

C-Engrossed
House Bill 3301

Ordered by the Senate May 31
Including House Amendments dated April 12 and Senate Amendments
dated May 15 and May 31

Sponsored by Representative BARNHART; Representatives DOHERTY, KENY-GUYER, LIVELY, READ

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Authorizes owner of lot in planned community or unit in condominium to install electric vehicle charging station for personal, noncommercial use.

A BILL FOR AN ACT

1
2 Relating to electric vehicle charging stations; creating new provisions; and amending ORS 94.550,
3 94.572 and 100.005.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 94.550 is amended to read:

6 94.550. As used in ORS 94.550 to 94.783:

7 (1) "Assessment" means any charge imposed or levied by a homeowners association on or
8 against an owner or lot pursuant to the provisions of the declaration or the bylaws of the planned
9 community or provisions of ORS 94.550 to 94.783.

10 (2) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance,
11 mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than
12 one lot in a planned community, or an agreement affecting more than one lot by which the developer
13 holds such planned community under an option, contract to sell or trust agreement.

14 (3) "Class I planned community" means a planned community that:

15 (a) Contains at least 13 lots or in which the declarant has reserved the right to increase the
16 total number of lots beyond 12; and

17 (b) Has an estimated annual assessment, including an amount required for reserves under ORS
18 94.595, exceeding \$10,000 for all lots or \$100 per lot, whichever is greater, based on:

19 (A) For a planned community created on or after January 1, 2002, the initial estimated annual
20 assessment, including a constructive assessment based on a subsidy of the association through a
21 contribution of funds, goods or services by the declarant; or

22 (B) For a planned community created before January 1, 2002, a reasonable estimate of the cost
23 of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as
24 of January 1, 2002.

25 (4) "Class II planned community" means a planned community that:

26 (a) Is not a Class I planned community;

27 (b) Contains at least five lots; and

28 (c) Has an estimated annual assessment exceeding \$1,000 for all lots based on:

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (A) For a planned community created on or after January 1, 2002, the initial estimated annual
2 assessment, including a constructive assessment based on a subsidy of the association through a
3 contribution of funds, goods or services by the declarant; or

4 (B) For a planned community created before January 1, 2002, a reasonable estimate of the cost
5 of fulfilling existing obligations imposed by the declaration, bylaws or other governing document as
6 of January 1, 2002.

7 (5) "Class III planned community" means a planned community that is not a Class I or II
8 planned community.

9 (6) "Common expenses" means expenditures made by or financial liabilities incurred by the
10 homeowners association and includes any allocations to the reserve account under ORS 94.595.

11 (7) "Common property" means any real property or interest in real property within a planned
12 community which is owned, held or leased by the homeowners association or owned as tenants in
13 common by the lot owners, or designated in the declaration or the plat for transfer to the associ-
14 ation.

15 (8) "Condominium" means property submitted to the provisions of ORS chapter 100.

16 (9) "Declarant" means any person who creates a planned community under ORS 94.550 to 94.785.

17 (10) "Declarant control" means any special declarant right relating to administrative control of
18 a homeowners association, including but not limited to:

19 (a) The right of the declarant or person designated by the declarant to appoint or remove an
20 officer or a member of the board of directors;

21 (b) Any weighted vote or special voting right granted to a declarant or to units owned by the
22 declarant so that the declarant will hold a majority of the voting rights in the association by virtue
23 of such weighted vote or special voting right; and

24 (c) The right of the declarant to exercise powers and responsibilities otherwise assigned by the
25 declaration or bylaws or by the provisions of ORS 94.550 to 94.783 to the association, officers of the
26 association or board of directors of the association.

27 (11) "Declaration" means the instrument described in ORS 94.580 which establishes a planned
28 community, and any amendments to the instrument.

29 **(12) "Electric vehicle charging station" or "charging station" means a facility designed**
30 **to deliver electrical current for the purpose of charging one or more electric motor vehicles.**

31 [(12)] (13) "Governing document" means an instrument or plat relating to common ownership
32 or common maintenance of a portion of a planned community and that is binding upon lots within
33 the planned community.

34 [(13)] (14) "Homeowners association" or "association" means the organization of owners of lots
35 in a planned community, created under ORS 94.625, required by a governing document or formed
36 under ORS 94.572.

