

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0649.01 Duane Gall x4335

SENATE BILL 13-126

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Duran,

Senate Committees
Local Government

House Committees
Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING THE REMOVAL OF UNREASONABLE RESTRICTIONS ON THE**
102 **ABILITY OF THE OWNER OF AN ELECTRIC VEHICLE TO ACCESS**
103 **CHARGING FACILITIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Sections 1, 2, and 3 of the bill prohibit a landlord or the unit owners' association of a condominium or common interest community, respectively, from restricting the right of a tenant or unit owner to install an electric vehicle charging system for his or her own use, at the tenant's

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 27, 2013

SENATE
3rd Reading Unamended
February 19, 2013

SENATE
Amended 2nd Reading
February 15, 2013

or unit owner's expense, and subject to reasonable safety and insurance requirements.

Section 4 allows grants to be made from the electric vehicle grant fund to apartment owners, condominiums, and common interest communities to install recharging stations for electric vehicles.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

4 **38-12-601. Unreasonable restrictions on electric vehicle**
5 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION
6 IN THE LEASE TO THE CONTRARY, AND SUBJECT TO SUBSECTION (2) OF THIS
7 SECTION:

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

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

14 (I) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE
15 ACTUAL COST OF ELECTRICITY PROVIDED BY THE LANDLORD THAT WAS
16 USED BY THE CHARGING SYSTEM OR, ALTERNATIVELY, MAY CHARGE A
17 REASONABLE FEE FOR ACCESS. IF THE CHARGING SYSTEM IS PART OF A
18 NETWORK FOR WHICH A NETWORK FEE IS CHARGED, THE LANDLORD'S
19 REIMBURSEMENT MAY INCLUDE THE AMOUNT OF THE NETWORK FEE.
20 NOTHING IN THIS SECTION REQUIRES A LANDLORD TO IMPOSE UPON A
21 TENANT ANY FEE OR CHARGE OTHER THAN THE RENTAL PAYMENTS
22 SPECIFIED IN THE LEASE.

23 (II) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE COST

1 OF THE INSTALLATION OF THE CHARGING SYSTEM, INCLUDING ANY
2 ADDITIONS OR UPGRADES TO EXISTING WIRING DIRECTLY ATTRIBUTABLE
3 TO THE REQUIREMENTS OF THE CHARGING SYSTEM, IF THE LANDLORD
4 PLACES OR CAUSES THE ELECTRIC VEHICLE CHARGING SYSTEM TO BE
5 PLACED AT THE REQUEST OF THE TENANT; AND

6 (III) IF THE TENANT DESIRES TO PLACE AN ELECTRIC VEHICLE
7 CHARGING SYSTEM IN AN AREA ACCESSIBLE TO OTHER TENANTS, THE
8 LANDLORD MAY ASSESS OR CHARGE THE TENANT A REASONABLE FEE TO
9 RESERVE A SPECIFIC PARKING SPOT IN WHICH TO INSTALL THE CHARGING
10 SYSTEM.

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

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

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

17 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE
18 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC
19 VEHICLE CHARGING SYSTEM.

20 (3) A TENANT MAY PLACE AN ELECTRIC VEHICLE CHARGING
21 SYSTEM IN AN AREA ACCESSIBLE TO OTHER TENANTS IF:

22 (a) THE CHARGING SYSTEM IS IN COMPLIANCE WITH ALL
23 APPLICABLE REQUIREMENTS ADOPTED PURSUANT TO SUBSECTION (2) OF
24 THIS SECTION; AND

25 (b) THE TENANT AGREES IN WRITING TO:

26 (I) COMPLY WITH THE LANDLORD'S DESIGN SPECIFICATIONS FOR
27 THE INSTALLATION OF THE CHARGING SYSTEM;

