

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1310**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1310  
01/24/2023

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.

Chairman Louser called to order 11:29 AM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

### **Discussion Topics:**

- HOA rights
- Property rights
- Reasonable restrictions
- Insurance requirement
- Common areas

### **In favor:**

Representative Josh Boschee, District 44, prime bill sponsor, #15890  
Dana Woodruff, ND citizen & engineer, #15882  
Jill Beck, ND Association of Realtors (no written testimony)

### **Additional written testimony:**

Scott Skokos, Dakota Resource Council, #15656

Chairman Louser adjourned the meeting 12:08 PM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Industry, Business and Labor Committee**  
Room JW327C, State Capitol

HB 1310  
01/30/2023

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.
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Chairman Louser called to order 3:10 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

**Discussion Topics:**

- Insurance
- Older unit upgrades
- Mandates
- Exclusionary clause
- Order of events

Chairman Louser lead the discussion and Representative Boschee will work on an an amendment.

Chairman Louser adjourned the meeting 3:26 PM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1310  
01/31/2023

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.
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Chairman Louser called to order 3:24 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Christy, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey.

### Discussion Topics:

- Limited common areas
- Amendment
- Committee Work

Representative Boschee presented an amendment, #18260 and moved the amendment 23.0329.02002.

Representative Ruby seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	AB
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	AB
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-0-3

Representative Boschee move a do pass as amended.  
Representative Wagner second

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Scott Louser	Y
Representative Mitch Ostlie	AB
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	AB
Representative Ben Koppelman	AB
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11-0-3

Representative Boschee will carry the bill.

Chairman Louser adjourned the meeting 3:28 PM

*Diane Lillis, Committee Clerk*

January 31, 2023

4  
1-31-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 3, line 20, replace "shall" with "may"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1310: Industry, Business and Labor Committee (Rep. Louser, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1310 was placed  
on the Sixth order on the calendar.

Page 3, line 20, replace "shall" with "may"

Renumber accordingly

**2023 SENATE TRANSPORTATION**

**HB 1310**



# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1310  
3/10/2023

Relating to electric vehicle charging station installation in condominiums.

**9:03 AM Chairman Clemens** opened hearing.

Senators Present: **Clemens, Conley, Rummel, Paulson**. Sen. Larsen is absent.

**Discussion Topics:**

- Town homes
- Proposed amendment
- Bill language

**9:04 AM Representative Boshcee** introduced bill. #23605

**9:14 AM Jill Beck, CEO for ND Association of REALTORS**, testified in favor. #23607

**9:16 AM Dana Woodruff, new Fargo resident**, in favor. #23508

**9:25 AM Sonja Kaye, south Fargo resident**, in favor. #23512

**9:36 AM Representative Boschee**, answered questions.

**Additional written testimony:**

Scott Skokos #22582

Jena Merl #23472

Benjamin Price #23502

**9:37 AM Chairman Clemens** adjourns hearing.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

**Transportation Committee**  
Fort Totten Room, State Capitol

HB 1310  
3/10/2023

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.
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**10:29 AM Chairman Clemens** opened hearing.

Senators Present: **Clemens, Conley, Larsen, Rummel, Paulson.**

**Discussion Topics:**

- Potential amendment
- Civil penalty
- Fine amount

**10:34 AM Chairman Clemens** adjourned meeting.

*Nathan Liesen, Committee Clerk*

# 2023 SENATE STANDING COMMITTEE MINUTES

## Transportation Committee Fort Totten Room, State Capitol

HB 1310  
3/23/2023

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.
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**11:00 AM Chairman Clemens** opened the meeting.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

### Discussion Topics:

- Committee Action
- Amendment

**11:01 AM Senator Paulson** proposed amendment. LC 23.0329.03003 #26454

**11:07 AM Senator Paulson** moved to adopt Amendment LC 23.0329.03003.

**11:08 AM Senator Conley** seconded.

Roll call vote

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Passed 5-0-0

**11:08 AM Senator Paulson** moved Do Pass as Amended.

**11:08 AM Senator Conley** seconded.

Roll call vote

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Passed 5-0-0

**Senator Paulson** will carry the bill.

**11:09 AM Chairman Clemens** closed the meeting.

*Nathan Liesen, Committee Clerk*

March 21, 2023

24  
3/23/23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310

Page 1, line 9, replace "that" with "on the number, size, location, and manner of placement or installation of an electric vehicle charging station on the common or limited common area which"

Page 1, line 10, replace "its" with "the"

Page 1, line 11, after "performance" insert "of the electric vehicle charging station"

Page 2, line 12, remove "a common area or in"

Page 2, line 16, after "installation" insert "in a limited common area"

Page 2, line 23, remove "and"

Page 2, line 25, after "station" insert "; and

- (5) Comply with any other reasonable regulations, including regulations on the number, size, location, and manner of placement or installation of electric vehicle charging stations on the limited common area, as required by the administrative body governing the condominium"

Page 3, line 4, remove "and"

Page 3, line 5, after "(4)" insert "Other costs not listed in this subsection which may arise; and

(5)"

Page 3, line 7, remove ", whether located within a unit or within a"

Page 3, line 8, remove "common area or limited common area."

Page 3, after line 17, insert:

- "e. This section does not prohibit the administrative body governing a condominium from imposing reasonable regulations on the number, size, and manner of placement of an electric vehicle charging station in common areas or limited common areas.
- f. The administrative body governing the condominium may deny the installation of an electric vehicle charging station based on bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property."

Page 3, line 22, after the underscored period insert "The administrative body governing the condominium may deny the installation of an electric vehicle charging station if a reasonable area is not available or the area cannot be reasonably accessed by the owner."

Page 4, line 4, remove "In any action by a unit owner requesting to have an electric vehicle charging station"

Page 4, remove line 5

Page 4, line 6, replace "awarded reasonable attorney's fees if the unit owner prevails" with "Any unit owner installing an electric vehicle charging station shall indemnify and hold the administrative body governing the condominium harmless from all liability, including reasonable attorney's fees incurred by the administrative body governing the condominium resulting from a claim arising out of the installation, maintenance, operation, or use of the electric vehicle charging station"

Renumber accordingly

JA  
3/23/23

**REPORT OF STANDING COMMITTEE**

**HB 1310, as engrossed: Transportation Committee (Sen. Clemens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1310 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 9, replace "that" with "on the number, size, location, and manner of placement or installation of an electric vehicle charging station on the common or limited common area which"

Page 1, line 10, replace "its" with "the"

Page 1, line 11, after "performance" insert "of the electric vehicle charging station"

Page 2, line 12, remove "a common area or in"

Page 2, line 16, after "installation" insert "in a limited common area"

Page 2, line 23, remove "and"

Page 2, line 25, after "station" insert " ; and

- (5) Comply with any other reasonable regulations, including regulations on the number, size, location, and manner of placement or installation of electric vehicle charging stations on the limited common area, as required by the administrative body governing the condominium"

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Page 3, after line 17, insert:

- "e. This section does not prohibit the administrative body governing a condominium from imposing reasonable regulations on the number, size, and manner of placement of an electric vehicle charging station in common areas or limited common areas.
- f. The administrative body governing the condominium may deny the installation of an electric vehicle charging station based on bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property."