37 [(14)] (15) "Majority" or "majority of votes" or "majority of owners" means more than 50 per-
38 cent of the votes in the planned community.

39 [(15)] (16) "Mortgagee" means any person who is:

40 (a) A mortgagee under a mortgage;

41 (b) A beneficiary under a trust deed; or

42 (c) The vendor under a land sale contract.

43 [(16)] (17) "Owner" means the owner of any lot in a planned community, unless otherwise spec-
44 ified, but does not include a person holding only a security interest in a lot.

45 [(17)] (18) "Percent of owners" or "percentage of owners" means the owners representing the

1 specified voting rights as determined under ORS 94.658.

2 [(18)(a)] (19)(a) “Planned community” means any subdivision under ORS 92.010 to 92.192 that
3 results in a pattern of ownership of real property and all the buildings, improvements and rights
4 located on or belonging to the real property, in which the owners collectively are responsible for
5 the maintenance, operation, insurance or other expenses relating to any property within the planned
6 community, including common property, if any, or for the exterior maintenance of any property that
7 is individually owned.

8 (b) “Planned community” does not mean:

9 (A) A condominium under ORS chapter 100;

10 (B) A planned community that is exclusively commercial or industrial; or

11 (C) A timeshare plan under ORS 94.803 to 94.945.

12 [(19)] (20) “Purchaser” means any person other than a declarant who, by means of a voluntary
13 transfer, acquires a legal or equitable interest in a lot, other than as security for an obligation.

14 [(20)] (21) “Purchaser for resale” means any person who purchases from the declarant more than
15 two lots for the purpose of resale whether or not the purchaser for resale makes improvements to
16 the lots before reselling them.

17 [(21)] (22) “Special declarant rights” means any rights, in addition to the rights of the declarant
18 as a lot owner, reserved for the benefit of the declarant under the declaration or ORS 94.550 to
19 94.783, including but not limited to:

20 (a) Constructing or completing construction of improvements in the planned community which
21 are described in the declaration;

22 (b) Expanding the planned community or withdrawing property from the planned community
23 under ORS 94.580 (3) and (4);

24 (c) Converting lots into common property;

25 (d) Making the planned community subject to a master association under ORS 94.695; or

26 (e) Exercising any right of declarant control reserved under ORS 94.600.

27 [(22)] (23) “Successor declarant” means the transferee of any special declarant right.

28 [(23)] (24) “Turn over” means the act of turning over administrative responsibility pursuant to
29 ORS 94.609 and 94.616.

30 [(24)] (25) “Unit” means a building or portion of a building located upon a lot in a planned
31 community and designated for separate occupancy or ownership, but does not include any building
32 or portion of a building located on common property.

33 [(25)] (26) “Votes” means the votes allocated to lots in the declaration under ORS 94.580 (2).

34 **SECTION 2. Section 3 of this 2013 Act is added to and made a part of ORS 94.550 to 94.783.**

35 **SECTION 3. (1) Notwithstanding contrary provisions of a declaration or bylaws of a**
36 **planned community:**

37 **(a) An owner may submit an application to install an electric vehicle charging station for**
38 **the personal, noncommercial use of the owner, in compliance with the requirements of this**
39 **section, in a parking space, on a lot or in any other area subject to the exclusive use of the**
40 **owner.**

41 **(b) A homeowners association may not prohibit installation or use of a charging station**
42 **installed and used in compliance with the requirements of this section.**

43 **(2) When the owner complies or agrees to comply with the requirements of this section,**
44 **a homeowners association, or a declarant in lieu of the association, shall approve a com-**
45 **pleted application within 60 days after the owner submits the application unless the delay in**

1 approving the application is based on a reasonable request for additional information.

2 (3) A homeowners association:

3 (a) May require an owner to submit an application before installing a charging station.

4 (b) May require the charging station to meet the architectural standards of the planned
5 community.

6 (c) May impose reasonable charges to recover costs of the review and permitting of a
7 charging station.

8 (d) May impose reasonable restrictions on the installation and use of the charging station
9 that do not significantly increase the cost of the charging station or significantly decrease
10 the efficiency or performance of the charging station.

11 (4) Notwithstanding ORS 479.540, the charging station must be installed by a person that
12 holds a license, as defined in ORS 479.530, to act as a journeyman electrician.