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

4 (III) (A) PROVIDE, WITHIN FOURTEEN DAYS AFTER RECEIVING THE
5 LANDLORD'S CONSENT FOR THE INSTALLATION, A CERTIFICATE OF
6 INSURANCE NAMING THE LANDLORD AS AN ADDITIONAL INSURED ON THE
7 TENANT'S RENTERS' INSURANCE POLICY FOR ANY CLAIM RELATED TO THE
8 INSTALLATION, MAINTENANCE, OR USE OF THE SYSTEM OR, AT THE
9 LANDLORD'S OPTION, REIMBURSEMENT TO THE LANDLORD FOR THE
10 ACTUAL COST OF ANY INCREASED INSURANCE PREMIUM AMOUNT
11 ATTRIBUTABLE TO THE SYSTEM, NOTWITHSTANDING ANY PROVISION TO
12 THE CONTRARY IN THE LEASE.

13 (B) A CERTIFICATE OF INSURANCE UNDER SUB-SUBPARAGRAPH (A)
14 OF THIS SUBPARAGRAPH (III) MUST BE PROVIDED WITHIN FOURTEEN DAYS
15 AFTER THE TENANT RECEIVES THE LANDLORD'S CONSENT FOR THE
16 INSTALLATION. REIMBURSEMENT FOR AN INCREASED INSURANCE PREMIUM
17 AMOUNT UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III)
18 MUST BE PROVIDED WITHIN FOURTEEN DAYS AFTER THE TENANT RECEIVES
19 THE LANDLORD'S INVOICE FOR THE AMOUNT ATTRIBUTABLE TO THE
20 SYSTEM.

21 (4) IF THE LANDLORD CONSENTS TO A TENANT'S INSTALLATION OF
22 AN ELECTRIC VEHICLE CHARGING SYSTEM ON PROPERTY ACCESSIBLE TO
23 OTHER TENANTS, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE
24 STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN AGREEMENT
25 WITH THE LANDLORD:

26 (a) THE TENANT, AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE
27 RIGHTS TO THE AREA WHERE THE CHARGING SYSTEM IS INSTALLED, IS

1 RESPONSIBLE FOR ANY COSTS FOR DAMAGES TO THE CHARGING SYSTEM
2 AND TO ANY OTHER PROPERTY OF THE LANDLORD OR OF ANOTHER TENANT
3 THAT ARISE OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR,
4 REMOVAL, OR REPLACEMENT OF THE CHARGING SYSTEM;

5 (b) EACH SUCCESSIVE TENANT WITH EXCLUSIVE RIGHTS TO THE
6 AREA WHERE THE CHARGING SYSTEM IS INSTALLED SHALL ASSUME
7 RESPONSIBILITY FOR THE REPAIR, MAINTENANCE, REMOVAL, AND
8 REPLACEMENT OF THE CHARGING SYSTEM UNTIL THE SYSTEM HAS BEEN
9 REMOVED;

10 (c) THE TENANT AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE
11 RIGHTS TO THE AREA WHERE THE SYSTEM IS INSTALLED SHALL AT ALL
12 TIMES HAVE AND MAINTAIN AN INSURANCE POLICY COVERING THE
13 OBLIGATIONS OF THE TENANT UNDER THIS SUBSECTION (4) AND SHALL
14 NAME THE LANDLORD AS AN ADDITIONAL INSURED UNDER THE POLICY;
15 AND

16 (d) THE TENANT AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE
17 RIGHTS TO THE AREA WHERE THE SYSTEM IS INSTALLED IS RESPONSIBLE
18 FOR REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT
19 FOR THE REPAIR, MAINTENANCE, OR REPLACEMENT OF ANY PROPERTY OF
20 THE LANDLORD, WHETHER OR NOT LEASED TO ANOTHER TENANT.