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Renumber accordingly

**2023 CONFERENCE COMMITTEE**

**HB 1310**



# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1310  
04/10/2023

Conference Committee

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.

Chairman Boschee called to order 10:02 AM

Members Present: Chairman Boschee, Representatives Wagner, Senators Paulson, Rummel, Larsen.

Member absent: Representative Christy

### **Discussion Topics:**

- Equity
- Damages

Chairman Boschee presented an amendment, #27396, LC #23.0329.03004

Chairman Boschee adjourned the meeting 10:18 AM

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1310  
04/14/2023

Conference Committee

Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.
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Chairman Boschee called to order 10:00 AM

Members Present: Chairman Boschee, Representatives Wagner, Johnson, Senators Paulson, Rummell, Larsen.

### **Discussion Topics:**

- Equity
- Damages

Representative Wagner moved the House accede to Senate Amendments.  
Senator Larson seconded.

Motion passed 5-1-0

Representative Boschee is House carrier.  
Senator Paulson is Senate carrier.

Chairman Boschee adjourned the meeting 10:07 AM

*Diane Lillis, Committee Clerk*



**REPORT OF CONFERENCE COMMITTEE**

**HB 1310, as engrossed:** Your conference committee (Sens. Paulson, Rummel, Larsen and Reps. Boschee, Wagner, J. Johnson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1486-1487 and place HB 1310 on the Seventh order.

Engrossed HB 1310 was placed on the Seventh order of business on the calendar.

**TESTIMONY**

**HB 1310**

Chairman Louser and Members of the House Industry, Business and Labor Committee,

My name is Scott Skokos. I am here to represent the Dakota Resource Council in my professional capacity as their Executive Director. I am testifying today in favor of House Bill 1310.

HB 1310 provides a simple fix allowing condominium owners and those who own housing governed by Homeowners Associations to have unfettered ability to install electric vehicle charging stations at their homes. At present condo and homeowners associations are allowed to prevent the owners of individual units, condos, or homes governed by an association from building infrastructure that violates their covenants or rules. This includes essential infrastructure like electric vehicle charging stations.

It is the view of Dakota Resource Council and our members that the ability to install essential infrastructure like electric car charging stations at your place of residence, especially if you are the owner of your residence, should be a right. Experts forecast that electric vehicles will make up approximately 30 percent of all vehicles on the road by 2029<sup>1</sup>. As a result, getting a law in place like HB 1310 will make North Dakota more easily be able to accommodate for the increase in electric vehicles in the near future.

In conclusion, those who own property should not be prevented from installing essential infrastructure like electric car charging stations. Passing HB 1310 means North Dakota is positioning itself for the future and also protecting property owners' right to install essential infrastructure on the property they own. Thank you for the opportunity to testify. I can stand for any questions.

Scott Skokos  
Executive Director  
Dakota Resource Council  
Lobbyist # 256

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<sup>1</sup><https://www.iea.org/reports/by-2030-evs-represent-more-than-60-of-vehicles-sold-globally-and-require-an-adequate-surge-in-chargers-installed-in-buildings>

HB 1310

Good morning, thank you for considering HB 1310 and allowing me to speak today about the importance of balancing property rights between an Association and a homeowner.

As you might have guessed from my accent I'm a new resident to Fargo...absolutely love it. I received my engineering degree from a federal service academy, worked on ships, went into finance and in the summer of 2021 drove my electric car, which I've had for over four years, up from Texas. When I moved here the property market was still sizzling as I searched for my new home. My three criteria were that my new home be safe for my pets, I could afford it, and I could install an electric car charger.

I'd looked at condo buildings and, of course, asked each about the ability to install a 240V charger at my own expense. It's tougher than you think to find someone who can answer that type of question...especially in a hot market with limited time to make an offer. But I found a place.

It is an older building, built in the late 70s, but each condo has its own separate, deeded garage. The bylaws even state that the units are on separately metered service! Nirvana! The owners at the time had professional grade wood shop equipment- milling machine, dust collectors, etc, and a 240V welding plug in the garage...this was perfect.

Until after I closed and it turned out the garages hadn't actually been built with separately metered service but no one had noticed the difference in the bylaws and garages until an electric car moved in.

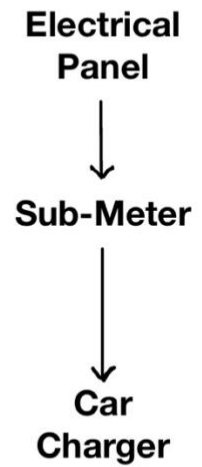
I was disappointed but, as an engineer, this was a solvable issue...when installing the car charger I had a licensed electrician add a sub-meter, a device that measures electricity, to measure the electricity used. I've included a photo in case anyone is wondering what this looks like. I asked the Association what the kwh cost was and I started, voluntarily, sending a monthly check for every single electron used by the car and this was fine for months...until my Condo Association apparently had a change of heart and the electric car became an issue. Since then there have been at least two Board meetings that stated current practice was fine but a couple of folks just can't let go of it until finally the board stopped having open meetings, financial documents withheld from residents, and the Association President disconnected my garage electrical services. They hired a lawyer in August 2021 so I hired a lawyer to defend my home. A lot of time, energy, and money is being spent that could have been put to better use. And I stand here today. Good fences make good neighbors and so does good legislation.

North Dakota has about a page of legislation that applies to Associations legally structured as non profits and nothing for any other type. Reasonable people can always work things out but when a homeowner ends up in a situation like I have found myself good legislation can provide some balance between the property rights of opposing parties. While mine will be decided in court I hope this body considers this piece of legislation that allows people to have a little more confidence when buying into an Association and maybe avoiding an expensive court battle that has paralyzed the community I live in.

While there's a little more legislation that, in my humble opinion, could be helpful and is yet to be written this one has been relevant. Plugging in a car isn't actually any different from plugging in a freezer, refrigerator, a welder, or wood shop equipment and they, and hybrids, are becoming more common.

It is easy to focus on the EV part of this story, but this legislation is, at heart, about allowing a homeowner the peaceful enjoyment of our home and the ability to make our own decisions in matters, and in a manner, that causes no harm to our neighbors.

Thank you.







# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Josh Boschee

District 44  
517 First Street North  
Fargo, ND 58102-4540  
[jboschee@ndlegis.gov](mailto:jboschee@ndlegis.gov)

## Minority Leader

**COMMITTEES:**  
Industry, Business and Labor

January 24, 2023

Good morning, Chairman Louser and fellow members of the House Industry, Business and Labor Committee,

For the record, my name is Josh Boschee and I serve as a Representative from District 44, which comprises downtown and north Fargo.

