



Rep. Robyn Gabel

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LRB102 14274 LNS 37024 a

1 AMENDMENT TO HOUSE BILL 3125

2 AMENDMENT NO. _____. Amend House Bill 3125 by replacing
3 everything after the enacting clause with the following:

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 small multi-family residences and
15 condominium unit owners and renters, regardless of parking
16 space ownership and regardless of income. Therefore, a

1 significant portion of parking spaces in new and renovated
2 residential developments shall be capable of electric vehicle
3 charging. Additionally, renters and condominium unit owners
4 shall be able to install charging equipment for electric
5 vehicles under reasonable conditions.

6 Section 10. Applicability. This Act applies to new
7 single-family homes and newly constructed or renovated
8 multi-unit residential buildings that have parking spaces and
9 are constructed or renovated after the effective date of this
10 Act.

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

12 "Affordable housing development" means (i) any housing
13 that is subsidized by the federal or State government or (ii)
14 any housing in which at least 20% of the dwelling units are
15 subject to covenants or restrictions that require that the
16 dwelling units to be sold or rented at prices that preserve
17 them as affordable housing for a period of at least 10 years.

18 "Association" has the meaning set forth in subsection (o)
19 of Section 2 of the Condominium Property Act or Section 1-5 of
20 the Common Interest Community Association Act, as applicable.

21 "Electric vehicle" means a vehicle that is exclusively
22 powered by and refueled by electricity, plugs in to charge,
23 and is licensed to drive on public roadways. "Electric
24 vehicle" does not include electric motorcycles, hybrid

1 electric vehicles, or extended-range electric vehicles that
2 are equipped, fully or partially, with conventional fueled
3 propulsion or auxiliary engines.

4 "Electric vehicle charging station" means a station that
5 is designed in compliance with the relevant building code and
6 delivers electricity from a source outside an electric vehicle
7 into one or more electric vehicles.

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

9 (1) used to provide electricity to an electric
10 vehicle;

11 (2) designed to ensure that a safe connection has been
12 made between the electric grid and the electric vehicle;
13 and

14 (3) able to communicate with the vehicle's control
15 system so that electricity flows at an appropriate voltage
16 and current level. An electric vehicle charging system may
17 be wall mounted or pedestal style, may provide multiple
18 cords to connect with electric vehicles, and shall:

19 (i) be certified by underwriters laboratories or
20 have been granted an equivalent certification; and

21 (ii) comply with the current version of Article
22 625 of the National Electrical Code.

23 "Electric vehicle supply equipment" or "EVSE" means a
24 conductor, including an ungrounded, grounded, and equipment
25 grounding conductor, and electric vehicle connectors,
26 attachment plugs, and all other fittings, devices, power

1 outlets, and apparatuses installed specifically for the
2 purpose of transferring energy between the premises wiring and
3 the electric vehicle.

4 "Electric vehicle system" includes several charging points
5 simultaneously connecting several electric vehicles to the
6 electric vehicle charging station and any related equipment
7 needed to facilitate charging an electric vehicle.

8 "EV-capable" means parking spaces that have the electrical
9 panel capacity and conduit installed during construction to
10 support future implementation of EV charging with 208-volt or
11 240-volt or greater, 40-ampere or greater circuits. This
12 strategy ensures the reduction of up-front costs for EV
13 charging station installation by providing the electrical
14 elements that are difficult to install during a retrofit.
15 Anticipating the use of dual head EVSE, the same circuit may be
16 used to support charging in adjacent EV-capable spaces.

17 "EV-ready" means parking spaces that have full circuit
18 installations of 208-volt or 240-volt or greater, 40-ampere or
19 greater panel capacity, raceway wiring, receptacle and circuit
20 overprotection devices. This strategy provides all required
21 electrical hardware for the future installation of EV supply
22 equipment (EVSE). Anticipating the use of dual head EVSE, the
23 same circuit may be used to support charging in adjacent
24 EV-ready spaces.

25 "EVSE-installed" means EV supply equipment (EVSE) that is
26 fully installed from the electrical panel to the parking

1 space.

2 "Large multi-family residence" means a single residential
3 building that accommodates 5 families or more.

4 "Level 1" means a charging system that provides charging
5 through a 120-volt AC plug with a standard conductive
6 connector that meets the SAE International J1772 or J2954
7 standard or successor standards.

8 "Level 2" means a charging system that provides charging
9 through a 208-volt to 240-volt AC plug with a standard
10 conductive connector that meets the SAE International J1772 or
11 J2954 standard or successor standards.

12 "New" means newly constructed.

13 "Reasonable restriction" means a restriction that does not
14 significantly increase the cost of the electric vehicle
15 charging station or electric vehicle charging system or
16 significantly decrease its efficiency or specified
17 performance.

