

ACT 186

S.B. NO. 2231

A Bill for an Act Relating to Electric Vehicles.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 196, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§196- Placement of electric vehicle charging system. (a) Notwithstanding any law to the contrary, no person shall be prevented by any covenant, declaration, bylaw, restriction, deed, lease, term, provision, condition, codicil, contract, or similar agreement, however worded, from installing an electric vehicle charging system on or near the parking stall of any multi-family residential dwelling or townhouse that the person owns. Any provision in any lease,

instrument, or contract contrary to the intent of this section shall be void and unenforceable.

(b) Every private entity may adopt rules that reasonably restrict the placement and use of electric vehicle charging systems for the purpose of charging electrical vehicles in the parking stalls of any multi-family residential dwelling or townhouse; provided that those restrictions shall not prohibit the placement or use of electric vehicle charging systems altogether. No private entity shall assess or charge any homeowner any fees for the placement of any electric vehicle charging system; provided that the private entity may require reimbursement for the cost of electricity used by such electric vehicle charging system.

(c) Any person may place an electric vehicle charging system on or near the parking stall of any multi-family residential dwelling or townhouse unit owned by that person; provided that:

- (1) The system is in compliance with any rules and specifications adopted pursuant to subsection (b);
- (2) The system is registered with the private entity of record within thirty days of installation;
- (3) If the system is placed on a common element or limited common element as defined by a project's declaration, the homeowner shall first obtain the consent of the private entity; provided further that such consent shall be given if the homeowner agrees in writing to:
 - (A) Comply with the private entity's design specification for the installation of the system;
 - (B) Engage a duly licensed contractor to install the system; and
 - (C) Within fourteen days of approval of the system by the private entity, provide a certificate of insurance naming the private entity as an additional insured on the homeowner's insurance policy.

(d) If an electric vehicle charging system is placed on a common element or limited common element:

- (1) The owner and each successive owner of the parking stall on which or near where the system is placed shall be responsible for any costs for damages to the system, common elements, limited common elements, and any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the system. The repair, maintenance, removal, and replacement responsibilities shall be assumed by each successive owner until the electric vehicle charging system has been removed from the common elements or limited common elements. The owner and each successive owner shall at all times have and maintain a policy of insurance covering the obligations of the owner under this paragraph and shall name the private entity as an additional insured under the policy; and
- (2) The owner and any successive owner of the parking stall on which or near where the system is placed shall be responsible for removing the electric vehicle charging system if reasonably necessary or convenient for the repair, maintenance, or replacement of the common elements or limited common elements.

(e) For the purpose of this section:

"Electric vehicle charging system" means a system that is designed in compliance with Article 625 of the National Electrical Code and delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging system may include several charge points simultaneously connecting several electric vehicles to the system.

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“Private entity” means any association of homeowners, community association, condominium association, cooperative, or any other nongovernmental entity with covenants, bylaws, and administrative provisions with which a homeowner’s compliance is required.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect on July 1, 2010.

(Approved June 30, 2010.)

Note

1. Edited pursuant to HRS §23G-16.5.