House Bill 1310 is introduced to protect individual property rights for North Dakotans who's home is part of a condo association. As you are likely aware, when someone buys a home that is part of an association, there are typically established bylaws that govern the rights and responsibilities of being a part of that association. While this legislation prioritizes individual property rights over the priorities of an association, the intention is that the homeowner is responsible for all applicable costs associated with the installation, operation and maintenance of an electric vehicle charging station, including the energy costs associated with the use of the charging station.

This legislation came out of a conversation with a constituent who after reviewing the bylaws of a condo that was for sale determined that this condo would work well for her as an electric vehicle owner. Having done her due diligence, she purchased the condo, moved in, and began making it her home. After a period of time, issues began to arise with the condo association in terms of her installation of a charging station. She is here to provide you more information about that experience.

The legislation in front of you for consideration is modeled after legislation in Florida and New York, both of whom have a larger population of electric vehicle owners than North Dakota. As more and more people own hybrid or electric vehicles, the ability to efficiently charge their vehicles at home will become more and more important. Additionally, a home with a charging station installed may have an increased value to some buyers.

With that, Mr. Chairman, I'd like to walk the committee through key parts of HB 1310.

Page 1, lines 9-11 allow a homeowner's association to have reasonable restrictions, with lines 17-23 and lines 1-2 of page 2 outlining that the association can not prohibit or unreasonably restrict the installation of an electric charging station in an owner's designated or deeded garage or parking spot.

Page 2, lines 3-11 requires the charging station to "meet all applicable health and safety standards and requirements imposed by law, rule or regulation". It also allows the association to have an application for approval.

Page 2, lines 14-25 outlines the approval requirements of the owner if the charging station is to be located in a common area or limited common area. Including the requirement to provide a certificate of insurance, utilize a licensed contractor and pay installation and usage costs.

Page 2, lines 26 through page 3 line 6 ensures that current and future owners cover ongoing maintenance costs, costs to restore common areas if removed and usage costs. This responsibility is to be disclosed to any potential buyers.

Page 3, lines 7-17 outline the insurance requirements of the homeowner.

Page 3, lines 18-25 outlines the process for an association to allow the installation of a charging station outside of the owner's designated/deeded parking space if it is impossible or unreasonably expensive to install a station there. The identified space requires the association to "enter a license agreement with the owner for the use of the space" and requires the homeowner to comply with all requirements as if the installation occurred in the owners designated/deeded parking space.

Page 3, line 26-28 allows the association to install a charging station of their own to be used by association members.

Page 4, lines 1-6 outlines the civil actions afforded as part of this newly created section.

Chairman Louser and members of the committee, I hope you'll support HB 1310 as a key part of private property rights and an opportunity for home owners to take care of their electric vehicle if they choose to own one. I am happy to answer any questions you may have.

23.0329.02002  
Title.03000

Adopted by the Industry, Business and Labor  
Committee

January 31, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1310

Page 3, line 20, replace "shall" with "may"

Renumber accordingly

Chairman Clemens and Members of the Senate Transportation Committee,

My name is Scott Skokos. I am here to represent the Dakota Resource Council in my professional capacity as their Executive Director. Dakota Resource Council is a grassroots conservation and family farm organization with more than 600 dues paying members statewide and five local chapters in Fargo, Bismarck, Dickinson, McKenzie County, and Fort Berthold. I am testifying today in favor of House Bill 1310.

HB 1310 provides a simple fix, which allows condominium owners and those who own housing governed by Homeowners Associations to have unfettered ability to install electric vehicle charging stations at their homes. At present condo and homeowners associations are allowed to prevent the owners of individual units, condos, or homes governed by an association from building infrastructure that violates their covenants or rules. This includes essential infrastructure like electric vehicle charging stations.

It is the view of Dakota Resource Council and our members that the ability to install essential infrastructure like electric car charging stations at your place of residence, especially if you are the owner of your residence, should be a right. Experts forecast that electric vehicles will make up approximately 30 percent of all vehicles on the road by 2029<sup>1</sup>. As a result, getting a law in place like HB 1310 will make North Dakota more easily be able to accommodate for the increase in electric vehicles in the near future.

In conclusion, those who own property should not be prevented from installing essential infrastructure like electric car charging stations. Passing HB 1310 means North Dakota is positioning itself for the future and also protecting property owners' right to install essential infrastructure on the property they own. Thank you for the opportunity to testify. I can stand for any questions.

Scott Skokos  
Executive Director  
Dakota Resource Council  
Lobbyist # 256

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<sup>1</sup><https://www.iea.org/reports/by-2030-evs-represent-more-than-60-of-vehicles-sold-globally-and-require-an-adequate-surge-in-chargers-installed-in-buildings>



ChargePoint, Inc.  
254 East Hacienda Avenue | Campbell, CA 95008 USA  
+1.408.841.4500 or US toll-free +1.877.370.3802

March 10, 2023  
Transportation Committee

Re: SB1310  
*Relating to electric vehicle charging station installation in condominiums; and to provide a penalty.*

To the Committee on Transportation:

Thank you for the opportunity to provide written testimony and support for SB1310. ChargePoint is a strong supporter of the decarbonization of the transportation system and looks forward to continuing to work with the Legislative Assembly to accelerate these efforts. Over 80% of electric vehicle (EV) charging happens at home today. Legislation like SB1310 supports individuals looking to transition to an EV by ensuring that they have the right to install an electric vehicle charging station at their condominium. Right to Charge legislation, such as SB1310, safeguards that condo owners looking to drive electric do not face unnecessary hurdles to installing a charging station and establishes a process for boards to approve such applicants. Residents seeking to install a charging station are responsible for the costs associated with the installation and should be endowed with the right to incur these costs on their property.

## **BACKGROUND**

ChargePoint is a world leading electric vehicle (EV) charging network, providing scalable solutions for every charging scenario from home and multifamily to workplace, parking, hospitality, retail and transport fleets of all types. ChargePoint's cloud subscription platform and software-defined charging hardware are designed to enable businesses to support drivers, add the latest software features and expand fleet needs with minimal disruption to overall business.

ChargePoint's hardware offerings include Level 2 (L2) and DC fast charging (DCFC) products. With modular design to help minimize downtime and make maintenance and repair more seamless, all products are also UL-listed and CE (EU) certified.

ChargePoint's primary business model consists of selling smart charging solutions directly to businesses and organizations while offering tools that empower station owners to deploy EV charging designed for their individual application and use case. ChargePoint provides charging network services and data-driven, cloud-enabled capabilities that enable site hosts to better manage their charging assets and optimize services.

## **ADDRESSING SAFETY CONCERNS**

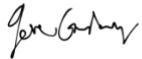
Safety is an intrinsic component of the trainings provided for certified installers. For the installation of an electric vehicle charging station or electric vehicle supply equipment (EVSE), charging networks like ChargePoint work with partners, such as utilities and qualified electrician networks, to ensure that all installation is completed according to local rules and guidelines for who is certified to install such equipment. Additionally, ChargePoint offers ChargePoint University to support installers to ensure they have the information needed to efficiently and accurately install EVSE.

