

SB126 L.006

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Local Government.

SB13-126 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, add 38-12-601 as  
4 follows:

5 **38-12-601. Unreasonable restrictions on electric vehicle**  
6 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION  
7 IN THE LEASE TO THE CONTRARY, AND SUBJECT TO SUBSECTION (2) OF THIS  
8 SECTION:

9 (a) A TENANT MAY INSTALL, AT THE TENANT'S EXPENSE FOR THE  
10 TENANT'S OWN USE, A LEVEL 1 OR LEVEL 2 ELECTRIC VEHICLE CHARGING  
11 SYSTEM ON OR IN THE LEASED PREMISES; AND

12 (b) A LANDLORD SHALL NOT ASSESS OR CHARGE A TENANT ANY  
13 FEE FOR THE PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING  
14 SYSTEM, EXCEPT THAT:

15 (I) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE  
16 ACTUAL COST OF ELECTRICITY PROVIDED BY THE LANDLORD THAT WAS  
17 USED BY THE CHARGING SYSTEM OR, ALTERNATIVELY, MAY CHARGE A  
18 REASONABLE FEE FOR ACCESS;

19 (II) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE COST  
20 OF THE INSTALLATION OF THE CHARGING SYSTEM, INCLUDING ANY  
21 ADDITIONS OR UPGRADES TO EXISTING WIRING DIRECTLY ATTRIBUTABLE  
22 TO THE REQUIREMENTS OF THE CHARGING SYSTEM, IF THE LANDLORD  
23 PLACES OR CAUSES THE ELECTRIC VEHICLE CHARGING SYSTEM TO BE  
24 PLACED AT THE REQUEST OF THE TENANT; AND

25 (III) IF THE TENANT DESIRES TO PLACE AN ELECTRIC VEHICLE  
26 CHARGING SYSTEM IN AN AREA ACCESSIBLE TO OTHER TENANTS, THE  
27 LANDLORD MAY ASSESS OR CHARGE THE TENANT A REASONABLE FEE TO  
28 RESERVE A SPECIFIC PARKING SPOT IN WHICH TO INSTALL THE CHARGING  
29 SYSTEM.

30 (2) A LANDLORD MAY REQUIRE A TENANT TO COMPLY WITH:

31 (a) BONA FIDE SAFETY REQUIREMENTS, CONSISTENT WITH AN  
32 APPLICABLE BUILDING CODE OR RECOGNIZED SAFETY STANDARD, FOR THE  
33 PROTECTION OF PERSONS AND PROPERTY;

34 (b) A REQUIREMENT THAT THE CHARGING SYSTEM BE REGISTERED  
35 WITH THE LANDLORD WITHIN THIRTY DAYS AFTER INSTALLATION; OR

36 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
37 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC

1 FOR REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT  
2 FOR THE REPAIR, MAINTENANCE, OR REPLACEMENT OF ANY PROPERTY OF  
3 THE LANDLORD, WHETHER OR NOT LEASED TO ANOTHER TENANT.

4 (5) A CHARGING SYSTEM INSTALLED AT THE TENANT'S COST IS  
5 PROPERTY OF THE TENANT. UPON TERMINATION OF THE LEASE, IF THE  
6 CHARGING SYSTEM IS REMOVABLE, THE TENANT MAY EITHER REMOVE IT  
7 OR SELL IT TO THE LANDLORD OR ANOTHER TENANT FOR AN AGREED PRICE.  
8 NOTHING IN THIS SUBSECTION (5) REQUIRES THE LANDLORD OR ANOTHER  
9 TENANT TO PURCHASE THE CHARGING SYSTEM.

10 (6) AS USED IN THIS SECTION:

11 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING  
12 SYSTEM" MEANS A DEVICE THAT IS USED TO PROVIDE ELECTRICITY TO A  
13 PLUG-IN ELECTRIC VEHICLE OR PLUG-IN HYBRID VEHICLE, IS DESIGNED TO  
14 ENSURE THAT A SAFE CONNECTION HAS BEEN MADE BETWEEN THE  
15 ELECTRIC GRID AND THE VEHICLE, AND IS ABLE TO COMMUNICATE WITH  
16 THE VEHICLE'S CONTROL SYSTEM SO THAT ELECTRICITY FLOWS AT AN  
17 APPROPRIATE VOLTAGE AND CURRENT LEVEL. AN ELECTRIC VEHICLE  
18 CHARGING SYSTEM MAY BE WALL-MOUNTED OR PEDESTAL STYLE, AND  
19 MAY PROVIDE MULTIPLE CORDS TO CONNECT WITH ELECTRIC VEHICLES.  
20 AN ELECTRIC VEHICLE CHARGING SYSTEM MUST BE CERTIFIED BY  
21 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, AND  
22 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE  
23 NATIONAL ELECTRICAL CODE.

24 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
25 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
26 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
27 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY TYPE  
28 AND VEHICLE, A LEVEL 1 CHARGING SYSTEM ADDS APPROXIMATELY TWO  
29 TO FIVE MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF CHARGING  
30 TIME.

31 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES  
32 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY  
33 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE  
34 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. BASED ON  
35 THE BATTERY TYPE AND VEHICLE, A LEVEL 2 CHARGING SYSTEM ADDS  
36 ABOUT TEN TO TWENTY MILES OF RANGE TO AN ELECTRIC VEHICLE PER  
37 HOUR OF CHARGING TIME.

38 **SECTION 2.** In Colorado Revised Statutes, add 38-33.3-106.8  
39 as follows:

40 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**  
41 **charging systems - legislative declaration - definitions. (1) THE**

1 (3.5) THIS SECTION DOES NOT APPLY TO A UNIT, OR THE OWNER  
2 THEREOF, IF THE UNIT IS A TIME SHARE UNIT, AS DEFINED IN SECTION  
3 38-33-110 (7).