21 (5) A CHARGING SYSTEM INSTALLED AT THE TENANT'S COST IS
22 PROPERTY OF THE TENANT. UPON TERMINATION OF THE LEASE, IF THE
23 CHARGING SYSTEM IS REMOVABLE, THE TENANT MAY EITHER REMOVE IT
24 OR SELL IT TO THE LANDLORD OR ANOTHER TENANT FOR AN AGREED PRICE.
25 NOTHING IN THIS SUBSECTION (5) REQUIRES THE LANDLORD OR ANOTHER
26 TENANT TO PURCHASE THE CHARGING SYSTEM.

27 (6) AS USED IN THIS SECTION:

1 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING
2 SYSTEM" MEANS A DEVICE THAT IS USED TO PROVIDE ELECTRICITY TO A
3 PLUG-IN ELECTRIC VEHICLE OR PLUG-IN HYBRID VEHICLE, IS DESIGNED TO
4 ENSURE THAT A SAFE CONNECTION HAS BEEN MADE BETWEEN THE
5 ELECTRIC GRID AND THE VEHICLE, AND IS ABLE TO COMMUNICATE WITH
6 THE VEHICLE'S CONTROL SYSTEM SO THAT ELECTRICITY FLOWS AT AN
7 APPROPRIATE VOLTAGE AND CURRENT LEVEL. AN ELECTRIC VEHICLE
8 CHARGING SYSTEM MAY BE WALL-MOUNTED OR PEDESTAL STYLE, AND
9 MAY PROVIDE MULTIPLE CORDS TO CONNECT WITH ELECTRIC VEHICLES.
10 AN ELECTRIC VEHICLE CHARGING SYSTEM MUST BE CERTIFIED BY
11 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, AND
12 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE
13 NATIONAL ELECTRICAL CODE.

14 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES
15 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A
16 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772
17 STANDARD OR A SUCCESSOR STANDARD. ■ ■

18 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES
19 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY
20 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE
21 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. ■

22 (7) THIS SECTION APPLIES ONLY TO RESIDENTIAL RENTAL
23 PROPERTIES.

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

26 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**
27 **charging systems - legislative declaration - definitions. (1) THE**

1 GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

2 (a) THE WIDESPREAD USE OF PLUG-IN ELECTRIC VEHICLES CAN
3 DRAMATICALLY IMPROVE ENERGY EFFICIENCY AND AIR QUALITY FOR ALL
4 COLORADANS, AND SHOULD BE ENCOURAGED WHEREVER POSSIBLE;

5 (b) MOST HOMES IN COLORADO, INCLUDING THE VAST MAJORITY
6 OF NEW HOMES, ARE IN COMMON INTEREST COMMUNITIES;

7 (c) THE PRIMARY PURPOSE OF THIS SECTION IS TO ENSURE THAT
8 COMMON INTEREST COMMUNITIES PROVIDE THEIR RESIDENTS WITH AT
9 LEAST A MEANINGFUL OPPORTUNITY TO TAKE ADVANTAGE OF THE
10 AVAILABILITY OF PLUG-IN ELECTRIC VEHICLES RATHER THAN CREATE
11 ARTIFICIAL RESTRICTIONS ON THE ADOPTION OF THIS PROMISING
12 TECHNOLOGY; AND

13 (d) THE GENERAL ASSEMBLY ENCOURAGES COMMON INTEREST
14 COMMUNITIES NOT ONLY TO ALLOW ELECTRIC VEHICLE CHARGING
15 STATIONS IN ACCORDANCE WITH THIS SECTION, BUT ALSO TO APPLY FOR
16 GRANTS FROM THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION
17 24-38.5-103, C.R.S., OR OTHERWISE FUND THE INSTALLATION OF
18 CHARGING STATIONS ON COMMON PROPERTY AS AN AMENITY FOR
19 RESIDENTS AND GUESTS.

