

1 AN ACT concerning regulation.

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 small multifamily residences and
15 condominium unit owners and renters, regardless of parking
16 space ownership and regardless of income. Therefore, a
17 significant portion of parking spaces in new and renovated
18 residential developments shall be capable of electric vehicle
19 charging. Additionally, renters and condominium unit owners
20 shall be able to install charging equipment for electric
21 vehicles under reasonable conditions.

22 Section 10. Applicability. This Act applies to newly

1 constructed single-family homes and multi-unit residential
2 buildings that have parking spaces and are constructed after
3 the effective date of this Act.

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

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

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

14 "Electric vehicle" means a vehicle that is exclusively
15 powered by and refueled by electricity, plugs in to charge,
16 and is licensed to drive on public roadways. "Electric
17 vehicle" does not include electric mopeds, electric
18 off-highway vehicles, hybrid electric vehicles, or
19 extended-range electric vehicles that are equipped, fully or
20 partially, with conventional fueled propulsion or auxiliary
21 engines.

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

23 (1) used to provide electricity to an electric
24 vehicle;

25 (2) designed to ensure that a safe connection has been

1 made between the electric grid and the electric vehicle;
2 and

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

8 (i) be certified by Underwriters Laboratories or
9 have been granted an equivalent certification; and

10 (ii) comply with the current version of Article
11 625 of the National Electrical Code.

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

19 "EV-capable" means parking spaces that have the electrical
20 panel capacity and conduit installed during construction to
21 support future implementation of electric vehicle charging
22 with 208-volt or 240-volt or greater, 40-ampere or greater
23 circuits. Each EV-capable space shall feature a continuous
24 raceway or cable assembly installed between an enclosure or
25 outlet located within 3 feet of the EV-capable space and a
26 suitable panelboard or other onsite electrical distribution

1 equipment. The electrical distribution equipment to which the
2 raceway or cable assembly connects shall have sufficient
3 dedicated space and spare electrical capacity for a 2-pole
4 circuit breaker or set of fuses. Reserved capacity shall be no
5 less than 40A 208/240V for each EV-capable space unless
6 EV-capable spaces will be controlled by an energy management
7 system providing load management in accordance with NFPA 70,
8 shall have a minimum capacity of 4.1 kilovolt-ampere per
9 space, or have a minimum capacity of 2.7 kilovolt-ampere per
10 space when all of the parking spaces are designed to be
11 EV-capable spaces, EV-ready spaces, or EVSE-installed spaces.
12 The electrical enclosure or outlet and the electrical
13 distribution equipment directory shall be marked "For future
14 electric vehicle supply equipment (EVSE)." This strategy
15 ensures the reduction of up-front costs for electric vehicle
16 charging station installation by providing the electrical
17 elements that are difficult to install during a retrofit.
18 Anticipating the use of dual-head EVSE, the same circuit may
19 be used to support charging in adjacent EV-capable spaces. For
20 purposes of this Act, "EV capable" shall not be construed to
21 require a developer or builder to install or run wire or cable
22 from the electrical panel through the conduit or raceway to
23 the terminus of the conduit.

24 "EV-ready" means parking spaces that are provided with a
25 branch circuit and either an outlet, junction box, or
26 receptacle that will support an installed EVSE. Each branch

1 circuit serving EV-ready spaces shall terminate at an outlet
2 or enclosure, located within 3 feet of each EV-ready space it
3 serves. The panelboard or other electrical distribution
4 equipment directory shall designate the branch circuit as "For
5 electric vehicle supply equipment (EVSE)" and the outlet or
6 enclosure shall be marked "For electric vehicle supply
7 equipment (EVSE)." The capacity of each branch circuit serving
8 multiple EV-ready spaces designed to be controlled by an
9 energy management system providing load management in
10 accordance with NFPA 70, shall have a minimum capacity of 4.1
11 kilovolt-ampere per space, or have a minimum capacity of 2.7
12 kilovolt-ampere per space when all of the parking spaces are
13 designed to be EV-capable spaces, EV-ready spaces, or EVSE
14 spaces.

15 "EVSE-installed" means electric vehicle supply equipment
16 that is fully installed from the electrical panel to the
17 parking space.

18 "Large multifamily residence" means a single residential
19 building that accommodates 5 families or more.

20 "Level 1" means a 120-volt 20-ampere minimum branch
21 circuit.

22 "Level 2" means a 208-volt to 240-volt 40-ampere branch
23 circuit.

