

Introduced by

Representatives Boschee, Cory, Dakane, Louser, Mock, Novak, Roers Jones

Senators Braunberger, Larson

1 A BILL for an Act to create and enact a new section to chapter 47-04.1 of the North Dakota  
2 Century Code, relating to electric vehicle charging station installation in condominiums; and to  
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 47-04.1 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Electric vehicle charging station installation - Penalty.**

8 1. For purposes of this section:

9 a. "Reasonable restrictions" means restrictions ~~that~~on the number, size, location,  
10 and manner of placement or installation of an electric vehicle charging station on  
11 the common or limited common area which do not significantly increase the cost  
12 of the electric vehicle charging station or significantly decrease ~~its~~the efficiency or  
13 specified performance of the electric vehicle charging station.

14 b. "Electric vehicle charging station" means a station that delivers electricity from a  
15 source outside an electric vehicle into one or more electric vehicles. An electric  
16 vehicle charging station may include several charge points simultaneously  
17 connecting several electric vehicles to the station and any related equipment  
18 needed to facilitate charging plug-in electric vehicles.

19 2. Any covenant, restriction, or condition contained in any deed, contract, security  
20 instrument, or other instrument affecting the transfer or sale of any interest in the  
21 property, or any by-law, that either effectively prohibits or unreasonably restricts the  
22 installation or use of an electric vehicle charging station within an owner's unit or in a  
23 designated parking space, including a deeded parking space, a parking space in an  
24 owner's limited common area, or a parking space specifically designated for use by a

1           particular owner, or is in conflict with the provisions of this section is void and  
2           unenforceable. This section does not apply to a by-law that imposes reasonable  
3           restrictions on electric vehicle charging stations.

4           3. An electric vehicle charging station must meet all applicable health and safety  
5           standards and requirements imposed by law, rule, or regulation. If approval is required  
6           for the installation or use of an electric vehicle charging station, the application for  
7           approval must be processed and approved by the administrative body governing the  
8           condominium in a manner prescribed by the administrative body governing the  
9           condominium and may not be willfully avoided or delayed. The approval or denial of an  
10           application must be in writing. If an application is not denied in writing within sixty days  
11           from the date of receipt of the application, the application is deemed approved, unless  
12           that delay is the result of a reasonable request for additional information.

13           4. If the electric vehicle charging station is to be placed in ~~a common area or in~~ a limited  
14           common area, as provided in the required declaration contained in section 47-04.1-02:

15           a. The owner shall obtain approval from the administrative body governing the  
16           condominium to install the electric vehicle charging station. The administrative  
17           body governing the condominium shall approve the installation ~~in a limited~~  
18           ~~common area~~ if the owner agrees in writing to:

19           (1) Comply with the architectural standards of the administrative body  
20           governing the condominium for the installation of the charging station;

21           (2) Engage a licensed contractor to install the charging station;

22           (3) Within fourteen days of approval, provide a certificate of insurance that  
23           names the administrative body governing the condominium as an additional  
24           insured under the owner's insurance policy pursuant to subdivision c; ~~and~~

25           (4) Pay the costs associated with the installation of and the electricity usage  
26           associated with the charging station; ~~and~~

27           (5) Comply with any other reasonable regulations, including regulations on the  
28           number, size, location, and manner of placement or installation of electric  
29           vehicle charging stations on the limited common area, as required by the  
30           administrative body governing the condominium.

31           b. The owner and each successive owner of the charging station is responsible for:

- 1           (1) Costs relating to damage to the charging station, common area, limited  
2           common area, or any unit resulting from the installation, maintenance,  
3           repair, removal, or replacement of the charging station;
- 4           (2) Costs relating to the maintenance, repair, and replacement of the charging  
5           station until it is removed and for the restoration of the common area after  
6           removal;
- 7           (3) The cost of electricity associated with the charging station; ~~and~~
- 8           (4) Other costs not listed in this subsection which may arise; and
- 9           (5) Disclosing to prospective buyers the existence of any charging station and  
10           the related responsibilities of the owner under this section.
- 11          c. The owner of the charging station, ~~whether located within a unit or within a~~  
12           ~~common area or limited common area,~~ shall, at all times, maintain a liability  
13           coverage policy not to exceed the value of a typical condominium owner's policy.  
14           Within fourteen days of approval of the application, the owner that submitted the  
15           application to install the charging station shall provide the administrative body  
16           governing the condominium with the corresponding certificate of insurance. The  
17           owner and each successive owner shall provide the administrative body  
18           governing the condominium with the certificate of insurance each year.
- 19          d. A homeowner may not be required to maintain a homeowners liability coverage  
20           policy for an existing national electrical manufacturers association standard  
21           alternating current power plug.
- 22          e. This section does not prohibit the administrative body governing a condominium  
23           from imposing reasonable regulations on the number, size, and manner of  
24           placement of an electric vehicle charging station in common areas or limited  
25           common areas.
- 26          f. The administrative body governing the condominium may deny the installation of  
27           an electric vehicle charging station based on bona fide safety requirements,  
28           consistent with an applicable building code or recognized safety standard, for the  
29           protection of persons and property.
- 30          5. Except as provided in subsection 6, if installation of an electric vehicle charging station  
31           in the owner's designated parking space is impossible or unreasonably expensive, the

1 administrative body governing the condominium may authorize the installation of an  
2 electric vehicle charging station for the exclusive use of an owner in a common area  
3 that is not a limited common area. ~~The administrative body governing the~~  
4 condominium may deny the installation of an electric vehicle charging station if a  
5 reasonable area is not available or the area cannot be reasonably accessed by the  
6 owner. If installation is authorized under this subsection, the administrative body  
7 governing the condominium shall enter a license agreement with the owner for the use  
8 of the space in a common area and the owner shall comply with all the requirements in  
9 subsection 4.

10 6. The administrative body governing the condominium or owners may install an electric  
11 vehicle charging station in a common area for the use of all members of the  
12 condominium and develop appropriate terms of use for the charging station.

13 7. An administrative body governing the condominium may create a new parking space  
14 where one did not previously exist to facilitate the installation of an electric vehicle  
15 charging station.

16 8. An administrative body governing a condominium which willfully violates this section is  
17 liable for actual damages and shall pay a civil penalty to the applicant or other party in  
18 an amount not to exceed one thousand dollars.

19 9. ~~In any action by a unit owner requesting to have an electric vehicle charging station~~  
20 ~~installed and seeking to enforce compliance with this section, the unit owner must be~~  
21 ~~awarded reasonable attorney's fees if the unit owner prevails~~Any unit owner installing  
22 an electric vehicle charging station shall indemnify and hold the administrative body  
23 governing the condominium harmless from all liability, including reasonable attorney's  
24 fees incurred by the administrative body governing the condominium resulting from a  
25 claim arising out of the installation, maintenance, operation, or use of the electric  
26 vehicle charging station.