

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1310
(Representatives Boschee, Cory, Dakane, Louser, Mock, Novak, Roers Jones)
(Senators Braunberger, Larson)

AN ACT to create and enact a new section to chapter 47-04.1 of the North Dakota Century Code, relating to electric vehicle charging station installation in condominiums; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Electric vehicle charging station installation - Penalty.

1. For purposes of this section:
 - a. "Reasonable restrictions" means restrictions on the number, size, location, and manner of placement or installation of an electric vehicle charging station on the common or limited common area which do not significantly increase the cost of the electric vehicle charging station or significantly decrease the efficiency or specified performance of the electric vehicle charging station.
 - b. "Electric vehicle charging station" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.
2. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in the property, or any bylaw, that either effectively prohibits or unreasonably restricts the installation or use of an electric vehicle charging station within an owner's unit or in a designated parking space, including a deeded parking space, a parking space in an owner's limited common area, or a parking space specifically designated for use by a particular owner, or is in conflict with the provisions of this section is void and unenforceable. This section does not apply to a bylaw that imposes reasonable restrictions on electric vehicle charging stations.
3. An electric vehicle charging station must meet all applicable health and safety standards and requirements imposed by law, rule, or regulation. If approval is required for the installation or use of an electric vehicle charging station, the application for approval must be processed and approved by the administrative body governing the condominium in a manner prescribed by the administrative body governing the condominium and may not be willfully avoided or delayed. The approval or denial of an application must be in writing. If an application is not denied in writing within sixty days from the date of receipt of the application, the application is deemed approved, unless that delay is the result of a reasonable request for additional information.
4. If the electric vehicle charging station is to be placed in a limited common area, as provided in the required declaration contained in section 47-04.1-02:
 - a. The owner shall obtain approval from the administrative body governing the condominium to install the electric vehicle charging station. The administrative body

governing the condominium shall approve the installation in a limited common area if the owner agrees in writing to:

- (1) Comply with the architectural standards of the administrative body governing the condominium for the installation of the charging station;
 - (2) Engage a licensed contractor to install the charging station;
 - (3) Within fourteen days of approval, provide a certificate of insurance that names the administrative body governing the condominium as an additional insured under the owner's insurance policy pursuant to subdivision c;
 - (4) Pay the costs associated with the installation of and the electricity usage associated with the charging station; and
 - (5) Comply with any other reasonable regulations, including regulations on the number, size, location, and manner of placement or installation of electric vehicle charging stations on the limited common area, as required by the administrative body governing the condominium.
- b. The owner and each successive owner of the charging station is responsible for:
- (1) Costs relating to damage to the charging station, common area, limited common area, or any unit resulting from the installation, maintenance, repair, removal, or replacement of the charging station;
 - (2) Costs relating to the maintenance, repair, and replacement of the charging station until it is removed and for the restoration of the common area after removal;
 - (3) The cost of electricity associated with the charging station;
 - (4) Other costs not listed in this subsection which may arise; and
 - (5) Disclosing to prospective buyers the existence of any charging station and the related responsibilities of the owner under this section.
- c. The owner of the charging station shall, at all times, maintain a liability coverage policy not to exceed the value of a typical condominium owner's policy. Within fourteen days of approval of the application, the owner that submitted the application to install the charging station shall provide the administrative body governing the condominium with the corresponding certificate of insurance. The owner and each successive owner shall provide the administrative body governing the condominium with the certificate of insurance each year.
- d. A homeowner may not be required to maintain a homeowners liability coverage policy for an existing national electrical manufacturers association standard alternating current power plug.
- e. This section does not prohibit the administrative body governing a condominium from imposing reasonable regulations on the number, size, and manner of placement of an electric vehicle charging station in common areas or limited common areas.
- f. The administrative body governing the condominium may deny the installation of an electric vehicle charging station based on bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property.
5. Except as provided in subsection 6, if installation of an electric vehicle charging station in the owner's designated parking space is impossible or unreasonably expensive, the administrative

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

6. The administrative body governing the condominium or owners may install an electric vehicle charging station in a common area for the use of all members of the condominium and develop appropriate terms of use for the charging station.
7. An administrative body governing the condominium may create a new parking space where one did not previously exist to facilitate the installation of an electric vehicle charging station.
8. An administrative body governing a condominium which willfully violates this section is liable for actual damages and shall pay a civil penalty to the applicant or other party in an amount not to exceed one thousand dollars.
9. Any unit owner installing an electric vehicle charging station shall indemnify and hold the administrative body governing the condominium harmless from all liability, including reasonable attorney's fees incurred by the administrative body governing the condominium resulting from a claim arising out of the installation, maintenance, operation, or use of the electric vehicle charging station.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1310.

House Vote: Yeas 81 Nays 11 Absent 2

Senate Vote: Yeas 43 Nays 3 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2023.

Approved at _____ M. on _____, 2023.

Governor

Filed in this office this _____ day of _____, 2023,

at _____ o'clock _____ M.

Secretary of State