

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**REREVISED**

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

LLS NO. 13-0649.01 Duane Gall x4335

**SENATE BILL 13-126**

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**SENATE SPONSORSHIP**

**Guzman,**

**HOUSE SPONSORSHIP**

**Duran,**

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**Senate Committees**  
Local Government

**House Committees**  
Transportation & Energy

HOUSE  
3rd Reading Unamended  
March 28, 2013

HOUSE  
Amended 2nd Reading  
March 27, 2013

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**A BILL FOR AN ACT**

101 **CONCERNING THE REMOVAL OF UNREASONABLE RESTRICTIONS ON THE**  
102 **ABILITY OF THE OWNER OF AN ELECTRIC VEHICLE TO ACCESS**  
103 **CHARGING FACILITIES.**

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SENATE  
3rd Reading Unamended  
February 19, 2013

SENATE  
Amended 2nd Reading  
February 15, 2013

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

**Sections 1, 2, and 3** of the bill prohibit a landlord or the unit owners' association of a condominium or common interest community, respectively, from restricting the right of a tenant or unit owner to install an electric vehicle charging system for his or her own use, at the tenant's

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.*

or unit owner's expense, and subject to reasonable safety and insurance requirements.

**Section 4** allows grants to be made from the electric vehicle grant fund to apartment owners, condominiums, and common interest communities to install recharging stations for electric vehicles.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 38-12-601** as  
3 follows:

4 **38-12-601. Unreasonable restrictions on electric vehicle**  
5 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION  
6 IN THE LEASE TO THE CONTRARY, AND SUBJECT TO SUBSECTION (2) OF THIS  
7 SECTION:

8 (a) A TENANT MAY INSTALL, AT THE TENANT'S EXPENSE FOR THE  
9 TENANT'S OWN USE, A LEVEL 1 OR LEVEL 2 ELECTRIC VEHICLE CHARGING  
10 SYSTEM ON OR IN THE LEASED PREMISES; AND

11 (b) A LANDLORD SHALL NOT ASSESS OR CHARGE A TENANT ANY  
12 FEE FOR THE PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING  
13 SYSTEM, EXCEPT THAT:

14 (I) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE  
15 ACTUAL COST OF ELECTRICITY PROVIDED BY THE LANDLORD THAT WAS  
16 USED BY THE CHARGING SYSTEM OR, ALTERNATIVELY, MAY CHARGE A  
17 REASONABLE FEE FOR ACCESS. IF THE CHARGING SYSTEM IS PART OF A  
18 NETWORK FOR WHICH A NETWORK FEE IS CHARGED, THE LANDLORD'S  
19 REIMBURSEMENT MAY INCLUDE THE AMOUNT OF THE NETWORK FEE.  
20 NOTHING IN THIS SECTION REQUIRES A LANDLORD TO IMPOSE UPON A  
21 TENANT ANY FEE OR CHARGE OTHER THAN THE RENTAL PAYMENTS  
22 SPECIFIED IN THE LEASE.

23 (II) THE LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE COST

1 OF THE INSTALLATION OF THE CHARGING SYSTEM, INCLUDING ANY  
2 ADDITIONS OR UPGRADES TO EXISTING WIRING DIRECTLY ATTRIBUTABLE  
3 TO THE REQUIREMENTS OF THE CHARGING SYSTEM, IF THE LANDLORD  
4 PLACES OR CAUSES THE ELECTRIC VEHICLE CHARGING SYSTEM TO BE  
5 PLACED AT THE REQUEST OF THE TENANT; AND

6 (III) IF THE TENANT DESIRES TO PLACE AN ELECTRIC VEHICLE  
7 CHARGING SYSTEM IN AN AREA ACCESSIBLE TO OTHER TENANTS, THE  
8 LANDLORD MAY ASSESS OR CHARGE THE TENANT A REASONABLE FEE TO  
9 RESERVE A SPECIFIC PARKING SPOT IN WHICH TO INSTALL THE CHARGING  
10 SYSTEM.

