

**Representative Joel K. Briscoe** proposes the following substitute bill:

**ELECTRIC VEHICLE CHARGING MODIFICATIONS**

2022 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



26 ENACTS:

27 [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



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) "Charging system" means a device that is:

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

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

48 [~~(4)~~] (5) "Commercial condominium project" means a condominium project that has no  
49 residential units within the project.

50 [~~(5)~~] (6) "Common areas and facilities" unless otherwise provided in the declaration or  
51 lawful amendments to the declaration means:

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

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

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

- 57 (d) the premises for lodging of janitors or persons in charge of the property;
- 58 (e) installations of central services such as power, light, gas, hot and cold water,  
59 heating, refrigeration, air conditioning, and incinerating;
- 60 (f) the elevators, tanks, pumps, motors, fans, compressors, ducts, and in general all  
61 apparatus and installations existing for common use;
- 62 (g) such community and commercial facilities as may be provided for in the  
63 declaration; and
- 64 (h) all other parts of the property necessary or convenient to its existence, maintenance,  
65 and safety, or normally in common use.
- 66 [~~(6)~~] (7) "Common expenses" means:
- 67 (a) all sums lawfully assessed against the unit owners;
- 68 (b) expenses of administration, maintenance, repair, or replacement of the common  
69 areas and facilities;
- 70 (c) expenses agreed upon as common expenses by the association of unit owners; and
- 71 (d) expenses declared common expenses by this chapter, or by the declaration or the  
72 bylaws.
- 73 [~~(7)~~] (8) "Common profits," unless otherwise provided in the declaration or lawful  
74 amendments to the declaration, means the balance of all income, rents, profits, and revenues  
75 from the common areas and facilities remaining after the deduction of the common expenses.
- 76 [~~(8)~~] (9) "Condominium" means the ownership of a single unit in a multiunit project  
77 together with an undivided interest in common in the common areas and facilities of the  
78 property.
- 79 [~~(9)~~] (10) "Condominium plat" means a plat or plats of survey of land and units  
80 prepared in accordance with Section 57-8-13.
- 81 [~~(10)~~] (11) "Condominium project" means a real estate condominium project; a plan or  
82 project whereby two or more units, whether contained in existing or proposed apartments,  
83 commercial or industrial buildings or structures, or otherwise, are separately offered or  
84 proposed to be offered for sale. Condominium project also means the property when the  
85 context so requires.
- 86 [~~(11)~~] (12) "Condominium unit" means a unit together with the undivided interest in  
87 the common areas and facilities appertaining to that unit. Any reference in this chapter to a

88 condominium unit includes both a physical unit together with its appurtenant undivided interest  
89 in the common areas and facilities and a time period unit together with its appurtenant  
90 undivided interest, unless the reference is specifically limited to a time period unit.

91 ~~[(12)]~~ (13) "Contractible condominium" means a condominium project from which one  
92 or more portions of the land within the project may be withdrawn in accordance with  
93 provisions of the declaration and of this chapter. If the withdrawal can occur only by the  
94 expiration or termination of one or more leases, then the condominium project is not a  
95 contractible condominium within the meaning of this chapter.

96 ~~[(13)]~~ (14) "Convertible land" means a building site which is a portion of the common  
97 areas and facilities, described by metes and bounds, within which additional units or limited  
98 common areas and facilities may be created in accordance with this chapter.

99 ~~[(14)]~~ (15) "Convertible space" means a portion of the structure within the  
100 condominium project, which portion may be converted into one or more units or common areas  
101 and facilities, including limited common areas and facilities in accordance with this chapter.

102 ~~[(15)]~~ (16) "Declarant" means all persons who execute the declaration or on whose  
103 behalf the declaration is executed. From the time of the recordation of any amendment to the  
104 declaration expanding an expandable condominium, all persons who execute that amendment  
105 or on whose behalf that amendment is executed shall also come within this definition. Any  
106 successors of the persons referred to in this subsection who come to stand in the same relation  
107 to the condominium project as their predecessors also come within this definition.

108 ~~[(16)]~~ (17) "Declaration" means the instrument by which the property is submitted to  
109 the provisions of this act, as it from time to time may be lawfully amended.

