

HOUSE BILL No. 4654

April 13, 1989, Introduced by Reps. Brown, Kosteva, Scott, DeBeaussaert, DeMars, Stallworth, Gubow, Jonker, Hoekman and Harrison and referred to the Committee on Public Health.

A bill to amend Act No. 368 of the Public Acts of 1978, entitled as amended "Public health code," as amended, being sections 333.1101 to 333.25211 of the Michigan Compiled Laws, by adding section 12703b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 368 of the Public Acts of 1978, as
2 amended, being sections 333.1101 to 333.25211 of the Michigan
3 Compiled Laws, is amended by adding section 12703b to read as
4 follows:

5 SEC. 12703B. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), THE
6 SELLER OF A PARCEL OF REAL PROPERTY THAT CONTAINS A WELL THAT
7 SUPPLIES DRINKING WATER FOR HUMAN CONSUMPTION SHALL HAVE THE
8 WATER IN THAT WELL TESTED IN THE SAME MANNER AS PROVIDED IN
9 SECTION 12703A. PRIOR TO THE SALE OF THIS PARCEL OF REAL

1 PROPERTY, THE SELLER SHALL DELIVER TO THE PURCHASER A COPY OF THE
2 LABORATORY REPORT OF THE TEST RESULTS. THE SELLER OF THE PROP-
3 ERTY SHALL ALSO DELIVER A COPY OF THE LABORATORY REPORT TO THE
4 LOCAL HEALTH DEPARTMENT AND THE DEPARTMENT WITHIN 30 DAYS AFTER
5 THE TEST IS CONDUCTED.

6 (2) IF THE WELL LOCATED ON THE PROPERTY THAT IS BEING SOLD
7 UNDER SUBSECTION (1) HAS BEEN TESTED WITHIN 1 YEAR PRIOR TO THE
8 SALE FOR ALL SUBSTANCES REQUIRED TO BE TESTED UNDER
9 SECTION 12703A, THEN THAT TEST SHALL BE SUFFICIENT TO MEET THE
10 REQUIREMENTS OF THIS SECTION IF THE LABORATORY REPORT OF THE TEST
11 RESULTS IS DELIVERED TO THE PURCHASER PRIOR TO THE SALE OF THE
12 PROPERTY.

13 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT, IN
14 ADDITION TO ANY OTHER PENALTY OR REMEDY PROVIDED IN THIS ACT, THE
15 SELLER OF A PARCEL OF REAL PROPERTY WHO DOES NOT COMPLY WITH THIS
16 SECTION SHALL BE LIABLE TO THE PURCHASER OF THE PROPERTY FOR THE
17 COST OF THE TESTS REQUIRED IN SUBSECTION (1), AND THE COSTS, IF
18 NECESSARY, OF BRINGING THE WATER IN THE WELL WITHIN THE STATE
19 DRINKING WATER STANDARDS.

20 Section 2. This amendatory act shall take effect upon the
21 expiration of 6 months after the date of its enactment.

22 Section 3. This amendatory act shall not take effect unless
23 all of the following bills of the 85th Legislature are enacted
24 into law:

25 (a) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 00540'89).

1 (b) Senate Bill No. _____ or House Bill No. 4656 (request
2 no. 00541'89).