

ELECTRIC VEHICLE CHARGING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts provisions related to electric vehicle charging systems.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ allows a property owner in a condominium association or community association to install and use an electric vehicle charging system; and
- ▶ allows a renter of a residential rental unit to install and use an electric vehicle charging system.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-8-3, as last amended by Laws of Utah 2020, Chapter 398

57-8a-102, as last amended by Laws of Utah 2020, Chapter 398

57-22-2, as last amended by Laws of Utah 2017, Chapter 19

ENACTS:

57-8-8.2, Utah Code Annotated 1953



28 [57-8a-801](#), Utah Code Annotated 1953

29 [57-22-5.2](#), Utah Code Annotated 1953

30

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

32 Section 1. Section **57-8-3** is amended to read:

33 **57-8-3. Definitions.**

34 As used in this chapter:

35 (1) "Assessment" means any charge imposed by the association, including:

36 (a) common expenses on or against a unit owner pursuant to the provisions of the
37 declaration, bylaws, or this chapter; and

38 (b) an amount that an association of unit owners assesses to a unit owner under
39 Subsection [57-8-43\(9\)\(g\)](#).

40 (2) "Association of unit owners" or "association" means all of the unit owners:

41 (a) acting as a group in accordance with the declaration and bylaws; or

42 (b) organized as a legal entity in accordance with the declaration.

43 (3) "Building" means a building, containing units, and comprising a part of the
44 property.

45 (4) "Commercial condominium project" means a condominium project that has no
46 residential units within the project.

47 (5) "Common areas and facilities" unless otherwise provided in the declaration or
48 lawful amendments to the declaration means:

49 (a) the land included within the condominium project, whether leasehold or in fee
50 simple;

51 (b) the foundations, columns, girders, beams, supports, main walls, roofs, halls,
52 corridors, lobbies, stairs, stairways, fire escapes, entrances, and exits of the building;

53 (c) the basements, yards, gardens, parking areas, and storage spaces;

54 (d) the premises for lodging of janitors or persons in charge of the property;

55 (e) installations of central services such as power, light, gas, hot and cold water,
56 heating, refrigeration, air conditioning, and incinerating;

57 (f) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all
58 apparatus and installations existing for common use;

59 (g) such community and commercial facilities as may be provided for in the
60 declaration; and

61 (h) all other parts of the property necessary or convenient to its existence, maintenance,
62 and safety, or normally in common use.

63 (6) "Common expenses" means:

64 (a) all sums lawfully assessed against the unit owners;

65 (b) expenses of administration, maintenance, repair, or replacement of the common
66 areas and facilities;

67 (c) expenses agreed upon as common expenses by the association of unit owners; and

68 (d) expenses declared common expenses by this chapter, or by the declaration or the
69 bylaws.

70 (7) "Common profits," unless otherwise provided in the declaration or lawful
71 amendments to the declaration, means the balance of all income, rents, profits, and revenues
72 from the common areas and facilities remaining after the deduction of the common expenses.

73 (8) "Condominium" means the ownership of a single unit in a multiunit project
74 together with an undivided interest in common in the common areas and facilities of the
75 property.

76 (9) "Condominium plat" means a plat or plats of survey of land and units prepared in
77 accordance with Section [57-8-13](#).

78 (10) "Condominium project" means a real estate condominium project; a plan or
79 project whereby two or more units, whether contained in existing or proposed apartments,
80 commercial or industrial buildings or structures, or otherwise, are separately offered or
81 proposed to be offered for sale. Condominium project also means the property when the
82 context so requires.

83 (11) "Condominium unit" means a unit together with the undivided interest in the
84 common areas and facilities appertaining to that unit. Any reference in this chapter to a
85 condominium unit includes both a physical unit together with its appurtenant undivided interest
86 in the common areas and facilities and a time period unit together with its appurtenant
87 undivided interest, unless the reference is specifically limited to a time period unit.