24 "New" means newly constructed.

25 "Reasonable restriction" means a restriction that does not
26 significantly increase the cost of the electric vehicle

1 charging station or electric vehicle charging system or
2 significantly decrease its efficiency or specified
3 performance.

4 "Single-family residence" means a detached single-family
5 residence on a single lot.

6 "Small multifamily residence" means a single residential
7 building that accommodates 2 to 4 families.

8 Section 20. EV-capable parking space requirement. A new
9 single-family residence or a small multifamily residence shall
10 have at least one EV-capable parking space for each
11 residential unit that has dedicated parking, unless any
12 subsequently adopted building code requires additional
13 EV-capable parking spaces, EV-ready parking spaces, or
14 installed EVSE. A new single-family residence or small
15 multifamily residence that qualifies as an affordable housing
16 development shall have one EV-capable parking space for each
17 code-required parking space if the owner is issued a building
18 permit 24 months after the effective date of this Act. Where
19 code-required parking exceeds one parking space per dwelling
20 unit, only one parking space per dwelling unit is required to
21 be EV-capable.

22 Section 25. Residential requirements.

23 (a) All building permits issued 90 days after the
24 effective date of this Act shall require a new, large

1 multifamily residential building or a large multifamily
2 residential building being renovated by a developer converting
3 the property to an association to have 100% of its total
4 parking spaces EV-capable. However, nothing in this Act shall
5 be construed to require that in the case of a developer
6 converting the property to an association, no EV-capable or
7 EV-ready mandate shall apply if it would necessitate the
8 developer having to excavate an existing surface lot or other
9 parking facility in order to retro-fit the parking lot or
10 facility with the necessary conduit and wiring.

11 (b) The following requirements and timelines shall apply
12 for affordable housing. A new construction single-family
13 residence or small multifamily 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 24 months after the effective
18 date of this Act shall require a new construction large
19 multifamily residence that qualifies as an affordable housing
20 development to have the following, unless additional
21 requirements are required under a subsequently adopted
22 building code:

23 (1) For permits issued 24 months after the effective
24 date of this Act, a minimum of 40% EV-capable parking
25 spaces.

26 (2) For permits issued 5 years after the effective

1 date of this Act, a minimum of 50% EV-capable parking
2 spaces.

3 (3) For permits issued 10 years after the effective
4 date of this Act, a minimum of 70% EV-capable parking
5 spaces.

6 (d) An accessible parking space is not required by this
7 Section if no accessible parking spaces are required by the
8 local zoning code.

9 Section 30. Electric vehicle charging system policy for
10 unit owners.

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

23 (b) This Section does not apply to provisions that impose
24 a reasonable restriction on an electric vehicle charging
25 system. Any electric vehicle charging system installed by a

1 unit owner pursuant to this Section is the property of that
2 unit owner and in no case will be deemed a part of the common
3 elements or common area.

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

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

22 (e) If the electric vehicle charging system 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 prior written

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

4 (A) comply with the association's architectural
5 standards or other reasonable conditions and
6 restrictions for the installation of the electric
7 vehicle charging system;

8 (B) engage a licensed and insured electrical
9 contractor to install the electric vehicle charging
10 system. The electrical contractor shall name the
11 association, its officers, directors, and agents as
12 additional insured and shall provide a certificate of
13 insurance to the association evidencing such
14 additional insured status;

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

20 (D) pay for both the costs associated with the
21 installation of and the electricity usage associated
22 with the electric vehicle charging system; and

23 (E) be responsible for damage to the common
24 elements or common areas or other units resulting from
25 the installation, use, and removal of the electric
26 vehicle charging system.

1 (2) The unit owner, and each successive unit owner of
2 the electric vehicle charging system, is responsible for:

3 (A) costs for damage to the electric vehicle
4 charging system, common area, exclusive use common
5 area, or separate interests resulting from the
6 installation, maintenance, repair, removal, or
7 replacement of the electric vehicle charging system;

8 (B) costs for the maintenance, repair, and
9 replacement of the electric vehicle charging system
10 until it has been removed, and for the restoration of
11 the common area after removal;

12 (C) costs of electricity associated with the
13 charging system, which shall be based on:

14 (i) an embedded submetering device; or

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

20 (D) disclosing to a prospective buyer the
21 existence of any electric vehicle charging system of
22 the unit owner and the related responsibilities of the
23 unit owner under this Section.