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~~] the unit owner's unit, or in  
139 the land upon which that unit is situated, or both, with all those leasehold interests to expire  
140 naturally at the same time. A condominium project including leased land, or an interest in the  
141 land, upon which no units are situated or to be situated is not a leasehold condominium within  
142 the meaning of this 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) For an association that assigns a unit owner's parking area, upon request, the  
236 association shall assign a unit owner a different parking area that allows the unit owner to  
237 install a charging system if:

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

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

242 (4) An association may require:



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

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

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

248 (ii) if a charging system is installed in a common area, provide reimbursement to the  
249 association for the actual cost of the increase in the association's insurance premium  
250 attributable to the installation or use of the charging system; or

251 (c) a charging system to comply with:

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

254 (ii) applicable building codes.

255 (5) For an association that requires an application described in Subsection (4)(a), if a  
256 unit owner complies with this section, the association shall approve the unit owner's completed  
257 application within 60 days after the day on which the unit owner submits the application,  
258 unless the delay in approving the application is based on the association's reasonable request  
259 for additional information.

260 (6) A unit owner who installs a charging system shall:

261 (a) pay the costs of:

262 (i) installing the charging system;

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

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

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

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

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

269 (b) maintain a valid insurance policy covering the unit owner's obligations described in  
270 this Subsection (6) and name the association as an additional insured under the unit owner's  
271 insurance policy.

272 (7) (a) A unit owner who installs a charging system at the unit owner's expense owns  
273 the charging system.

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

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

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

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

278 **57-8a-102. Definitions.**

279 As used in this chapter:

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

281 (i) by the association;

282 (ii) on or against a lot or a lot owner; and

283 (iii) pursuant to a governing document recorded with the county recorder.

284 (b) "Assessment" includes:

285 (i) a common expense; and

286 (ii) an amount assessed against a lot owner under Subsection [57-8a-405\(7\)](#).

287 (2) (a) Except as provided in Subsection (2)(b), "association" means a corporation or

288 other legal entity, any member of which:

289 (i) is an owner of a residential lot located within the jurisdiction of the association, as

290 described in the governing documents; and

291 (ii) by virtue of membership or ownership of a residential lot is obligated to pay:

292 (A) real property taxes;

293 (B) insurance premiums;

294 (C) maintenance costs; or

295 (D) for improvement of real property not owned by the member.

296 (b) "Association" or "homeowner association" does not include an association created

297 under Title 57, Chapter 8, Condominium Ownership Act.

298 (3) " Board meeting" means a gathering of a board, whether in person or by means of

299 electronic communication, at which the board can take binding action.

300 (4) "Board of directors" or "board" means the entity, regardless of name, with primary

301 authority to manage the affairs of the association.

302 (5) "Charging system" means a device that is:

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

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

305 [~~(5)~~] (6) "Common areas" means property that the association:

- 306 (a) owns;
- 307 (b) maintains;
- 308 (c) repairs; or
- 309 (d) administers.

310 [~~(6)~~] (7) "Common expense" means costs incurred by the association to exercise any of  
311 the powers provided for in the association's governing documents.

312 [~~(7)~~] (8) (a) "Declarant"~~[(a)]~~ means the person who executes a declaration and  
313 submits [it] the declaration for recording in the office of the recorder of the county in which the  
314 property described in the declaration is located~~[, and]~~.

315 (b) "Declarant" includes the person's successor and assign.

316 [~~(8)~~] (9) "Electrical corporation" means the same as that term is defined in Section  
317 [54-2-1](#).

318 [~~(9)~~] (10) "Gas corporation" means the same as that term is defined in Section [54-2-1](#).

319 [~~(10)~~] (11) (a) "Governing documents" means a written instrument by which the  
320 association may:

- 321 (i) exercise powers; or
- 322 (ii) manage, maintain, or otherwise affect the property under the jurisdiction of the  
323 association.

324 (b) "Governing documents" includes:

- 325 (i) articles of incorporation;
- 326 (ii) bylaws;
- 327 (iii) a plat;
- 328 (iv) a declaration of covenants, conditions, and restrictions; and
- 329 (v) rules of the association.