88 (12) "Contractible condominium" means a condominium project from which one or
89 more portions of the land within the project may be withdrawn in accordance with provisions

90 of the declaration and of this chapter. If the withdrawal can occur only by the expiration or
91 termination of one or more leases, then the condominium project is not a contractible
92 condominium within the meaning of this chapter.

93 (13) "Convertible land" means a building site which is a portion of the common areas
94 and facilities, described by metes and bounds, within which additional units or limited common
95 areas and facilities may be created in accordance with this chapter.

96 (14) "Convertible space" means a portion of the structure within the condominium
97 project, which portion may be converted into one or more units or common areas and facilities,
98 including limited common areas and facilities in accordance with this chapter.

99 (15) "Declarant" means all persons who execute the declaration or on whose behalf the
100 declaration is executed. From the time of the recordation of any amendment to the declaration
101 expanding an expandable condominium, all persons who execute that amendment or on whose
102 behalf that amendment is executed shall also come within this definition. Any successors of
103 the persons referred to in this subsection who come to stand in the same relation to the
104 condominium project as their predecessors also come within this definition.

105 (16) "Declaration" means the instrument by which the property is submitted to the
106 provisions of this act, as it from time to time may be lawfully amended.

107 (17) "Electric vehicle charging system" or "charging system" means a device that is:
108 (a) used to provide electricity to one or more electric or hybrid electric vehicles; and
109 (b) designed to ensure a safe connection between the electric grid and the vehicle.

110 [~~17~~] (18) "Electrical corporation" means the same as that term is defined in Section
111 [54-2-1](#).

112 [~~18~~] (19) "Expandable condominium" means a condominium project to which
113 additional land or an interest in it may be added in accordance with the declaration and this
114 chapter.

115 [~~19~~] (20) "Gas corporation" means the same as that term is defined in Section [54-2-1](#).

116 [~~20~~] (21) "Governing documents":

117 (a) means a written instrument by which an association of unit owners may:

118 (i) exercise powers; or

119 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
120 association of unit owners; and

121 (b) includes:
122 (i) articles of incorporation;
123 (ii) bylaws;
124 (iii) a plat;
125 (iv) a declaration of covenants, conditions, and restrictions; and
126 (v) rules of the association of unit owners.
127 ~~[(21)]~~ (22) "Independent third party" means a person that:
128 (a) is not related to the unit owner;
129 (b) shares no pecuniary interests with the unit owner; and
130 (c) purchases the unit in good faith and without the intent to defraud a current or future
131 lienholder.
132 ~~[(22)]~~ (23) "Judicial foreclosure" means a foreclosure of a unit:
133 (a) for the nonpayment of an assessment;
134 (b) in the manner provided by law for the foreclosure of a mortgage on real property;
135 and
136 (c) as provided in this chapter.
137 ~~[(23)]~~ (24) "Leasehold condominium" means a condominium project in all or any
138 portion of which each unit owner owns an estate for years in his unit, or in the land upon which
139 that unit is situated, or both, with all those leasehold interests to expire naturally at the same
140 time. A condominium project including leased land, or an interest in the land, upon which no
141 units are situated or to be situated is not a leasehold condominium within the meaning of this
142 chapter.
143 ~~[(24)]~~ (25) "Limited common areas and facilities" means those common areas and
144 facilities designated in the declaration as reserved for use of a certain unit or units to the
145 exclusion of the other units.
146 ~~[(25)]~~ (26) "Majority" or "majority of the unit owners," unless otherwise provided in
147 the declaration or lawful amendments to the declaration, means the owners of more than 50%
148 in the aggregate in interest of the undivided ownership of the common areas and facilities.
149 ~~[(26)]~~ (27) "Management committee" means the committee as provided in the
150 declaration charged with and having the responsibility and authority to make and to enforce all
151 of the reasonable rules covering the operation and maintenance of the property.

152 ~~[(27)]~~ (28) "Management committee meeting" means a gathering of a management
153 committee, whether in person or by means of electronic communication, at which the
154 management committee can take binding action.

155 ~~[(28)]~~ (29) (a) "Means of electronic communication" means an electronic system that
156 allows individuals to communicate orally in real time.