Lastly, ChargePoint seeks to highlight that there is significant data to support that electric vehicles are no more dangerous than traditional internal combustion vehicles. According to the National Fire Protection Agency, all vehicle fires account for only roughly 16% of all reported fires. It is extremely rare for a vehicle to catch fire in a garage. Furthermore, in 2022, the National Transportation Safety Board released a study that found per 100,000 vehicles sold, hybrid vehicles experienced 3,475 vehicle fires, gasoline-powered vehicles had 1,530, and EVs experienced only 25 fires. Fires attributed to EVs were found to be due to battery issues rather than an electrical wiring problem.

**Conclusion**

Thank you again for the opportunity to provide feedback on the proposed legislation included in this testimony. We look forward to serving as a resource to the Committee as it continues to evaluate policies that can reduce emissions and empower North Dakotans seeking to install EVSE at their homes.

Sincerely,



Jena Ginsburg  
Manager, Public Policy  
ChargePoint



March 9, 2023

North Dakota Senate Transportation Committee  
State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505

Re: HB 1310 – relating to electric vehicle charging station installation in condominiums; and to provide a penalty

Position: Support with Amendment

Good morning, Chair Clemens, Vice Chair Conley, and Senators Larson, Paulson, and Rummel, Thank you for the opportunity to provide the Senate Transportation Committee with comments on HB 1310 – relating to electric vehicle charging station installation in condominiums; and to provide a penalty. My name is Phoebe E. Neseth, Esq. and I am the Director of Government and Public Affairs for the Community Associations Institute representing 74.2 million Americans living in more than 358,000 communities in the United States, including the more than 48,000 North Dakotans who live in community associations across the Peace Garden State.

Before continuing, I want to thank the prime sponsor, Representative Josh Boschee for his willingness to engage with CAI as this bill has made its way through the Legislative Assembly. I would like to also thank him for his championship for community associations, particularly through the amended HB 1310 language, which is helping create stronger public policy for community associations in North Dakota.

I ask today that you consider supporting the proposed amendment to HB 1310, which the community association industry believes will strengthen the bill and further protect homeowners from undue financial burden. CAI is happy to support this bill once the amendment has been adopted.

This bill would open more common area space in North Dakota condominium communities to the mandated installation of electric vehicle charging stations, and while CAI does support the right for homeowners to choose to purchase an electric vehicle, it is imperative that it does not come at a cost to the entire community and is practical in design.

These proposed amendment covers issues pertaining to insurance, indemnity, and liability, as well as reasonable attorney's fees. When new costs stemming from insurance increases due to the installation of an electric vehicle charging station, as well as from related enforcement actions, are forced on a condominium board, then those costs will end up being passed onto homeowners, unless specific protections are in place. We want to ensure a fair allocation of costs



and insurance liability, and not see North Dakota inadvertently create a situation that unduly burdens an entire community for the decisions of one resident.

Additionally, this amendment provides further clarification on the separation of limited common elements, which are generally the responsibility of a specific unit owner, and common elements, which are the responsibility of the condominium association writ large. CAI supports reasonable efforts to accommodate a unit owner's request to install an electric vehicle charging station, however, there must be limits to what is allowable. The amendments proposed today allow associations to deny electric vehicle charging station installation under certain circumstances, including possible violations of building codes or structural limitations, and in cases where the cost of converting a common element to a new use would be unreasonably high.

As stated before, this language is intended to protect both homeowners and associations from unreasonable costs stemming from the decision of one resident- it is CAI's firm belief that the decision of one person to purchase an electric vehicle should not turn into a financial burden on the entire community. Electric vehicles are a growing market force, and we need to make sure that all considerations are taken into account when lawmakers debate legislation intended to increase access.

#### [About CAI and the Community Association Housing Model<sup>1</sup>](#)

CAI is the only international membership organization dedicated to the community association model of homeownership. CAI members are homeowners, association board members, managing agents and business partners who work tirelessly to improve the community association model of housing. CAI members have a keen focus on homeowner and board member education, development and enforcement of best practices and ethical standards, and raising standards through credentialing and continuing education requirements for community association professionals. CAI's more than 44,000 members are organized in more than 60 chapters.

For more statistical data on the community association housing model in North Dakota, I encourage you to review the [Foundation for Community Associations Research \(FCAR\), Fact Book: North Dakota State Summary: Community Association Data and Information](#). Community Association Fact Book is published by FCAR and documents the history, current status, trends, and future issues of U.S. community association housing in general. The Fact Book also provides community association information on a state-by-state basis. Additionally, I would encourage you to review [FCAR's Annual Homeowner Satisfaction Survey](#), which shows that nationally, approximately 89% of homeowners living in community associations rate their overall experience as very good, good, or neutral.

For these reasons, CAI respectfully requests the Committee adopt the amendment proposed for HB 1310. Again, CAI would support HB 1310 so long as the amendment is adopted.

Finally, I am happy to answer any questions you may have, and CAI is available to have a discussion at any time.





Thank you for your continued leadership and flexibility. Please contact CAI with any questions.

Sincerely,

Phoebe E. Neseth, Esq.  
Director of Government and Public Affairs  
Community Associations Institute (CAI)  
Direct Line: (703) 970-9256  
[pneseth@caionline.org](mailto:pneseth@caionline.org)

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<sup>i</sup> Role & Benefit Community Association Housing

Emerging in the 1970s, community association housing was a means to address issues of land use and limited resources at the state and local level for housing development. HOAs and condominiums allowed for affordable and efficient construction of housing while concurrently limited the financial impact of such development on local and state governments. The investment in community infrastructure including roads, retention ponds, parks, club houses and amenities are borne by developers and the ongoing cost of maintenance is supported by assessments paid by residents of the community association. Amenities and infrastructure are driven by market considerations and the result is a vast array of communities that provide consumers with an array of choices in housing and lifestyles.

When purchasing a home in a community association, a resident enters into a contractual arrangement which obligates them to pay assessments to their association, which is governed by a board elected by the residents. Such communities, through deed restrictions and adopted rules have provisions to enhance and maintain the property values of homes in the community. The benefits of such communities accrue to both residents, taxpayers and local business. First, homes in community associations are worth at minimum, 5% more than homes in a traditional community. This directly benefits the purchaser, but also the larger jurisdiction through enhanced property taxes resulting from this value premium. Additionally, community association residents assess themselves to maintain the infrastructure and amenities in their community, costs that would otherwise fall on state or local governments.

More importantly, community associations provide residents with an accessible opportunity for civic involvement. Community Associations are governed by their residents, who elect representatives to serve on a board of directors. This provides a level of local governance that residents find highly responsive to their needs. 93% of association residents rate their experience as positive, and 88% believe their elected boards strive to serve the best interests of their community. In total, more than 1.6 million Americans demonstrate their civic commitment by service on a community association board each year.

March 10, 2023

Good morning, thank you for considering HB 1310 and allowing me to speak today about the importance of balancing property rights between an Association and a homeowner.

As you might have guessed from my accent I'm a new resident to Fargo...absolutely love it. I received my engineering degree from a federal service academy, worked on ships, went into finance and in the summer of 2021 drove my electric car, which I've had for over four years, up from Texas. When I moved here the property market was still sizzling as I searched for my new home. My three criteria were that my new home be safe for my pets, I could afford it, and I could install an electric car charger.

