

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 20-0872.01 Jery Payne x2157

HOUSE BILL 20-1155

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House Committees
Energy & Environment

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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.

SENATE
3rd Reading Unamended
March 11, 2020

SENATE
Amended 2nd Reading
March 10, 2020

HOUSE
3rd Reading Unamended
February 21, 2020

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, 24-38.5-102, **add**
3 **(1)(u)** as follows:

4 **24-38.5-102. Colorado energy office - duties and powers -**
5 **definitions.** (1) The Colorado energy office shall:

6 **(u) DEVELOP BASIC CONSUMER EDUCATION OR GUIDANCE ABOUT**
7 **LEASED SOLAR INSTALLATION AND PURCHASED SOLAR INSTALLATION IN**
8 **CONSULTATION WITH INDUSTRIES THAT OFFER THESE OPTIONS TO**
9 **CONSUMERS.**

10 **SECTION 2.** In Colorado Revised Statutes, 38-35.7-106, **amend**
11 **(1) and (7)** as follows:

12 **38-35.7-106. Solar prewire option - solar consultation.**

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

18 (I) A residential photovoltaic solar generation system or a

1 residential solar thermal system, or both;

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

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

6 (b) The offer required by paragraph (a) of this subsection (1) shall
7 SUBSECTION (1)(a) OF THIS SECTION MUST be made in accordance with the
8 builder's construction schedule for the residence. In the case of
9 prefabricated or manufactured homes, "construction schedule" shall
10 include the schedule for completion of prefabricated walls or other
11 subassemblies.

12 (7) (a) This section shall apply APPLIES to contracts entered into
13 on or after August 10, 2009, to purchase new single-family detached
14 residences built on or after August 10, 2009.

15 (b) except that This section shall DOES not apply to:

16 (I) AN unoccupied homes HOME serving as sales inventory or A
17 model homes HOME; OR

18 (II) A MANUFACTURED HOME AS DEFINED IN SECTION 24-32-3302
19 (20).

20 **SECTION 3.** In Colorado Revised Statutes, **add** 38-35.7-109 as
21 follows:

22 **38-35.7-109. Electric vehicle charging and heating systems -**
23 **options - definitions.** (1) (a) A PERSON THAT BUILDS A NEW RESIDENCE
24 FOR WHICH A BUYER IS UNDER CONTRACT SHALL OFFER THE BUYER THE
25 OPPORTUNITY TO HAVE THE RESIDENCE'S ELECTRICAL SYSTEM INCLUDE
26 ONE OF THE FOLLOWING:

27 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM;

1 (II) UPGRADES OF WIRING PLANNED BY THE BUILDER TO
2 ACCOMMODATE FUTURE INSTALLATION OF AN ELECTRIC VEHICLE
3 CHARGING SYSTEM; OR

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

7 (b) A PERSON THAT BUILDS A NEW RESIDENCE FOR WHICH A BUYER
8 IS UNDER CONTRACT SHALL OFFER THE BUYER THE OPPORTUNITY TO HAVE
9 THE RESIDENCE INCLUDE AN EFFICIENT ELECTRICAL HEATING SYSTEM,
10 INCLUDING AN ELECTRIC WATER HEATER, ELECTRIC BOILER, OR ELECTRIC
11 FURNACE OR HEAT-PUMP SYSTEM.

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

20 (d) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO A
21 RESIDENCE IN WHICH THE ELECTRICAL SYSTEM HAS BEEN SUBSTANTIALLY
22 INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE
23 RESIDENCE. SUBSECTION (1)(b) OF THIS SECTION DOES NOT APPLY TO A
24 RESIDENCE IN WHICH THE HEATING SYSTEM HAS BEEN SUBSTANTIALLY
25 INSTALLED BEFORE A BUYER ENTERS INTO A CONTRACT TO PURCHASE THE
26 RESIDENCE.

27 (2) TO COMPLY WITH THIS SECTION, THE OFFER REQUIRED BY

1 SUBSECTION (1) OF THIS SECTION MUST BE MADE IN ACCORDANCE WITH
2 THE BUILDER'S CONSTRUCTION SCHEDULE FOR THE RESIDENCE.

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

5 (a) SUBJECTING ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES
6 TO THE SAME TERMS AND CONDITIONS AS OTHER UPGRADES, INCLUDING
7 CHARGES RELATED TO UPGRADES, DEPOSITS REQUIRED FOR UPGRADES,
8 DEADLINES, AND CONSTRUCTION TIMELINES;

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

11 (c) STIPULATING IN THE PURCHASE AGREEMENT OR SALES
12 CONTRACT THAT:

13 (I) ELECTRIC VEHICLE CHARGING SYSTEM UPGRADES ARE BASED
14 ON TECHNOLOGY AVAILABLE AT THE TIME OF INSTALLATION AND MIGHT
15 NOT SUPPORT ALL ELECTRIC VEHICLE CHARGING SYSTEMS OR SYSTEMS
16 INSTALLED IN THE FUTURE; AND

17 (II) THE PERSON THAT BUILDS A NEW RESIDENCE IS NOT LIABLE
18 FOR ANY ADDITIONAL UPGRADES, RETROFITS, OR OTHER ALTERATIONS TO
19 THE RESIDENCE NECESSARY TO ACCOMMODATE AN ELECTRIC VEHICLE
20 CHARGING SYSTEM INSTALLED IN THE FUTURE.

21 (4) AS USED IN THIS SECTION:

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

23 (I) AN ELECTRIC VEHICLE CHARGING SYSTEM AS DEFINED IN
24 SECTION 38-12-601 (6)(a) THAT HAS POWER CAPACITY OF AT LEAST 6.2
25 KILOWATTS, THAT IS ENERGY STAR CERTIFIED, AND THAT HAS THE ABILITY
26 TO CONNECT TO THE INTERNET; OR

27 (II) AN INDUCTIVE RESIDENTIAL CHARGING SYSTEM FOR

1 BATTERY-POWERED ELECTRIC VEHICLES THAT IS CERTIFIED BY
2 UNDERWRITERS LABORATORIES OR AN EQUIVALENT CERTIFICATION, THAT
3 COMPLIES WITH THE CURRENT VERSION OF ARTICLE 625 OF THE NATIONAL
4 ELECTRICAL CODE, PUBLISHED BY THE NATIONAL FIRE PROTECTION
5 ASSOCIATION, AND OTHER APPLICABLE INDUSTRY STANDARDS, THAT IS
6 ENERGY STAR CERTIFIED, AND THAT HAS THE ABILITY TO CONNECT TO THE
7 INTERNET.

8 (b) "RESIDENCE" MEANS A SINGLE-FAMILY OWNER-OCCUPIED
9 DETACHED DWELLING.

10 (5) (a) THIS SECTION APPLIES TO CONTRACTS ENTERED INTO ON OR
11 AFTER THE EFFECTIVE DATE OF THIS SECTION TO PURCHASE NEW
12 RESIDENCES BUILT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

13 (b) THIS SECTION DOES NOT APPLY TO:

14 (I) AN UNOCCUPIED HOME SERVING AS SALES INVENTORY OR A
15 MODEL HOME; OR

16 (II) A MANUFACTURED HOME AS DEFINED IN SECTION 24-32-3302
17 (20).

18 **SECTION 4. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2020 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.