

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

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

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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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**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** 38-12-105 as  
3 follows:

4 **38-12-105. Unreasonable restrictions on electric vehicle**  
5 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION  
6 IN THE LEASE TO THE CONTRARY, AND EXCEPT AS PROVIDED IN  
7 SUBSECTION (2) OF THIS SECTION, A LANDLORD SHALL NOT:

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

11 (b) ASSESS OR CHARGE A TENANT ANY FEE FOR THE PLACEMENT OR  
12 USE OF AN ELECTRIC VEHICLE CHARGING SYSTEM; EXCEPT THAT THE  
13 LANDLORD MAY REQUIRE REIMBURSEMENT FOR THE COST OF ELECTRICITY  
14 PROVIDED BY THE LANDLORD THAT WAS USED BY THE CHARGING SYSTEM.

15 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

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

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

21 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
22 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC  
23 VEHICLE CHARGING SYSTEM.

1           (3) A LANDLORD SHALL CONSENT TO A TENANT'S PLACEMENT OF  
2 AN ELECTRIC VEHICLE CHARGING SYSTEM IN AN AREA ACCESSIBLE TO  
3 OTHER TENANTS IF:

4           (a) THE CHARGING SYSTEM IS IN COMPLIANCE WITH ALL  
5 APPLICABLE REQUIREMENTS ADOPTED PURSUANT TO SUBSECTION (2) OF  
6 THIS SECTION; AND

7           (b) THE TENANT AGREES IN WRITING TO:

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

10          (II) ENGAGE THE SERVICES OF A DULY LICENSED CONTRACTOR TO  
11 INSTALL THE CHARGING SYSTEM; AND

12          (III) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE  
13 LANDLORD AS AN ADDITIONAL INSURED ON THE TENANT'S RENTERS'  
14 INSURANCE POLICY WITHIN FOURTEEN DAYS AFTER RECEIVING THE  
15 LANDLORD'S CONSENT FOR THE INSTALLATION.

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

21          (a) THE TENANT, AND EACH SUCCESSIVE TENANT WITH RIGHTS TO  
22 THE AREA WHERE THE CHARGING SYSTEM IS INSTALLED, IS RESPONSIBLE  
23 FOR ANY COSTS FOR DAMAGES TO THE CHARGING SYSTEM AND TO ANY  
24 OTHER PROPERTY OF THE LANDLORD OR OF ANOTHER TENANT THAT ARISE  
25 OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL,  
26 OR REPLACEMENT OF THE CHARGING SYSTEM;

27          (b) EACH SUCCESSIVE TENANT WITH RIGHTS TO THE AREA WHERE

1 THE CHARGING SYSTEM IS INSTALLED SHALL ASSUME RESPONSIBILITY FOR  
2 THE REPAIR, MAINTENANCE, REMOVAL, AND REPLACEMENT OF THE  
3 CHARGING SYSTEM UNTIL THE SYSTEM HAS BEEN REMOVED;

4 (c) THE TENANT AND EACH SUCCESSIVE TENANT WITH RIGHTS TO  
5 THE AREA WHERE THE SYSTEM IS INSTALLED SHALL AT ALL TIMES HAVE  
6 AND MAINTAIN AN INSURANCE POLICY COVERING THE OBLIGATIONS OF THE  
7 TENANT UNDER THIS SUBSECTION (4) AND SHALL NAME THE LANDLORD AS  
8 AN ADDITIONAL INSURED UNDER THE POLICY; AND

9 (d) THE TENANT AND EACH SUCCESSIVE TENANT WITH RIGHTS TO  
10 THE AREA WHERE THE SYSTEM IS INSTALLED IS RESPONSIBLE FOR  
11 REMOVING THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT FOR  
12 THE REPAIR, MAINTENANCE, OR REPLACEMENT OF ANY PROPERTY OF THE  
13 LANDLORD, WHETHER OR NOT LEASED TO ANOTHER TENANT.

14 (5) AS USED IN THIS SECTION:

15 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING  
16 SYSTEM" MEANS A DEVICE THAT IS USED TO PROVIDE ELECTRICITY TO A  
17 PLUG-IN ELECTRIC VEHICLE, IS DESIGNED TO ENSURE THAT A SAFE  
18 CONNECTION HAS BEEN MADE BETWEEN THE ELECTRIC GRID AND THE  
19 VEHICLE, AND IS ABLE TO COMMUNICATE WITH THE VEHICLE'S CONTROL  
20 SYSTEM SO THAT ELECTRICITY FLOWS AT AN APPROPRIATE VOLTAGE AND  
21 CURRENT LEVEL. AN ELECTRIC VEHICLE CHARGING SYSTEM MAY BE  
22 WALL-MOUNTED OR PEDESTAL STYLE, AND MAY PROVIDE MULTIPLE CORDS  
23 TO CONNECT WITH ELECTRIC VEHICLES. AN ELECTRIC VEHICLE CHARGING  
24 SYSTEM MUST BE CERTIFIED BY UNDERWRITERS LABORATORIES OR AN  
25 EQUIVALENT CERTIFICATION, AND MUST COMPLY WITH THE CURRENT  
26 VERSION OF ARTICLE 625 OF THE NATIONAL ELECTRICAL CODE.

27 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES

1 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
2 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
3 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY TYPE  
4 AND VEHICLE, A LEVEL 1 CHARGING SYSTEM ADDS APPROXIMATELY TWO  
5 TO FIVE MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF CHARGING  
6 TIME.

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. BASED ON  
11 THE BATTERY TYPE AND VEHICLE, A LEVEL 2 CHARGING SYSTEM ADDS  
12 ABOUT TEN TO TWENTY MILES OF RANGE TO AN ELECTRIC VEHICLE PER  
13 HOUR OF CHARGING TIME.

14 **SECTION 2.** In Colorado Revised Statutes, **add** 38-33-106.5 as  
15 follows:

16 **38-33-106.5. Unreasonable restrictions on electric vehicle**  
17 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION  
18 IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE  
19 ASSOCIATION TO THE CONTRARY, AND EXCEPT AS PROVIDED IN  
20 SUBSECTION (2) OF THIS SECTION, AN ASSOCIATION SHALL NOT:

21 (a) PROHIBIT A UNIT OWNER FROM USING, OR INSTALLING AT THE  
22 UNIT OWNER'S EXPENSE FOR THE UNIT OWNER'S OWN USE, A LEVEL 1 OR  
23 LEVEL 2 ELECTRIC VEHICLE CHARGING SYSTEM ON OR IN A UNIT OWNER'S  
24 GARAGE STALL, PARKING SPACE, OR CARPORT; OR

25 (b) ASSESS OR CHARGE A UNIT OWNER ANY FEE FOR THE  
26 PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING SYSTEM; EXCEPT  
27 THAT THE ASSOCIATION MAY REQUIRE REIMBURSEMENT FOR THE COST OF

1 ELECTRICITY PROVIDED BY THE ASSOCIATION THAT WAS USED BY THE  
2 CHARGING SYSTEM.

3 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

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

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

9 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
10 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC  
11 VEHICLE CHARGING SYSTEM. IN CREATING REASONABLE AESTHETIC  
12 PROVISIONS, COMMON INTEREST COMMUNITIES SHALL CONSIDER:

13 (I) THE IMPACT ON THE PURCHASE PRICE AND OPERATING COSTS OF  
14 THE SYSTEM;

15 (II) THE IMPACT ON THE PERFORMANCE OF THE SYSTEM; AND

16 (III) THE CRITERIA CONTAINED IN THE GOVERNING DOCUMENTS OF  
17 THE CONDOMINIUM.

18 (3) AN ASSOCIATION SHALL CONSENT TO A UNIT OWNER'S  
19 PLACEMENT OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
20 COMMON ELEMENT OR GENERAL COMMON ELEMENT IF:

21 (a) THE SYSTEM IS IN COMPLIANCE WITH ANY DECLARATIONS,  
22 BYLAWS, OR RULES AND REGULATIONS ADOPTED PURSUANT TO  
23 SUBSECTION (2) OF THIS SECTION; AND

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

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

27 (II) ENGAGE THE SERVICES OF A DULY LICENSED CONTRACTOR TO

1       INSTALL THE SYSTEM; AND

2               (III)   PROVIDE A CERTIFICATE OF INSURANCE NAMING THE  
3       ASSOCIATION AS AN ADDITIONAL INSURED ON THE HOMEOWNER'S  
4       INSURANCE POLICY WITHIN FOURTEEN DAYS AFTER RECEIVING THE  
5       ASSOCIATION'S CONSENT FOR THE INSTALLATION.

6               (4)   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      RIGHTS TO THE LIMITED COMMON ELEMENT ON WHICH OR NEAR WHERE  
14      THE 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 CONDOMINIUM, AND ANY ADJACENT  
17      UNITS, GARAGE STALLS, CARPORTS, OR PARKING SPACES THAT ARISE OR  
18      RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR, REMOVAL, OR  
19      REPLACEMENT OF THE SYSTEM;

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

24              (c)   THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH  
25      RIGHTS TO THE LIMITED COMMON ELEMENT SHALL AT ALL TIMES HAVE  
26      AND MAINTAIN AN INSURANCE POLICY COVERING THE OBLIGATIONS OF THE  
27      UNIT OWNER UNDER THIS SUBSECTION (4) AND SHALL NAME THE

1 ASSOCIATION AS AN ADDITIONAL INSURED UNDER THE POLICY; AND

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

7 (5) AS USED IN THIS SECTION:

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

20 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
21 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
22 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
23 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY TYPE  
24 AND VEHICLE, A LEVEL 1 CHARGING SYSTEM ADDS APPROXIMATELY TWO  
25 TO FIVE MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF CHARGING  
26 TIME.

27 (c) "LEVEL 2" MEANS A SYSTEM THAT PROVIDES CHARGING



1 THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY VOLT AC  
2 PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL  
3 J1772 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY  
4 TYPE AND VEHICLE, LEVEL 2 CHARGING SYSTEM ADDS ABOUT TEN TO  
5 TWENTY MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF  
6 CHARGING TIME.

7 **SECTION 3.** In Colorado Revised Statutes, **add** 38-33.3-106.8  
8 as follows:

9 **38-33.3-106.8. Unreasonable restrictions on electric vehicle**  
10 **charging systems - definitions.** (1) NOTWITHSTANDING ANY PROVISION  
11 IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE  
12 ASSOCIATION TO THE CONTRARY, AND EXCEPT AS PROVIDED IN  
13 SUBSECTION (2) OF THIS SECTION, AN ASSOCIATION SHALL NOT:

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

17 (b) ASSESS OR CHARGE A UNIT OWNER ANY FEE FOR THE  
18 PLACEMENT OR USE OF AN ELECTRIC VEHICLE CHARGING SYSTEM; EXCEPT  
19 THAT THE ASSOCIATION MAY REQUIRE REIMBURSEMENT FOR THE COST OF  
20 ELECTRICITY PROVIDED BY THE ASSOCIATION THAT WAS USED BY THE  
21 CHARGING SYSTEM.

22 (2) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

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

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

1 (c) REASONABLE AESTHETIC PROVISIONS THAT GOVERN THE  
2 DIMENSIONS, PLACEMENT, OR EXTERNAL APPEARANCE OF AN ELECTRIC  
3 VEHICLE CHARGING SYSTEM. IN CREATING REASONABLE AESTHETIC  
4 PROVISIONS, COMMON INTEREST COMMUNITIES SHALL CONSIDER:

5 (I) THE IMPACT ON THE PURCHASE PRICE AND OPERATING COSTS OF  
6 THE SYSTEM;

7 (II) THE IMPACT ON THE PERFORMANCE OF THE SYSTEM; AND

8 (III) THE CRITERIA CONTAINED IN THE GOVERNING DOCUMENTS OF  
9 THE COMMON INTEREST COMMUNITY.

10 (3) AN ASSOCIATION SHALL CONSENT TO A UNIT OWNER'S  
11 PLACEMENT OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
12 COMMON ELEMENT OR GENERAL COMMON ELEMENT IF:

13 (a) THE SYSTEM IS IN COMPLIANCE WITH ANY DECLARATIONS,  
14 BYLAWS, OR RULES AND REGULATIONS ADOPTED PURSUANT TO  
15 SUBSECTION (2) OF THIS SECTION; AND

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

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

19 (II) ENGAGE THE SERVICES OF A DULY LICENSED CONTRACTOR TO  
20 INSTALL THE SYSTEM; AND

21 (III) PROVIDE A CERTIFICATE OF INSURANCE NAMING THE  
22 ASSOCIATION AS AN ADDITIONAL INSURED ON THE HOMEOWNER'S  
23 INSURANCE POLICY WITHIN FOURTEEN DAYS AFTER RECEIVING THE  
24 ASSOCIATION'S CONSENT FOR THE INSTALLATION.

25 (4) IF THE ASSOCIATION CONSENTS TO A UNIT OWNER'S  
26 INSTALLATION OF AN ELECTRIC VEHICLE CHARGING SYSTEM ON A LIMITED  
27 COMMON ELEMENT, INCLUDING A PARKING SPACE, CARPORT, OR GARAGE

1       STALL, THEN, UNLESS OTHERWISE SPECIFIED IN A WRITTEN CONTRACT OR  
2       IN THE DECLARATION, BYLAWS, OR RULES AND REGULATIONS OF THE  
3       ASSOCIATION:

4           (a) THE UNIT OWNER, AND EACH SUCCESSIVE UNIT OWNER WITH  
5       RIGHTS TO THE LIMITED COMMON ELEMENT ON WHICH OR NEAR WHERE  
6       THE CHARGING SYSTEM IS INSTALLED, IS RESPONSIBLE FOR ANY COSTS FOR  
7       DAMAGES TO THE SYSTEM, ANY OTHER LIMITED COMMON ELEMENT OR  
8       GENERAL COMMON ELEMENT OF THE COMMON INTEREST COMMUNITY, AND  
9       ANY ADJACENT UNITS, GARAGE STALLS, CARPORTS, OR PARKING SPACES  
10      THAT ARISE OR RESULT FROM THE INSTALLATION, MAINTENANCE, REPAIR,  
11      REMOVAL, OR REPLACEMENT OF THE SYSTEM;

12          (b) EACH SUCCESSIVE UNIT OWNER WITH RIGHTS TO THE LIMITED  
13      COMMON ELEMENT SHALL ASSUME RESPONSIBILITY FOR THE REPAIR,  
14      MAINTENANCE, REMOVAL, AND REPLACEMENT OF THE CHARGING SYSTEM  
15      UNTIL THE SYSTEM HAS BEEN REMOVED;

16          (c) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH  
17      RIGHTS TO THE LIMITED COMMON ELEMENT SHALL AT ALL TIMES HAVE  
18      AND MAINTAIN AN INSURANCE POLICY COVERING THE OBLIGATIONS OF THE  
19      UNIT OWNER UNDER THIS SUBSECTION (4) AND SHALL NAME THE  
20      ASSOCIATION AS AN ADDITIONAL INSURED UNDER THE POLICY; AND

21          (d) THE UNIT OWNER AND EACH SUCCESSIVE UNIT OWNER WITH  
22      RIGHTS TO THE LIMITED COMMON ELEMENT IS RESPONSIBLE FOR REMOVING  
23      THE SYSTEM IF REASONABLY NECESSARY OR CONVENIENT FOR THE REPAIR,  
24      MAINTENANCE, OR REPLACEMENT OF THE LIMITED COMMON ELEMENTS OR  
25      GENERAL COMMON ELEMENTS OF THE COMMON INTEREST COMMUNITY.

26          (5) AS USED IN THIS SECTION:

27          (a) "ELECTRIC VEHICLE CHARGING SYSTEM" OR "CHARGING

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

12 (b) "LEVEL 1" MEANS A CHARGING SYSTEM THAT PROVIDES  
13 CHARGING THROUGH A ONE-HUNDRED-TWENTY VOLT AC PLUG WITH A  
14 CORD CONNECTOR THAT MEETS THE SAE INTERNATIONAL J1772  
15 STANDARD OR A SUCCESSOR STANDARD. BASED ON THE BATTERY TYPE  
16 AND VEHICLE, A LEVEL 1 CHARGING SYSTEM ADDS APPROXIMATELY TWO  
17 TO FIVE MILES OF RANGE TO AN ELECTRIC VEHICLE PER HOUR OF CHARGING  
18 TIME.

19 (c) "LEVEL 2" MEANS A CHARGING SYSTEM THAT PROVIDES  
20 CHARGING THROUGH A TWO-HUNDRED-EIGHT TO TWO-HUNDRED-FORTY  
21 VOLT AC PLUG WITH A CORD CONNECTOR THAT MEETS THE SAE  
22 INTERNATIONAL J1772 STANDARD OR A SUCCESSOR STANDARD. BASED ON  
23 THE BATTERY TYPE AND VEHICLE, A LEVEL 2 CHARGING SYSTEM ADDS  
24 ABOUT TEN TO TWENTY MILES OF RANGE TO AN ELECTRIC VEHICLE PER  
25 HOUR OF CHARGING TIME.

26 **SECTION 4.** In Colorado Revised Statutes, 24-38.5-103, **amend**  
27 (1) as follows:

1           **24-38.5-103. Electric vehicle grant fund - creation -**  
2           **administration.** (1) There is hereby created in the state treasury the  
3           electric vehicle grant fund, referred to in this section as the "fund". The  
4           fund shall be used to provide grants to local governments, LANDLORDS,  
5           AND THE UNIT OWNERS' ASSOCIATIONS OF CONDOMINIUMS ORGANIZED  
6           UNDER ARTICLE 33 OF TITLE 38, C.R.S., AND COMMON INTEREST  
7           COMMUNITIES ORGANIZED UNDER ARTICLE 33.3 OF TITLE 38, C.R.S., to  
8           install recharging stations for electric vehicles. The grants shall be  
9           prioritized based upon the ~~local government's~~ PROSPECTIVE RECIPIENTS'  
10          POTENTIAL FOR, AND commitment to, energy efficiency.

11           **SECTION 5. Applicability.** This act takes effect upon passage,  
12          and applies to the installation and use of an electric vehicle charging  
13          system on or after the effective date of this act.

14           **SECTION 6. Safety clause.** The general assembly hereby finds,  
15          determines, and declares that this act is necessary for the immediate  
16          preservation of the public peace, health, and safety.