18 "Renovated" means altered or added where electrical
19 service capacity is increased by one electric service panel or
20 more.

21 "Single-family residence" means a detached single-family
22 residence on a single lot.

23 "Small multi-family residence" means a single residential
24 building that accommodates 2 to 4 families.

25 Section 20. Electric vehicle capable parking space

1 requirement. A new single-family residence or a small
2 multi-family residence shall have at least one electric
3 vehicle capable parking space for each residential unit that
4 has dedicated parking, unless any subsequently adopted
5 building code requires additional electric vehicle capable
6 parking spaces or installed EVSE. A single-family residence or
7 small multi-family residence that qualifies as an affordable
8 housing development shall provide one EV-capable parking space
9 for each code-required parking space. Where code-required
10 parking exceeds one parking space per dwelling unit, only one
11 parking space per dwelling unit is required to be EV-capable.

12 Section 25. Residential requirements.

13 (a) A new, large multi-family residential building or a
14 large multi-family residential building being renovated by a
15 developer converting the property to an association shall
16 have:

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

19 (2) 100% of its total parking spaces electric vehicle
20 capable, of which at least 20% shall be electric vehicle
21 ready, if there are 7 to 23 parking spaces; or

22 (3) 100% of its total parking spaces electric vehicle
23 capable, if there are 24 or more parking spaces, of which
24 at least 5 spots shall be electric vehicle ready.
25 Additionally, if there are 24 or more parking spaces, a

1 new or renovated residential multi-unit building shall
 2 provide at least one parking space with electric vehicle
 3 supply equipment installed, and for each additional
 4 parking space with electric vehicle supply equipment
 5 installed, the electric vehicle ready requirement is
 6 decreased by 2%. Where additional parking exists or is
 7 feasible, each parking space shall be marked and signed
 8 for common use by residents. A resident shall use an
 9 electric vehicle parking space only when the resident is
 10 charging the electric vehicle.

11 (b) The following requirements and timelines shall apply
 12 for affordable housing. A new construction single-family
 13 residence or small multi-family residence that qualifies as an
 14 affordable housing development under the same project
 15 ownership and is located on a campus with centralized parking
 16 areas is subject to the requirements and timelines below.

17 All building permits issued within 24 months after the
 18 effective date of this Act shall require a new construction
 19 large multi-family residence that qualifies as an affordable
 20 housing development to have the following, unless additional
 21 requirements are required under a subsequently adopted
 22 building code:

23	Total number	Minimum number	Minimum number	Minimum
24	of parking	of	or percentage of	percentage of
25	spaces	EVSE-installed	EV-ready spaces	EV-capable
		spaces		spaces

1	1-6	1 space	100%	--
2	7-23	1 space	20%	40%
3	24+	1 space	5 spaces	40%

4 Required EVSE-installed spaces and EV-ready spaces count
 5 toward meeting the required percentage of EV-capable spaces;
 6 for example, for lots with 20% EV-ready spaces, an additional
 7 20% of spaces would need to be EV-capable.

8 The following shall apply for building permits issued 5
 9 years after the effective date of this Act, unless additional
 10 requirements are set forth in a subsequently adopted building
 11 code, for a new construction large multi-family residence that
 12 qualifies as an affordable housing development:

13	Total number	Minimum number	Minimum number	Minimum
14	of parking	of	or percentage of	percentage of
15	spaces	EVSE-installed	EV-ready spaces	EV-capable
		spaces		spaces
16	1-6	1 space	100%	--
17	7-23	1 space	20%	50%
18	24+	1 space	5 spaces	50%

19 Required EVSE-installed spaces and EV-ready spaces count
 20 toward meeting the required percentage of EV-capable spaces;
 21 for example, for lots with 20% EV-ready spaces, an additional
 22 30% of spaces would need to be EV-capable.

23 The following shall apply for building permits issued 10

1 years after the effective date of this Act, unless additional
 2 requirements are set forth in a subsequently adopted building
 3 code, for a new construction large multi-family residence that
 4 qualifies as an affordable housing development:

5	Total number	Minimum number	Minimum number	Minimum
6	of parking	of	or percentage of	percentage of
7	spaces	EVSE-installed	EV-ready spaces	EV-capable
		spaces		spaces
8	1-6	1 space	100%	--
9	7-23	1 space	20%	70%
10	24+	1 space	5 spaces	70%

11 Required EVSE-installed spaces and EV-ready spaces count
 12 toward meeting the required percentage of EV-capable spaces;
 13 for example, for lots with 20% EV-ready spaces, an additional
 14 50% of spaces would need to be EV-capable.

