

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

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**

---

**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) (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 INCLUDE ONE OF THE FOLLOWING:

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

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 CONSTRUCTED TO ALLOW EASE OF  
15 FUTURE INSTALLATION OF THE NECESSARY WIRING OR PLUMBING FOR SUCH  
16 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.

20 (2) EVERY PERSON THAT BUILDS A NEW SINGLE-FAMILY DETACHED  
21 RESIDENCE FOR SALE, WHETHER OR NOT THE RESIDENCE HAS BEEN  
22 PREWIRED FOR A PHOTOVOLTAIC SOLAR GENERATION SYSTEM, SHALL  
23 PROVIDE TO EVERY BUYER UNDER CONTRACT A LIST OF BUSINESSES IN THE  
24 AREA THAT OFFER RESIDENTIAL SOLAR INSTALLATION SERVICES SO THAT  
25 THE BUYER, IF HE OR SHE SO DESIRES, CAN OBTAIN EXPERT HELP IN  
26 ASSESSING WHETHER THE RESIDENCE IS A GOOD CANDIDATE FOR SOLAR

1 INSTALLATION AND HOW MUCH OF A COST SAVINGS A RESIDENTIAL  
2 PHOTOVOLTAIC SOLAR GENERATION SYSTEM COULD PROVIDE. THE LIST OF  
3 BUSINESSES SHALL BE DERIVED FROM A MASTER LIST OF COLORADO SOLAR  
4 INSTALLERS MAINTAINED BY THE GOVERNOR'S ENERGY OFFICE.

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

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

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

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

27 (a) SUBJECTING SOLAR PHOTOVOLTAIC ELECTRICAL SYSTEM

1 UPGRADES TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES,  
2 INCLUDING BUT NOT LIMITED TO CHARGES RELATED TO UPGRADES,  
3 DEPOSITS REQUIRED FOR UPGRADES, DEADLINES, AND CONSTRUCTION  
4 TIMELINES;

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

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

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

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 shall take effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly that is  
23 allowed for submitting a referendum petition pursuant to article V,  
24 section 1 (3) of the state constitution, (August 4, 2009, if adjournment  
25 sine die is on May 6, 2009); except that, if a referendum petition is filed  
26 against this act or an item, section, or part of this act within such period,  
27 then the act, item, section, or part, if approved by the people, shall take

- 1 effect on the date of the official declaration of the vote thereon by
- 2 proclamation of the governor.