

Adopted Rejected

# COMMITTEE REPORT

YES: 10  
NO: 1

## MR. SPEAKER:

*Your Committee on Judiciary, to which was referred House Bill 1372, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 2, line 13, delete "transaction".
- 2 Page 2, line 13, after "records" insert "**of prior transactions**".
- 3 Page 2, line 16, delete "licensee." and insert "**licensee unless the**
- 4 **broker or affiliated licensee had actual knowledge of any adverse**
- 5 **material facts or risks with respect to the real property or was**
- 6 **asked by the buyer about adverse material facts or risks with**
- 7 **respect to the real property and failed to provide the disclosure.**".
- 8 Page 2, line 18, delete "based, in whole or in part," and insert
- 9 "**based**".
- 10 Page 3, line 8, delete "licensee." and insert "**licensee unless the**
- 11 **broker or affiliated licensee had actual knowledge of any adverse**
- 12 **material facts or risks with respect to the real property or was**
- 13 **asked by the buyer about adverse material facts or risks with**
- 14 **respect to the real property and failed to provide the disclosure.**".
- 15 Page 3, line 10, delete "based, in whole or in" and insert "**based**".
- 16 Page 3, line 11, delete "part,".

1           Page 3, after line 11, begin a new paragraph and insert:  
2           "SECTION 3. IC 32-21-5-10 IS AMENDED TO READ AS  
3           FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 10. (a) An owner must  
4           complete and sign a disclosure form and submit the form to a  
5           prospective buyer before an offer for the sale of the residential real  
6           estate is accepted.  
7           (b) An appraiser retained to appraise the residential real estate for  
8           which the disclosure form has been prepared shall be given a copy of  
9           the form upon request. This subsection applies only to appraisals made  
10          for the buyer or an entity from which the buyer is seeking financing.  
11          (c) Before closing, an accepted offer is not enforceable against the  
12          buyer until the owner and the prospective buyer have signed the  
13          disclosure form. After closing, the failure of the owner to deliver a  
14          disclosure statement form to the buyer does not by itself invalidate a  
15          real estate transaction. **A buyer may not invalidate a real estate**  
16          **transaction or a contract to purchase real estate due to the buyer's**  
17          **failure to sign a seller's disclosure form that has been received or**  
18          **acknowledged by the buyer."**

(Reference is to HB 1372 as introduced.)

**and when so amended that said bill do pass.**

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Representative Steuerwald