13 (5) The owner is responsible for:

14 (a) All costs associated with installation and use of the charging station, including:

15 (A) The cost of electricity associated with the charging station; and

16 (B) The cost of damage to common property and to areas subject to the exclusive use
17 of other owners that results from the installation, use, maintenance, repair, removal or re-
18 placement of the charging station.

19 (b) Disclosure to a prospective buyer of the lot of the existence of the charging station
20 and the related responsibilities of the owner under this section.

21 (6) If the homeowners association reasonably determines that the cumulative use of
22 electricity in the planned community attributable to the installation and use of charging
23 stations requires the installation of additional infrastructure improvements to provide the
24 planned community with a sufficient supply of electricity, the association may assess the
25 cost of the additional improvements against the lot of each owner that has, or will, install
26 a charging station.

27 (7)(a) A pedestal, or similar, charging station that is hard-wired into the electrical sys-
28 tem must be a certified electrical product, as defined in ORS 479.530.

29 (b) If a charging station, other than one described in paragraph (a) of this subsection, is
30 not a certified electrical product, the owner shall:

31 (A) Maintain a homeowner liability insurance policy in an amount not less than \$1 million
32 that includes coverage of the charging station; and

33 (B) Name the homeowners association as a named additional insured under the policy
34 with a right to notice of cancellation of the policy.

35 (8) In any action between an owner and a homeowners association to enforce compliance
36 with this section, the prevailing party is entitled to an award of attorney fees and costs.

37 **SECTION 4.** ORS 94.572 is amended to read:

38 94.572. (1)(a) A Class I or Class II planned community created before January 1, 2002, that was
39 not created under ORS 94.550 to 94.783 is subject to this section and ORS 94.550, 94.590, 94.595 (5)
40 to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647, 94.650, 94.652,
41 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680, 94.690, 94.695,
42 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733, 94.770, 94.775, 94.777 and 94.780 **and**
43 **section 3 of this 2013 Act** to the extent that those statutes are consistent with any governing
44 documents. If the governing documents do not provide for the formation of an association, the re-
45 quirements of this subsection are not effective until the formation of an association in accordance

1 with paragraph (b) of this subsection. If a provision of the governing documents is inconsistent with
2 this subsection, the owners may amend the governing documents using the procedures in this sub-
3 section:

4 (A) In accordance with the procedures for the adoption of amendments in the governing docu-
5 ments and subject to any limitations in the governing documents, the owners may amend the in-
6 consistent provisions of the governing documents to conform to the extent feasible with this section
7 and ORS 94.550, 94.590, 94.595 (5) to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641,
8 94.642, 94.645, 94.647, 94.650, 94.652, 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670,
9 94.675, 94.676, 94.680, 94.690, 94.695, 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733,
10 94.770, 94.775, 94.777 and 94.780 **and section 3 of this 2013 Act**. Nothing in this paragraph requires
11 the owners to amend a declaration or bylaws to include the information required by ORS 94.580 or
12 94.635.

13 (B) If there are no procedures for amendment in the governing documents:

14 (i) For an amendment to a recorded governing document other than bylaws, the owners may
15 amend the inconsistent provisions of the document to conform to this section and ORS 94.550, 94.590,
16 94.595 (5) to (9), 94.625, 94.626, 94.630 (1), (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647,
17 94.650, 94.652, 94.655, 94.657, 94.658, 94.660, 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680,
18 94.690, 94.695, 94.704, 94.709, 94.712, 94.716, 94.719, 94.723, 94.728, 94.733, 94.770, 94.775, 94.777 and
19 94.780 **and section 3 of this 2013 Act** by a vote of at least 75 percent of the owners in the planned
20 community.

21 (ii) For an amendment to the bylaws, the owners may amend the inconsistent provisions of the
22 bylaws to conform to this section and ORS 94.550, 94.590, 94.595 (5) to (9), 94.625, 94.626, 94.630 (1),
23 (3) and (4), 94.639, 94.640, 94.641, 94.642, 94.645, 94.647, 94.650, 94.652, 94.655, 94.657, 94.658, 94.660,
24 94.661, 94.662, 94.665, 94.670, 94.675, 94.676, 94.680, 94.690, 94.695, 94.704, 94.709, 94.712, 94.716,
25 94.719, 94.723, 94.728, 94.733, 94.770, 94.775, 94.777 and 94.780 **and section 3 of this 2013 Act** by a
26 vote of at least a majority of the owners in the planned community.