15 (c) An existing multi-unit residential building subject to
 16 an association that undertakes a capital maintenance, repair,
 17 replacement, or improvement project related to electrical
 18 power infrastructure, when such project constitutes renovated
 19 as defined in this Act, shall be required to upgrade or install
 20 electrical panel capacity for dedicated branch circuits
 21 sufficient to ensure that the residential building has the
 22 power capacity to become electric vehicle capable as it
 23 relates to the space requirements in subsection (a). When such
 24 capital improvements are undertaken, the required number of

1 electric vehicle capable designated circuits may be reduced to
2 reflect what is possible within the residential building using
3 existing power capacities, including use of existing all
4 electrical panels suitable for electric vehicle charging at
5 208-volt or 240-volt AC plugs and any power transformation of
6 existing power from higher voltages to voltages suitable for
7 electric vehicle charging and the addition of associated new
8 electrical panels suitable for electric vehicle charging.
9 Under these circumstances the residential building is not
10 required to increase the existing utility power supply into
11 the building to meet the space requirements in subsection (a).

12 (d) A renovated large multi-family residential building
13 that qualifies as an affordable housing development is subject
14 to requirements in subparagraph (c) if more than 25% of
15 parking spaces are substantially modified.

16 (e) An accessible parking space is not required by this
17 Section if no accessible parking spaces are required by the
18 local zoning code. For the first required accessible EV-ready
19 or EVSE-installed parking space, the electric vehicle supply
20 equipment infrastructure may be located so that the electric
21 vehicle supply equipment will be located on an accessible
22 route and may be shared by an accessible parking space and a
23 parking space not required to be accessible. Otherwise, both
24 an accessible parking space and a parking space not required
25 to be accessible must be EV-ready or EVSE-installed. Residents
26 authorized to use an accessible parking space shall not be

1 required to charge an electric vehicle to utilize the parking
2 space.

3 Section 30. Electric vehicle charging station policy for
4 unit owners.

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

17 (b) This Section does not apply to provisions that impose
18 a reasonable restriction on an electric vehicle charging
19 station. Any electric vehicle charging station installed by a
20 unit owner pursuant to this Section is the property of that
21 unit owner and in no case will be deemed a part of the common
22 elements or common area.

23 (c) An electric vehicle charging station shall meet
24 applicable health and safety standards and requirements
25 imposed by State and local authorities and all other

1 applicable zoning, land use, or other ordinances or land use
2 permits.

3 (d) If approval is required for the installation or use of
4 an electric vehicle charging station, the association shall
5 process and approve the application in the same manner as an
6 application for approval of an alteration, modification, or
7 improvement to common elements or common areas or an
8 architectural modification to the property, and the
9 association shall not unreasonably delay the approval or
10 denial of the application. The approval or denial of an
11 application shall be in writing. If an application is not
12 denied in writing within 60 days from the date of the receipt
13 of the application, the application shall be deemed approved
14 unless the delay is the result of a reasonable request for
15 additional information.

16 (e) If the electric vehicle charging station is to be
17 placed in a common area or exclusive use common area, as
18 designated by the condominium or common interest community
19 association, the following applies:

20 (1) The unit owner shall first obtain prior written
21 approval from the association to install the electric
22 vehicle charging station and the association shall approve
23 the installation if the unit owner agrees, in writing, to:

24 (A) comply with the association's architectural
25 standards or other reasonable conditions and
26 restrictions for the installation of the electric

1 vehicle charging station;

2 (B) engage a licensed and insured electrical
3 contractor to install the electric vehicle charging
4 station. The electrical contractor shall name the
5 association, its officers, directors, and agents as
6 additional insured and shall provide a certificate of
7 insurance to the association evidencing such
8 additional insured status;

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

14 (D) pay for both the costs associated with the
15 installation of and the electricity usage associated
16 with the electric vehicle charging station; and

17 (E) be responsible for damage to the common
18 elements or common areas or other units resulting from
19 the installation, use, and removal of the electric
20 vehicle charging station.

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

23 (A) costs for damage to the electric vehicle
24 charging station, common area, exclusive use common
25 area, or separate interests resulting from the
26 installation, maintenance, repair, removal, or

1 replacement of the electric vehicle charging station;

2 (B) costs for the maintenance, repair, and
3 replacement of the electric vehicle charging station
4 until it has been removed, and for the restoration of
5 the common area after removal;

6 (C) costs of electricity associated with the
7 charging station, which shall be based on:

8 (i) a submetering device; or

9 (ii) a reasonable calculation of cost, based
10 on the average miles driven, efficiency of the
11 electric vehicle calculated by the United States
12 Environmental Protection Agency, and the cost of
13 electricity for the common area; and

14 (D) disclosing to a prospective buyer the
15 existence of any electric vehicle charging station of
16 the unit owner and the related responsibilities of the
17 unit owner under this Section.

18 (3) The purpose of the costs under paragraph (2) is
19 for the reasonable reimbursement of electricity usage and
20 shall not be set to deliberately exceed the reasonable
21 reimbursement.

