

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 07-0451.01 Thomas Morris

HOUSE BILL 07-1156

HOUSE SPONSORSHIP

Looper, Lambert, Curry, Gardner C., Kerr J., Liston, McFadyen, Rose, and Sonnenberg

SENATE SPONSORSHIP

Gordon, and Schultheis

House Committees

Business Affairs and Labor
Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DISCLOSURE OF WATER SOURCES IN CONNECTION**
102 **WITH THE SALE OF RESIDENTIAL REAL PROPERTY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires every contract for the purchase and sale of all residential real property to disclose the source of water for the property. If the source is a well, requires the disclosure to include a copy of the well permit.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 13, 2007

1 **SECTION 1.** Article 35.7 of title 38, Colorado Revised Statutes,
2 is amended BY THE ADDITION OF A NEW SECTION to read:

3 **38-35.7-104. Disclosure of potable water source - rules.**

4 (1) (a) THE REAL ESTATE COMMISSION CREATED IN SECTION 12-61-105,
5 C.R.S., SHALL, BY RULE, REQUIRE EACH LISTING CONTRACT, CONTRACT OF
6 SALE, OR SELLER'S PROPERTY DISCLOSURE FOR RESIDENTIAL REAL
7 PROPERTY TO DISCLOSE THE SOURCE OF POTABLE WATER FOR THE
8 PROPERTY, WHICH DISCLOSURE SHALL INCLUDE SUBSTANTIALLY THE
9 FOLLOWING INFORMATION:

10 **THE SOURCE OF POTABLE WATER FOR THIS**
11 **REAL ESTATE IS:**

12 **A WELL;**

13 **A WATER PROVIDER, WHICH CAN BE**
14 **CONTACTED AS FOLLOWS:**

15 **NAME:** _____

16 **ADDRESS:** _____

17 **WEBSITE:** _____

18 **TELEPHONE:** _____

19 **NEITHER A WELL NOR A WATER PROVIDER.**

20 **THE SOURCE IS [DESCRIBE]:** _____

21 **SOME WATER PROVIDERS RELY, TO VARYING**
22 **DEGREES, ON NONRENEWABLE GROUND**
23 **WATER. YOU MAY WISH TO CONTACT YOUR**
24 **PROVIDER TO DETERMINE THE LONG-TERM**
25 **SUFFICIENCY OF THE PROVIDER'S WATER**
26 **SUPPLIES.**

27 (b) IF THE DISCLOSURE STATEMENT REQUIRED BY PARAGRAPH (a)

1 OF THIS SUBSECTION (1) INDICATES THAT THE SOURCE OF POTABLE WATER
2 IS A WELL, THE SELLER SHALL ALSO PROVIDE WITH SUCH DISCLOSURE A
3 COPY OF THE CURRENT WELL PERMIT IF ONE IS AVAILABLE.

4 (2) THE OBLIGATION TO PROVIDE THE DISCLOSURE SET FORTH IN
5 SUBSECTION (1) OF THIS SECTION SHALL BE UPON THE SELLER. IF THE
6 SELLER COMPLIES WITH THIS SECTION, THE PURCHASER SHALL NOT HAVE
7 ANY CLAIM UNDER THIS SECTION FOR RELIEF AGAINST THE SELLER OR ANY
8 PERSON LICENSED PURSUANT TO ARTICLE 61 OF TITLE 12, C.R.S., FOR ANY
9 DAMAGES TO THE PURCHASER RESULTING FROM AN ALLEGED INADEQUACY
10 OF THE PROPERTY'S SOURCE OF WATER. NOTHING IN THIS SECTION SHALL
11 AFFECT ANY REMEDY THAT THE PURCHASER MAY OTHERWISE HAVE
12 AGAINST THE SELLER.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.