I'd looked at condo buildings and, of course, asked each about the ability to install a 240V charger at my own expense. It's tougher than you think to find someone who can answer that type of question...especially in a hot market with limited time to make an offer. Most condo buildings have one large, shared garage so knowing you have the ability to install a charger is critical. But I finally found a place.

It is an older building, built in the late 70s, but each condo has its own separate, deeded garage. The bylaws even state that the units are on separately metered service! Nirvana! The owners at the time had professional grade wood shop equipment- milling machine, dust collectors, etc, and a 240V welding plug in the garage...this was perfect.

Until after I closed and it turned out the garages hadn't actually been built with separately metered service but no one had noticed the difference in the bylaws and garages until an electric car moved in.

I was disappointed but, as an engineer, this was a solvable issue...when installing the car charger I had a licensed electrician add a sub-meter, a device that measures electricity, to measure the electricity used. I've included a photo in case anyone is wondering what this looks like. I asked the Association what the kwh cost was and I started, voluntarily, sending a monthly check for every single electron used by the car and this was fine for months...until my Condo Association apparently had a change of heart and the electric car became an issue. Since then there have been at least two Board meetings that stated current practice was fine but a couple of folks just can't let go of it until finally the board stopped having open meetings, financial documents withheld from residents, and the Association President disconnected my garage electrical services. They hired a lawyer in August 2021 so I hired a lawyer to defend my home. A lot of time, energy, and money is being spent that could have been put to better use. And I stand here today. Good fences make good neighbors and so does good legislation.

North Dakota has about a page of legislation that applies to Associations legally structured as non profits and nothing for any other type. Reasonable people can always work things out but when a homeowner ends up in a situation like I have found myself good legislation can provide some balance between the property rights of opposing parties. While mine will be decided in court I hope this body considers this piece of legislation that allows people to have a little more confidence when buying into an Association and maybe avoiding an expensive court battle that has paralyzed the community I live in.

While there's a little more legislation that, in my humble opinion, could be helpful and is yet to be written this one has been relevant. Plugging in a car isn't actually any different from plugging in a freezer, refrigerator, a welder, or wood shop equipment and they, and hybrids, are becoming more

common. I realize there's a little fear regarding fire safety but there isn't any more risk from cars than from anything else that plugs in. Relevant statistics:

The National Fire Protection Association (NFPA) cites cooking as the leading cause of house fires followed by heating equipment (49% and 13% respectively)<sup>1</sup>.

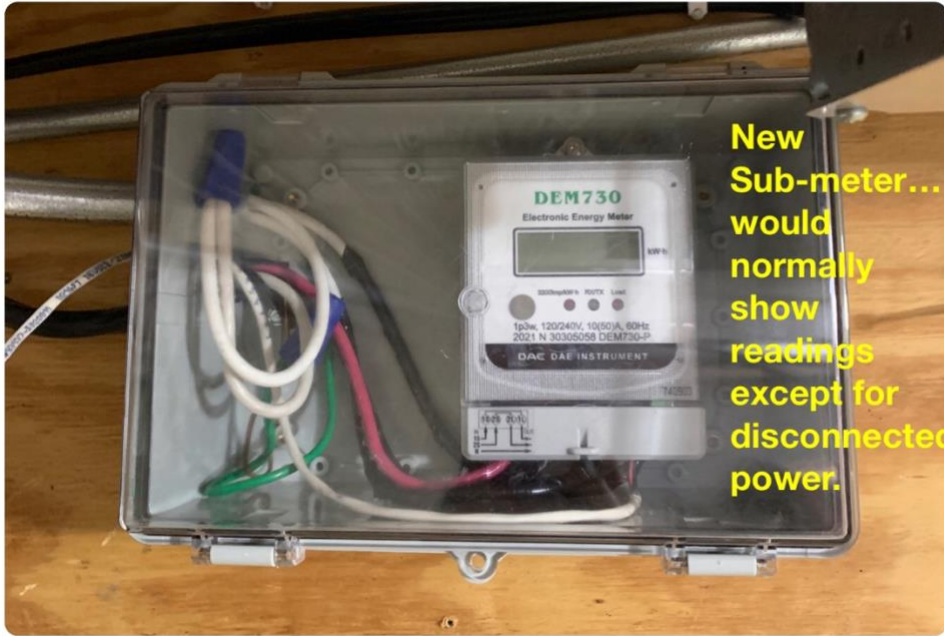
Vehicle fires are pretty uncommon. In 2017 the National Highway Traffic Safety Administration reported 290 million registered vehicles in the United States and in 2018 NFPA reported 212,500 vehicle (car, RV, bus, motorcycle, and truck) fires<sup>2</sup>...an infinitesimally small percentage.

It is easy to focus on the EV part of this story, but this legislation is, at heart, about allowing a homeowner the peaceful enjoyment of our home and the ability to make our own decisions in matters, and in a manner, that causes no harm to our neighbors.

Thank you.

<sup>1</sup> <https://www.nfpa.org/News-and-Research/Data-research-and-tools/Building-and-Life-Safety/Home-Structure-Fires>

<sup>2</sup> <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/US-Fire-Problem/osvehiclefires.pdf>



Electrical Panel



Sub-Meter



Car Charger



### Testimony in Favor of HB 1310

Chairman Clemens and Members of the Senate Transportation Committee,

My name is **Sonja Kaye**. I am a resident of South Fargo, and the proud owner of a very *ancient* 2014 all-electric Nissan LEAF. I love my EV and will never go back to a gas-powered vehicle. I happen to live in a single-family residence, so I do not have a condo association to prevent me from installing charging infrastructure. However, if I did live in a condo, I wouldn't think it right that a condo association prevents me from such an installation.

Major car manufacturers are currently quadrupling their production of electric vehicles. I think you will find that the transition to electric vehicles will happen faster than one would expect, especially if you are not familiar with them. If you are familiar with them, you know how great they are.

Here are just a few reasons why electric vehicles are great:

- Electric vehicles are less expensive to own and operate.
- Electric vehicles require zero oil changes.
- Electric vehicles break down less often.
- Electric vehicles have zero emissions.
- Most charging (85-90%) can be done at home.... But only if you have the proper charging infrastructure.

Charging at home is super **convenient** and more cost effective than charging at a public supercharger. Even though a public super charger may only take 15-30 minutes to charge a vehicle, home charging can be done in your own garage while sleeping, taking anywhere from 2-8 hours. **Without the proper equipment, charging would take much longer, and EV ownership would be impractical.**

Charging at home is much more **cost effective**, as well, as you will not have to pay a charging station fee or the exaggerated rates for public fast-charger electricity. By contrast, if you charge at home, you will likely be able to take advantage of off-peak rates from your local utility, which benefits not only yourself but also your local utility and the stability of the grid.

By not allowing a homeowner to install charging infrastructure you are essentially trampling on that person's **right to own an electric vehicle**. It would be similar to telling someone they cannot install the needed outlet infrastructure to install a clothes dryer.

