



Sen. Sara Feigenholtz

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1 AMENDMENT TO SENATE BILL 40

2 AMENDMENT NO. _____. Amend Senate Bill 40 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 multifamily 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 newly
7 constructed single-family homes and multi-unit residential
8 buildings that have parking spaces and are constructed after
9 the effective date of this Act.

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

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

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

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

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

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

5 (1) used to provide electricity to an electric
6 vehicle;

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

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

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

17 (ii) comply with the current version of Article
18 625 of the National Electrical Code.

19 "Electric vehicle supply equipment" or "EVSE" means a
20 conductor, including an ungrounded, grounded, and equipment
21 grounding conductor, and electric vehicle connectors,
22 attachment plugs, and all other fittings, devices, power
23 outlets, and apparatuses installed specifically for the
24 purpose of transferring energy between the premises wiring and
25 the electric vehicle.

26 "EV-capable" means parking spaces that have the electrical

1 panel capacity and conduit installed during construction to
2 support future implementation of electric vehicle charging
3 with 208-volt or 240-volt or greater, 40-ampere or greater
4 circuits. Each EV-capable space shall feature a continuous
5 raceway or cable assembly installed between an enclosure or
6 outlet located within 3 feet of the EV-capable space and a
7 suitable panelboard or other onsite electrical distribution
8 equipment. The electrical distribution equipment to which the
9 raceway or cable assembly connects shall have sufficient
10 dedicated space and spare electrical capacity for a 2-pole
11 circuit breaker or set of fuses. Reserved capacity shall be no
12 less than 40A 208/240V for each EV-capable space unless
13 EV-capable spaces will be controlled by an energy management
14 system providing load management in accordance with NFPA 70,
15 shall have a minimum capacity of 4.1 kilovolt-ampere per
16 space, or have a minimum capacity of 2.7 kilovolt-ampere per
17 space when all of the parking spaces are designed to be
18 EV-capable spaces, EV-ready spaces, or EVSE-installed spaces.
19 The electrical enclosure or outlet and the electrical
20 distribution equipment directory shall be marked "For future
21 electric vehicle supply equipment (EVSE)." This strategy
22 ensures the reduction of up-front costs for electric vehicle
23 charging station installation by providing the electrical
24 elements that are difficult to install during a retrofit.
25 Anticipating the use of dual-head EVSE, the same circuit may
26 be used to support charging in adjacent EV-capable spaces.

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

18 "EVSE-installed" means electric vehicle supply equipment
19 that is fully installed from the electrical panel to the
20 parking space.

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

23 "Level 1" means a charging system that provides charging
24 through a 120-volt EVSE that meets the SAE International J1772
25 or J2954 standard or successor standards.

26 "Level 2" means a charging system that provides charging

1 through a 208-volt to 240-volt EVSE that meets the SAE
2 International J1772 or J2954 standard or successor standards.

3 "New" means newly constructed.

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

9 "Single-family residence" means a detached single-family
10 residence on a single lot.

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

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

1 be EV-capable.

2 Section 25. Residential requirements.

3 (a) All building permits issued 90 days after the
4 effective date of this Act shall require a new, large
5 multifamily residential building or a large multifamily
6 residential building being renovated by a developer converting
7 the property to an association to have 100% of its total
8 parking spaces EV-capable.

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

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

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

24 (2) For permits issued 5 years after the effective
25 date of this Act, a minimum of 50% EV-capable parking

1 spaces.

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

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

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

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

22 (b) This Section does not apply to provisions that impose
23 a reasonable restriction on an electric vehicle charging
24 system. Any electric vehicle charging system installed by a
25 unit owner pursuant to this Section is the property of that

1 unit owner and in no case will be deemed a part of the common
2 elements or common area.

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

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

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

25 (1) The unit owner shall first obtain prior written
26 approval from the association to install the electric

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

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

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

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

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

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

26 (2) The unit owner, and each successive unit owner of

1 the electric vehicle charging system, is responsible for:

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

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

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

13 (i) an embedded submetering device; or

14 (ii) a reasonable calculation of cost, based
15 on 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; and

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

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

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

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

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

26 (g) An association may install an electric vehicle

1 charging system in the common area for the use of all unit
2 owners and members of the association. The association shall
3 develop appropriate terms of use for the electric vehicle
4 charging system.

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

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

12 Section 35. Electric vehicle charging system policy for
13 renters.

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

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

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

22 (A) the landlord may:

23 (i) require reimbursement for the actual cost
24 of electricity provided by the landlord that was
25 used by the electric vehicle charging system; or

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

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

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

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

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

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

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

7 (c) A tenant may place an electric vehicle charging system
8 if:

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

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

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

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

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

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

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

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

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

22 (i) an embedded submetering device; or

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

1 electricity for the common area.

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

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

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

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

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

1 removable, the tenant may either remove it or sell it to the
2 landlord or another tenant for an agreed price. Nothing in
3 this subsection requires the landlord or another tenant to
4 purchase the electric vehicle charging system.

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

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

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