22 (4) The unit owner of the electric vehicle charging
23 station, whether the electric vehicle charging station is
24 located within the common area or exclusive use common
25 area, shall, at all times, maintain a liability coverage
26 policy. The unit owner that submitted the application to

1 install the electric vehicle charging station shall
2 provide the association with the corresponding certificate
3 of insurance within 14 days after approval of the
4 application. The unit owner, and each successive unit
5 owner, shall provide the association with the certificate
6 of insurance annually thereafter.

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

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

21 (g) An association may install an electric vehicle
22 charging station in the common area for the use of all unit
23 owners and members of the association. The association shall
24 develop appropriate terms of use for the electric vehicle
25 charging station.

26 (h) An association that willfully violates this Section

1 shall be liable to the unit owner for actual damages and shall
2 pay a civil penalty to the unit owner not to exceed \$1,000.

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

7 Section 35. Electric vehicle charging system policy for
8 renters.

9 (a) Notwithstanding any provision in the lease to the
10 contrary and subject to subsection (b):

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

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

17 (A) the landlord may:

18 (i) require reimbursement for the actual cost
19 of electricity provided by the landlord that was
20 used by the electric vehicle charging system; or

21 (ii) charge a reasonable fee for access. If
22 the electric vehicle charging system is part of a
23 network for which a network fee is charged, the
24 landlord's reimbursement may include the amount of
25 the network fee. Nothing in this subparagraph

1 requires a landlord to impose upon a tenant a fee
2 or charge other than the rental payments specified
3 in the lease;

4 (B) the landlord may require reimbursement for the
5 cost of the installation of the electric vehicle
6 charging system, including any additions or upgrades
7 to existing wiring directly attributable to the
8 requirements of the electric vehicle charging system,
9 if the landlord places or causes the electric vehicle
10 charging system to be placed at the request of the
11 tenant; and

12 (C) if the tenant desires to place an electric
13 vehicle charging system in an area accessible to other
14 tenants, the landlord may assess or charge the tenant
15 a reasonable fee to reserve a specific parking space
16 in which to install the electric vehicle charging
17 system.

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

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

22 (2) a requirement that the electric vehicle charging
23 system be registered with the landlord within 30 days
24 after installation; or

25 (3) reasonable aesthetic provisions that govern the
26 dimensions, placement, or external appearance of an

1 electric vehicle charging system.

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

4 (1) the electric vehicle charging system is in
5 compliance with all applicable requirements adopted by a
6 landlord under subsection (b); and

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

8 (A) comply with the landlord's design
9 specifications for the installation of an electric
10 vehicle charging system;

11 (B) engage the services of a duly licensed and
12 registered electrical contractor familiar with the
13 installation and code requirements of an electric
14 vehicle charging system; and

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

1 amount within 14 days after the tenant receives the
2 landlord's invoice for the amount attributable to the
3 electric vehicle charging system.

4 (d) If the landlord consents to a tenant's installation of
5 an electric vehicle charging system on property accessible to
6 other tenants, including a parking space, carport, or garage
7 stall, then, unless otherwise specified in a written agreement
8 with the landlord:

9 (1) 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 costs for
12 damages to the electric vehicle charging system and to any
13 other property of the landlord or another tenant resulting
14 from the installation, maintenance, repair, removal, or
15 replacement of the electric vehicle charging system.

16 (A) Costs under this paragraph shall be based on:

17 (i) an inexpensive submetering device; or

18 (ii) a reasonable calculation of cost, based
19 on the average miles driven, efficiency of the
20 electric vehicle calculated by the United States
21 Environmental Protection Agency, and the cost of
22 electricity for the common area.

23 (B) The purpose of the costs under this paragraph
24 is for reasonable reimbursement of electricity usage
25 and shall not be set to deliberately exceed that
26 reasonable reimbursement.

1 (2) Each successive tenant with exclusive rights to
2 the area where the electric vehicle charging system is
3 installed shall assume responsibility for the repair,
4 maintenance, removal, and replacement of the electric
5 vehicle charging system until the electric vehicle
6 charging system is removed.

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

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

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

26 (f) A landlord that willfully violates this Section shall

1 be liable to the tenant for actual damages, and shall pay a
2 civil penalty to the tenant in an amount not to exceed \$1,000.

3 (g) In any action by a tenant requesting to have an
4 electric vehicle charging system installed and seeking to
5 enforce compliance with this Section, the court shall award
6 reasonable attorney's fees to a prevailing plaintiff.

7 (h) A tenant whose landlord is an owner in an association
8 and who desires to install an electric vehicle charging
9 station must obtain approval to do so through the tenant's
10 landlord or owner and in accordance with those provisions of
11 this Act applicable to associations."