24 (3) The purpose of the costs under paragraph (2) is
25 for the reasonable reimbursement of electricity usage and
26 shall not be set to deliberately exceed the reasonable

1 reimbursement.

2 (4) The unit owner of the electric vehicle charging
3 system, whether the electric vehicle charging system is
4 located within the common area or exclusive use common
5 area, shall, at all times, maintain a liability coverage
6 policy. The unit owner that submitted the application to
7 install the electric vehicle charging system shall provide
8 the association with the corresponding certificate of
9 insurance within 14 days after approval of the
10 application. The unit owner, and each successive unit
11 owner, shall provide the association with the certificate
12 of insurance annually thereafter.

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

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

1 (g) An association may install an electric vehicle
2 charging system in the common area for the use of all unit
3 owners and members of the association. The association shall
4 develop appropriate terms of use for the electric vehicle
5 charging system.

6 (h) An association that willfully violates this Section
7 shall be liable to the unit owner for actual damages and shall
8 pay a civil penalty to the unit owner not to exceed \$500.

9 (i) In any action by a unit owner requesting to have an
10 electric vehicle charging system installed and seeking to
11 enforce compliance with this Section, the court shall award
12 reasonable attorney's fees to a prevailing party.

13 Section 35. 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 receptacle or outlet, a
19 level 2 receptacle or outlet, or a level 2 electric
20 vehicle charging system on or in the leased premises;

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

24 (A) the landlord may:

25 (i) require reimbursement for the actual cost

1 of electricity provided by the landlord that was
2 used by the electric vehicle charging system;

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

11 (iii) charge a security deposit to cover costs
12 to restore the property to its original condition
13 if the tenant removes the electric vehicle
14 charging system.

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

23 (C) if the tenant desires to place an electric
24 vehicle charging system in an area accessible to other
25 tenants, the landlord may assess or charge the tenant
26 a reasonable fee to reserve a specific parking space

1 in which to install the electric vehicle charging
2 system.

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

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

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

10 (3) reasonable aesthetic provisions that govern the
11 dimensions, placement, or external appearance of an
12 electric vehicle charging system.

13 (c) A tenant may place an electric vehicle charging system
14 if:

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

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

19 (A) comply with the landlord's design
20 specifications for the installation of an electric
21 vehicle charging system;

22 (B) engage the services of a duly licensed and
23 registered electrical contractor familiar with the
24 installation and code requirements of an electric
25 vehicle charging system; and

26 (C) provide, within 14 days after receiving the

1 landlord's consent for the installation, a certificate
2 of insurance naming the landlord as an additional
3 insured party on the tenant's renter's insurance
4 policy for any claim related to the installation,
5 maintenance, or use of the electric vehicle charging
6 system or, at the landlord's option, reimbursement to
7 the landlord for the actual cost of any increased
8 insurance premium amount attributable to the electric
9 vehicle charging system, notwithstanding any provision
10 to the contrary in the lease. The tenant shall provide
11 reimbursement for an increased insurance premium
12 amount within 14 days after the tenant receives the
13 landlord's invoice for the amount attributable to the
14 electric vehicle charging system.

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

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

1 (A) Costs under this paragraph shall be based on:
2 (i) an embedded submetering device; or
3 (ii) a reasonable calculation of cost, based
4 on the average miles driven, efficiency of the
5 electric vehicle calculated by the United States
6 Environmental Protection Agency, and the cost of
7 electricity for the common area.

8 (B) The purpose of the costs under this paragraph
9 is for reasonable reimbursement of electricity usage
10 and shall not be set to deliberately exceed that
11 reasonable reimbursement.

12 (2) Each successive tenant with exclusive rights to
13 the area where the electric vehicle charging system is
14 installed shall assume responsibility for the repair,
15 maintenance, removal, and replacement of the electric
16 vehicle charging system until the electric vehicle
17 charging system is removed.

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

24 (4) The tenant, and each successive tenant with
25 exclusive rights to the area where the electric vehicle
26 charging system is installed, is responsible for removing

1 the system if reasonably necessary or convenient for the
2 repair, maintenance, or replacement of any property of the
3 landlord, whether or not leased to another tenant.

4 (e) An electric vehicle charging system installed at the
5 tenant's cost is the property of the tenant. Upon termination
6 of the lease, if the electric vehicle charging system is
7 removable, the tenant may either remove it or sell it to the
8 landlord or another tenant for an agreed price. Nothing in
9 this subsection requires the landlord or another tenant to
10 purchase the electric vehicle charging system.

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

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

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