11 (2) A LANDLORD MAY REQUIRE A TENANT TO COMPLY WITH:

12 (a) BONA FIDE SAFETY REQUIREMENTS, CONSISTENT WITH AN  
13 APPLICABLE BUILDING CODE OR RECOGNIZED SAFETY STANDARD, FOR THE  
14 PROTECTION OF PERSONS AND PROPERTY;

15 (b) A REQUIREMENT THAT THE CHARGING SYSTEM BE REGISTERED  
16 WITH THE LANDLORD WITHIN THIRTY DAYS AFTER INSTALLATION; OR

17 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
18 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC  
19 VEHICLE CHARGING SYSTEM.

20 (3) A TENANT MAY PLACE AN ELECTRIC VEHICLE CHARGING  
21 SYSTEM IN AN AREA ACCESSIBLE TO OTHER TENANTS IF:

22 (a) THE CHARGING SYSTEM IS IN COMPLIANCE WITH ALL  
23 APPLICABLE REQUIREMENTS ADOPTED PURSUANT TO SUBSECTION (2) OF  
24 THIS SECTION; AND

25 (b) THE TENANT AGREES IN WRITING TO:

26 (I) COMPLY WITH THE LANDLORD'S DESIGN SPECIFICATIONS FOR  
27 THE INSTALLATION OF THE CHARGING SYSTEM;

1           (II) ENGAGE THE SERVICES OF A DULY LICENSED AND REGISTERED  
2           ELECTRICAL CONTRACTOR FAMILIAR WITH THE INSTALLATION AND CODE  
3           REQUIREMENTS OF AN ELECTRIC VEHICLE CHARGING SYSTEM; AND

4           (III) (A) PROVIDE, WITHIN FOURTEEN DAYS AFTER RECEIVING THE  
5           LANDLORD'S CONSENT FOR THE INSTALLATION, A CERTIFICATE OF  
6           INSURANCE NAMING THE LANDLORD AS AN ADDITIONAL INSURED ON THE  
7           TENANT'S RENTERS' INSURANCE POLICY FOR ANY CLAIM RELATED TO THE  
8           INSTALLATION, MAINTENANCE, OR USE OF THE SYSTEM OR, AT THE  
9           LANDLORD'S OPTION, REIMBURSEMENT TO THE LANDLORD FOR THE  
10          ACTUAL COST OF ANY INCREASED INSURANCE PREMIUM AMOUNT  
11          ATTRIBUTABLE TO THE SYSTEM, NOTWITHSTANDING ANY PROVISION TO  
12          THE CONTRARY IN THE LEASE.

13          (B) A CERTIFICATE OF INSURANCE UNDER SUB-SUBPARAGRAPH (A)  
14          OF THIS SUBPARAGRAPH (III) MUST BE PROVIDED WITHIN FOURTEEN DAYS  
15          AFTER THE TENANT RECEIVES THE LANDLORD'S CONSENT FOR THE  
16          INSTALLATION. REIMBURSEMENT FOR AN INCREASED INSURANCE PREMIUM  
17          AMOUNT UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (III)  
18          MUST BE PROVIDED WITHIN FOURTEEN DAYS AFTER THE TENANT RECEIVES  
19          THE LANDLORD'S INVOICE FOR THE AMOUNT ATTRIBUTABLE TO THE  
20          SYSTEM.

21          (4) IF THE LANDLORD CONSENTS TO A TENANT'S INSTALLATION OF  
22          AN ELECTRIC VEHICLE CHARGING SYSTEM ON PROPERTY ACCESSIBLE TO  
23          OTHER TENANTS, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE  
24          STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN AGREEMENT  
25          WITH THE LANDLORD:

26          (a) THE TENANT, AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE  
27          RIGHTS TO THE AREA WHERE THE CHARGING SYSTEM IS INSTALLED, IS

1 RESPONSIBLE FOR ANY COSTS FOR DAMAGES TO THE CHARGING SYSTEM  
2 AND TO ANY OTHER PROPERTY OF THE LANDLORD OR OF ANOTHER TENANT  
3 THAT ARISE OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR,  
4 REMOVAL, OR REPLACEMENT OF THE CHARGING SYSTEM;

5 (b) EACH SUCCESSIVE TENANT WITH EXCLUSIVE RIGHTS TO THE  
6 AREA WHERE THE CHARGING SYSTEM IS INSTALLED SHALL ASSUME  
7 RESPONSIBILITY FOR THE REPAIR, MAINTENANCE, REMOVAL, AND  
8 REPLACEMENT OF THE CHARGING SYSTEM UNTIL THE SYSTEM HAS BEEN  
9 REMOVED;