27 (iii) An amendment may be adopted at a meeting held in accordance with the governing docu-
28 ments or by another procedure permitted by the governing documents following the procedures
29 prescribed in ORS 94.647, 94.650 or 94.660.

30 (iv) An amendment to a recorded declaration shall be executed, certified and recorded as pro-
31 vided in ORS 94.590 (2) and (3) and shall be subject to ORS 94.590 (5). An amendment to the bylaws
32 and any other governing document shall be executed and certified as provided in ORS 94.590 (3) and
33 shall be recorded in the office of the recording officer of every county in which the planned com-
34 munity is located if the bylaws or other governing document to which the amendment relates were
35 recorded.

36 (C) An amendment adopted pursuant to this paragraph shall include:

37 (i) A reference to the recording index numbers and date of recording of the declaration or other
38 governing document, if recorded, to which the amendment relates; and

39 (ii) A statement that the amendment is adopted pursuant to the applicable subparagraph of this
40 paragraph.

41 (b)(A) If the governing documents do not provide for the formation of an association of owners,
42 at least 10 percent of the owners in the planned community or any governing entity may initiate the
43 formation of an association as provided in this paragraph. The owners or the governing entity ini-
44 tiating the association formation shall call an organizational meeting for the purpose of voting
45 whether to form an association described in ORS 94.625. The notice of the meeting shall:

- 1 (i) Name the initiating owners or governing entity;
- 2 (ii) State that the organizational meeting is for the purpose of voting whether to form an asso-
- 3 ciation in accordance with the proposed articles of incorporation;
- 4 (iii) State that if the owners vote to form an association, the owners may elect the initial board
- 5 of directors provided for in the articles of incorporation and may adopt the initial bylaws;
- 6 (iv) State that to form an association requires an affirmative vote of at least a majority of the
- 7 owners in the planned community, or, if a larger percentage is specified in the applicable governing
- 8 document, the larger percentage;
- 9 (v) State that to adopt articles of incorporation, to elect the initial board of directors pursuant
- 10 to the articles of incorporation or to adopt the initial bylaws requires an affirmative vote of at least
- 11 a majority of the owners present;
- 12 (vi) State that if the initial board of directors is not elected, an interim board of directors shall
- 13 be elected pursuant to bylaws adopted as provided in subparagraph (C) of this paragraph;
- 14 (vii) State that a copy of the proposed articles of incorporation and bylaws will be available at
- 15 least five business days before the meeting and state the method of requesting a copy; and
- 16 (viii) Be delivered in accordance with the declaration and bylaws. If there is no governing docu-
- 17 ment or the document does not include applicable provisions, the owners or governing entity shall
- 18 follow the procedures prescribed in ORS 94.650 (4).
- 19 (B) At least five business days before the organizational meeting, the initiating owners or gov-
- 20 erning entity shall cause articles of incorporation and bylaws to be drafted. The bylaws shall in-
- 21 clude, to the extent applicable, the information required by ORS 94.635.
- 22 (C) At the organizational meeting:
- 23 (i) Representatives of the initiating owners or governing entity shall, to the extent not incon-
- 24 sistent with the governing documents, conduct the meeting according to Robert's Rules of Order as
- 25 provided in ORS 94.657.
- 26 (ii) The initiating owners or governing entity shall make available copies of the proposed arti-
- 27 cles of incorporation and the proposed bylaws.
- 28 (iii) The affirmative vote of at least a majority of the owners of a planned community, or, if a
- 29 larger percentage is specified in the applicable governing document, the larger percentage, is re-
- 30 quired to form an association under this paragraph.
- 31 (iv) If the owners vote to form an association, the owners shall adopt articles of incorporation
- 32 and may elect the initial board of directors as provided in the articles of incorporation, adopt bylaws
- 33 and conduct any other authorized business by an affirmative vote of at least a majority of the
- 34 owners present. If the owners do not elect the initial board of directors, owners shall elect an in-
- 35 terim board of directors by an affirmative vote of at least a majority of the owners present to serve
- 36 until the initial board of directors is elected.
- 37 (v) An owner may vote by proxy, or by written ballot, if approved, in the discretion of a majority
- 38 of the initiating owners or governing entity.
- 39 (D) Not later than 10 business days after the organizational meeting, the board of directors
- 40 shall:
- 41 (i) Cause the articles of incorporation to be filed with the Secretary of State under ORS chapter
- 42 65;
- 43 (ii) Cause the notice of planned community described in subsection (4) of this section to be
- 44 prepared, executed and recorded in accordance with subsection (4) of this section;
- 45 (iii) Provide a copy of the notice of planned community to each owner, together with a copy of

1 the adopted articles of incorporation and bylaws, if any, or a statement of the procedure and method
2 for adoption of bylaws described in subparagraph (C) of this paragraph. The copies and any state-
3 ment shall be delivered to each lot, mailed to the mailing address of each lot or mailed to the
4 mailing addresses designated by the owners in writing; and

5 (iv) Cause a statement of association information to be prepared, executed and recorded in ac-
6 cordance with ORS 94.667.

7 (E) If the owners vote to form an association, all costs incurred under this paragraph, including
8 but not limited to the preparation and filing of the articles of incorporation, drafting of bylaws,
9 preparation of notice of meeting and the drafting, delivery and recording of all notices and state-
10 ments shall be a common expense of the owners and shall be allocated as provided in the appropri-
11 ate governing document or any amendment thereto.

12 (2)(a) The owners of lots in a Class I or Class II planned community that are subject to the
13 provisions of ORS chapter 94 specified in subsection (1) of this section may elect to be subject to
14 any other provisions of ORS 94.550 to 94.783 upon compliance with the procedures prescribed in
15 subsection (1) of this section.

16 (b) If the owners of lots in a Class I or Class II planned community elect to be subject to addi-
17 tional provisions of ORS 94.550 to 94.783, unless the notice of planned community otherwise required
18 or permitted under subsection (4) of this section includes a statement of the election pursuant to this
19 paragraph, the board of directors of the association shall cause the notice of planned community
20 described in subsection (4) of this section to be prepared, executed and recorded in accordance with
21 subsection (4) of this section.

22 (3)(a) The owners of lots in a Class III planned community created before January 1, 2002, may
23 elect to be subject to provisions of ORS 94.550 to 94.783 upon compliance with the applicable pro-
24 cedures in subsection (1) of this section.

25 (b) If the owners of lots in a Class III planned community elect to be subject to provisions of
26 ORS 94.550 to 94.783, the board of directors of the association shall cause the notice of planned
27 community described in subsection (4) of this section to be prepared, executed and recorded in ac-
28 cordance with subsection (4) of this section.

29 (4) The notice of planned community required or permitted by this section shall be:

30 (a) Titled "Notice of Planned Community under ORS 94.572";

31 (b) Executed by the president and secretary of the association; and

32 (c) Recorded in the office of the recording officer of every county in which the property is lo-
33 cated.

34 (5) The notice of planned community shall include:

35 (a) The name of the planned community and association as identified in the recorded declaration,
36 conditions, covenants and restrictions or other governing document and, if different, the current
37 name of the association;

38 (b) A list of the properties, described as required for recordation in ORS 93.600, within the ju-
39 risdiction of the association;

40 (c) Information identifying the recorded declaration, conditions, covenants and restrictions or
41 other governing documents and a reference to the recording index numbers and date of recording
42 of the governing documents;

43 (d) A statement that the property described in accordance with paragraph (b) of this subsection
44 is subject to specific provisions of the Oregon Planned Community Act;

45 (e) A reference to the specific provisions of the Oregon Planned Community Act that apply to

1 the subject property and a reference to the subsection of this section under which the application
2 is made; and

3 (f) If an association is formed under subsection (1)(b)(A) of this section, a statement to that ef-
4 fect.

5 (6) An amended statement shall include a reference to the recording index numbers and the date
6 of recording of prior statements.

7 (7) The county clerk may charge a fee for recording a statement under this section according
8 to the provisions of ORS 205.320 (4).

9 (8) The board of directors of an association not otherwise required to cause a notice of planned
10 community described in subsection (4) of this section to be prepared and recorded under this section
11 may cause a notice of planned community to be prepared, executed and recorded as provided in
12 subsection (4) of this section.

