



Sen. Sara Feigenholtz

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10200HB3125sam001

LRB102 14274 LNS 38102 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 Right
5 to Charge Electric Vehicles 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, renters

1 and condominium unit owners shall be able to install charging
2 equipment for electric vehicles without unreasonable
3 restrictions.

4 Section 10. Applicability. This Act applies to all
5 residential rental properties.

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

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

10 "Electric vehicle" means a vehicle that is primarily
11 powered by and refueled by electricity, must be plugged in to
12 charge, and is licensed to drive on public roadways. "Electric
13 vehicle" does not include electric mopeds or electric
14 off-highway vehicles.

15 "Electric vehicle charging station" means a station that
16 is designed in compliance with the relevant building code and
17 delivers electricity from a source outside an electric vehicle
18 into one or more electric vehicles.

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

20 (1) used to provide electricity to an electric
21 vehicle;

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

24 and

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

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

8 (ii) comply with the current version of Article
9 625 of the National Electrical Code as adopted by the
10 State.

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

18 "Level 1" means a charging system that provides charging
19 through a 120-volt AC plug with a standard conductive
20 connector that meets the SAE International J1772 or J2954
21 standard or successor standards.

22 "Level 2" means a charging system that provides charging
23 through a 208-volt to 240-volt AC plug with a standard
24 conductive connector that meets the SAE International J1772 or
25 J2954 standard or successor standards.

26 "Reasonable restriction" means a restriction that does not

1 significantly increase the cost of the electric vehicle
2 charging station or electric vehicle charging system or
3 significantly decrease its efficiency or specified
4 performance.

5 Section 20. Electric vehicle charging station policy for
6 unit owners.

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

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

25 (c) An electric vehicle charging station shall meet

1 applicable health and safety standards and requirements
2 imposed by State and local authorities and all other
3 applicable zoning, land use, or other ordinances or land use
4 permits.

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

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

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

26 (A) comply with the association's architectural

1 standards or other reasonable conditions and
2 restrictions for the installation of the electric
3 vehicle charging station;

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

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

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

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

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

25 (A) costs for damage to the electric vehicle
26 charging station, common area, exclusive use common

1 area, or separate interests resulting from the
2 installation, maintenance, repair, removal, or
3 replacement of the electric vehicle charging station;

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

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

10 (i) a submetering device; or

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

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

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

24 (4) The unit owner of the electric vehicle charging
25 station, whether the electric vehicle charging station is
26 located within the common area or exclusive use common

1 area, shall, at all times, maintain a liability coverage
2 policy. The unit owner that submitted the application to
3 install the electric vehicle charging station shall
4 provide the association with the corresponding certificate
5 of insurance within 14 days after approval of the
6 application. The unit owner, and each successive unit
7 owner, shall provide the association with the certificate
8 of insurance annually thereafter.

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

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

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

1 charging station.

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

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

9 (j) Notwithstanding any provision of this Section, an
10 association may pay, as an amenity, the cost of electricity
11 usage associated with an installed common area or exclusive
12 use common area electric vehicle charging station.

13 Section 25. Electric vehicle charging system policy for
14 renters.

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

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

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

23 (A) the landlord may:

24 (i) require reimbursement for the actual cost
25 of electricity provided by the landlord that was

1 used by the electric vehicle charging system; or

2 (ii) charge a reasonable fee for access. If
3 the electric vehicle charging system is part of a
4 network for which a network fee is charged, the
5 landlord's reimbursement may include the amount of
6 the network fee. Nothing in this subparagraph
7 requires a landlord to impose upon a tenant a fee
8 or charge other than the rental payments specified
9 in the lease;

10 (B) the landlord may require reimbursement for the
11 cost of the installation of the electric vehicle
12 charging system, including any additions or upgrades
13 to existing wiring directly attributable to the
14 requirements of the electric vehicle charging system,
15 if the landlord places or causes the electric vehicle
16 charging system to be placed at the request of the
17 tenant; and

18 (C) if the tenant desires to place an electric
19 vehicle charging system in an area accessible to other
20 tenants, the landlord may assess or charge the tenant
21 a reasonable fee to reserve a specific parking space
22 in which to install the electric vehicle charging
23 system.

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

25 (1) bona fide safety requirements consistent with an
26 applicable building code or recognized safety standard for

1 the protection of persons and property;

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

5 (3) reasonable aesthetic provisions that govern the
6 dimensions, placement, or external appearance of an
7 electric vehicle charging system.

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

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

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

14 (A) comply with the landlord's design
15 specifications for the installation of an electric
16 vehicle charging system;

17 (B) engage the services of a duly licensed and
18 registered electrical contractor familiar with the
19 installation and code requirements of an electric
20 vehicle charging system; and

21 (C) provide, within 14 days after receiving the
22 landlord's consent for the installation, a certificate
23 of insurance naming the landlord as an additional
24 insured party on the tenant's renter's insurance
25 policy for any claim related to the installation,
26 maintenance, or use of the electric vehicle charging

1 system or, at the landlord's option, reimbursement to
2 the landlord for the actual cost of any increased
3 insurance premium amount attributable to the electric
4 vehicle charging system, notwithstanding any provision
5 to the contrary in the lease. The tenant shall provide
6 reimbursement for an increased insurance premium
7 amount within 14 days after the tenant receives the
8 landlord's invoice for the amount attributable to the
9 electric vehicle charging system.

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

15 (1) The tenant, and each successive tenant with
16 exclusive rights to the area where the electric vehicle
17 charging system is installed, is responsible for costs for
18 damages to the electric vehicle charging system and to any
19 other property of the landlord or another tenant resulting
20 from the installation, maintenance, repair, removal, or
21 replacement of the electric vehicle charging system.

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

23 (i) an inexpensive submetering device; or

24 (ii) a reasonable calculation of cost, based
25 on the average miles driven, efficiency of the
26 electric vehicle calculated by the United States

1 Environmental Protection Agency, and the cost of
2 electricity for the common area.

3 (B) The purpose of the costs under this paragraph
4 is for reasonable reimbursement of electricity usage
5 and shall not be set to deliberately exceed that
6 reasonable reimbursement.

7 (2) Each successive tenant with exclusive rights to
8 the area where the electric vehicle charging system is
9 installed shall assume responsibility for the repair,
10 maintenance, removal, and replacement of the electric
11 vehicle charging system until the electric vehicle
12 charging system is removed.

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

19 (4) The tenant, and each successive tenant with
20 exclusive rights to the area where the electric vehicle
21 charging system is installed, is responsible for removing
22 the system if reasonably necessary or convenient for the
23 repair, maintenance, or replacement of any property of the
24 landlord, whether or not leased to another tenant.

25 (e) An electric vehicle charging system installed at the
26 tenant's cost is the property of the tenant. Upon termination

1 of the lease, if the electric vehicle charging system is
2 removable, the tenant may either remove it or sell it to the
3 landlord or another tenant for an agreed price. If the system
4 is removed by the tenant, the tenant shall be responsible to
5 restore the premises to its original condition. Nothing in
6 this subsection requires the landlord or another tenant to
7 purchase the electric vehicle charging system.

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

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

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