10 (c) THE TENANT AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE  
11 RIGHTS TO THE AREA WHERE THE SYSTEM IS INSTALLED SHALL AT ALL  
12 TIMES HAVE AND MAINTAIN AN INSURANCE POLICY COVERING THE  
13 OBLIGATIONS OF THE TENANT UNDER THIS SUBSECTION (4) AND SHALL  
14 NAME THE LANDLORD AS AN ADDITIONAL INSURED UNDER THE POLICY;  
15 AND

16 (d) THE TENANT AND EACH SUCCESSIVE TENANT WITH EXCLUSIVE  
17 RIGHTS TO THE AREA WHERE THE SYSTEM IS INSTALLED IS RESPONSIBLE  
18 FOR REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT  
19 FOR THE REPAIR, MAINTENANCE, OR REPLACEMENT OF ANY PROPERTY OF  
20 THE LANDLORD, WHETHER OR NOT LEASED TO ANOTHER TENANT.

21 (5) A CHARGING SYSTEM INSTALLED AT THE TENANT'S COST IS  
22 PROPERTY OF THE TENANT. UPON TERMINATION OF THE LEASE, IF THE  
23 CHARGING SYSTEM IS REMOVABLE, THE TENANT MAY EITHER REMOVE IT  
24 OR SELL IT TO THE LANDLORD OR ANOTHER TENANT FOR AN AGREED PRICE.  
25 NOTHING IN THIS SUBSECTION (5) REQUIRES THE LANDLORD OR ANOTHER  
26 TENANT TO PURCHASE THE CHARGING SYSTEM.

27 (6) AS USED IN THIS SECTION:

1 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING  
2 SYSTEM" MEANS A DEVICE THAT IS USED TO PROVIDE ELECTRICITY TO A  
3 PLUG-IN ELECTRIC VEHICLE OR PLUG-IN HYBRID VEHICLE, IS DESIGNED TO  
4 ENSURE THAT A SAFE CONNECTION HAS BEEN MADE BETWEEN THE  
5 ELECTRIC GRID AND THE VEHICLE, AND IS ABLE TO COMMUNICATE WITH  
6 THE VEHICLE'S CONTROL SYSTEM SO THAT ELECTRICITY FLOWS AT AN  
7 APPROPRIATE VOLTAGE AND CURRENT LEVEL. AN ELECTRIC VEHICLE  
8 CHARGING SYSTEM MAY BE WALL-MOUNTED OR PEDESTAL STYLE, AND  
9 MAY PROVIDE MULTIPLE CORDS TO CONNECT WITH ELECTRIC VEHICLES.  
10 AN ELECTRIC VEHICLE CHARGING SYSTEM MUST BE CERTIFIED BY  
11 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, AND  
12 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE  
13 NATIONAL ELECTRICAL CODE.

14 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
15 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
16 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
17 STANDARD OR A SUCCESSOR STANDARD. ■ ■

18 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES  
19 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY  
20 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE  
21 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. ■

22 (7) THIS SECTION APPLIES ONLY TO RESIDENTIAL RENTAL  
23 PROPERTIES.

24 **SECTION 2.** In Colorado Revised Statutes, **add 38-33.3-106.8**  
25 **as follows:**

26 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**  
27 **charging systems - legislative declaration - definitions. (1) THE**

1 GENERAL ASSEMBLY FINDS, DETERMINES, AND DECLARES THAT:

2 (a) THE WIDESPREAD USE OF PLUG-IN ELECTRIC VEHICLES CAN  
3 DRAMATICALLY IMPROVE ENERGY EFFICIENCY AND AIR QUALITY FOR ALL  
4 COLORADANS, AND SHOULD BE ENCOURAGED WHEREVER POSSIBLE;

5 (b) MOST HOMES IN COLORADO, INCLUDING THE VAST MAJORITY  
6 OF NEW HOMES, ARE IN COMMON INTEREST COMMUNITIES;

7 (c) THE PRIMARY PURPOSE OF THIS SECTION IS TO ENSURE THAT  
8 COMMON INTEREST COMMUNITIES PROVIDE THEIR RESIDENTS WITH AT  
9 LEAST A MEANINGFUL OPPORTUNITY TO TAKE ADVANTAGE OF THE  
10 AVAILABILITY OF PLUG-IN ELECTRIC VEHICLES RATHER THAN CREATE  
11 ARTIFICIAL RESTRICTIONS ON THE ADOPTION OF THIS PROMISING  
12 TECHNOLOGY; AND

