statement,
23 if required under this section, or if the first page of the
24 deed, instrument, or writing by which any real property in this
25 state shall be granted, assigned, transferred, or otherwise
26 conveyed does not include the statement provided in subsection
27 8A, paragraph "a", if required under this section, the county
28 recorder shall refuse to record the deed, instrument, or
29 writing.

30 *b.* A recording in violation of this subsection shall not be
31 the basis for invalidating the deed, instrument, or writing.