

Amend CSHB 2118 (Senate committee printing) as follows:

(1) In SECTION 10 of the bill, strike added Subsection (c), Section 766.002, Health and Safety Code (page 4, lines 64 through 69), and substitute the following:

Sec. 766.0021. SMOKE DETECTOR FOR HEARING-IMPAIRED PERSONS. (a) A purchaser under a written contract for the resale of an existing one-family or two-family dwelling may require the seller to install smoke detectors for hearing-impaired persons if:

(1) the purchaser or a member of the purchaser's family who will reside in the dwelling is a hearing-impaired person;

(2) the purchaser provides written evidence of the hearing impairment signed by a licensed physician; and

(3) not later than the 10th day after the effective date of the contract, the purchaser requests in writing that the seller install smoke detectors for hearing-impaired persons and specifies the locations in the dwelling where the smoke detectors are to be installed.

(b) If the seller is required to install smoke detectors for hearing-impaired persons under Subsection (a), the seller and purchaser may agree:

(1) which party will bear the cost of installing the smoke detectors; and

(2) which brand of smoke detectors to install.

(c) The seller must install the smoke detectors not later than the closing date of the sale of the dwelling.

(d) A purchaser may terminate the contract to purchase the dwelling if the seller fails to install smoke detectors for hearing-impaired persons as required by this section.

(2) Strike SECTION 11 of the bill (page 5, line 40, through page 7, line 43) and substitute the following:

SECTION 11. Subsection (b), Section 5.008, Property Code, is amended to read as follows:

(b) The notice must be executed and must, at a minimum, read substantially similar to the following:

SELLER'S DISCLOSURE NOTICE

CONCERNING
AT

THE

PROPERTY

THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.

Seller __ is __ is not occupying the Property.

If unoccupied, how long since Seller has occupied the Property?

1. The Property has the items checked below:

Write Yes (Y), No (N), or Unknown (U).

<input type="checkbox"/> Range	<input type="checkbox"/> Oven	<input type="checkbox"/> Microwave
<input type="checkbox"/> Dishwasher	<input type="checkbox"/> Trash Compactor	<input type="checkbox"/> Disposal
<input type="checkbox"/> Washer/Dryer	<input type="checkbox"/> Window	<input type="checkbox"/> Rain Gutters
<input type="checkbox"/> Hookups	<input type="checkbox"/> Screens	
<input type="checkbox"/> Security System	<input type="checkbox"/> Fire Detection Equipment	<input type="checkbox"/> Intercom System
	<input type="checkbox"/> Smoke Detector	
	<input type="checkbox"/> Smoke Detector -	
	<input type="checkbox"/> Hearing Impaired	
	<input type="checkbox"/> Carbon Monoxide Alarm	
	<input type="checkbox"/> Emergency Escape Ladder(s)	
<input type="checkbox"/> TV Antenna	<input type="checkbox"/> Cable TV Wiring	<input type="checkbox"/> Satellite Dish
<input type="checkbox"/> Ceiling Fan(s)	<input type="checkbox"/> Attic Fan(s)	<input type="checkbox"/> Exhaust Fan(s)
<input type="checkbox"/> Central A/C	<input type="checkbox"/> Central Heating	<input type="checkbox"/> Wall/Window Air Conditioning
<input type="checkbox"/> Plumbing System	<input type="checkbox"/> Septic System	<input type="checkbox"/> Public Sewer System
<input type="checkbox"/> Patio/Decking	<input type="checkbox"/> Outdoor Grill	<input type="checkbox"/> Fences
<input type="checkbox"/> Pool	<input type="checkbox"/> Sauna	<input type="checkbox"/> Spa
<input type="checkbox"/> Pool Equipment	<input type="checkbox"/> Pool Heater	<input type="checkbox"/> Hot Tub
		<input type="checkbox"/> Automatic Lawn

___ Firepla ce(s) & Chimney (Wood burning)	___ Firepla ce(s) & Chimney (Mock)	Sprinkler System
___ Gas Lines (Nat./LP)	___ Gas Fixtures	
Garage: ___ At tached	___ Not Attached	___ Carport
Garage Door Opener(s):	___ Electronic	___ Control(s)
Water Heater:	___ Gas	___ Electric
Water	___ Well ___ MUD	___ Co-op
Supply: ___ Ci ty		
Roof Type: _____	Age: _____	(approx)

Are you (Seller) aware of any of the above items that are not in working condition, that have known defects, or that are in need of repair? ___ Yes ___ No ___ Unknown.