13 (d) THE GENERAL ASSEMBLY ENCOURAGES COMMON INTEREST  
14 COMMUNITIES NOT ONLY TO ALLOW ELECTRIC VEHICLE CHARGING  
15 STATIONS IN ACCORDANCE WITH THIS SECTION, BUT ALSO TO APPLY FOR  
16 GRANTS FROM THE ELECTRIC VEHICLE GRANT FUND, CREATED IN SECTION  
17 24-38.5-103, C.R.S., OR OTHERWISE FUND THE INSTALLATION OF  
18 CHARGING STATIONS ON COMMON PROPERTY AS AN AMENITY FOR  
19 RESIDENTS AND GUESTS.

20 (2) NOTWITHSTANDING ANY PROVISION IN THE DECLARATION,  
21 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION TO THE  
22 CONTRARY, AND EXCEPT AS PROVIDED IN SUBSECTION (3) OR (3.5) OF THIS  
23 SECTION, AN ASSOCIATION SHALL NOT:

24 (a) PROHIBIT A UNIT OWNER FROM USING, OR INSTALLING AT THE  
25 UNIT OWNER'S EXPENSE FOR THE UNIT OWNER'S OWN USE, A LEVEL 1 OR  
26 LEVEL 2 ELECTRIC VEHICLE CHARGING SYSTEM ON OR IN A UNIT; OR

27 (b) ASSESS OR CHARGE A UNIT OWNER ANY FEE FOR THE

1 PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON OR IN  
2 THE UNIT OWNER'S UNIT; EXCEPT THAT THE ASSOCIATION MAY REQUIRE  
3 REIMBURSEMENT FOR THE ACTUAL COST OF ELECTRICITY PROVIDED BY  
4 THE ASSOCIATION THAT WAS USED BY THE CHARGING SYSTEM OR,  
5 ALTERNATIVELY, MAY CHARGE A REASONABLE FEE FOR ACCESS. IF THE  
6 CHARGING SYSTEM IS PART OF A NETWORK FOR WHICH A NETWORK FEE IS  
7 CHARGED, THE ASSOCIATION'S REIMBURSEMENT MAY INCLUDE THE  
8 AMOUNT OF THE NETWORK FEE. NOTHING IN THIS SECTION REQUIRES AN  
9 ASSOCIATION TO IMPOSE UPON A UNIT OWNER ANY FEE OR CHARGE OTHER  
10 THAN THE REGULAR ASSESSMENTS SPECIFIED IN THE DECLARATION,  
11 BYLAWS, OR RULES AND REGULATIONS OF THE ASSOCIATION.

12 (3) SUBSECTION (2) OF THIS SECTION DOES NOT APPLY TO:

13 (a) BONA FIDE SAFETY REQUIREMENTS, CONSISTENT WITH AN  
14 APPLICABLE BUILDING CODE OR RECOGNIZED SAFETY STANDARD, FOR THE  
15 PROTECTION OF PERSONS AND PROPERTY;

16 (b) A REQUIREMENT THAT THE CHARGING SYSTEM BE REGISTERED  
17 WITH THE ASSOCIATION WITHIN THIRTY DAYS AFTER INSTALLATION; OR

18 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
19 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC  
20 VEHICLE CHARGING SYSTEM.

21 (3.5) THIS SECTION DOES NOT APPLY TO A UNIT, OR THE OWNER  
22 THEREOF, IF THE UNIT IS A TIME SHARE UNIT, AS DEFINED IN SECTION  
23 38-33-110 (7).