157 (b) "Means of electronic communication" includes:

158 (i) web conferencing;

159 (ii) video conferencing; and

160 (iii) telephone conferencing.

161 ~~[(29)]~~ (30) "Mixed-use condominium project" means a condominium project that has
162 both residential and commercial units in the condominium project.

163 ~~[(30)]~~ (31) "Nonjudicial foreclosure" means the sale of a unit:

164 (a) for the nonpayment of an assessment;

165 (b) in the same manner as the sale of trust property under Sections 57-1-19 through
166 57-1-34; and

167 (c) as provided in this chapter.

168 ~~[(31)]~~ (32) "Par value" means a number of dollars or points assigned to each unit by the
169 declaration. Substantially identical units shall be assigned the same par value, but units located
170 at substantially different heights above the ground, or having substantially different views, or
171 having substantially different amenities or other characteristics that might result in differences
172 in market value, may be considered substantially identical within the meaning of this
173 subsection. If par value is stated in terms of dollars, that statement may not be considered to
174 reflect or control the sales price or fair market value of any unit, and no opinion, appraisal, or
175 fair market transaction at a different figure may affect the par value of any unit, or any
176 undivided interest in the common areas and facilities, voting rights in the unit owners'
177 association, liability for common expenses, or right to common profits, assigned on the basis
178 thereof.

179 ~~[(32)]~~ (33) "Period of administrative control" means the period of control described in
180 Subsection 57-8-16.5(1).

181 ~~[(33)]~~ (34) "Person" means an individual, corporation, partnership, association, trustee,
182 or other legal entity.

183 ~~[(34)]~~ (35) "Property" means the land, whether leasehold or in fee simple, the building,
184 if any, all improvements and structures thereon, all easements, rights, and appurtenances
185 belonging thereto, and all articles of personal property intended for use in connection
186 therewith.

187 ~~[(35)]~~ (36) "Record," "recording," "recorded," and "recorder" have the meaning stated
188 in Chapter 3, Recording of Documents.

189 ~~[(36)]~~ (37) "Rentals" or "rental unit" means:

190 (a) a unit that:

191 (i) is not owned by an entity or trust; and

192 (ii) is occupied by an individual while the unit owner is not occupying the unit as the
193 unit owner's primary residence; or

194 (b) an occupied unit owned by an entity or trust, regardless of who occupies the unit.

195 ~~[(37)]~~ (38) "Size" means the number of cubic feet, or the number of square feet of
196 ground or floor space, within each unit as computed by reference to the record of survey map
197 and rounded off to a whole number. Certain spaces within the units including attic, basement,
198 or garage space may be omitted from the calculation or be partially discounted by the use of a
199 ratio, if the same basis of calculation is employed for all units in the condominium project and
200 if that basis is described in the declaration.

201 ~~[(38)]~~ (39) "Time period unit" means an annually recurring part or parts of a year
202 specified in the declaration as a period for which a unit is separately owned and includes a
203 timeshare estate as defined in Section [57-19-2](#).

204 ~~[(39)]~~ (40) "Unconstructed unit" means a unit that:

205 (a) is intended, as depicted in the condominium plat, to be fully or partially contained
206 in a building; and

207 (b) is not constructed.

208 ~~[(40)]~~ (41) (a) "Unit" means a separate part of the property intended for any type of
209 independent use, which is created by the recording of a declaration and a condominium plat
210 that describes the unit boundaries.

211 (b) "Unit" includes one or more rooms or spaces located in one or more floors or a
212 portion of a floor in a building.

213 (c) "Unit" includes a convertible space, in accordance with Subsection [57-8-13.4\(3\)](#).

214 ~~[(41)]~~ (42) "Unit number" means the number, letter, or combination of numbers and
215 letters designating the unit in the declaration and in the record of survey map.

216 ~~[(42)]~~ (43) "Unit owner" means the person or persons owning a unit in fee simple and
217 an undivided interest in the fee simple estate of the common areas and facilities in the
218 percentage specified and established in the declaration or, in the case of a leasehold
219 condominium project, the person or persons whose leasehold interest or interests in the
220 condominium unit extend for the entire balance of the unexpired term or terms.

