

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

INTRODUCED

LLS NO. 09-0269.01 Duane Gall

HOUSE BILL 09-1149

HOUSE SPONSORSHIP

Merrifield,

SENATE SPONSORSHIP

Carroll M.,

House Committees
Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENCOURAGE THE CONSTRUCTION OF NEW**
102 **HOMES THAT MAKE COST-EFFECTIVE USE OF SOLAR ENERGY.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires commercial homebuilders to offer the prospective buyer of each home:

- ! The option of having the home include, or be prewired for, a solar photovoltaic installation; and
- ! A list of local solar installers who can assess the home's solar energy potential.

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.

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

2 **SECTION 1.** Article 35.7 of title 38, Colorado Revised Statutes,
3 is amended BY THE ADDITION OF A NEW SECTION to read:

4 **38-35.7-106. Solar prewire option - solar consultation.**

5 (1) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
6 RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT AT LEAST THIRTY
7 DAYS BEFORE INSTALLATION OF THE ELECTRICAL SYSTEM SHALL OFFER
8 THE BUYER THE OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL
9 SYSTEM EITHER INCLUDE A RESIDENTIAL PHOTOVOLTAIC SOLAR
10 GENERATION SYSTEM OR BE UPGRADED TO FACILITATE THE FUTURE
11 INSTALLATION OF A RESIDENTIAL PHOTOVOLTAIC SOLAR GENERATION
12 SYSTEM.

13 (2) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
14 RESIDENCE FOR SALE, WHETHER OR NOT THE RESIDENCE HAS BEEN
15 PREWIRED FOR A PHOTOVOLTAIC SOLAR GENERATION SYSTEM, SHALL
16 PROVIDE TO EVERY BUYER UNDER CONTRACT A LIST OF BUSINESSES IN THE
17 AREA THAT OFFER RESIDENTIAL SOLAR INSTALLATION SERVICES SO THAT
18 THE BUYER, IF HE OR SHE SO DESIRES, CAN OBTAIN EXPERT HELP IN
19 ASSESSING WHETHER THE RESIDENCE IS A GOOD CANDIDATE FOR SOLAR
20 INSTALLATION AND HOW MUCH OF A COST SAVINGS A RESIDENTIAL
21 PHOTOVOLTAIC SOLAR GENERATION SYSTEM COULD PROVIDE. THE LIST OF
22 BUSINESSES SHALL BE DERIVED FROM A MASTER LIST OF COLORADO SOLAR
23 INSTALLERS MAINTAINED BY THE GOVERNOR'S ENERGY OFFICE.

24 (3) THE GOVERNOR'S ENERGY OFFICE SHALL MAINTAIN AND
25 UPDATE, AS APPROPRIATE, A MASTER LIST OF COLORADO SOLAR
26 INSTALLERS AND SHALL MAKE THE MASTER LIST AVAILABLE, UPON

1 REQUEST, TO ANY PERSON THAT REQUESTS A COPY. THE GOVERNOR'S
2 ENERGY OFFICE MAY SPECIFY QUALIFICATIONS FOR BUSINESSES TO BE
3 INCLUDED IN THE MASTER LIST AND SHALL MAKE THE MASTER LIST
4 AVAILABLE ON ITS OFFICIAL WEB SITE.

5 (4) PROVIDING THE MASTER LIST OF SOLAR INSTALLERS PREPARED
6 BY THE GOVERNOR'S ENERGY OFFICE TO A BUYER UNDER CONTRACT SHALL
7 NOT CONSTITUTE AN ENDORSEMENT OF ANY INSTALLER OR CONTRACTOR
8 LISTED. A PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
9 RESIDENCE SHALL NOT BE LIABLE FOR ANY ADVICE, LABOR, OR MATERIALS
10 PROVIDED TO THE BUYER BY A THIRD-PARTY SOLAR INSTALLER.

11 (5) NOTHING IN THIS SECTION SHALL PRECLUDE A PERSON THAT
12 BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE FROM:

13 (a) SUBJECTING SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM
14 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,
15 INCLUDING BUT NOT LIMITED TO CHARGES RELATED TO UPGRADES,
16 DEPOSITS REQUIRED FOR UPGRADES, DEADLINES, AND CONSTRUCTION
17 TIMELINES;

18 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
19 INSTALLATION OF SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM UPGRADES;

20 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
21 CONTRACT THAT SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM UPGRADES
22 ARE BASED ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION
23 AND SUCH UPGRADES MAY NOT SUPPORT ALL SOLAR PHOTOVOLTAIC
24 SYSTEMS OR SYSTEMS INSTALLED AT A FUTURE DATE, AND THAT THE
25 PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE SHALL
26 NOT BE LIABLE FOR ANY ADDITIONAL UPGRADES, RETROFITS, OR OTHER
27 ALTERATIONS TO THE RESIDENCE THAT MAY BE NECESSARY TO

1 ACCOMMODATE A SOLAR PHOTOVOLTAIC SYSTEM INSTALLED AT A FUTURE
2 DATE.

3 (6) THIS SECTION SHALL APPLY TO CONTRACTS TO PURCHASE NEW
4 SINGLE-FAMILY DETACHED RESIDENCES ENTERED INTO ON OR AFTER
5 AUGUST 10, 2009.

6 **SECTION 2. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly that is
9 allowed for submitting a referendum petition pursuant to article V,
10 section 1 (3) of the state constitution, (August 4, 2009, if adjournment
11 sine die is on May 6, 2009); except that, if a referendum petition is filed
12 against this act or an item, section, or part of this act within such period,
13 then the act, item, section, or part, if approved by the people, shall take
14 effect on the date of the official declaration of the vote thereon by
15 proclamation of the governor.