13 (9) Title to a unit, lot or common property in a Class I or Class II planned community created
14 before January 1, 2002, may not be rendered unmarketable or otherwise affected by a failure of the
15 planned community to be in compliance with a requirement of this section.

16 (10) As used in this section:

17 (a) "Governing entity" means an incorporated or unincorporated association, committee, person
18 or any other entity that has authority, under a governing document, to maintain commonly main-
19 tained property, impose assessments on lots or to act on behalf of lot owners within the planned
20 community on matters of common concern.

21 (b) "Recorded declaration" means an instrument recorded with the county recording officer of
22 the county in which the planned community is located that contains conditions, covenants and re-
23 strictions binding lots in the planned community or imposes servitudes upon the real property.

24 **SECTION 5.** ORS 100.005 is amended to read:

25 100.005. As used in this chapter, unless the context requires otherwise:

26 (1) "Assessment" means any charge imposed or levied by the association of unit owners on or
27 against a unit owner or unit pursuant to provisions of the declaration or the bylaws of the condo-
28 minium or provisions of ORS 100.005 to 100.910.

29 (2) "Association of unit owners" means the association provided for under ORS 100.405.

30 (3) "Association property" means any real property or interest in real property acquired, held
31 or possessed by the association under ORS 100.405.

32 (4) "Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance,
33 mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than
34 one unit in a condominium, or an agreement affecting more than one such unit by which the devel-
35 oper holds such condominium under an option, contract to sell or trust agreement.

36 (5) "Building" means a multiple-unit building or single-unit buildings, or any combination
37 thereof, comprising a part of the property. "Building" also includes a floating structure described
38 in ORS 100.020 (3)(b)(D).

39 (6) "Commissioner" means the Real Estate Commissioner.

40 (7) "Common elements" means the general common elements and the limited common elements.

41 (8) "Common expenses" means:

42 (a) Expenses of administration, maintenance, repair or replacement of the common elements;

43 (b) Expenses agreed upon as common by all the unit owners; and

44 (c) Expenses declared common by ORS 100.005 to 100.625 or by the declaration or the bylaws
45 of the particular condominium.

1 (9) "Condominium" means:

2 (a) With respect to property located within this state:

3 (A) The land, if any, whether fee simple, leasehold, easement or other interest or combination
4 thereof, and whether contiguous or noncontiguous;

5 (B) Any buildings, improvements and structures on the property; and

6 (C) Any easements, rights and appurtenances belonging to the property submitted to the pro-
7 visions of ORS 100.005 to 100.625; and

8 (b) With respect to property located outside this state, the property that has been committed to
9 the condominium form of ownership in accordance with the jurisdiction within which the property
10 is located.

11 (10) "Conversion condominium" means a condominium in which there is a building, improvement
12 or structure that was occupied prior to any negotiation and that is:

13 (a) Residential in nature, at least in part; and

14 (b) Not wholly commercial or industrial, or commercial and industrial, in nature.

15 (11) "Declarant" means a person who records a declaration under ORS 100.100 or a supple-
16 mental declaration under ORS 100.110.

17 (12) "Declaration" means the instrument described in ORS 100.100 by which the condominium
18 is created and as modified by any amendment recorded in accordance with ORS 100.135 or supple-
19 mental declaration recorded in accordance with ORS 100.120.

20 (13) "Developer" means a declarant or any person who purchases an interest in a condominium
21 from declarant, successor declarant or subsequent developer for the primary purpose of resale.

22 (14) **"Electric vehicle charging station" or "charging station" means a facility designed**
23 **to deliver electrical current for the purpose of charging one or more electric motor vehicles.**

24 [(14)] (15) "Flexible condominium" means a condominium containing property that may be re-
25 classified or withdrawn from the condominium pursuant to ORS 100.150 (1).

26 [(15)] (16) "General common elements," unless otherwise provided in a declaration, means all
27 portions of the condominium that are not part of a unit or a limited common element, including but
28 not limited to the following:

29 (a) The land, whether fee simple, leasehold, easement, other interest or combination thereof,
30 together with any rights and appurtenances;

31 (b) The foundations, columns, girders, beams, supports, bearing and shear walls, windows, except
32 glazing and screening, unit access doors, except glazing and screening, roofs, halls, corridors, lob-
33 bies, stairs, fire escapes, entrances and exits of a building;

34 (c) The basements, yards, gardens, parking areas and outside storage spaces;

35 (d) Installations of central services such as power, light, gas, hot and cold water, heating, re-
36 frigeration, air conditioning, waste disposal and incinerating;

37 (e) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus
38 and installations existing for common use;

39 (f) The premises for the lodging of janitors or caretakers of the property; and

40 (g) All other elements of a building and the condominium necessary or convenient to their ex-
41 istence, maintenance and safety, or normally in common use.