If yes, then describe. (Attach additional sheets if necessary):

2. Does the property have working smoke detectors installed in accordance with the smoke detector requirements of Chapter 766, Health and Safety Code? ___Yes ___No ___Unknown.

If the answer to the question above is no or unknown, explain.

(Attach _____ additional _____ sheets _____ if necessary): _____

3. Are you (Seller) aware of any known defect/malfunctions in any of the following?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

___ Interior Walls	___ Ceilings	___ Floors
___ Exterior Walls	___ Doors	___ Windows
___ Roof	___ Foundation/ Slab(s)	___ Basement
___ Walls/Fen ces	___ Driveways	___ Sidewalks
___ Plumbing/ Sewers/ Septics	___ Electrical Systems	___ Lighting Fixtures
___ Other	Structural	Components

(Describe): _____

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary)
y): _____

4 [3]. Are you (Seller) aware of any of the following conditions?

Write Yes (Y) if you are aware, write No (N) if you are not aware.

<input type="checkbox"/> Active Termites (includes wood-destroying insects)	<input type="checkbox"/> Previous Structural or Roof Repair
<input type="checkbox"/> Termite or Wood Rot	<input type="checkbox"/> Hazardous or Toxic Waste
<input type="checkbox"/> Previous Termite Damage	<input type="checkbox"/> Asbestos Components
<input type="checkbox"/> Previous Termite Treatment	<input type="checkbox"/> Urea formaldehyde Insulation
<input type="checkbox"/> Previous Flooding	<input type="checkbox"/> Radon Gas
<input type="checkbox"/> Improper Drainage	<input type="checkbox"/> Lead Based Paint
<input type="checkbox"/> Water Penetration	<input type="checkbox"/> Aluminum Wiring
<input type="checkbox"/> Located in 100-Year Floodplain	<input type="checkbox"/> Previous Fires
<input type="checkbox"/> Present Flood Insurance Coverage	<input type="checkbox"/> Unplatted Easements
<input type="checkbox"/> Landfill, Settling, Soil Movement, Fault Lines	<input type="checkbox"/> Subsurface Structure or Pits

If the answer to any of the above is yes, explain. (Attach additional sheets if necessary)
y): _____

5 [4]. Are you (Seller) aware of any item, equipment, or system in or on the property that is in need of repair? ___ Yes (if you are aware) ___ No (if you are not aware). If yes, explain (attach additional _____ sheets as _____ necessary).

6 [5]. Are you (Seller) aware of any of the following?

- Write Yes (Y) if you are aware, write No (N) if you are not aware.
- ___ Room additions, structural modifications, or other alterations or repairs made without necessary permits or not in compliance with building codes in effect at that time.
 - ___ Homeowners' Association or maintenance fees or assessments.
 - ___ Any "common area" (facilities such as pools, tennis courts, walkways, or other areas) co-owned in undivided interest with others.
 - ___ Any notices of violations of deed restrictions or governmental ordinances affecting the condition or use of the Property.
 - ___ Any lawsuits directly or indirectly affecting the Property.
 - ___ Any condition on the Property which materially affects the physical health or safety of an individual.

If the answer to any of the above is yes, explain. (Attach additional _____ sheets _____ if necessary): _____

Date _____ Signature of Seller _____

The undersigned purchaser hereby acknowledges receipt of the foregoing notice and acknowledges the property complies with the smoke detector requirements of Chapter 766, Health and Safety Code, or, if the property does not comply with the smoke detector requirements of Chapter 766, the buyer waives the buyer's rights to have smoke detectors installed in compliance with Chapter 766.

Date _____ Signature of Purchaser _____