

Effective 5/3/2023

57-8a-802 Electric vehicle charging systems -- Restrictions -- Responsibilities.

- (1) Notwithstanding any provision in an association's governing documents to the contrary, an association may not prohibit a lot owner from installing or using a charging system in:
 - (a) a parking space:
 - (i) on the lot owner's lot; and
 - (ii) used for the parking or storage of a vehicle or equipment; or
 - (b) a limited common area parking space designated for the lot owner's exclusive use.
- (2) An association may:
 - (a) require a lot owner to submit an application for approval of the installation of a charging system;
 - (b) require the lot owner to agree in writing to:
 - (i) hire a general electrical contractor or residential electrical contractor to install the charging system; or
 - (ii) if a charging system is installed in a common area, provide reimbursement to the association for the actual cost of the increase in the association's insurance premium attributable to the installation or use of the charging system;
 - (c) require a charging system to comply with:
 - (i) the association's reasonable design criteria governing the dimensions, placement, or external appearance of the charging system; or
 - (ii) applicable building codes;
 - (d) impose a reasonable charge to cover costs associated with the review and permitting of a charging system;
 - (e) impose a reasonable restriction on the installation and use of a charging system that does not significantly:
 - (i) increase the cost of the charging system; or
 - (ii) decrease the efficiency or performance of the charging system; or
 - (f) require a lot owner to pay the costs associated with installation, metering, and use of the charging system, including the cost of:
 - (i) electricity associated with the charging system; and
 - (ii) damage to a general common area, a limited common area, or an area subject to the exclusive use of another lot owner that results from the installation, use, maintenance, repair, removal, or replacement of the charging system.
- (3) A lot owner who installs a charging system shall disclose to a prospective buyer of the lot:
 - (a) the existence of the charging system; and
 - (b) the lot owner's related responsibilities under this section.
- (4) Unless the lot owner and the association or the declarant otherwise agree:
 - (a) a charging system installed under this section is the personal property of the lot owner of the lot with which the charging system is associated; and
 - (b) a lot owner who installs a charging system shall, before transferring ownership of the owner's lot, unless the prospective buyer of the lot accepts ownership and all rights and responsibilities that apply to the charging system under this section:
 - (i) remove the charging system; and
 - (ii) restore the premises to the condition before installation of the charging system.

Amended by Chapter 503, 2023 General Session