

AMENDED IN ASSEMBLY APRIL 9, 2012

AMENDED IN ASSEMBLY MARCH 8, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1511

Introduced by Assembly Member Bradford

January 12, 2012

An act to amend Section 1103.4 of the Civil Code, relating to real property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1511, as amended, Bradford. Real property: disclosures: transmission pipelines.

Existing law requires certain natural hazard disclosures to be made upon the transfer of residential real property, as specified, and prescribes the manner and the form of the disclosures. Existing law limits the liability of a transferor or listing or selling agent under certain conditions for failing to disclose natural hazards or to make other disclosures in specified property transactions if the transferor or the listing or selling agent obtains a report or opinion prepared by a licensed engineer, land surveyor, geologist, or expert in natural hazard discovery dealing with matters within the scope of the professional's license or expertise. Existing law conditions this limitation in specified ways, including the requirement that, when an expert responds to a request regarding natural hazards, ~~that~~ the expert also determine whether the property is within an airport influence area, the jurisdiction of the San Francisco Bay Conservation and Development Commission, or designated farmland and, if so, existing law requires the expert to provide a specified notice or notices with his or her report.

This bill would further condition the limitation on liability described above by requiring the expert, when responding to a request regarding natural hazards, to also determine whether the property is located within 2,000 feet of a gas transmission or hazardous liquid pipeline, as specified, and if so, to include in the report a notice and a map depicting the pipeline, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1103.4 of the Civil Code is amended to
2 read:

3 1103.4. (a) Neither the transferor nor any listing or selling
4 agent shall be liable for any error, inaccuracy, or omission of any
5 information delivered pursuant to this article if the error,
6 inaccuracy, or omission was not within the personal knowledge
7 of the transferor or the listing or selling agent, and was based on
8 information timely provided by public agencies or by other persons
9 providing information as specified in subdivision (c) that is
10 required to be disclosed pursuant to this article, and ordinary care
11 was exercised in obtaining and transmitting the information.

12 (b) The delivery of any information required to be disclosed by
13 this article to a prospective transferee by a public agency or other
14 person providing information required to be disclosed pursuant to
15 this article shall be deemed to comply with the requirements of
16 this article and shall relieve the transferor or any listing or selling
17 agent of any further duty under this article with respect to that item
18 of information.

19 (c) The delivery of a report or opinion prepared by a licensed
20 engineer, land surveyor, geologist, or expert in natural hazard
21 discovery dealing with matters within the scope of the
22 professional's license or expertise shall be sufficient compliance
23 for application of the exemption provided by subdivision (a) if the
24 information is provided to the prospective transferee pursuant to
25 a request therefor, whether written or oral. In responding to that
26 request, an expert may indicate, in writing, an understanding that
27 the information provided will be used in fulfilling the requirements
28 of Section 1103.2 and, if so, shall indicate the required disclosures,
29 or parts thereof, to which the information being furnished is

1 applicable. Where that statement is furnished, the expert shall not
2 be responsible for any items of information, or parts thereof, other
3 than those expressly set forth in the statement.

4 (1) In responding to the request, the expert shall determine
5 whether the property is within an airport influence area as defined
6 in subdivision (b) of Section 11010 of the Business and Professions
7 Code. If the property is within an airport influence area, the report
8 shall contain the following statement:

9
10 NOTICE OF AIRPORT IN VICINITY

11
12 This property is presently located in the vicinity of an
13 airport, within what is known as an airport influence area. For that
14 reason, the property may be subject to some of the annoyances or
15 inconveniences associated with proximity to airport operations
16 (for example: noise, vibration, or odors). Individual sensitivities
17 to those annoyances can vary from person to person. You may wish to
18 consider what airport annoyances, if any, are associated with the
19 property before you complete your purchase and determine whether they
20 are acceptable to you.
21

22 (2) In responding to the request, the expert shall determine
23 whether the property is within the jurisdiction of the San Francisco
24 Bay Conservation and Development Commission, as defined in
25 Section 66620 of the Government Code. If the property is within
26 the commission's jurisdiction, the report shall contain the following
27 notice:

28
29 NOTICE OF SAN FRANCISCO BAY CONSERVATION AND
30 DEVELOPMENT COMMISSION JURISDICTION

31 This property is located within the jurisdiction of the San
32 Francisco Bay Conservation and Development Commission. Use
33 and development of property within the commission's jurisdiction
34 may be subject to special regulations, restrictions, and permit
35 requirements. You may wish to investigate and determine whether
36 they are acceptable to you and your intended use of the property
37 before you complete your transaction.
38