330 [~~(11)~~] (12) "Independent third party" means a person that:

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

335 [~~(12)~~] (13) "Judicial foreclosure" means a foreclosure of a lot:

- 336 (a) for the nonpayment of an assessment;
- 337 (b) in the manner provided by law for the foreclosure of a mortgage on real property;
- 338 and
- 339 (c) as provided in Part 3, Collection of Assessments.

340 ~~[(13)]~~ (14) "Lease" or "leasing" means regular, exclusive occupancy of a lot:

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

344 ~~[(14)]~~ (15) "Limited common areas" means common areas described in the declaration  
345 and allocated for the exclusive use of one or more lot owners.

346 ~~[(15)]~~ (16) "Lot" means:

- 347 (a) a lot, parcel, plot, or other division of land:
  - 348 (i) designated for separate ownership or occupancy; and
  - 349 (ii) (A) shown on a recorded subdivision plat; or
  - 350 (B) the boundaries of which are described in a recorded governing document; or
- 351 (b) (i) a unit in a condominium association if the condominium association is a part of  
352 a development; or
- 353 (ii) a unit in a real estate cooperative if the real estate cooperative is part of a  
354 development.

355 ~~[(16)]~~ (17) (a) "Means of electronic communication" means an electronic system that  
356 allows individuals to communicate orally in real time.

- 357 (b) "Means of electronic communication" includes:
  - 358 (i) web conferencing;
  - 359 (ii) video conferencing; and
  - 360 (iii) telephone conferencing.

361 ~~[(17)]~~ (18) "Mixed-use project" means a project under this chapter that has both  
362 residential and commercial lots in the project.

363 ~~[(18)]~~ (19) "Nonjudicial foreclosure" means the sale of a lot:

- 364 (a) for the nonpayment of an assessment;
- 365 (b) in the same manner as the sale of trust property under Sections [57-1-19](#) through  
366 [57-1-34](#); and

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

368 [~~(19)~~] (20) "Period of administrative control" means the period during which the  
369 person who filed the association's governing documents or the person's successor in interest  
370 retains authority to:

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

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

374 [~~(20)~~] (21) "Rentals" or "rental lot" means:

375 (a) a lot that:

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

377 (ii) is occupied by an individual while the lot owner is not occupying the lot as the lot  
378 owner's primary residence; or

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

380 [~~(21)~~] (22) "Residential lot" means a lot, the use of which is limited by law, covenant,  
381 or otherwise to primarily residential or recreational purposes.

382 [~~(22)~~] (23) "Solar energy system" means:

383 (a) a system that is used to produce electric energy from sunlight; and

384 (b) the components of the system described in Subsection [~~(22)~~] (23)(a).

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

386 **Part 8. Electric Vehicle Charging Systems**

387 **57-8a-801. Electric vehicle charging systems -- Restrictions -- Responsibilities.**

388 (1) As used in this section:

389 (a) "General electrical contractor" means the same as that term is defined in Section  
390 [58-55-102.](#)

391 (b) "Residential electrical contractor" means the same as that term is defined in Section  
392 [58-55-102.](#)

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

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

396 (i) on the lot owner's lot;

397 (ii) in a deeded parking area; or

398           (iii) in a limited common area or facility designated for the lot owner's use; or  
399           (b) charge a fee to a lot owner for the lot owner's installation or use of a charging  
400 system.

401           (3) For an association that assigns a lot owner's parking area, upon request, the  
402 association shall assign a lot owner a different parking area that allows the lot owner to install a  
403 charging system if:

404           (a) site conditions prevent the installation of a charging system in the lot owner's  
405 assigned parking area; or

406           (b) the cost of installing a charging system in the lot owner's assigned parking area  
407 makes installation of the charging system prohibitive.

408           (4) An association may require:

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

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

412           (i) hire a general electrical contractor or residential electrical contractor to install the  
413 charging system; or

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

416           (c) a charging system to comply with:

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

419           (ii) applicable building codes.

420           (5) For an association that requires an application described in Subsection (4)(a), if a  
421 lot owner complies with this section, the association shall approve the lot owner's completed  
422 application within 60 days after the day on which the lot owner submits the application, unless  
423 the delay in approving the application is based on the association's reasonable request for  
424 additional information.

