

HB0451S01 compared with HB0451

~~text~~ shows text that was in HB0451 but was deleted in HB0451S01.

inserted text shows text that was not in HB0451 but was inserted into HB0451S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative V. Lowry Snow proposes the following substitute bill:

SOLAR ACCESS PROTECTION AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: V. Lowry Snow

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~amends provisions~~ enacts a provision related to the installation of a solar energy system.

Highlighted Provisions:

This bill:

- ▶ provides that a community association or governing document may not, subject to certain conditions, prohibit or unreasonably restrict a lot owner from installing or operating a solar energy system on the owner's lot ~~;~~;
- ▶ provides that a lot owner may not install a solar energy system that violates a state or local law; and
- ▶ provides that a solar energy system provider may not enforce an agreement for installation of a solar energy system against a lot owner if the agreement violates a

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law or requirement of an association or governing document.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

57-8a-228, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 57-8a-228 is enacted to read:

57-8a-228. Restrictions on a solar energy system -- Declaration -- Governing documents -- Agreement for installation of a solar energy system.

(1) For the purposes of this section, "solar energy system" means a system that produces electric energy solely by the use, as a primary energy source, of sunlight.

(2) Except as provided in Subsection (5), an association may not prohibit or unreasonably restrict a lot owner from installing or operating a solar energy system on the owner's lot.

(3) Except as provided in Subsection (6), a governing document may not prohibit or unreasonably restrict a lot owner from installing or operating a solar energy system on the owner's lot.

(4) A restriction on a lot owner's use of a solar energy system is unreasonable under Subsection (2) or (3) if the restriction:

(a) increases the cost of the solar energy system, including the costs of labor and equipment, by greater than \$750; or

(b) causes the solar energy system to function at an efficiency level that is greater than 15% less than the solar energy system's intended level of efficiency.

(5) An association may

~~require~~, as a condition of a lot owner installing a solar energy system ~~to comply with state or local law;~~ on the lot owner's lot:

~~(b)~~(a) prohibit ~~or restrict~~ the installation of ~~a~~the solar energy system in a common

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area;

~~(c)b~~ require ~~fa~~the lot owner to pay for a maintenance or repair cost that is related to the lot owner's installation or operation of ~~fa~~the solar energy system;

~~(d)c~~ require ~~fa person that installs a solar energy system~~the lot owner to indemnify the association for any damage caused while the ~~person~~lot owner is installing the solar energy system; ~~or~~

~~(e)d~~ require ~~fa~~the lot owner to follow an application procedure in order to install ~~fa~~the solar energy system~~.~~

~~(6) A~~; ~~or~~

(e) require the lot owner to enter into an agreement with the association, in a form that can be recorded, that provides terms and conditions for the lot owner's installation and maintenance of the solar energy system.

(6) In addition to a requirement made in a governing document by an association under Subsection (5), a governing document may~~.~~

~~(a) require~~, as a condition of a lot owner installing a solar energy system ~~to comply with state or local law,~~ on the lot owner's lot:

~~(b)a~~ prohibit ~~for restrict~~the installation of ~~fa~~the solar energy system in a common area; or

~~(c)b~~ require ~~fa~~the lot owner to pay a maintenance or repair cost that is related to the lot owner's installation of a solar energy system~~.~~

Legislative Review Note

Office of Legislative Research and General Counsel;

(c) require the lot owner to indemnify the association for any damage caused while the lot owner is installing the solar energy system.

(7) A lot owner may not install a solar energy system that violates a state or local law.

(8) A provider of a solar energy system that enters into an agreement with a lot owner for the installation of a solar energy system may not enforce the agreement against the lot

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owner if the agreement violates:

(a) this section;

(b) a requirement or prohibition, of an association, that complies with this section; or

(c) a requirement or prohibition, in a governing document, that complies with this section.