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HOUSE BILL 09-1149

BY REPRESENTATIVE(S) Merrifield, Apuan, Carroll T., Fischer, Frangas, Gagliardi, Green, Hullinghorst, Kefalas, Kerr A., Labuda, Levy, McGihon, Middleton, Miklosi, Pommer, Primavera, Priola, Ryden, Scanlan, Schafer S., Solano, Soper, Todd, Weissmann, Vigil;
also SENATOR(S) Carroll M., Bacon, Boyd, Heath, Newell, Schwartz, Shaffer B., Tochtrop, Williams.

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

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

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

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

(1) (a) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED RESIDENCE FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL SYSTEM OR PLUMBING SYSTEM, OR BOTH, INCLUDE ONE OF THE FOLLOWING:

(I) A RESIDENTIAL PHOTOVOLTAIC SOLAR GENERATION SYSTEM OR A RESIDENTIAL SOLAR THERMAL SYSTEM, OR BOTH;

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) UPGRADES OF WIRING OR PLUMBING, OR BOTH, PLANNED BY THE BUILDER TO ACCOMMODATE FUTURE INSTALLATION OF SUCH SYSTEMS; OR

(III) A CHASE OR CONDUIT, OR BOTH, CONSTRUCTED TO ALLOW EASE OF FUTURE INSTALLATION OF THE NECESSARY WIRING OR PLUMBING FOR SUCH SYSTEMS.

(b) THE OFFER REQUIRED BY PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL BE MADE IN ACCORDANCE WITH THE BUILDER'S CONSTRUCTION SCHEDULE FOR THE RESIDENCE. IN THE CASE OF PREFABRICATED OR MANUFACTURED HOMES, "CONSTRUCTION SCHEDULE" SHALL INCLUDE THE SCHEDULE FOR COMPLETION OF PREFABRICATED WALLS OR OTHER SUBASSEMBLIES.

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

(3) THE GOVERNOR'S ENERGY OFFICE SHALL MAINTAIN AND UPDATE, AS APPROPRIATE, A MASTER LIST OF COLORADO SOLAR INSTALLERS AND SHALL MAKE THE MASTER LIST AVAILABLE, UPON REQUEST, TO ANY PERSON THAT REQUESTS A COPY. THE GOVERNOR'S ENERGY OFFICE MAY SPECIFY QUALIFICATIONS FOR BUSINESSES TO BE INCLUDED IN THE MASTER LIST AND SHALL MAKE THE MASTER LIST AVAILABLE ON ITS OFFICIAL WEB SITE.

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

(5) THE GOVERNOR'S ENERGY OFFICE OR ITS DESIGNEES SHALL OFFER PERIODIC TRAINING SESSIONS ON RESIDENTIAL PHOTOVOLTAIC SOLAR GENERATION SYSTEMS OR SOLAR THERMAL SYSTEMS TO PERSONS THAT BUILD NEW SINGLE-FAMILY DETACHED RESIDENCES. THE GOVERNOR'S ENERGY OFFICE MAY ASSESS AND COLLECT FROM PARTICIPANTS A REGISTRATION FEE, NOT TO EXCEED THE ACTUAL COSTS OF PROVIDING SUCH TRAINING.

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

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

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

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

(7) THIS SECTION SHALL APPLY TO CONTRACTS ENTERED INTO ON OR AFTER AUGUST 10, 2009, TO PURCHASE NEW SINGLE-FAMILY DETACHED RESIDENCES BUILT ON OR AFTER AUGUST 10, 2009; EXCEPT THAT THIS SECTION SHALL NOT APPLY TO UNOCCUPIED HOMES SERVING AS SALES INVENTORY OR MODEL HOMES.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on

May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Betty Boyd
PRESIDENT PRO TEMPORE
OF THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO