



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4284

Introduced 1/28/2020, by Rep. Robyn Gabel

SYNOPSIS AS INTRODUCED:

New Act

Creates the Electric Vehicle Charging Act. Provides that the Act applies to new or renovated residential or nonresidential buildings with parking. Provides that a new or renovated residential building is required to have a certain percentage, based on the number of units in the residential building, of its total parking spaces either electric vehicle ready or electric vehicle capable. Provides that a new or renovated nonresidential building is required to have 30% of its total parking spaces electric vehicle ready. Provides various requirements related to electric vehicle charging stations for unit owners. Provides various requirements related to electric vehicle charging systems for renters.

LRB101 15830 LNS 66224 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Electric Vehicle Charging Act.

6 Section 5. Legislative intent. Electric vehicles are an
7 important tool to fight the climate crisis, tackle air
8 pollution, and provide safe, clean, and affordable personal
9 transportation. The State should encourage urgent and
10 widespread adoption of electric vehicles. Since most current
11 electric vehicle owners are single-family homeowners who
12 charge at home, providing access to home charging for those in
13 multi-unit dwellings is crucial to wider electric vehicle
14 adoption. This includes condominium unit owners and renters,
15 regardless of parking space ownership and regardless of income.
16 Therefore, a significant portion of parking spaces in new and
17 renovated residential and commercial developments must be
18 capable of electric vehicle charging. Additionally, renters
19 and condominium unit owners must be able to install charging
20 equipment for their cars under reasonable conditions.

21 Section 10. Applicability. This Act applies to new or
22 renovated residential or nonresidential buildings that have

1 parking spaces and are constructed or renovated after the
2 effective date of this Act.

3 Section 15. Definitions. As used in this Act:

4 "Electric vehicle" means a vehicle that is powered by an
5 electric motor, runs on a rechargeable battery, and must be
6 plugged in to charge.

7 "Electric vehicle capable" means an installed electrical
8 panel capacity with a dedicated branch circuit and a continuous
9 raceway from the panel to the future electric vehicle parking
10 space.

11 "Electric vehicle charging station" means a station that is
12 designed in compliance with the relevant building code and
13 delivers electricity from a source outside an electric vehicle
14 into one or more electric vehicles. "Electric vehicle charging
15 station" includes several charging points simultaneously
16 connecting several electric vehicles to the electric vehicle
17 charging station and any related equipment needed to facilitate
18 charging an electric vehicle.

19 "Electric vehicle charging system" means a device that is:

- 20 (1) used to provide electricity to an electric vehicle;
21 (2) designed to ensure that a safe connection has been
22 made between the electric grid and the electric vehicle;
23 and
24 (3) able to communicate with the vehicle's control
25 system so that electricity flows at an appropriate voltage

1 and current level.

2 An electric vehicle charging system may be wall mounted or
3 pedestal style, may provide multiple cords to connect with
4 electric vehicles, and shall: (i) be certified by underwriters
5 laboratories or have been granted an equivalent certification;
6 and (ii) comply with the current version of Article 625 of the
7 National Electrical Code.

8 "Electric vehicle charging supply equipment" means a
9 conductor, including an ungrounded, grounded, and equipment
10 grounding conductor, and electric vehicle connectors,
11 attachment plugs, and all other fittings, devices, power
12 outlets, and apparatuses installed specifically for the
13 purpose of transferring energy between the premises wirings and
14 the electric vehicle.

15 "Electric vehicle ready" means a parking space that is
16 designed and constructed to include a fully-wired circuit with
17 a 208-volt to 250-volt, 40-ampere electric vehicle charging
18 receptacle outlet or termination point, including the conduit,
19 wiring, and electrical service capacity necessary to serve that
20 receptacle, to allow for future electric vehicle charging
21 supply equipment.

22 "Level 1" means a charging system that provides charging
23 through a 120-volt AC plug with a cord connector that meets the
24 SAE International J1772 standard or successor standard.

25 "Level 2" means a charging system that provides charging
26 through a 208-volt to 240-volt AC plug with a cord connector

1 that meets the SAE International J1772 standard or a successor
2 standard.

3 "New" means any newly constructed building and associated
4 newly constructed parking facility.

5 "Reasonable restriction" means a restriction that does not
6 significantly increase the cost of the electric vehicle
7 charging station or electric vehicle charging system or
8 significantly decrease its efficiency or specified
9 performance.

10 "Renovated" means any building with alterations and
11 additions involving the removal of interior finishes and
12 significant proposed upgrades to structural, mechanical,
13 electrical, or plumbing systems.

14 Section 20. Residential requirements. A new or renovated
15 residential building shall have:

16 (1) 100% of its total parking spaces electric vehicle
17 ready, if there are one to 6 parking spaces;

18 (2) 100% of its total parking spaces electric vehicle
19 capable, of which at least 20% shall be electric vehicle
20 ready, if there are 6 to 23 parking spaces; or

21 (3) 100% of its total parking spaces electric vehicle
22 capable, if there are 24 or more parking spaces.

23 Additionally, a new or renovated residential building
24 shall provide at least one parking space with electric vehicle
25 charging supply equipment installed, and for each additional

1 parking space with electric vehicle charging supply equipment
2 installed, the electric vehicle ready requirement is decreased
3 by 2%.

4 Each parking space shall be marked and signed for common
5 use by residents. A resident shall use an electric vehicle
6 parking space only when he or she is charging his or her
7 electric vehicle.

8 Section 25. Nonresidential requirements. A new or
9 renovated nonresidential building shall have 30% of its total
10 parking spaces electric vehicle ready.

11 Section 30. Electric vehicle station policy for unit
12 owners.

13 (a) Any covenant, restriction, or condition contained in
14 any deed, contract, security interest, or other instrument
15 affecting the transfer or sale of any interest in a condominium
16 or common interest community, and any provision of a governing
17 document that effectively prohibits or unreasonably restricts
18 the installation or use of an electric vehicle charging station
19 within a unit owner's unit or a designated parking space,
20 including, but not limited to, a deeded parking space, a
21 parking space in a unit owner's exclusive use common area, or a
22 parking space that is specifically designated for use by a
23 particular unit owner, or is in conflict with this Section, is
24 void and unenforceable.

1 (b) This Section does not apply to provisions that impose a
2 reasonable restriction on an electric vehicle charging
3 station. However, it is the policy of this State to promote,
4 encourage, and remove obstacles to the use of an electric
5 vehicle charging station.

6 (c) An electric vehicle charging station shall meet
7 applicable health and safety standards and requirements
8 imposed by State and local authorities, and all other
9 applicable zoning, land use, or other ordinances or land use
10 permits.

11 (d) If approval is required for the installation or use of
12 an electric vehicle charging station, the association shall
13 process and approve the application in the same manner as an
14 application for approval of an architectural modification to
15 the property, and the association shall not willfully avoid or
16 delay the adjudication of the application. The approval or
17 denial of an application shall be in writing. If an application
18 is not denied in writing within 60 days from the date of the
19 receipt of the application, the application shall be deemed
20 approved unless the delay is the result of a reasonable request
21 for additional information.

22 (e) If the electric vehicle charging station is to be
23 placed in a common area or exclusive use common area, as
24 designated by the condominium or common interest community
25 association, the following applies:

26 (1) The unit owner shall first obtain approval from the

1 association to install the electric vehicle charging
2 station and the association shall approve the installation
3 if the unit owner agrees, in writing, to:

4 (i) comply with the association's architectural
5 standards for the installation of the electric vehicle
6 charging station;

7 (ii) engage a licensed contractor to install the
8 electric vehicle charging station;

9 (iii) within 14 days of approval, provide a
10 certificate of insurance that names the association as
11 an additional insured party under the unit owner's
12 insurance policy as required under paragraph (3); and

13 (iv) pay for both the costs associated with the
14 installation of and the electricity usage associated
15 with the electric vehicle charging station.

16 (2) The unit owner, and each successive unit owner of
17 the electric vehicle charging station, is responsible for:

18 (i) costs for damage to the electric vehicle
19 charging station, common area, exclusive use common
20 area, or separate interests resulting from the
21 installation, maintenance, repair, removal, or
22 replacement of the electric vehicle charging station;

23 (ii) costs for the maintenance, repair, and
24 replacement of the electric vehicle charging station
25 until it has been removed, and for the restoration of
26 the common area after removal;

1 (iii) costs of electricity associated with the
2 charging station, which shall be based on:

3 (A) an inexpensive submetering device; or

4 (B) a reasonable calculation of cost, based on
5 the average miles driven, efficiency of the
6 electric vehicle calculated by the United States
7 Environmental Protection Agency, and the cost of
8 electricity for the common area; and

9 (iv) disclosing to a prospective buyer the
10 existence of any electric vehicle charging station of
11 the unit owner and the related responsibilities of the
12 unit owner under this Section.

13 (3) The purpose of the costs under paragraph (2) is for
14 the reasonable reimbursement of electricity usage, and
15 shall not be set to deliberately exceed the reasonable
16 reimbursement.

17 (4) The unit owner of the electric vehicle charging
18 station, whether the electric vehicle charging station is
19 located within the common area or exclusive use common
20 area, shall, at all times, maintain a liability coverage
21 policy. The unit owner that submitted the application to
22 install the electric vehicle charging station shall
23 provide the association with the corresponding certificate
24 of insurance with 14 days of approval of the application.
25 The unit owner, and each successive unit owner, shall
26 provide the association with the certificate of insurance

1 annually thereafter.

2 (5) A unit owner is not required to maintain a
3 homeowner liability coverage policy for an existing
4 National Electrical Manufacturers Association standard
5 alternating current power plug.

6 (f) Except as provided in subsection (g), the installation
7 of an electric vehicle charging station for the exclusive use
8 of a unit owner in a common area that is not an exclusive use
9 common area shall be authorized by the association only if
10 installation in the unit owner's designated parking space is
11 impossible or unreasonably expensive. In such an event, the
12 association shall enter into a license agreement with the unit
13 owner for the use of the space in a common area, and the unit
14 owner shall comply with all of the requirements in subsection
15 (e).

16 (g) An association may install an electric vehicle charging
17 station in the common area for the use of all unit owners and
18 members of the association. The association shall develop
19 appropriate terms of use for the electric vehicle charging
20 station.

21 (h) An association may create a new parking space where one
22 did not previously exist to facilitate the installation of an
23 electric vehicle charging station.

24 (i) An association that willfully violates this Section
25 shall be liable to the unit owner for actual damages and shall
26 pay a civil penalty to the unit owner not to exceed \$1,000.

1 (j) In any action by a unit owner requesting to have an
2 electric vehicle charging station installed and seeking to
3 enforce compliance with this Section, the court shall award
4 reasonable attorney's fees to a prevailing plaintiff.

5 Section 35. Electric vehicle charging system policy for
6 renters.

7 (a) Notwithstanding any provision in the lease to the
8 contrary, and subject to subsection (b):

9 (1) A tenant may install, at the tenant's expense for
10 the tenant's own use, a level 1 or level 2 electric vehicle
11 charging system on or in the leased premises.

12 (2) A landlord shall not assess or charge a tenant any
13 fee for the placement or use of an electric vehicle
14 charging system, except that:

15 (i) The landlord may:

16 (A) require reimbursement for the actual cost
17 of electricity provided by the landlord that was
18 used by the electric vehicle charging system; or

19 (B) charge a reasonable fee for access.

20 If the electric vehicle charging system is part of
21 a network for which a network fee is charged, the
22 landlord's reimbursement may include the amount of the
23 network fee. Nothing in this subparagraph requires a
24 landlord to impose upon a tenant a fee or charge other
25 than the rental payments specified in the lease.

1 (ii) The landlord may require reimbursement for
2 the cost of the installation of the electric vehicle
3 charging system, including any additions or upgrades
4 to existing wiring directly attributable to the
5 requirements of the electric vehicle charging system,
6 if the landlord places or causes the electric vehicle
7 charging system to be placed at the request of the
8 tenant.

9 (iii) If the tenant desires to place an electric
10 vehicle charging system in an area accessible to other
11 tenants, the landlord may assess or charge the tenant a
12 reasonable fee to reserve a specific parking space in
13 which to install the electric vehicle charging system.

14 (b) A landlord may require a tenant to comply with:

15 (1) bona fide safety requirements consistent with an
16 applicable building code or recognized safety standard for
17 the protection of persons and property;

18 (2) a requirement that the electric vehicle charging
19 system be registered with the landlord within 30 days after
20 installation; or

21 (3) reasonable aesthetic provisions that govern the
22 dimensions, placement, or external appearance of an
23 electric vehicle charging system.

24 (c) A tenant may place an electric vehicle charging system
25 in an area accessible to other tenants if:

26 (1) the electric vehicle charging system is in

1 compliance with all applicable requirements adopted by a
2 landlord under subsection (b); and

3 (2) the tenant agrees, in writing, to:

4 (i) comply with the landlord's design
5 specifications for the installation of an electric
6 vehicle charging system;

7 (ii) engage the services of a duly licensed and
8 registered electrical contractor familiar with the
9 installation and code requirements of an electric
10 vehicle charging system; and

11 (iii) provide, within 14 days after receiving the
12 landlord's consent for the installation, a certificate
13 of insurance naming the landlord as an additional
14 insured party on the tenant's renter's insurance
15 policy for any claim related to the installation,
16 maintenance, or use of the electric vehicle charging
17 system or, at the landlord's option, reimbursement to
18 the landlord for the actual cost of any increased
19 insurance premium amount attributable to the electric
20 vehicle charging system, notwithstanding any provision
21 to the contrary in the lease. The tenant shall provide
22 reimbursement for an increased insurance premium
23 amount within 14 days after the tenant receives the
24 landlord's invoice for the amount attributable to the
25 electric vehicle charging system.

26 (d) If the landlord consents to a tenant's installation of

1 an electric vehicle charging system on property accessible to
2 other tenants, including a parking space, carport, or garage
3 stall, then, unless otherwise specified in a written agreement
4 with the landlord:

5 (1) The tenant, and each successive tenant with
6 exclusive rights to the area where the electric vehicle
7 charging system is installed, is responsible for costs for
8 damages to the electric vehicle charging system and to any
9 other property of the landlord or another tenant resulting
10 from the installation, maintenance, repair, removal, or
11 replacement of the electric vehicle charging system.

12 (i) Costs under this paragraph shall be based on:

13 (A) an inexpensive submetering device; or

14 (B) a reasonable calculation of cost, based on
15 the average miles driven, efficiency of the
16 electric vehicle calculated by the United States
17 Environmental Protection Agency, and the cost of
18 electricity for the common area.

19 (ii) The purpose of the costs under this paragraph
20 is for reasonable reimbursement of electricity usage
21 and shall not be set to deliberately exceed that
22 reasonable reimbursement.

23 (2) Each successive tenant with exclusive rights to the
24 area where the electric vehicle charging system is
25 installed shall assume responsibility for the repair,
26 maintenance, removal, and replacement of the electric

1 vehicle charging system until the electric vehicle
2 charging system is removed.

3 (3) The tenant, and each successive tenant with
4 exclusive rights to the area where the electric vehicle
5 charging system is installed, shall, at all times, have and
6 maintain an insurance policy covering the obligations of
7 the tenant under this subsection and shall name the
8 landlord as an additional insured party under the policy.

9 (4) The tenant, and each successive tenant with
10 exclusive rights to the area where the electric vehicle
11 charging system is installed, is responsible for removing
12 the system if reasonably necessary or convenient for the
13 repair, maintenance, or replacement of any property of the
14 landlord, whether or not leased to another tenant.

15 (e) An electric vehicle charging system installed at the
16 tenant's cost is the property of the tenant. Upon termination
17 of the lease, if the electric vehicle charging system is
18 removable, the tenant may either remove it or sell it to the
19 landlord or another tenant for an agreed price. Nothing in this
20 subsection requires the landlord or another tenant to purchase
21 the electric vehicle charging system.

22 (f) A landlord that willfully violates this Section shall
23 be liable to the tenant for actual damages, and shall pay a
24 civil penalty to the tenant in an amount not to exceed \$1,000.

25 (g) In any action by a tenant requesting to have an
26 electric vehicle charging system installed and seeking to

1 enforce compliance with this Section, the court shall award
2 reasonable attorney's fees to a prevailing plaintiff.