Please allow the free market to work and support a "do pass" recommendation on HB 1310.

Thank you.

Sonja Kaye





# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## Representative Josh Boschee

District 44  
517 First Street North  
Fargo, ND 58102-4540  
[jboschee@ndlegis.gov](mailto:jboschee@ndlegis.gov)

Minority Leader

**COMMITTEES:**  
Industry, Business and Labor

March 9, 2023

Good morning, Chairman Clemens and members of the Senate Transportation Committee,

For the record, my name is Josh Boschee and I serve as a Representative from District 44, which comprises downtown and north Fargo.

House Bill 1310 is introduced to protect individual property rights for North Dakotans who's home is part of a condo association. As you are likely aware, when someone buys a home that is part of an association, there are typically established bylaws that govern the rights and responsibilities of being a part of that association. While this legislation prioritizes individual property rights over the priorities of an association, the intention is that the homeowner is responsible for all applicable costs associated with the installation, operation and maintenance of an electric vehicle charging station, including the energy costs associated with the use of the charging station.

This legislation came out of a conversation with a constituent who after reviewing the bylaws of a condo that was for sale determined that this condo would work well for her as an electric vehicle owner. Having done her due diligence, she purchased the condo, moved in, and began making it her home. After a period of time, issues began to arise with the condo association in terms of her installation of a charging station. She will be testifying after me to provide you more information about that experience.

The legislation in front of you for consideration is modeled after legislation in Florida and New York, both of whom have a larger population of electric vehicle owners than North Dakota. As more and more people own hybrid or electric vehicles, the ability to efficiently charge their vehicles at home will become more and more important. Additionally, a home with a charging station installed may have an increased value to some buyers.

Following the passage of HB 1310 in the House, I was contacted by the [Community Association Institute](#), which is an international advocacy and education organization that focuses on common-interest community governance, with requests to significantly amend the legislation, which I felt would undo the original intent of the legislation. Over a couple weeks of conversation, we were able to find a compromise to their proposed amendments, which I have provided to you attached to my testimony and respectfully ask the committee to consider.

With that, Mr. Chairman, I'd like to walk the committee through key parts of the Christmas tree proposed amended version of HB 1310, which is attached to my testimony.

Page 1, lines 9-13 allow a homeowner's association to have reasonable restrictions, with lines 19-24 and lines 1-3 of page 2 outlining that the association can not prohibit or unreasonably restrict the installation of an electric charging station in an owner's designated or deeded garage or parking spot.

Page 2, lines 4-12 requires the charging station to "meet all applicable health and safety standards and requirements imposed by law, rule or regulation". It also allows the association to have an application for approval.

Page 2, lines 13-30 outlines the approval requirements of the owner if the charging station is to be located in a common area or limited common area. Including the requirement to provide a certificate of insurance, utilize a licensed contractor and pay installation and usage costs.

Page 2, line 31 through page 3 line 10 ensures that current and future owners cover ongoing maintenance costs, costs to restore common areas if removed and usage costs. This responsibility is to be disclosed to any potential buyers.

Page 3, lines 11-21 outline the insurance requirements of the homeowner.

Page 3, lines 22-25 mirrors the language found in the definitions

Page 3, lines 26-29 allows denial of installing a charging station only based on bona fide safety requirements consistent with building codes or recognized safety standards.

Page 3, line 30 through page 4, line 9 outlines the process for an association to allow the installation of a charging station outside of the owner's designated/deeded parking space if it is impossible or unreasonably expensive to install a station there. The identified space requires the association to "enter a license agreement with the owner for the use of the space" and requires the homeowner to comply with all requirements as if the installation occurred in the owners designated/deeded parking space.

Page 4, lines 10-12 allows the association to install a charging station of their own to be used by association members.

Page 4, lines 13-15 allows the association to create a new parking spot to facilitate the installation of an electric vehicle.

Page 4, lines 16-26 is the agreed upon language between me and the Community Association Institute that puts any liability for the installation, maintenance, operation or use of an EV charging station on the homeowner.

Chairman Clemens and members of the committee, I hope you'll support HB 1310 as a key part of private property rights and an opportunity for home owners to take care of their electric vehicle if they choose to own one. I am happy to answer any questions you may have.

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1310

Introduced by

Representatives Boschee, Cory, Dakane, Louser, Mock, Novak, Roers Jones

Senators Braunberger, Larson

1 A BILL for an Act to create and enact a new section to chapter 47-04.1 of the North Dakota  
2 Century Code, relating to electric vehicle charging station installation in condominiums; and to  
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 47-04.1 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Electric vehicle charging station installation - Penalty.**

8 1. For purposes of this section:

9 a. "Reasonable restrictions" means restrictions ~~that~~ on the number, size, location,  
10 and manner of placement or installation of an electric vehicle charging station on  
11 the common or limited common area which do not significantly increase the cost  
12 of the electric vehicle charging station or significantly decrease ~~its~~the efficiency or  
13 specified performance of the electric vehicle charging station.

14 b. "Electric vehicle charging station" means a station that delivers electricity from a  
15 source outside an electric vehicle into one or more electric vehicles. An electric  
16 vehicle charging station may include several charge points simultaneously  
17 connecting several electric vehicles to the station and any related equipment  
18 needed to facilitate charging plug-in electric vehicles.

19 2. Any covenant, restriction, or condition contained in any deed, contract, security  
20 instrument, or other instrument affecting the transfer or sale of any interest in the  
21 property, or any by-law, that either effectively prohibits or unreasonably restricts the  
22 installation or use of an electric vehicle charging station within an owner's unit or in a  
23 designated parking space, including a deeded parking space, a parking space in an  
24 owner's limited common area, or a parking space specifically designated for use by a



- 1           particular owner, or is in conflict with the provisions of this section is void and  
2           unenforceable. This section does not apply to a by-law that imposes reasonable  
3           restrictions on electric vehicle charging stations.
- 4           3. An electric vehicle charging station must meet all applicable health and safety  
5           standards and requirements imposed by law, rule, or regulation. If approval is required  
6           for the installation or use of an electric vehicle charging station, the application for  
7           approval must be processed and approved by the administrative body governing the  
8           condominium in a manner prescribed by the administrative body governing the  
9           condominium and may not be willfully avoided or delayed. The approval or denial of an  
10           application must be in writing. If an application is not denied in writing within sixty days  
11           from the date of receipt of the application, the application is deemed approved, unless  
12           that delay is the result of a reasonable request for additional information.
- 13           4. If the electric vehicle charging station is to be placed in ~~a common area or in a~~ limited  
14           common area, as provided in the required declaration contained in section 47-04.1-02:
- 15           a. The owner shall obtain approval from the administrative body governing the  
16           condominium to install the electric vehicle charging station. The administrative  
17           body governing the condominium shall approve the installation in a limited  
18           common area if the owner agrees in writing to:
- 19           (1) Comply with the architectural standards of the administrative body  
20           governing the condominium for the installation of the charging station;
- 21           (2) Engage a licensed contractor to install the charging station;
- 22           (3) Within fourteen days of approval, provide a certificate of insurance that  
23           names the administrative body governing the condominium as an additional  
24           insured under the owner's insurance policy pursuant to subdivision c: ~~and~~
- 25           (4) Pay the costs associated with the installation of and the electricity usage  
26           associated with the charging station; and
- 27           (5) Comply with any other reasonable regulations, including regulations on the  
28           number, size, location, and manner of placement or installation of electric  
29           vehicle charging stations on the limited common area, as required by the  
30           administrative body governing the condominium.
- 31           b. The owner and each successive owner of the charging station is responsible for:

- 1           (1) Costs relating to damage to the charging station, common area, limited  
2           common area, or any unit resulting from the installation, maintenance,  
3           repair, removal, or replacement of the charging station;
- 4           (2) Costs relating to the maintenance, repair, and replacement of the charging  
5           station until it is removed and for the restoration of the common area after  
6           removal;
- 7           (3) The cost of electricity associated with the charging station; ~~and~~
- 8           (4) Other costs not listed in this subsection which may arise; and
- 9           (5) Disclosing to prospective buyers the existence of any charging station and  
10           the related responsibilities of the owner under this section.
- 11           c. The owner of the charging station, ~~whether located within a unit or within a~~  
12           ~~common area or limited common area,~~ shall, at all times, maintain a liability  
13           coverage policy not to exceed the value of a typical condominium owner's policy.  
14           Within fourteen days of approval of the application, the owner that submitted the  
15           application to install the charging station shall provide the administrative body  
16           governing the condominium with the corresponding certificate of insurance. The  
17           owner and each successive owner shall provide the administrative body  
18           governing the condominium with the certificate of insurance each year.
- 19           d. A homeowner may not be required to maintain a homeowners liability coverage  
20           policy for an existing national electrical manufacturers association standard  
21           alternating current power plug.
- 22           e. This section does not prohibit the administrative body governing a condominium  
23           from imposing reasonable regulations on the number, size, and manner of  
24           placement of an electric vehicle charging station in common areas or limited  
25           common areas.
- 26           f. The administrative body governing the condominium may deny the installation of  
27           an electric vehicle charging station based on bona fide safety requirements.  
28           consistent with an applicable building code or recognized safety standard, for the  
29           protection of persons and property.
- 30           5. Except as provided in subsection 6, if installation of an electric vehicle charging station  
31           in the owner's designated parking space is impossible or unreasonably expensive, the



- 1           administrative body governing the condominium may authorize the installation of an  
2           electric vehicle charging station for the exclusive use of an owner in a common area  
3           that is not a limited common area. The administrative body governing the  
4           condominium may deny the installation of an electric vehicle charging station if a  
5           reasonable area is not available or the area cannot be reasonably accessed by the  
6           owner. If installation is authorized under this subsection, the administrative body  
7           governing the condominium shall enter a license agreement with the owner for the use  
8           of the space in a common area and the owner shall comply with all the requirements in  
9           subsection 4.
- 10          6. The administrative body governing the condominium or owners may install an electric  
11          vehicle charging station in a common area for the use of all members of the  
12          condominium and develop appropriate terms of use for the charging station.
- 13          7. An administrative body governing the condominium may create a new parking space  
14          where one did not previously exist to facilitate the installation of an electric vehicle  
15          charging station.
- 16          8. An administrative body governing a condominium which willfully violates this section is  
17          liable for actual damages and shall pay a civil penalty to the applicant or other party in  
18          an amount not to exceed one thousand dollars.
- 19          9. In any action by a unit owner requesting to have an electric vehicle charging station  
20          installed and seeking to enforce compliance with this section, the unit owner must be  
21          awarded reasonable attorney's fees if the unit owner prevails. Any unit owner installing  
22          an electric vehicle charging station shall indemnify and hold the administrative body  
23          governing the condominium harmless from all liability, including reasonable attorney's  
24          fees incurred by the administrative body governing the condominium resulting from a  
25          claim arising out of the installation, maintenance, operation, or use of the electric  
26          vehicle charging station.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310

Page 1, line 9, replace "that" with "on the number, size, location, and manner of placement or installation of an electric vehicle charging station on the common or limited common area which"

Page 1, line 10, replace "its" with "the"

Page 1, line 11, after "performance" insert "of the electric vehicle charging station"

Page 2, line 12, remove "a common area or in"

Page 2, line 16, after "installation" insert "in a limited common area"

Page 2, line 23, remove "and"

Page 2, line 25, after "station" insert "; and"

- (5) Comply with any other reasonable regulations, including regulations on the number, size, location, and manner of placement or installation of electric vehicle charging stations on the limited common area, as required by the administrative body governing the condominium"

Page 3, line 4, remove "and"

Page 3, line 5, after "(4)" insert "Other costs not listed in this subsection which may arise; and  
(5)"

Page 3, line 7, remove ", whether located within a unit or within a"

Page 3, line 8, remove "common area or limited common area"

Page 3, after line 17, insert:

- "e. This section does not prohibit the administrative body governing a condominium from imposing reasonable regulations on the number, size, and manner of placement of an electric vehicle charging station in common areas or limited common areas.
- f. The administrative body governing the condominium may deny the installation of an electric vehicle charging station based on bona fide safety requirements, consistent with an applicable building code or recognized safety standard, for the protection of persons and property."

Page 3, line 22, after the underscored period insert "The administrative body governing the condominium may deny the installation of an electric vehicle charging station if a reasonable area is not available or the area cannot be reasonably accessed by the owner."

Page 4, line 1, remove "An administrative body governing a condominium which willfully violates this section is"

Page 4, remove lines 2 through 5.

Page 4, line 6, replace "awarded reasonable attorney's fees if the unit owner prevails" with "Any unit owner installing an electric vehicle charging station shall indemnify and hold the administrative body governing the condominium harmless from all liability, including reasonable attorney's fees incurred by the administrative body governing the condominium resulting from a claim arising out of the installation, maintenance, operation, or use of the electric vehicle charging station"

Renumber accordingly



To advocate for the success of our members in partnership with our local Associations and the National Association of REALTORS®

March 10, 2023

Testimony in Support of 1310

Chairman Clemens and Members of the Senate Transportation Committee, for the record my name is Jill Beck and I am the CEO representing the North Dakota Association of REALTORS® (NDAR).

The North Dakota Association of REALTORS® membership is made up of more than 2,200 REALTORS® and more than 250 Business Partner members. We are the non-profit member organization for real estate licensees and those businesses that enhance our members business. While this is who are members are I also want to be clear that part of our mission is protecting private property rights as well of which this bill impacts.

Our Government Affairs Committee and Board of Directors have discussed this bill and are in support of it as long as all the regulations and laws are followed by the condo owner and there are no additional fees or costs to the Condo Association that would be passed to the other condo owners.

I would ask for your support of HB 1310. Thank you.