425           (6) A lot owner who installs a charging system shall:

426           (a) pay the costs of:

427           (i) installing the charging system;

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

429 (iii) repair, maintenance, removal, or replacement of the charging system;  
 430 (iv) repairing any damage to a common area that results from the installation,  
 431 maintenance, removal, or replacement of the charging system; and  
 432 (v) if reasonably necessary for the repair, maintenance, or replacement of a common  
 433 area, the removal or relocation of the charging system; and  
 434 (b) maintain a valid insurance policy covering the lot owner's obligations described in  
 435 this Subsection (6) and name the association as an additional insured under the lot owner's  
 436 insurance policy.

437 (7) (a) A lot owner who installs a charging system at the lot owner's expense owns the  
 438 charging system.

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

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

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

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

443 **57-22-2. Definitions.**

444 As used in this chapter:

445 (1) "Charging system" means a device that is:

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

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

448 ~~[(1)]~~ (2) "Owner" means the owner, lessor, or sublessor of a residential rental unit. A  
 449 managing agent, leasing agent, or resident manager is considered an owner for purposes of  
 450 notice and other communication required or allowed under this chapter unless the agent or  
 451 manager specifies otherwise in writing in the rental agreement.

452 ~~[(2)]~~ (3) "Rental agreement" means any agreement, written or oral, which establishes or  
 453 modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy  
 454 of a residential rental unit.

455 ~~[(3)]~~ (4) "Rental application" means an application required by an owner as a  
 456 prerequisite to the owner entering into a rental agreement for a residential rental unit.

457 ~~[(4)]~~ (5) "Renter" means any person entitled under a rental agreement to occupy a  
 458 residential rental unit to the exclusion of others.

459 ~~[(5)]~~ (6) "Residential rental unit" means a renter's principal place of residence and

460 includes the appurtenances, grounds, and facilities held out for the use of the residential renter  
461 generally, and any other area or facility provided to the renter in the rental agreement. It does  
462 not include facilities contained in a boarding or rooming house or similar facility, mobile home  
463 lot, or recreational property rented on an occasional basis.

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

465 **57-22-5.2. Electric vehicle charging systems-- Restrictions -- Responsibilities.**

466 (1) As used in this section:

467 (a) "General electrical contractor" means the same as that term is defined in Section

468 [58-55-102.](#)

469 (b) "Residential electrical contractor" means the same as that term is defined in Section

470 [58-55-102.](#)

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

473 (a) prohibit a renter from installing or using a charging system in the residential rental  
474 unit; or

475 (b) charge a fee to a renter for the renter's installation or use of a charging system.

476 (3) For an owner who assigns a renter's parking area, upon request, an owner shall  
477 assign a renter a different parking area that allows the renter to install a charging system if:

478 (a) site conditions prevent the installation of a charging system in the renter's assigned  
479 parking area; or

480 (b) the cost of installing a charging system in the renter's assigned parking area makes  
481 installation of the charging system prohibitive.

482 (4) An owner may require:

483 (a) a renter to submit an application for approval of the installation of a charging  
484 system;

485 (b) a renter to agree in writing to:

486 (i) hire a general electrical contractor or residential electrical contractor to install the  
487 charging system; or

488 (ii) provide reimbursement to the owner for the actual cost of the increase in the  
489 owner's insurance premium attributable to the installation or use of the charging system;

490 (c) a charging system to comply with:



491 (i) the owner's reasonable design criteria governing the dimensions, placement, or  
492 external appearance of the charging system; or

493 (ii) applicable building codes; or

494 (d) if the owner installs a charging system at the request of the renter, the renter to  
495 reimburse the owner for the costs of installing the charging system.

496 (5) For an owner who requires an application described in Subsection (4)(a), if a renter  
497 complies with this section, the owner shall approve the renter's completed application within  
498 60 days after the day on which the renter submits the application, unless the delay in approving  
499 the application is based on the owner's reasonable request for additional information.

500 (6) A renter who installs a charging system shall:

501 (a) pay the costs of:

502 (i) installing the charging system;

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

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

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

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

509 (b) maintain a valid insurance policy covering the renter's obligations described in this  
510 Subsection (6) and name the owner as an additional insured under the renter's insurance policy.

511 (7) (a) A renter who installs a charging system at the renter's expense owns the  
512 charging system.

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

515 (i) remove the charging system; or

516 (ii) sell the charging system.

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