42 [(16)] (17) "Leasehold" means the interest of a person, firm or corporation who is the lessee
43 under a lease from the owner in fee and who files a declaration creating a condominium under ORS
44 100.100.

45 [(17)] (18) "Limited common elements" means those common elements designated in the decla-

1 ration, as reserved for the use of a certain unit or number of units, to the exclusion of the other
2 units.

3 [(18)] (19) "Majority" or "majority of unit owners" means more than 50 percent of the voting
4 rights allocated to the units by the declaration.

5 [(19)] (20) "Mortgagee" means any person who is:

- 6 (a) A mortgagee under a mortgage;
- 7 (b) A beneficiary under a trust deed; or
- 8 (c) The vendor under a land sale contract.

9 [(20)] (21) "Negotiation" means any activity preliminary to the execution by either developer
10 or purchaser of a unit sales agreement, including but not limited to advertising, solicitation and
11 promotion of the sale of a unit.

12 [(21)] (22) "Nonwithdrawable property" means property which pursuant to ORS 100.150 (1)(b):

- 13 (a) Is designated nonwithdrawable in the declaration and on the plat; and
- 14 (b) Which may not be withdrawn from the condominium without the consent of all of the unit
15 owners.

16 [(22)] (23) "Percent of owners" or "percentage of owners" means the percent of the voting rights
17 determined under ORS 100.525.

18 [(23)] (24) "Purchaser" means an actual or prospective purchaser of a condominium unit pursu-
19 ant to a sale.

20 [(24)] (25) "Recording officer" means the county officer charged with the duty of filing and re-
21 cording deeds and mortgages or any other instruments or documents affecting the title to real
22 property.

23 [(25)] (26) "Reservation agreement" means an agreement relating to the future sale of a unit
24 which is not binding on the purchaser and which grants purchaser the right to cancel the agreement
25 without penalty and obtain a refund of any funds deposited at any time until purchaser executes a
26 unit sales agreement.

27 [(26)] (27) "Sale" includes every disposition or transfer of a condominium unit, or an interest
28 or estate therein, by a developer, including the offering of the property as a prize or gift when a
29 monetary charge or consideration for whatever purpose is required by the developer. "Interest or
30 estate" includes a lessee's interest in a unit for more than three years or less than three years if
31 the interest may be renewed under the terms of the lease for a total period of more than three years.
32 "Interest or estate" does not include any interest held for security purposes or a timeshare regu-
33 lated or otherwise exempt under ORS 94.803 and 94.807 to 94.945.

34 [(27)] (28) "Special declarant right" means any right, in addition to the regular rights of the
35 declarant as a unit owner, reserved for the benefit of or created by the declarant under the decla-
36 ration, bylaws or the provisions of this chapter.

37 [(28)] (29) "Staged condominium" means a condominium which provides for annexation of addi-
38 tional property pursuant to ORS 100.115 and 100.120.

39 [(29)] (30) "Successor declarant" means the transferee of any special declarant right.

40 [(30)] (31) "Termination date" means that date described in ORS 100.105 (2)(b) or (7)(d).

41 [(31)] (32) "Transitional committee" means the committee provided for under ORS 100.205.

42 [(32)] (33) "Turnover meeting" means the meeting provided for under ORS 100.210.

43 [(33)] (34) "Unit" or "condominium unit" means a part of the property which:

- 44 (a) Is described in ORS 100.020 (3);
- 45 (b) Is intended for any type of independent ownership; and

1 (c) The boundaries of which are described pursuant to ORS 100.105 (1)(d).

2 [(34)] (35) "Unit designation" means the number, letter or combination thereof designating a unit
3 in the declaration and on the plat.