4 (4) AN ASSOCIATION SHALL CONSENT TO A UNIT OWNER'S  
5 PLACEMENT OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
6 COMMON ELEMENT PARKING SPACE, CARPORT, OR GARAGE OWNED BY THE  
7 UNIT OWNER OR OTHERWISE ASSIGNED TO THE OWNER IN THE  
8 DECLARATION OR OTHER RECORDED DOCUMENT IF:

9 (a) THE SYSTEM IS IN COMPLIANCE WITH ANY DECLARATIONS,  
10 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION; AND

11 (b) THE UNIT OWNER AGREES IN WRITING TO:

12 (I) COMPLY WITH THE ASSOCIATION'S DESIGN SPECIFICATIONS FOR  
13 THE INSTALLATION OF THE SYSTEM;

14 (II) ENGAGE THE SERVICES OF A DULY LICENSED AND REGISTERED  
15 ELECTRICAL CONTRACTOR FAMILIAR WITH THE INSTALLATION AND CODE  
16 REQUIREMENTS OF AN ELECTRIC VEHICLE CHARGING SYSTEM;

17 (III) BEAR THE EXPENSE OF INSTALLATION, INCLUDING COSTS TO  
18 RESTORE ANY COMMON ELEMENTS DISTURBED IN THE PROCESS OF  
19 INSTALLING THE SYSTEM; AND

20 (IV) (A) PROVIDE, WITHIN THE TIME SPECIFIED IN  
21 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV), A CERTIFICATE OF  
22 INSURANCE NAMING THE ASSOCIATION AS AN ADDITIONAL INSURED ON  
23 THE HOMEOWNER'S INSURANCE POLICY FOR ANY CLAIM RELATED TO THE  
24 INSTALLATION, MAINTENANCE, OR USE OF THE SYSTEM OR, IF THE SYSTEM  
25 IS LOCATED ON A COMMON ELEMENT, REIMBURSEMENT TO THE  
26 ASSOCIATION FOR THE ACTUAL COST OF ANY INCREASED INSURANCE  
27 PREMIUM AMOUNT ATTRIBUTABLE TO THE SYSTEM, NOTWITHSTANDING  
28 ANY PROVISION TO THE CONTRARY IN THE ASSOCIATION'S DECLARATION,  
29 BYLAWS, OR RULES AND REGULATIONS.

30 (B) A CERTIFICATE OF INSURANCE UNDER SUB-SUBPARAGRAPH (A)  
31 OF THIS SUBPARAGRAPH (IV) MUST BE PROVIDED WITHIN FOURTEEN DAYS  
32 AFTER THE UNIT OWNER RECEIVES THE ASSOCIATION'S CONSENT FOR THE  
33 INSTALLATION. REIMBURSEMENT FOR AN INCREASED INSURANCE PREMIUM  
34 AMOUNT UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV)  
35 MUST BE PROVIDED WITHIN FOURTEEN DAYS AFTER THE UNIT OWNER  
36 RECEIVES THE ASSOCIATION'S INVOICE FOR THE AMOUNT ATTRIBUTABLE  
37 TO THE SYSTEM.

38 (5) IF THE ASSOCIATION CONSENTS TO A UNIT OWNER'S  
39 INSTALLATION OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
40 COMMON ELEMENT, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE  
41 STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN CONTRACT OR



1 CHARGING SYSTEM MAY BE WALL-MOUNTED OR PEDESTAL STYLE, AND  
2 MAY PROVIDE MULTIPLE CORDS TO CONNECT WITH ELECTRIC VEHICLES.  
3 AN ELECTRIC VEHICLE CHARGING SYSTEM MUST BE CERTIFIED BY  
4 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, AND  
5 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE  
6 NATIONAL ELECTRICAL CODE.

7 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
8 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
9 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
10 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY TYPE  
11 AND VEHICLE, A LEVEL 1 CHARGING SYSTEM ADDS APPROXIMATELY TWO  
12 TO FIVE MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF CHARGING  
13 TIME.

14 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES  
15 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY  
16 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE  
17 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. BASED ON  
18 THE BATTERY TYPE AND VEHICLE, A LEVEL 2 CHARGING SYSTEM ADDS  
19 ABOUT TEN TO TWENTY MILES OF RANGE TO AN ELECTRIC VEHICLE PER  
20 HOUR OF CHARGING TIME.

21 **SECTION 3.** In Colorado Revised Statutes, 24-38.5-103, **amend**  
22 (1) as follows:

23 **24-38.5-103. Electric vehicle grant fund - creation -**  
24 **administration.** (1) There is hereby created in the state treasury the  
25 electric vehicle grant fund, referred to in this section as the "fund". The  
26 fund shall be used to provide grants to local governments, LANDLORDS OF  
27 MULTI-FAMILY APARTMENT BUILDINGS, AND THE UNIT OWNERS'  
28 ASSOCIATIONS OF COMMON INTEREST COMMUNITIES AS DEFINED IN  
29 ARTICLE 33.3 OF TITLE 38, C.R.S., to install recharging stations for electric  
30 vehicles. The grants shall be prioritized based upon the ~~local~~  
31 ~~government's~~ PROSPECTIVE RECIPIENTS' POTENTIAL FOR, AND commitment  
32 to, energy efficiency.

33 **SECTION 4. Applicability.** This act takes effect upon passage,  
34 and applies to the installation and use of an electric vehicle charging  
35 system on or after the effective date of this act.

36 **SECTION 5. Safety clause.** The general assembly hereby finds,  
37 determines, and declares that this act is necessary for the immediate  
38 preservation of the public peace, health, and safety."

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