221 Section 2. Section **57-8-8.2** is enacted to read:

222 **57-8-8.2. Electric vehicle charging systems -- Restrictions -- Responsibilities.**

223 (1) As used in this section:

224 (a) "General electrical contractor" means the same as that term is defined in Section
225 58-55-102.

226 (b) "Residential electrical contractor" means the same as that term is defined in Section
227 58-55-102.

228 (2) Notwithstanding any provision in an association's governing documents to the
229 contrary, an association may not:

230 (a) prohibit a unit owner from installing or using a charging system in:

231 (i) a deeded parking area; or

232 (ii) a limited common area or facility designated for the unit owner's use; or

233 (b) charge a fee to a unit owner for the unit owner's installation or use of a charging
234 system.

235 (3) Upon request, an association shall assign a unit owner a different parking area that
236 allows the unit owner to install a charging system if:

237 (a) site conditions prevent the installation of a charging system in the unit owner's
238 designated parking area; or

239 (b) the cost of installing a charging system in the unit owner's designated parking area
240 makes installation of the charging system prohibitive.

241 (4) An association may require:

242 (a) a unit owner to submit an application for approval of the installation of a charging
243 system;

244 (b) the unit owner to agree in writing to:

245 (i) hire a general electrical contractor or residential electrical contractor to install the
246 charging system; and

247 (ii) if a charging system is installed in a common area, provide reimbursement to the
248 association for the actual cost of the increase in the association's insurance premium

249 attributable to the installation or use of the charging system; and

250 (c) a charging system to comply with:

251 (i) the association's reasonable design criteria governing the dimensions, placement, or
252 external appearance of the charging system; and

253 (ii) applicable building codes.

254 (5) A unit owner who installs a charging system shall:

255 (a) pay the costs of:

256 (i) installing the charging system;

257 (ii) electricity usage associated with the charging system;

258 (iii) repair, maintenance, removal, or replacement of the charging system;

259 (iv) repairing any damage to a common area that results from the installation,

260 maintenance, removal, or replacement of the charging system; and

261 (v) if reasonably necessary for the repair, maintenance, or replacement of a common
262 area, the removal or relocation of the charging system; and

263 (b) maintain a valid insurance policy covering the unit owner's obligations described in
264 this Subsection (5) and name the association as an additional insured under the unit owner's
265 insurance policy.

266 (6) (a) A unit owner who installs a charging system at the unit owner's expense owns
267 the charging system.

268 (b) A unit owner shall disclose to a prospective buyer of the unit owner's unit:

269 (i) the existence of any charging system the unit owner owns; and

270 (ii) the unit owner's related responsibilities under this section.

271 Section 3. Section **57-8a-102** is amended to read:

272 **57-8a-102. Definitions.**

273 As used in this chapter:

274 (1) (a) "Assessment" means a charge imposed or levied:

275 (i) by the association;

- 276 (ii) on or against a lot or a lot owner; and
- 277 (iii) pursuant to a governing document recorded with the county recorder.
- 278 (b) "Assessment" includes:
- 279 (i) a common expense; and
- 280 (ii) an amount assessed against a lot owner under Subsection 57-8a-405(7).
- 281 (2) (a) Except as provided in Subsection (2)(b), "association" means a corporation or
- 282 other legal entity, any member of which:
- 283 (i) is an owner of a residential lot located within the jurisdiction of the association, as
- 284 described in the governing documents; and
- 285 (ii) by virtue of membership or ownership of a residential lot is obligated to pay:
- 286 (A) real property taxes;
- 287 (B) insurance premiums;
- 288 (C) maintenance costs; or
- 289 (D) for improvement of real property not owned by the member.
- 290 (b) "Association" or "homeowner association" does not include an association created
- 291 under Title 57, Chapter 8, Condominium Ownership Act.
- 292 (3) " Board meeting" means a gathering of a board, whether in person or by means of
- 293 electronic communication, at which the board can take binding action.
- 294 (4) "Board of directors" or "board" means the entity, regardless of name, with primary
- 295 authority to manage the affairs of the association.
- 296 (5) "Common areas" means property that the association:
- 297 (a) owns;
- 298 (b) maintains;
- 299 (c) repairs; or
- 300 (d) administers.
- 301 (6) "Common expense" means costs incurred by the association to exercise any of the
- 302 powers provided for in the association's governing documents.
- 303 (7) (a) "Declarant"~~["(a)"]~~ means the person who executes a declaration and submits ~~[it]~~
- 304 the declaration for recording in the office of the recorder of the county in which the property
- 305 described in the declaration is located~~["and"]~~.
- 306 (b) "Declarant" includes the person's successor and assign.