24 (4) AN ASSOCIATION SHALL CONSENT TO A UNIT OWNER'S  
25 PLACEMENT OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
26 COMMON ELEMENT PARKING SPACE, CARPORT, OR GARAGE OWNED BY THE  
27 UNIT OWNER OR OTHERWISE ASSIGNED TO THE OWNER IN THE



1 DECLARATION OR OTHER RECORDED DOCUMENT IF:

2 (a) NOTWITHSTANDING ANY EXISTING BAN ON ELECTRIC VEHICLE  
3 CHARGING SYSTEMS, THE SYSTEM OTHERWISE COMPLIES WITH THE  
4 DECLARATION, BYLAWS, AND RULES AND REGULATIONS OF THE  
5 ASSOCIATION; AND

6 (b) THE UNIT OWNER AGREES IN WRITING TO:

7 (I) COMPLY WITH THE ASSOCIATION'S DESIGN SPECIFICATIONS FOR  
8 THE INSTALLATION OF THE SYSTEM;

9 (II) ENGAGE THE SERVICES OF A DULY LICENSED AND REGISTERED  
10 ELECTRICAL CONTRACTOR FAMILIAR WITH THE INSTALLATION AND CODE  
11 REQUIREMENTS OF AN ELECTRIC VEHICLE CHARGING SYSTEM;

12 (III) BEAR THE EXPENSE OF INSTALLATION, INCLUDING COSTS TO  
13 RESTORE ANY COMMON ELEMENTS DISTURBED IN THE PROCESS OF  
14 INSTALLING THE SYSTEM; AND

15 (IV) (A) PROVIDE, WITHIN THE TIME SPECIFIED IN  
16 SUB-SUBPARAGRAPH (B) OF THIS SUBPARAGRAPH (IV), A CERTIFICATE OF  
17 INSURANCE NAMING THE ASSOCIATION AS AN ADDITIONAL INSURED ON  
18 THE HOMEOWNER'S INSURANCE POLICY FOR ANY CLAIM RELATED TO THE  
19 INSTALLATION, MAINTENANCE, OR USE OF THE SYSTEM OR, IF THE SYSTEM  
20 IS LOCATED ON A COMMON ELEMENT, REIMBURSEMENT TO THE  
21 ASSOCIATION FOR THE ACTUAL COST OF ANY INCREASED INSURANCE  
22 PREMIUM AMOUNT ATTRIBUTABLE TO THE SYSTEM, NOTWITHSTANDING  
23 ANY PROVISION TO THE CONTRARY IN THE ASSOCIATION'S DECLARATION,  
24 BYLAWS, OR RULES AND REGULATIONS.

25 (B) A CERTIFICATE OF INSURANCE UNDER SUB-SUBPARAGRAPH (A)  
26 OF THIS SUBPARAGRAPH (IV) MUST BE PROVIDED WITHIN FOURTEEN DAYS  
27 AFTER THE UNIT OWNER RECEIVES THE ASSOCIATION'S CONSENT FOR THE

1 INSTALLATION. REIMBURSEMENT FOR AN INCREASED INSURANCE PREMIUM  
2 AMOUNT UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV)  
3 MUST BE PROVIDED WITHIN FOURTEEN DAYS AFTER THE UNIT OWNER  
4 RECEIVES THE ASSOCIATION'S INVOICE FOR THE AMOUNT ATTRIBUTABLE  
5 TO THE SYSTEM.

6 (5) IF THE ASSOCIATION CONSENTS TO A UNIT OWNER'S  
7 INSTALLATION OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
8 COMMON ELEMENT, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE  
9 STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN CONTRACT OR  
10 IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE  
11 ASSOCIATION:

12 (a) THE UNIT OWNER, AND EACH SUCCESSIVE UNIT OWNER WITH  
13 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT WHERE THE  
14 CHARGING SYSTEM IS INSTALLED, IS RESPONSIBLE FOR ANY COSTS FOR  
15 DAMAGES TO THE SYSTEM, ANY OTHER LIMITED COMMON ELEMENT OR  
16 GENERAL COMMON ELEMENT OF THE COMMON INTEREST COMMUNITY, AND  
17 ANY ADJACENT UNITS, GARAGE STALLS, CARPORTS, OR PARKING SPACES  
18 THAT ARISE OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR,  
19 REMOVAL, OR REPLACEMENT OF THE SYSTEM;

20 (b) EACH SUCCESSIVE UNIT OWNER WITH EXCLUSIVE RIGHTS TO  
21 THE LIMITED COMMON ELEMENT SHALL ASSUME RESPONSIBILITY FOR THE  
22 REPAIR, MAINTENANCE, REMOVAL, AND REPLACEMENT OF THE CHARGING  
23 SYSTEM UNTIL THE SYSTEM HAS BEEN REMOVED;