20 (2) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,
21 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE
22 CONTRARY, AND EXCEPT AS PROVIDED IN SUBSECTION (3) OR (3.5) OF THIS
23 SECTION, AN ASSOCIATION SHALL NOT:

24 (a) PROHIBIT A UNIT OWNER FROM USING, OR INSTALLING AT THE
25 UNIT OWNER'S EXPENSE FOR THE UNIT OWNER'S OWN USE, A LEVEL 1 OR
26 LEVEL 2 ELECTRIC VEHICLE CHARGING SYSTEM ON OR IN A UNIT; OR

27 (b) ASSESS OR CHARGE A UNIT OWNER ANY FEE FOR THE

1 PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON OR IN
2 THE UNIT OWNER'S UNIT; EXCEPT THAT THE ASSOCIATION MAY REQUIRE
3 REIMBURSEMENT FOR THE ACTUAL COST OF ELECTRICITY PROVIDED BY
4 THE ASSOCIATION THAT WAS USED BY THE CHARGING SYSTEM OR,
5 ALTERNATIVELY, MAY CHARGE A REASONABLE FEE FOR ACCESS. IF THE
6 CHARGING SYSTEM IS PART OF A NETWORK FOR WHICH A NETWORK FEE IS
7 CHARGED, THE ASSOCIATION'S REIMBURSEMENT MAY INCLUDE THE
8 AMOUNT OF THE NETWORK FEE. NOTHING IN THIS SECTION REQUIRES AN
9 ASSOCIATION TO IMPOSE UPON A UNIT OWNER ANY FEE OR CHARGE OTHER
10 THAN THE REGULAR ASSESSMENTS SPECIFIED IN THE DECLARATION,
11 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION.

12 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

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

16 (b) A REQUIREMENT THAT THE CHARGING SYSTEM BE REGISTERED
17 WITH THE ASSOCIATION WITHIN THIRTY DAYS AFTER INSTALLATION; OR

18 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE
19 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC
20 VEHICLE CHARGING SYSTEM.

21 (3.5) THIS SECTION DOES NOT APPLY TO A UNIT, OR THE OWNER
22 THEREOF, IF THE UNIT IS A TIME SHARE UNIT, AS DEFINED IN SECTION
23 38-33-110 (7).

24 (4) AN ASSOCIATION SHALL CONSENT TO A UNIT OWNER'S
25 PLACEMENT OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED
26 COMMON ELEMENT PARKING SPACE, CARPORT, OR GARAGE OWNED BY THE
27 UNIT OWNER OR OTHERWISE ASSIGNED TO THE OWNER IN THE

1 DECLARATION OR OTHER RECORDED DOCUMENT IF:

2 (a) NOTWITHSTANDING ANY EXISTING BAN ON ELECTRIC VEHICLE
3 CHARGING SYSTEMS, THE SYSTEM OTHERWISE COMPLIES WITH THE
4 DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE
5 ASSOCIATION; AND

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

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

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

12 (III) BEAR THE EXPENSE OF INSTALLATION, INCLUDING COSTS TO
13 RESTORE ANY COMMON ELEMENTS DISTURBED IN THE PROCESS OF
14 INSTALLING THE SYSTEM; AND

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

25 (B) A CERTIFICATE OF INSURANCE UNDER SUB-SUBPARAGRAPH (A)
26 OF THIS SUBPARAGRAPH (IV) MUST BE PROVIDED WITHIN FOURTEEN DAYS
27 AFTER THE UNIT OWNER RECEIVES THE ASSOCIATION'S CONSENT FOR THE

1 INSTALLATION. REIMBURSEMENT FOR AN INCREASED INSURANCE PREMIUM
2 AMOUNT UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV)
3 MUST BE PROVIDED WITHIN FOURTEEN DAYS AFTER THE UNIT OWNER
4 RECEIVES THE ASSOCIATION'S INVOICE FOR THE AMOUNT ATTRIBUTABLE
5 TO THE SYSTEM.