307 (8) "Electric vehicle charging system" or "charging system" means a device that is:
 308 (a) used to provide electricity to one or more electric or hybrid electric vehicles; and
 309 (b) designed to ensure a safe connection between the electric grid and the vehicle.

310 [~~8~~] (9) "Electrical corporation" means the same as that term is defined in Section
 311 54-2-1.

312 [~~9~~] (10) "Gas corporation" means the same as that term is defined in Section 54-2-1.

313 [~~10~~] (11) (a) "Governing documents" means a written instrument by which the
 314 association may:

- 315 (i) exercise powers; or
- 316 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the
- 317 association.

318 (b) "Governing documents" includes:

- 319 (i) articles of incorporation;
- 320 (ii) bylaws;
- 321 (iii) a plat;
- 322 (iv) a declaration of covenants, conditions, and restrictions; and
- 323 (v) rules of the association.

324 [~~11~~] (12) "Independent third party" means a person that:

- 325 (a) is not related to the owner of the residential lot;
- 326 (b) shares no pecuniary interests with the owner of the residential lot; and
- 327 (c) purchases the residential lot in good faith and without the intent to defraud a current
- 328 or future lienholder.

329 [~~12~~] (13) "Judicial foreclosure" means a foreclosure of a lot:

- 330 (a) for the nonpayment of an assessment;
- 331 (b) in the manner provided by law for the foreclosure of a mortgage on real property;
- 332 and
- 333 (c) as provided in Part 3, Collection of Assessments.

334 [~~13~~] (14) "Lease" or "leasing" means regular, exclusive occupancy of a lot:

- 335 (a) by a person or persons other than the owner; and
- 336 (b) for which the owner receives a consideration or benefit, including a fee, service,
- 337 gratuity, or emolument.

338 ~~[(14)]~~ (15) "Limited common areas" means common areas described in the declaration
339 and allocated for the exclusive use of one or more lot owners.

340 ~~[(15)]~~ (16) "Lot" means:

341 (a) a lot, parcel, plot, or other division of land:

342 (i) designated for separate ownership or occupancy; and

343 (ii) (A) shown on a recorded subdivision plat; or

344 (B) the boundaries of which are described in a recorded governing document; or

345 (b) (i) a unit in a condominium association if the condominium association is a part of
346 a development; or

347 (ii) a unit in a real estate cooperative if the real estate cooperative is part of a
348 development.

349 ~~[(16)]~~ (17) (a) "Means of electronic communication" means an electronic system that
350 allows individuals to communicate orally in real time.

351 (b) "Means of electronic communication" includes:

352 (i) web conferencing;

353 (ii) video conferencing; and

354 (iii) telephone conferencing.

355 ~~[(17)]~~ (18) "Mixed-use project" means a project under this chapter that has both
356 residential and commercial lots in the project.

357 ~~[(18)]~~ (19) "Nonjudicial foreclosure" means the sale of a lot:

358 (a) for the nonpayment of an assessment;

359 (b) in the same manner as the sale of trust property under Sections [57-1-19](#) through
360 [57-1-34](#); and

361 (c) as provided in Part 3, Collection of Assessments.

362 ~~[(19)]~~ (20) "Period of administrative control" means the period during which the
363 person who filed the association's governing documents or the person's successor in interest
364 retains authority to:

365 (a) appoint or remove members of the association's board of directors; or

366 (b) exercise power or authority assigned to the association under the association's
367 governing documents.

