

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 20-0872.01 Jery Payne x2157

HOUSE BILL 20-1155

HOUSE SPONSORSHIP

Valdez A. and Weissman, Jaquez Lewis, Kipp, Hooton, Sirota, Titone, Froelich, Mullica

SENATE SPONSORSHIP

Hansen,

House Committees
Energy & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS THAT BUILDERS OF NEW RESIDENCES**
102 **OFFER BUYERS OPTIONS TO ACCOMMODATE HIGHER EFFICIENCY**
103 **DEVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law requires a home builder to offer to a buyer of a new home one of the following:

- ! A solar panel system or a solar thermal system;
- ! To prewire or preplumb the home for these systems; or
- ! A chase or conduit to wire or plumb the home for these

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 20, 2020

systems in the future.

Section 1 of the bill changes this to require that the home builder offer each of these options.

Section 2 requires a home builder to offer one of the following options to a buyer of a newly constructed residence:

- ! An electric vehicle charging system;
- ! Upgrades of wiring to accommodate future installation of an electric vehicle charging system; or
- ! A 208- to 240-volt alternating current plug-in located in a place accessible to a motor vehicle parking area.

Section 2 also requires the home builder to offer electric heating options. These requirements apply to both traditional detached, single-family homes and buildings that contain owner-occupied condominium units.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 38-35.7-106, **amend**
3 (1)(a) as follows:

4 **38-35.7-106. Solar prewire option - solar consultation.**

5 (1) (a) Every person that builds a new single-family detached residence
6 for which a buyer is under contract shall offer the buyer the opportunity
7 to have EACH OF THE FOLLOWING OPTIONS INCLUDED IN the residence's
8 electrical system or plumbing system, or both: ~~include one of the~~
9 ~~following:~~

10 (I) A residential photovoltaic solar generation system or a
11 residential solar thermal system, or both;

12 (II) Upgrades of wiring or plumbing, or both, planned by the
13 builder to accommodate future installation of such systems; ~~or~~ AND

14 (III) A chase or conduit, or both, constructed to allow ease of
15 future installation of the necessary wiring or plumbing for such systems.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 38-35.7-109 as
17 follows:

18 **38-35.7-109. Electric vehicle charging and heating systems -**

1 **options - definitions.** (1) (a) A PERSON THAT BUILDS A NEW RESIDENCE
2 FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE
3 OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL SYSTEM INCLUDE
4 ONE OF THE FOLLOWING:

5 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM;

6 (II) UPGRADES OF WIRING PLANNED BY THE BUILDER TO
7 ACCOMMODATE FUTURE INSTALLATION OF AN ELECTRIC VEHICLE
8 CHARGING SYSTEM; OR

9 (III) A TWO-HUNDRED-EIGHT- TO TWO-HUNDRED-FORTY-VOLT
10 ALTERNATING CURRENT PLUG-IN RECEPTACLE IN AN APPROPRIATE PLACE
11 ACCESSIBLE TO A MOTOR VEHICLE PARKING AREA.

12 (b) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER
13 IS UNDER CONTRACT SHALL OFFER THE BUYER THE OPPORTUNITY TO HAVE
14 THE RESIDENCE INCLUDE AN ELECTRICAL HEATING SYSTEM, INCLUDING AN
15 ELECTRIC WATER HEATER, ELECTRIC BOILER, OR ELECTRIC FURNACE OR
16 HEAT-PUMP SYSTEM.

17 (c) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER
18 IS UNDER CONTRACT SHALL OFFER THE BUYER PRICING, ENERGY
19 EFFICIENCY, AND UTILITY BILL INFORMATION FOR EACH NATURAL GAS,
20 ELECTRIC, OR OTHER OPTION AVAILABLE FROM AND INFORMATION
21 PERTAINING TO THOSE OPTIONS FROM THE FEDERAL ENERGY STAR
22 PROGRAM, AS DEFINED IN SECTION 6-7.5-102 (15), OR SIMILAR
23 INFORMATION ABOUT ENERGY EFFICIENCY AND UTILIZATION REASONABLY
24 AVAILABLE TO THE PERSON BUILDING THE RESIDENCE.

25 (d) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO A
26 RESIDENCE IN WHICH THE ELECTRICAL SYSTEM HAS BEEN SUBSTANTIALLY
27 INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE

1 RESIDENCE. SUBSECTION (1)(b) OF THIS SECTION DOES NOT APPLY TO A
2 RESIDENCE IN WHICH THE HEATING SYSTEM HAS BEEN SUBSTANTIALLY
3 INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE
4 RESIDENCE.

5 (2) TO COMPLY WITH THIS SECTION, THE OFFER REQUIRED BY
6 SUBSECTION (1) OF THIS SECTION MUST BE MADE IN ACCORDANCE WITH
7 THE BUILDER'S CONSTRUCTION SCHEDULE FOR THE RESIDENCE. IN THE
8 CASE OF PREFABRICATED OR MANUFACTURED HOMES, "CONSTRUCTION
9 SCHEDULE" INCLUDES THE SCHEDULE FOR COMPLETION OF PREFABRICATED
10 WALLS OR OTHER SUBASSEMBLIES.

11 (3) NOTHING IN THIS SECTION PRECLUDES A PERSON THAT BUILDS
12 A NEW RESIDENCE FROM:

13 (a) SUBJECTING ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES
14 TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES, INCLUDING
15 CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR UPGRADES,
16 DEADLINES, AND CONSTRUCTION TIMELINES;

17 (b) SELECTING THE CONTRACTORS THAT WILL COMPLETE THE
18 INSTALLATION OF ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES;

19 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
20 CONTRACT THAT:

21 (I) ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES ARE BASED
22 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION AND MIGHT
23 NOT SUPPORT ALL ELECTRIC VEHICLE CHARGING SYSTEMS OR SYSTEMS
24 INSTALLED IN THE FUTURE; AND

25 (II) THE PERSON THAT BUILDS A NEW RESIDENCE IS NOT LIABLE
26 FOR ANY ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO
27 THE RESIDENCE NECESSARY TO ACCOMMODATE AN ELECTRIC VEHICLE

1 CHARGING SYSTEM INSTALLED IN THE FUTURE.

2 (4) AS USED IN THIS SECTION:

3 (a) "ELECTRIC VEHICLE CHARGING SYSTEM" MEANS:

4 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN
5 SECTION 38-12-601 (6)(a) WITH A POWER CAPACITY OF AT LEAST 6.2
6 KILOWATTS; OR

7 (II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR
8 BATTERY-POWERED ELECTRIC VEHICLES THAT IS CERTIFIED BY
9 UNDERWRITERS LABORATORIES AND COMPLIES WITH THE CURRENT
10 VERSION OF ARTICLE 625 OF THE NATIONAL ELECTRICAL CODE,
11 PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, AND
12 OTHER APPLICABLE INDUSTRY STANDARDS.

13 (b) "RESIDENCE" MEANS A SINGLE-FAMILY OWNER-OCCUPIED
14 DETACHED DWELLING.

15 (5) THIS SECTION APPLIES TO CONTRACTS ENTERED INTO ON OR
16 AFTER THE EFFECTIVE DATE OF THIS SECTION TO PURCHASE NEW
17 RESIDENCES BUILT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION;
18 EXCEPT THAT THIS SECTION DOES NOT APPLY TO UNOCCUPIED HOMES
19 SERVING AS SALES INVENTORY OR MODEL HOMES.

20 **SECTION 3. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in

- 1 November 2020 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.