

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

REVISED

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

LLS NO. 09-0269.01 Duane Gall

HOUSE BILL 09-1149

HOUSE SPONSORSHIP

Merrifield,

SENATE SPONSORSHIP

Carroll M.,

House Committees

Transportation & Energy
Appropriations

Senate Committees

Local Government and Energy
Appropriations

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.

SENATE
Am ended 2nd Reading
April 3, 2009

HOUSE
3rd Reading Unam ended
February 18, 2009

HOUSE
Am ended 2nd Reading
February 17, 2009

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

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

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

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

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

23 (2) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED
24 RESIDENCE FOR SALE, WHETHER OR NOT THE RESIDENCE HAS BEEN
25 PREWIRED FOR A PHOTOVOLTAIC SOLAR GENERATION SYSTEM, SHALL
26 PROVIDE TO EVERY BUYER UNDER CONTRACT A LIST OF BUSINESSES IN THE

1 AREA THAT OFFER RESIDENTIAL SOLAR INSTALLATION SERVICES SO THAT
2 THE BUYER, IF HE OR SHE SO DESIRES, CAN OBTAIN EXPERT HELP IN
3 ASSESSING WHETHER THE RESIDENCE IS A GOOD CANDIDATE FOR SOLAR
4 INSTALLATION AND HOW MUCH OF A COST SAVINGS A RESIDENTIAL
5 PHOTOVOLTAIC SOLAR GENERATION SYSTEM COULD PROVIDE. THE LIST OF
6 BUSINESSES SHALL BE DERIVED FROM A MASTER LIST OF COLORADO SOLAR
7 INSTALLERS MAINTAINED BY THE GOVERNOR'S ENERGY OFFICE.

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

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

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

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

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

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

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

20 (7) THIS SECTION SHALL APPLY TO CONTRACTS TO PURCHASE NEW
21 SINGLE-FAMILY DETACHED RESIDENCES ENTERED INTO ON OR AFTER
22 AUGUST 10, 2009.

23 **SECTION 2. Act subject to petition - effective date.** This act
24 shall take effect at 12:01 a.m. on the day following the expiration of the
25 ninety-day period after final adjournment of the general assembly that is
26 allowed for submitting a referendum petition pursuant to article V,
27 section 1 (3) of the state constitution, (August 4, 2009, if adjournment

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