4 [(35)] (36) "Unit owner" means, except to the extent the declaration or bylaws provide other-
5 wise, the person owning fee simple interest in a unit, the holder of a vendee's interest in a unit
6 under a recorded installment contract of sale and, in the case of a leasehold condominium, the
7 holder of the leasehold estate in a unit.

8 [(36)] (37) "Unit sales agreement" means a written offer or agreement for the sale of a condo-
9 minium unit which when fully executed will be binding on all parties. "Unit sales agreement" in-
10 cludes but is not limited to an earnest money receipt and agreement to purchase and other such
11 agreements which serve as an agreement of sale for a cash transaction or which are preliminary to
12 the execution of an installment contract of sale, but does not include a reservation agreement.

13 [(37)] (38) "Variable property" means property described in ORS 100.150 (2) and designated as
14 variable property in the declaration and on the plat.

15 [(38)] (39) "Voting rights" means the portion of the votes allocated to a unit by the declaration
16 in accordance with ORS 100.105 (1)(j).

17 **SECTION 6. Section 7 of this 2013 Act is added to and made a part of ORS 100.005 to**
18 **100.625.**

19 **SECTION 7. (1) Notwithstanding contrary provisions of a declaration or bylaws of a**
20 **condominium:**

21 (a) **A unit owner may submit an application to install an electric vehicle charging station**
22 **for the personal, noncommercial use of the unit owner, in compliance with the requirements**
23 **of this section:**

24 (A) **In a space assigned to the unit and used for the parking or storage of automobiles,**
25 **trucks, boats, campers or other vehicles or equipment; or**

26 (B) **In a limited common element with the written approval of the unit owner of each unit**
27 **to which use of the limited common element is reserved.**

28 (b) **An association of unit owners may not prohibit installation or use of a charging sta-**
29 **tion installed and used in compliance with the requirements of this section.**

30 (2) **When the unit owner complies or agrees to comply with the requirements of this**
31 **section, an association of unit owners, or a declarant in lieu of the association, shall approve**
32 **a completed application within 60 days after the unit owner submits the application unless**
33 **the delay in approving the application is based on a reasonable request for additional infor-**
34 **mation.**

35 (3) **An association of unit owners:**

36 (a) **May require a unit owner to submit an application before installing a charging sta-**
37 **tion.**

38 (b) **May require the charging station to meet the architectural standards of the condo-**
39 **minium.**

40 (c) **May impose reasonable charges to recover costs of the review and permitting of a**
41 **charging station.**

42 (d) **May impose reasonable restrictions on the installation and use of the charging station**
43 **that do not significantly increase the cost of the charging station or significantly decrease**
44 **the efficiency or performance of the charging station.**

45 (4) **Notwithstanding ORS 479.540, the charging station must be installed by a person that**

1 holds a license, as defined in ORS 479.530, to act as a journeyman electrician.

2 (5) The unit owner is responsible for:

3 (a) All costs associated with installation and use of the charging station, including:

4 (A) The cost of electricity associated with the charging station; and

5 (B) The cost of damage to general common elements, limited common elements and areas
6 subject to the exclusive use of other unit owners that results from the installation, use,
7 maintenance, repair, removal or replacement of the charging station.

8 (b) Disclosure to a prospective buyer of the unit of the existence of the charging station
9 and the related responsibilities of the unit owner under this section.

10 (6) If the association of unit owners reasonably determines that the cumulative use of
11 electricity in the condominium attributable to the installation and use of charging stations
12 requires the installation of additional infrastructure improvements to provide the condo-
13 minium with a sufficient supply of electricity, the association may assess the cost of the
14 additional improvements against the unit of each unit owner that has, or will, install a
15 charging station.

16 (7)(a) A pedestal, or similar, charging station that is hard-wired into the electrical sys-
17 tem must be a certified electrical product, as defined in ORS 479.530.

18 (b) If a charging station, other than one described in paragraph (a) of this subsection, is
19 not a certified electrical product, the unit owner shall:

20 (A) Maintain a homeowner liability insurance policy in an amount not less than \$1 million
21 that includes coverage of the charging station; and

22 (B) Name the association of unit owners as a named additional insured under the policy
23 with a right to notice of cancellation of the policy.

24 (8) In any action between a unit owner and an association of unit owners to enforce
25 compliance with this section, the prevailing party is entitled to an award of attorney fees and
26 costs.

27 _____