368 ~~[(20)]~~ (21) "Rentals" or "rental lot" means:

369 (a) a lot that:
 370 (i) is not owned by an entity or trust; and
 371 (ii) is occupied by an individual while the lot owner is not occupying the lot as the lot
 372 owner's primary residence; or

373 (b) an occupied lot owned by an entity or trust, regardless of who occupies the lot.
 374 ~~[(21)]~~ (22) "Residential lot" means a lot, the use of which is limited by law, covenant,
 375 or otherwise to primarily residential or recreational purposes.

376 ~~[(22)]~~ (23) "Solar energy system" means:

- 377 (a) a system that is used to produce electric energy from sunlight; and
- 378 (b) the components of the system described in Subsection ~~[(22)]~~ (23)(a).

379 Section 4. Section **57-8a-801** is enacted to read:

Part 8. Electric Vehicle Charging Systems

57-8a-801. Electric vehicle charging systems -- Restrictions -- Responsibilities.

382 (1) As used in this section:

383 (a) "General electrical contractor" means the same as that term is defined in Section
 384 58-55-102.

385 (b) "Residential electrical contractor" means the same as that term is defined in Section
 386 58-55-102.

387 (2) Notwithstanding any provision in an association's governing documents to the
 388 contrary, an association may not:

389 (a) prohibit a lot owner from installing or using a charging system:

- 390 (i) on the lot owner's lot;
- 391 (ii) a deeded parking area; or
- 392 (iii) a limited common area or facility designated for the lot owner's use; or

393 (b) charge a fee to a lot owner for the lot owner's installation or use of a charging
 394 system.

395 (3) Upon request, an association shall assign a lot owner a different parking area that
 396 allows the lot owner to install a charging system if:

397 (a) site conditions prevent the installation of a charging system in the lot owner's
 398 designated parking area; or

399 (b) the cost of installing a charging system in the lot owner's designated parking area

400 makes installation of the charging system prohibitive.

401 (4) An association may require:

402 (a) a lot owner to submit an application for approval of the installation of a charging
403 system;

404 (b) the lot owner to agree in writing to:

405 (i) hire a general electrical contractor or residential electrical contractor to install the
406 charging system; and

407 (ii) provide reimbursement to the association for the actual cost of the increase in the
408 association's insurance premium attributable to the installation or use of the charging system;
409 and

410 (c) a charging system to comply with:

411 (i) the association's reasonable design criteria governing the dimensions, placement, or
412 external appearance of the charging system; and

413 (ii) applicable building codes.

414 (5) A lot owner who installs a charging system shall:

415 (a) pay the costs of:

416 (i) installing the charging system;

417 (ii) electricity usage associated with the charging system;

418 (iii) repair, maintenance, removal, or replacement of the charging system;

419 (iv) repairing any damage to a common area that results from the installation,

420 maintenance, removal, or replacement of the charging system; and

421 (v) if reasonably necessary for the repair, maintenance, or replacement of a common
422 area, the removal or relocation of the charging system; and

423 (b) maintain a valid insurance policy covering the lot owner's obligations described in
424 this Subsection (5) and name the association as an additional insured under the lot owner's
425 insurance policy.

426 (6) (a) A lot owner who installs a charging system at the lot owner's expense owns the
427 charging system.

428 (b) A lot owner shall disclose to a prospective buyer of the lot owner's lot:

429 (i) the existence of any charging system the lot owner owns; and

430 (ii) the lot owner's related responsibilities under this section.

431 Section 5. Section **57-22-2** is amended to read:

432 **57-22-2. Definitions.**

433 As used in this chapter:

434 (1) "Electric vehicle charging system" or "charging system" means a device that is:

435 (a) used to provide electricity to one or more electric or hybrid electric vehicles; and

436 (b) designed to ensure a safe connection between the electric grid and the vehicle.