39 (3) In responding to the request, the expert shall determine
40 whether the property is presently located within one mile of a

1 parcel of real property designated as “Prime Farmland,” “Farmland
2 of Statewide Importance,” “Unique Farmland,” “Farmland of Local
3 Importance,” or “Grazing Land” on the most current “Important
4 Farmland Map” issued by the California Department of
5 Conservation, Division of Land Resource Protection, utilizing
6 solely the county-level GIS map data, if any, available on the
7 Farmland Mapping and Monitoring Program Web site. If the
8 residential property is within one mile of a designated farmland
9 area, the report shall contain the following notice:

10
11 NOTICE OF RIGHT TO FARM

12 This property is located within one mile of a farm or ranch land
13 designated on the current county-level GIS “Important Farmland
14 Map,” issued by the California Department of Conservation,
15 Division of Land Resource Protection. Accordingly, the property
16 may be subject to inconveniences or discomforts resulting from
17 agricultural operations that are a normal and necessary aspect of
18 living in a community with a strong rural character and a healthy
19 agricultural sector. Customary agricultural practices in farm
20 operations may include, but are not limited to, noise, odors, dust,
21 light, insects, the operation of pumps and machinery, the storage
22 and disposal of manure, bee pollination, and the ground or aerial
23 application of fertilizers, pesticides, and herbicides. These
24 agricultural practices may occur at any time during the 24-hour
25 day. Individual sensitivities to those practices can vary from person
26 to person. You may wish to consider the impacts of such
27 agricultural practices before you complete your purchase. Please
28 be advised that you may be barred from obtaining legal remedies
29 against agricultural practices conducted in a manner consistent
30 with proper and accepted customs and standards pursuant to
31 Section 3482.5 of the Civil Code or any pertinent local ordinance.

32
33 (4) In responding to the request, the expert shall determine,
34 utilizing map coordinate data made available by the Office of Mine
35 Reclamation, whether the property is presently located within one
36 mile of a mine operation for which map coordinate data has been
37 reported to the director pursuant to Section 2207 of the Public
38 Resources Code. If the expert determines, from the available map
39 coordinate data, that the residential property is located within one

1 mile of a mine operation, the report shall contain the following
2 notice:

3
4 NOTICE OF MINING OPERATIONS:

5 This property is located within one mile of a mine operation for
6 which the mine owner or operator has reported mine location data
7 to the Department of Conservation pursuant to Section 2207 of
8 the Public Resources Code. Accordingly, the property may be
9 subject to inconveniences resulting from mining operations. You
10 may wish to consider the impacts of these practices before you
11 complete your transaction.

12
13 (5) In responding to the request, the expert shall determine
14 whether the property is located within 2,000 feet of a gas
15 transmission or hazardous liquid pipeline as depicted on the public
16 Internet Web site of the federal National Pipeline Mapping System
17 (NPMS) and, if so, the report shall show on a map the pipeline as
18 depicted by the NPMS, and shall contain the following notice:

19
20 NOTICE OF TRANSMISSION PIPELINE

21 This property is located within 2,000 feet of a gas transmission
22 or hazardous liquid pipeline as depicted on the public Internet Web
23 site of the federal National Pipeline Mapping System (NPMS). For
24 that

25 ~~reason~~ According to the NPMS, the nominal accuracy of its
26 geospatial data is plus or minus 500 feet and not all pipelines in
27 an area are visible on the NPMS Web site.

28 NPMS data shows the general location of gas transmission and
29 hazardous liquid pipelines under the jurisdiction of the federal
30 Pipeline and Hazardous Materials Safety Administration, but does
31 not reveal the presence of gathering or distribution pipelines.
32 Every home that uses natural gas is connected to a gas distribution
33 pipeline, which is generally of smaller size and lower pressure
34 than the transmission pipelines that are identified by NPMS.

35 For these reasons, you may wish to further investigate the
36 information about the this transmission pipeline further or other
37 possible pipelines near this property by contacting the appropriate
38 agency or local gas utility responsible for this the pipeline, consider
39 what. Contact information for pipeline operators in your area is
40 searchable by ZIP Code, county, or state by clicking on the

1 *appropriate link at the NPMS Web site located at*
2 *<http://www.npms.phmsa.dot.gov>. You may wish to consider what*
3 *risk factors, if any, are associated with the property's proximity*
4 *to a transmission-pipeline pipelines, and determine whether the*
5 *information you receive is acceptable to you before you purchase.*