6 (5) IF THE ASSOCIATION CONSENTS TO A UNIT OWNER'S
7 INSTALLATION OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED
8 COMMON ELEMENT, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE
9 STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN CONTRACT OR
10 IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE
11 ASSOCIATION:

12 (a) THE UNIT OWNER, AND EACH SUCCESSIVE UNIT OWNER WITH
13 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT WHERE THE
14 CHARGING SYSTEM IS INSTALLED, IS RESPONSIBLE FOR ANY COSTS FOR
15 DAMAGES TO THE SYSTEM, ANY OTHER LIMITED COMMON ELEMENT OR
16 GENERAL COMMON ELEMENT OF THE COMMON INTEREST COMMUNITY, AND
17 ANY ADJACENT UNITS, GARAGE STALLS, CARPORTS, OR PARKING SPACES
18 THAT ARISE OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR,
19 REMOVAL, OR REPLACEMENT OF THE SYSTEM;

20 (b) EACH SUCCESSIVE UNIT OWNER WITH EXCLUSIVE RIGHTS TO
21 THE LIMITED COMMON ELEMENT SHALL ASSUME RESPONSIBILITY FOR THE
22 REPAIR, MAINTENANCE, REMOVAL, AND REPLACEMENT OF THE CHARGING
23 SYSTEM UNTIL THE SYSTEM HAS BEEN REMOVED;

24 (c) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH
25 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT SHALL AT ALL
26 TIMES HAVE AND MAINTAIN AN INSURANCE POLICY COVERING THE
27 OBLIGATIONS OF THE UNIT OWNER UNDER THIS SUBSECTION (5), IS SUBJECT

1 TO ALL OBLIGATIONS SPECIFIED UNDER SUBPARAGRAPH (IV) OF
2 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, AND SHALL NAME
3 THE ASSOCIATION AS AN ADDITIONAL INSURED UNDER THE POLICY; AND

4 (d) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH
5 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT IS RESPONSIBLE
6 FOR REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT
7 FOR THE REPAIR, MAINTENANCE, OR REPLACEMENT OF THE LIMITED
8 COMMON ELEMENTS OR GENERAL COMMON ELEMENTS OF THE COMMON
9 INTEREST COMMUNITY.

10 (6) A CHARGING SYSTEM INSTALLED AT THE UNIT OWNER'S COST
11 IS PROPERTY OF THE UNIT OWNER. UPON SALE OF THE UNIT, IF THE
12 CHARGING SYSTEM IS REMOVABLE, THE UNIT OWNER MAY EITHER REMOVE
13 IT OR SELL IT TO THE BUYER OF THE UNIT OR TO THE ASSOCIATION FOR AN
14 AGREED PRICE. NOTHING IN THIS SUBSECTION (6) REQUIRES THE BUYER OR
15 THE ASSOCIATION TO PURCHASE THE CHARGING SYSTEM.

16 (7) AS USED IN THIS SECTION:

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

1 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE
2 NATIONAL ELECTRICAL CODE.

3 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES
4 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A
5 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772
6 STANDARD OR A SUCCESSOR STANDARD. ■ ■

7 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES
8 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY
9 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE
10 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. ■

11 (8) THIS SECTION APPLIES ONLY TO RESIDENTIAL UNITS.

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

14 **24-38.5-103. Electric vehicle grant fund - creation -**
15 **administration.** (1) There is hereby created in the state treasury the
16 electric vehicle grant fund, referred to in this section as the "fund". The
17 fund shall be used to provide grants to local governments, LANDLORDS OF
18 MULTI-FAMILY APARTMENT BUILDINGS, AND THE UNIT OWNERS'
19 ASSOCIATIONS OF COMMON INTEREST COMMUNITIES AS DEFINED IN
20 ARTICLE 33.3 OF TITLE 38, C.R.S., to install recharging stations for electric
21 vehicles. The grants shall be prioritized based upon the local
22 government's PROSPECTIVE RECIPIENTS' POTENTIAL FOR, AND commitment
23 to, energy efficiency.

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

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.