June 30, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 30, 2010, the following bill was signed into law:

SB2231 SD1 HD2 CD1 A BILL FOR AN ACT
RELATING TO ELECTRIC VEHICLES.
ACT 186 (10)

Sincerely,

LINDA LINGLE
A BILL FOR AN ACT

RELATING TO ELECTRIC VEHICLES.

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

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

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

(b) Every private entity may adopt rules that reasonably restrict the placement and use of electric vehicle charging systems for the purpose of charging electrical vehicles in the parking stalls of any multi-family residential dwelling or
townhouse; provided that those restrictions shall not prohibit
the placement or use of electric vehicle charging systems
altogether. No private entity shall assess or charge any
homeowner any fees for the placement of any electric vehicle
charging system; provided that the private entity may require
reimbursement for the cost of electricity used by such electric
vehicle charging system.

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

(1) The system is in compliance with any rules and
specifications adopted pursuant to subsection (b);
(2) The system is registered with the private entity of
record within thirty days of installation;
(3) If the system is placed on a common element or limited
common element as defined by a project's declaration,
the homeowner shall first obtain the consent of the
private entity; provided further that such consent
shall be given if the homeowner agrees in writing to:
(A) Comply with the private entity's design
specification for the installation of the system;
(B) Engage a duly licensed contractor to install the system; and

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

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

(1) The owner and each successive owner of the parking stall on which or near where the system is placed shall be responsible for any costs for damages to the system, common elements, limited common elements, and any adjacent units, arising or resulting from the installation, maintenance, repair, removal, or replacement of the system. The repair, maintenance, removal, and replacement responsibilities shall be assumed by each successive owner until the electric vehicle charging system has been removed from the common elements or limited common elements. The owner and each successive owner shall at all times have and maintain a policy of insurance covering the
obligations of the owner under this paragraph and
shall name the private entity as an additional insured
under the policy; and

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

(e) For the purpose of this section:

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

"Private entity" means any association of homeowners,
community association, condominium association, cooperative, or
any other nongovernmental entity with covenants, bylaws, and
administrative provisions with which a homeowner's compliance is
required."
SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect on July 1, 2010.

APPROVED this 3.0 day of JUN, 2010

[Signature]

GOVERNOR OF THE STATE OF HAWAI'I