

# House Bill 3129

Sponsored by Representative BARNHART; Representatives FREDERICK, HELM, KENY-GUYER, LIVELY, NATHANSON, TAYLOR, WITT

## 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 **as introduced**.

Authorizes tenant to whom real estate has been leased by landlord to install and use electric vehicle charging station for personal, noncommercial use.

Declares charging station to be personal property of tenant unless different result is negotiated between parties.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to electric vehicle charging stations; and declaring an emergency.

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

**SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 91.**

**SECTION 2. (1) A tenant may submit an application to install an electric vehicle charging station for the personal, noncommercial use of the tenant, in compliance with the requirements of this section, in or near a parking space assigned to the tenant or located on the real estate let by the landlord to the tenant.**

**(2) A landlord may not prohibit installation or use of a charging station installed and used in compliance with the requirements of this section, unless:**

**(a) The real estate let by the landlord is part of a structure that houses multiple unrelated lessees and the structure does not have at least one parking space for each unit in the structure that is available to be let; and**

**(b) The landlord provides at least \_\_\_\_\_ electric vehicle charging stations per unit available to be let to tenants.**

**(3) When the tenant complies or agrees to comply with the requirements of this section, the landlord shall approve a completed application within 60 days after the tenant submits the application unless the delay in approving the application is based on a reasonable request for additional information.**

**(4) A landlord:**

**(a) May require a tenant to submit an application before installing a charging station.**

**(b) May require the charging station to meet the architectural standards of the structure.**

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

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

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

**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 holds a license, as defined in ORS 479.530, to act, at a minimum, as a journeyman electrician.

2 (6) The tenant is responsible for all costs associated with installation and use of the  
3 charging station, including:

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

5 (b) The cost of damage to the structure or premises that results from the installation,  
6 use, maintenance, repair, removal or replacement of the charging station.

7 (7) If the landlord reasonably determines that the cumulative use of electricity in the  
8 structure attributable to the installation and use of charging stations requires the installa-  
9 tion of additional infrastructure improvements to provide the structure with a sufficient  
10 supply of electricity, the landlord may assess the cost of the additional improvements to each  
11 tenant that has installed, or will install, a charging station.

12 (8) Unless a landlord and tenant negotiate a different outcome:

13 (a) A charging station installed under this section is deemed to be the personal property  
14 of the tenant; and

15 (b) The tenant must remove the charging station and restore the structure and premises  
16 to the condition before installation of the charging station upon termination of the lease.

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

19 (b) If a charging station, other than one described in paragraph (a) of this subsection, is  
20 not a certified electrical product, and if the tenant is the owner of the charging station, the  
21 tenant shall:

22 (A) Maintain a renter's liability insurance policy in an amount not less than \$1 million  
23 that includes coverage of the charging station; and

24 (B) Name the landlord as a named additional insured under the policy with a right to  
25 notice of cancellation of the policy.

26 (10) In any action between a landlord and tenant to enforce compliance with this section,  
27 the prevailing party is entitled to an award of attorney fees and costs.

28 **SECTION 3.** This 2015 Act being necessary for the immediate preservation of the public  
29 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
30 on its passage.

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