437 ~~[(1)]~~ (2) "Owner" means the owner, lessor, or sublessor of a residential rental unit. A
438 managing agent, leasing agent, or resident manager is considered an owner for purposes of
439 notice and other communication required or allowed under this chapter unless the agent or
440 manager specifies otherwise in writing in the rental agreement.

441 ~~[(2)]~~ (3) "Rental agreement" means any agreement, written or oral, which establishes or
442 modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy
443 of a residential rental unit.

444 ~~[(3)]~~ (4) "Rental application" means an application required by an owner as a
445 prerequisite to the owner entering into a rental agreement for a residential rental unit.

446 ~~[(4)]~~ (5) "Renter" means any person entitled (5) under a rental agreement to occupy a
447 residential rental unit to the exclusion of others.

448 ~~[(5)]~~ (6) "Residential rental unit" means a renter's principal place of residence and
449 includes the appurtenances, grounds, and facilities held out for the use of the residential renter
450 generally, and any other area or facility provided to the renter in the rental agreement. It does
451 not include facilities contained in a boarding or rooming house or similar facility, mobile home
452 lot, or recreational property rented on an occasional basis.

453 Section 6. Section **57-22-5.2** is enacted to read:

454 **57-22-5.2. Electric vehicle charging systems-- Restrictions -- Responsibilities.**

455 (1) As used in this section:

456 (a) "General electrical contractor" means the same as that term is defined in Section
457 [58-55-102.](#)

458 (b) "Residential electrical contractor" means the same as that term is defined in Section
459 [58-55-102.](#)

460 (2) Notwithstanding any provision in a rental agreement to the contrary and subject to
461 the provisions of this section, an owner may not:

- 462 (a) prohibit a renter from installing or using a charging system in the residential rental
463 unit; or
- 464 (b) charge a fee to a renter for the renter's installation or use of a charging system.
- 465 (3) Upon request, an owner shall assign a renter a different parking area that allows the
466 renter to install a charging system if:
- 467 (a) site conditions prevent the installation of a charging system in the renter's assigned
468 parking area; or
- 469 (b) the cost of installing a charging system in the renter's assigned parking area makes
470 installation of the charging system prohibitive.
- 471 (4) An owner may require:
- 472 (a) a renter to submit an application for approval of the installation of a charging
473 system;
- 474 (b) a renter to agree in writing to:
- 475 (i) hire a general electrical contractor or residential electrical contractor to install the
476 charging system; and
- 477 (ii) provide reimbursement to the owner for the actual cost of the increase in the
478 owner's insurance premium attributable to the installation or use of the charging system;
- 479 (c) a charging system to comply with:
- 480 (i) the owner's reasonable design criteria governing the dimensions, placement, or
481 external appearance of the charging system; and
- 482 (ii) applicable building codes;
- 483 (d) if the owner installs a charging system at the request of the renter, the renter to
484 reimburse the owner for the costs of installing the charging system; and
- 485 (e) if a renter desires to install a charging system in an area accessible to other renters,
486 the renter to pay a reasonable fee to reserve a specific parking area in which to install the
487 charging system.
- 488 (5) A renter who installs a charging system shall:
- 489 (a) pay the costs of:
- 490 (i) installing the charging system;
- 491 (ii) electricity usage associated with the charging system;
- 492 (iii) repair, maintenance, removal, or replacement of the charging system;

493 (iv) repairing any damage to the residential rental unit that results from the installation,
494 maintenance, removal, or replacement of the charging system; and

495 (v) if reasonably necessary for the repair, maintenance, or replacement of any portion
496 of the residential rental unit, the removal or relocation of the charging system; and

497 (b) maintain a valid insurance policy covering the renter's obligations described in this
498 Subsection (5) and name the owner as an additional insured under the renter's insurance policy.

499 (6) (a) A renter who installs a charging system at the renter's expense owns the
500 charging system.

501 (b) Upon termination of a rental agreement, a renter who has installed a charging
502 system may:

503 (i) remove the charging system; or

504 (ii) sell the charging system.

505 (7) This section does not require an owner to purchase a charging system from a renter.