

Subject Drain Tile
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Summary

This bill would require a person selling land with subsurface drain tile to disclose the status and location of the tile to potential buyers of the land.

If a seller does not know whether subsurface drain tile exists on the property, the seller would certify this fact to potential buyers.

After August 1, 2024, county recorders and registrars would be prohibited from recording a deed or other instrument of conveyance unless it contains the required drain tile disclosure certificate. County recorders and registrars would collect from the buyer a \$50 drain tile disclosure fee, remitting \$42.50 and the disclosure certificate to the Board of Water and Soil Resources (BWSR). BWSR would retain each certificate for at least six years.

Failure to comply with this seller disclosure requirement would not invalidate a sale, but a buyer could commence legal action within six years of the sale to recover the buyer's drain tile maintenance or repair costs if the seller failed to disclose the existence or status of the tile and knew, or had reason to know, this information at the time of sale.