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SB-638 Leases: electric vehicle charging stations: insurance coverage. (2019-2020)

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Senate Bill No. 638

CHAPTER 855

An act to amend Section 1947.6 of the Civil Code, relating to tenancy.

[Approved by Governor October 12, 2019. Filed with Secretary of State October 12, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 638, Allen. Leases: electric vehicle charging stations: insurance coverage.

Existing law requires a lessor of a dwelling to approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee in accordance with specified requirements, including the lessee maintaining in full force and effect a lessee's general liability insurance policy in the amount of one million dollars (\$1,000,000), as provided.

This bill would remove the requirement to obtain a general liability insurance policy, and instead require the lessee to obtain personal liability coverage, in an amount not to exceed 10 times the annual rent charged for the dwelling, covering property damage and personal injury proximately caused by the installation or operation of the electric vehicle charging station. The bill would provide that this insurance requirement would not apply if the charging station is certified by a Nationally Recognized Testing Laboratory that is approved by the Occupational Safety and Health Administration of the United States Department of Labor and any associated alterations to the dwelling's electrical system are performed by a licensed electrician.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1947.6 of the Civil Code is amended to read:

1947.6. (a) For any lease executed, extended, or renewed on and after July 1, 2015, a lessor of a dwelling shall approve a written request of a lessee to install an electric vehicle charging station at a parking space allotted for the lessee that meets the requirements of this section and complies with the lessor's procedural approval process for modification to the property.

(b) This section does not apply to residential rental properties where:

- (1) Electric vehicle charging stations already exist for lessees in a ratio that is equal to or greater than 10 percent of the designated parking spaces.
- (2) Parking is not provided as part of the lease agreement.
- (3) There are fewer than five parking spaces.

(4) The dwelling is subject to a residential rent control ordinance. This paragraph shall not apply to a lease executed, extended, or renewed on and after January 1, 2019.

(5) The dwelling is subject to both a residential rent control ordinance and an ordinance, adopted on or before January 1, 2018, that requires the lessor to approve a lessee's written request to install an electric vehicle charging station at a parking space allotted to the lessee.

(c) For purposes of this section, "electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(d) A lessor shall not be obligated to provide an additional parking space to a lessee in order to accommodate an electric vehicle charging station.

(e) If the electric vehicle charging station has the effect of providing the lessee with a reserved parking space, the lessor may charge a monthly rental amount for that parking space.

(f) An electric vehicle charging station and all modifications and improvements to the property shall comply with federal, state, and local law, and all applicable zoning requirements, land use requirements, and covenants, conditions, and restrictions.

(g) A lessee's written request to make a modification to the property in order to install and use an electric vehicle charging station shall include, but is not limited to, the lessee's consent to enter into a written agreement that includes, but is not limited to, the following:

(1) Compliance with the lessor's requirements for the installation, use, maintenance, and removal of the charging station and installation, use, and maintenance of the infrastructure for the charging station.

(2) Compliance with the lessor's requirements for the lessee to provide a complete financial analysis and scope of work regarding the installation of the charging station and its infrastructure.

(3) A written description of how, when, and where the modifications and improvements to the property are proposed to be made consistent with those items specified in the "Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research.

(4) Obligation of the lessee to pay the lessor all costs associated with the lessor's installation of the charging station and its infrastructure prior to any modification or improvement being made to the leased property. The costs associated with modifications and improvements shall include, but are not limited to, the cost of permits, supervision, construction, and, solely if required by the contractor, consistent with its past performance of work for the lessor, performance bonds.

(5) Obligation of the lessee to pay as part of rent for the costs associated with the electrical usage of the charging station, and cost for damage, maintenance, repair, removal, and replacement of the charging station, and modifications or improvements made to the property associated with the charging station.

(h) The lessee and each successor lessee shall obtain personal liability coverage, as described in Section 108 of the Insurance Code, in an amount not to exceed 10 times the annual rent charged for the dwelling, covering property damage and personal injury proximately caused by the installation or operation of the electric vehicle charging station. The policy shall be maintained in full force and effect from the time of installation of the electric vehicle charging station until the electric vehicle charging station is removed or the lessee forfeits possession of the dwelling to the lessor.

(i) Notwithstanding subdivision (h), no insurance shall be required of a lessee installing an electric vehicle charging station if both of the following are satisfied:

(1) The electric vehicle charging station has been certified by a Nationally Recognized Testing Laboratory that is approved by the Occupational Safety and Health Administration of the United States Department of Labor.

(2) The electric vehicle charging station and any associated alterations to the dwelling's electrical system are performed by a licensed electrician.