24 (c) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH  
25 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT SHALL AT ALL  
26 TIMES HAVE AND MAINTAIN AN INSURANCE POLICY COVERING THE  
27 OBLIGATIONS OF THE UNIT OWNER UNDER THIS SUBSECTION (5), IS SUBJECT

1 TO ALL OBLIGATIONS SPECIFIED UNDER SUBPARAGRAPH (IV) OF  
2 PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION, AND SHALL NAME  
3 THE ASSOCIATION AS AN ADDITIONAL INSURED UNDER THE POLICY; AND

4 (d) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH  
5 EXCLUSIVE RIGHTS TO THE LIMITED COMMON ELEMENT IS RESPONSIBLE  
6 FOR REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT  
7 FOR THE REPAIR, MAINTENANCE, OR REPLACEMENT OF THE LIMITED  
8 COMMON ELEMENTS OR GENERAL COMMON ELEMENTS OF THE COMMON  
9 INTEREST COMMUNITY.

10 (6) A CHARGING SYSTEM INSTALLED AT THE UNIT OWNER'S COST  
11 IS PROPERTY OF THE UNIT OWNER. UPON SALE OF THE UNIT, IF THE  
12 CHARGING SYSTEM IS REMOVABLE, THE UNIT OWNER MAY EITHER REMOVE  
13 IT OR SELL IT TO THE BUYER OF THE UNIT OR TO THE ASSOCIATION FOR AN  
14 AGREED PRICE. NOTHING IN THIS SUBSECTION (6) REQUIRES THE BUYER OR  
15 THE ASSOCIATION TO PURCHASE THE CHARGING SYSTEM.

16 (7) AS USED IN THIS SECTION:

17 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING  
18 SYSTEM" MEANS A DEVICE THAT IS USED TO PROVIDE ELECTRICITY TO A  
19 PLUG-IN ELECTRIC VEHICLE OR PLUG-IN HYBRID VEHICLE, IS DESIGNED TO  
20 ENSURE THAT A SAFE CONNECTION HAS BEEN MADE BETWEEN THE  
21 ELECTRIC GRID AND THE VEHICLE, AND IS ABLE TO COMMUNICATE WITH  
22 THE VEHICLE'S CONTROL SYSTEM SO THAT ELECTRICITY FLOWS AT AN  
23 APPROPRIATE VOLTAGE AND CURRENT LEVEL. AN ELECTRIC VEHICLE  
24 CHARGING SYSTEM MAY BE WALL-MOUNTED OR PEDESTAL STYLE, AND  
25 MAY PROVIDE MULTIPLE CORDS TO CONNECT WITH ELECTRIC VEHICLES.  
26 AN ELECTRIC VEHICLE CHARGING SYSTEM MUST BE CERTIFIED BY  
27 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, AND

1 MUST COMPLY WITH THE CURRENT VERSION OF ARTICLE 625 OF THE  
2 NATIONAL ELECTRICAL CODE.

3 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
4 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
5 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
6 STANDARD OR A SUCCESSOR STANDARD. ■ ■

7 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES  
8 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY  
9 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE  
10 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. ■

11 (8) THIS SECTION APPLIES ONLY TO RESIDENTIAL UNITS.

12 **SECTION 3.** In Colorado Revised Statutes, 24-38.5-103, amend  
13 (1) as follows:

14 **24-38.5-103. Electric vehicle grant fund - creation -**  
15 **administration.** (1) There is hereby created in the state treasury the  
16 electric vehicle grant fund, referred to in this section as the "fund". The  
17 fund shall be used to provide grants to local governments, LANDLORDS OF  
18 MULTI-FAMILY APARTMENT BUILDINGS, AND THE UNIT OWNERS'  
19 ASSOCIATIONS OF COMMON INTEREST COMMUNITIES AS DEFINED IN  
20 ARTICLE 33.3 OF TITLE 38, C.R.S., to install recharging stations for electric  
21 vehicles. The grants shall be prioritized based upon the local  
22 government's PROSPECTIVE RECIPIENTS' POTENTIAL FOR, AND commitment  
23 to, energy efficiency.

24 **SECTION 4. Applicability.** This act takes effect upon passage,  
25 and applies to the installation and use of an electric vehicle charging  
26 system on or after the effective date of this act.

27 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.