

HOUSE BILL NO. 1310

Introduced by

Representatives Boschee, Cory, Dakane, Louser, Mock, Novak, Roers Jones

Senators Braunberger, Larson

1 A BILL for an Act to create and enact a new section to chapter 47-04.1 of the North Dakota
2 Century Code, relating to electric vehicle charging station installation in condominiums; and to
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 47-04.1 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Electric vehicle charging station installation - Penalty.**

8 1. For purposes of this section:

9 a. "Reasonable restrictions" means restrictions that do not significantly increase the
10 cost of the electric vehicle charging station or significantly decrease its efficiency
11 or specified performance.

12 b. "Electric vehicle charging station" means a station that delivers electricity from a
13 source outside an electric vehicle into one or more electric vehicles. An electric
14 vehicle charging station may include several charge points simultaneously
15 connecting several electric vehicles to the station and any related equipment
16 needed to facilitate charging plug-in electric vehicles.

17 2. Any covenant, restriction, or condition contained in any deed, contract, security
18 instrument, or other instrument affecting the transfer or sale of any interest in the
19 property, or any by-law, that either effectively prohibits or unreasonably restricts the
20 installation or use of an electric vehicle charging station within an owner's unit or in a
21 designated parking space, including a deeded parking space, a parking space in an
22 owner's limited common area, or a parking space specifically designated for use by a
23 particular owner, or is in conflict with the provisions of this section is void and

1 unenforceable. This section does not apply to a by-law that imposes reasonable
2 restrictions on electric vehicle charging stations.

3 3. An electric vehicle charging station must meet all applicable health and safety
4 standards and requirements imposed by law, rule, or regulation. If approval is required
5 for the installation or use of an electric vehicle charging station, the application for
6 approval must be processed and approved by the administrative body governing the
7 condominium in a manner prescribed by the administrative body governing the
8 condominium and may not be willfully avoided or delayed. The approval or denial of an
9 application must be in writing. If an application is not denied in writing within sixty days
10 from the date of receipt of the application, the application is deemed approved, unless
11 that delay is the result of a reasonable request for additional information.

12 4. If the electric vehicle charging station is to be placed in a common area or in a limited
13 common area, as provided in the required declaration contained in section 47-04.1-02:

14 a. The owner shall obtain approval from the administrative body governing the
15 condominium to install the electric vehicle charging station. The administrative
16 body governing the condominium shall approve the installation if the owner
17 agrees in writing to:

18 (1) Comply with the architectural standards of the administrative body
19 governing the condominium for the installation of the charging station;

20 (2) Engage a licensed contractor to install the charging station;

21 (3) Within fourteen days of approval, provide a certificate of insurance that
22 names the administrative body governing the condominium as an additional
23 insured under the owner's insurance policy pursuant to subdivision c; and

24 (4) Pay the costs associated with the installation of and the electricity usage
25 associated with the charging station.

26 b. The owner and each successive owner of the charging station is responsible for:

27 (1) Costs relating to damage to the charging station, common area, limited
28 common area, or any unit resulting from the installation, maintenance,
29 repair, removal, or replacement of the charging station;

- 1 (2) Costs relating to the maintenance, repair, and replacement of the charging
2 station until it is removed and for the restoration of the common area after
3 removal;
- 4 (3) The cost of electricity associated with the charging station; and
- 5 (4) Disclosing to prospective buyers the existence of any charging station and
6 the related responsibilities of the owner under this section.
- 7 c. The owner of the charging station, whether located within a unit or within a
8 common area or limited common area, shall, at all times, maintain a liability
9 coverage policy not to exceed the value of a typical condominium owner's policy.
10 Within fourteen days of approval of the application, the owner that submitted the
11 application to install the charging station shall provide the administrative body
12 governing the condominium with the corresponding certificate of insurance. The
13 owner and each successive owner shall provide the administrative body
14 governing the condominium with the certificate of insurance each year.
- 15 d. A homeowner may not be required to maintain a homeowners liability coverage
16 policy for an existing national electrical manufacturers association standard
17 alternating current power plug.
- 18 5. Except as provided in subsection 6, if installation of an electric vehicle charging station
19 in the owner's designated parking space is impossible or unreasonably expensive, the
20 administrative body governing the condominium shall authorize the installation of an
21 electric vehicle charging station for the exclusive use of an owner in a common area
22 that is not a limited common area. If installation is authorized under this subsection,
23 the administrative body governing the condominium shall enter a license agreement
24 with the owner for the use of the space in a common area and the owner shall comply
25 with all the requirements in subsection 4.
- 26 6. The administrative body governing the condominium or owners may install an electric
27 vehicle charging station in a common area for the use of all members of the
28 condominium and develop appropriate terms of use for the charging station.
- 29 7. An administrative body governing the condominium may create a new parking space
30 where one did not previously exist to facilitate the installation of an electric vehicle
31 charging station.

- 1 8. An administrative body governing a condominium which willfully violates this section is
2 liable for actual damages and shall pay a civil penalty to the applicant or other party in
3 an amount not to exceed one thousand dollars.
- 4 9. In any action by a unit owner requesting to have an electric vehicle charging station
5 installed and seeking to enforce compliance with this section, the unit owner must be
6 awarded reasonable attorney's fees if the unit owner prevails.