

---

---

# A BILL FOR AN ACT

RELATING TO ELECTRIC VEHICLES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

4           "§196-       Placement of electric vehicle charging system.

5           (a) Notwithstanding any law to the contrary, no person shall be  
6 prevented by any covenant, declaration, bylaw, restriction,  
7 deed, lease, term, provision, condition, codicil, contract, or  
8 similar agreement, however worded, from installing an electric  
9 vehicle charging system on or near the parking stall of any  
10 multi-family residential dwelling or townhouse that the person  
11 owns. Any provision in any lease, instrument, or contract  
12 contrary to the intent of this section shall be void and  
13 unenforceable.

14           (b) Every private entity may adopt rules that reasonably  
15 restrict the placement and use of electric vehicle charging  
16 systems for the purpose of charging electrical vehicles in the  
17 parking stalls of any multi-family residential dwelling or



1 townhouse; provided that those restrictions shall not prohibit  
2 the placement or use of electric vehicle charging systems  
3 altogether. No private entity shall assess or charge any  
4 homeowner any fees for the placement of any electric vehicle  
5 charging system; provided that the private entity may require  
6 fair payment for electricity used by such electric vehicle  
7 charging system.

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

- 12 (1) The system is in compliance with any rules and  
13 specifications adopted pursuant to subsection (b);
- 14 (2) The system is registered with the private entity of  
15 record within thirty days of installation;
- 16 (3) If the system is placed on a common element or limited  
17 common element as defined by a project's declaration,  
18 the homeowner shall first obtain the consent of the  
19 private entity; provided further that such consent  
20 shall be given if the homeowner agrees in writing to:
- 21 (A) Comply with the private entity's design  
22 specification for the installation of the system;



1           (B) Engage a duly licensed contractor to install the  
2           system; and

3           (C) Within fourteen days of approval of the system by  
4           the private entity, provide a certificate of  
5           insurance naming the private entity as an  
6           additional insured on the homeowner's insurance  
7           policy.

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

10           (1) The owner and each successive owner of the parking  
11           stall on which or near where the system is placed  
12           shall be responsible for any costs for damages to the  
13           system, common elements, limited common elements, and  
14           any adjacent units, arising or resulting from the  
15           installation, maintenance, repair, removal, or  
16           replacement of the system. The repair, maintenance,  
17           removal, and replacement responsibilities shall be  
18           assumed by each successive owner until the electric  
19           vehicle charging system has been removed from the  
20           common elements or limited common elements. The owner  
21           and each successive owner shall at all times have and  
22           maintain a policy of insurance covering the



1 obligations of the owner under this paragraph and  
2 shall name the private entity as an additional insured  
3 under the policy; and

4 (2) The owner and any successive owner of the parking  
5 stall on which or near where the system is placed  
6 shall be responsible for removing the electric vehicle  
7 charging system if reasonably necessary or convenient  
8 for the repair, maintenance, or replacement of the  
9 common elements or limited common elements.

10 (e) For the purpose of this section:

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

18 "Private entity" means any association of homeowners,  
19 community association, condominium association, cooperative, or  
20 any other nongovernmental entity with covenants, bylaws, and  
21 administrative provisions with which a homeowner's compliance is  
22 required."



- 1 SECTION 2. New statutory material is underscored.
- 2 SECTION 3. This Act shall take effect on July 1, 2020.



**Report Title:**

Electric Vehicles and Charging Stations; Placement of

**Description:**

Prohibits prevention of installing an electric vehicle charging station on or near the parking stall of any multi-family residence or townhouse. Effective July 1, 2020. (SB2231 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