**Jill Beck, CEO**  
**North Dakota Association of REALTORS®**  
[Jill@ndrealtors.com](mailto:Jill@ndrealtors.com)  
**701-355-1010**



23.0329.03003

FIRST ENGROSSMENT

Sixty-eighth  
Legislative Assembly  
of North Dakota

ENGROSSED HOUSE BILL NO. 1310

Introduced by

Representatives Boschee, Cory, Dakane, Louser, Mock, Novak, Roers Jones

Senators Braunberger, Larson

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14 b. "Electric vehicle charging station" means a station that delivers electricity from a  
15 source outside an electric vehicle into one or more electric vehicles. An electric  
16 vehicle charging station may include several charge points simultaneously  
17 connecting several electric vehicles to the station and any related equipment  
18 needed to facilitate charging plug-in electric vehicles.

19 2. Any covenant, restriction, or condition contained in any deed, contract, security  
20 instrument, or other instrument affecting the transfer or sale of any interest in the  
21 property, or any by-law, that either effectively prohibits or unreasonably restricts the  
22 installation or use of an electric vehicle charging station within an owner's unit or in a  
23 designated parking space, including a deeded parking space, a parking space in an  
24 owner's limited common area, or a parking space specifically designated for use by a

1            particular owner, or is in conflict with the provisions of this section is void and  
2            unenforceable. This section does not apply to a by-law that imposes reasonable  
3            restrictions on electric vehicle charging stations.

4            3. An electric vehicle charging station must meet all applicable health and safety  
5            standards and requirements imposed by law, rule, or regulation. If approval is required  
6            for the installation or use of an electric vehicle charging station, the application for  
7            approval must be processed and approved by the administrative body governing the  
8            condominium in a manner prescribed by the administrative body governing the  
9            condominium and may not be willfully avoided or delayed. The approval or denial of an  
10           application must be in writing. If an application is not denied in writing within sixty days  
11           from the date of receipt of the application, the application is deemed approved, unless  
12           that delay is the result of a reasonable request for additional information.

13           4. If the electric vehicle charging station is to be placed in ~~a common area or in~~ a limited  
14           common area, as provided in the required declaration contained in section 47-04.1-02:

15           a. The owner shall obtain approval from the administrative body governing the  
16           condominium to install the electric vehicle charging station. The administrative  
17           body governing the condominium shall approve the installation ~~in a limited~~  
18           ~~common area~~ if the owner agrees in writing to:

19           (1) Comply with the architectural standards of the administrative body  
20           governing the condominium for the installation of the charging station;

21           (2) Engage a licensed contractor to install the charging station;

22           (3) Within fourteen days of approval, provide a certificate of insurance that  
23           names the administrative body governing the condominium as an additional  
24           insured under the owner's insurance policy pursuant to subdivision c; ~~and~~

25           (4) Pay the costs associated with the installation of and the electricity usage  
26           associated with the charging station; ~~and~~

27           (5) Comply with any other reasonable regulations, including regulations on the  
28           number, size, location, and manner of placement or installation of electric  
29           vehicle charging stations on the limited common area, as required by the  
30           administrative body governing the condominium.

31           b. The owner and each successive owner of the charging station is responsible for:



- 1           (1) Costs relating to damage to the charging station, common area, limited  
2           common area, or any unit resulting from the installation, maintenance,  
3           repair, removal, or replacement of the charging station;
- 4           (2) Costs relating to the maintenance, repair, and replacement of the charging  
5           station until it is removed and for the restoration of the common area after  
6           removal;
- 7           (3) The cost of electricity associated with the charging station; ~~and~~
- 8           (4) Other costs not listed in this subsection which may arise; and
- 9           (5) Disclosing to prospective buyers the existence of any charging station and  
10           the related responsibilities of the owner under this section.
- 11          c. The owner of the charging station, ~~whether located within a unit or within a~~  
12           ~~common area or limited common area,~~ shall, at all times, maintain a liability  
13           coverage policy not to exceed the value of a typical condominium owner's policy.  
14           Within fourteen days of approval of the application, the owner that submitted the  
15           application to install the charging station shall provide the administrative body  
16           governing the condominium with the corresponding certificate of insurance. The  
17           owner and each successive owner shall provide the administrative body  
18           governing the condominium with the certificate of insurance each year.
- 19          d. A homeowner may not be required to maintain a homeowners liability coverage  
20           policy for an existing national electrical manufacturers association standard  
21           alternating current power plug.
- 22          e. This section does not prohibit the administrative body governing a condominium  
23           from imposing reasonable regulations on the number, size, and manner of  
24           placement of an electric vehicle charging station in common areas or limited  
25           common areas.
- 26          f. The administrative body governing the condominium may deny the installation of  
27           an electric vehicle charging station based on bona fide safety requirements,  
28           consistent with an applicable building code or recognized safety standard, for the  
29           protection of persons and property.
- 30          5. Except as provided in subsection 6, if installation of an electric vehicle charging station  
31           in the owner's designated parking space is impossible or unreasonably expensive, the

1 administrative body governing the condominium may authorize the installation of an  
2 electric vehicle charging station for the exclusive use of an owner in a common area  
3 that is not a limited common area. ~~The administrative body governing the~~  
4 condominium may deny the installation of an electric vehicle charging station if a  
5 reasonable area is not available or the area cannot be reasonably accessed by the  
6 owner. If installation is authorized under this subsection, the administrative body  
7 governing the condominium shall enter a license agreement with the owner for the use  
8 of the space in a common area and the owner shall comply with all the requirements in  
9 subsection 4.

10 6. The administrative body governing the condominium or owners may install an electric  
11 vehicle charging station in a common area for the use of all members of the  
12 condominium and develop appropriate terms of use for the charging station.

13 7. An administrative body governing the condominium may create a new parking space  
14 where one did not previously exist to facilitate the installation of an electric vehicle  
15 charging station.

16 8. An administrative body governing a condominium which willfully violates this section is  
17 liable for actual damages and shall pay a civil penalty to the applicant or other party in  
18 an amount not to exceed one thousand dollars.

19 9. ~~In any action by a unit owner requesting to have an electric vehicle charging station~~  
20 ~~installed and seeking to enforce compliance with this section, the unit owner must be~~  
21 ~~awarded reasonable attorney's fees if the unit owner prevails~~Any unit owner installing  
22 an electric vehicle charging station shall indemnify and hold the administrative body  
23 governing the condominium harmless from all liability, including reasonable attorney's  
24 fees incurred by the administrative body governing the condominium resulting from a  
25 claim arising out of the installation, maintenance, operation, or use of the electric  
26 vehicle charging station.

23.0329.03004  
Title.

Prepared by the Legislative Council staff for  
Representative Boschee  
March 31, 2023

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310

That the House accede to the Senate amendments as printed on page \_\_\_\_\_ of the House Journal and pages 1131 and 1132 of the Senate Journal and that Engrossed House Bill No. 1310 be further amended as follows:

Page 4, line 1, replace "which" with "or a unit owner that"

Page 4, line 1, remove "is"

Page 4, line 2, remove "liable for actual damages and"

Page 4, line 3, replace "one thousand" with "five hundred"

Renumber accordingly