

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2565**

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**Introduced by Assembly Member Muratsuchi**

February 21, 2014

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An act to add Section ~~22511.2 to the Vehicle Code, relating to vehicles.~~ *1952.7 to the Civil Code, relating to tenancy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2565, as amended, Muratsuchi. ~~Electric vehicles: offstreet parking facilities.~~ *Rental property: electronic vehicle charging stations.*

*Existing law regulates the terms and conditions of residential and commercial tenancies. Existing law defines and regulates common interest developments and voids any condition affecting the transfer or sale of an interest in a common interest development that prohibits or unreasonably restricts the installation or use of an electric vehicle charging station in a designated parking space in the development, as specified.*

*This bill would void any term in a lease, contract, or other instrument affecting the lease of commercial or residential property that either effectively prohibits or unreasonably restricts, as defined, the installation or use of an electric vehicle charging station in a lessee's designated parking space or a parking space in a common area or that is otherwise in conflict with its provisions. The bill would prescribe requirements for lessor approval of a lessee request to install or use an electronic vehicle charging station and would require that a lessor approve a request to install a charging station if the lessee agrees in writing to*

*do specified acts, including paying for various costs associated with the charging station and maintaining insurance naming the lessee as an insured. The bill would provide that a lessor that willfully violates its provisions is liable to a lessee applying to install the electric vehicle charging station for actual damages and a civil penalty not to exceed \$1,000. The bill would require, in any action to enforce compliance with these provisions, that a prevailing plaintiff be awarded reasonable attorney’s fees.*

~~Existing law authorizes a local authority, by ordinance or resolution, and a person in lawful possession of an offstreet parking facility, to designate stalls or spaces for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes. Existing law also authorizes the removal of a vehicle from an offstreet parking facility if the vehicle is not connected for electric charging purposes.~~

~~This bill would require, on or before July 1, 2015, an offstreet parking facility with more than 50 parking stalls or spaces to have at least 1% of the parking stalls or spaces within that facility designated for the exclusive use of electric vehicles and equipped with electric charging stations, as defined. The bill would authorize an owner or person or entity in lawful possession of multiple offstreet parking facilities within a one-mile radius to designate fewer parking stalls or spaces for electric vehicles in one or more facilities, if the total number of electric vehicle stalls or spaces, for all facilities within the one-mile radius, equals the number that would otherwise be required. The bill would prohibit a parking stall or space designated for this purpose from displacing or reducing certain accessible stalls or spaces required by federal Americans with Disabilities Act Accessibility Guidelines.~~

Vote: majority. Appropriation: no. Fiscal committee: *yes-no*. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1952.7 is added to the Civil Code, to read:
- 2     1952.7. (a) (1) Any term in a lease, contract, security
- 3     instrument, or other instrument affecting the lease of any interest
- 4     in commercial or residential property that either effectively
- 5     prohibits or unreasonably restricts the installation or use of an
- 6     electric vehicle charging station in a lessee’s designated parking
- 7     space, including, but not limited to, an assigned parking space, a

1 *parking space in a common area, or a parking space that is*  
2 *specifically designated for use by a particular lessee, or is*  
3 *otherwise in conflict with the provisions of this section, is void and*  
4 *unenforceable.*

5 *(2) This subdivision does not apply to provisions that impose*  
6 *reasonable restrictions on the installation of electric vehicle*  
7 *charging stations. However, it is the policy of the state to promote,*  
8 *encourage, and remove obstacles to the use of electric vehicle*  
9 *charging stations.*

10 *(b) For purposes of this section:*

11 *(1) “Electric vehicle charging station” or “charging station”*  
12 *means a station that is designed in compliance with the California*  
13 *Building Standards Code and delivers electricity from a source*  
14 *outside an electric vehicle into one or more electric vehicles.*

15 *(2) “Reasonable restrictions” or “reasonable standards” are*  
16 *restrictions or standards that do not significantly increase the cost*  
17 *of the electric vehicle charging station or its installation or*  
18 *significantly decrease the charging station’s efficiency or specified*  
19 *performance.*

20 *(c) An electric vehicle charging station shall meet applicable*  
21 *health and safety standards and requirements imposed by state*  
22 *and local authorities as well as all other applicable zoning, land*  
23 *use, or other ordinances, or land use permit requirements.*

24 *(d) If lessor approval is required for the installation or use of*  
25 *an electric vehicle charging station, the application for approval*  
26 *shall be processed and approved by the lessor in the same manner*  
27 *as an application for approval of a lessee modification to the*  
28 *property, and shall not be willfully avoided or delayed. The*  
29 *approval or denial of an application shall be in writing. If an*  
30 *application is not denied in writing within 60 days from the date*  
31 *of receipt of the application, the application shall be deemed*  
32 *approved, unless that delay is the result of a reasonable request*  
33 *for additional information.*

34 *(e) An electric vehicle charging station installed by a lessee*  
35 *shall satisfy the following provisions:*

36 *(1) If lessor approval is required, the lessee first shall obtain*  
37 *approval from the lessor to install the electric vehicle charging*  
38 *station and the lessor shall approve the installation if the lessee*  
39 *agrees in writing to do all of the following:*

- 1 (A) Comply with the lessor's reasonable standards for the  
2 installation of the charging station.
- 3 (B) Engage a licensed contractor to install the charging station.
- 4 (C) Within 14 days of approval, provide a certificate of  
5 insurance that names the lessor as an additional insured under  
6 the lessee's insurance policy in the amount set forth in paragraph  
7 (3).
- 8 (D) Pay for the electricity usage associated with the charging  
9 station.
- 10 (2) The lessee shall be responsible for all of the following:
  - 11 (A) Costs for damage to property and the charging station  
12 resulting from the installation, maintenance, repair, removal, or  
13 replacement of the charging station.
  - 14 (B) Costs for the maintenance, repair, and replacement of the  
15 charging station.
  - 16 (C) The cost of electricity associated with the charging station.
- 17 (3) The lessee at all times, shall maintain a lessee liability  
18 coverage policy in the amount of one million dollars (\$1,000,000),  
19 and shall name the lessor as a named additional insured under  
20 the policy with a right to notice of cancellation.
- 21 (f) Except as provided in subdivision (g), installation of an  
22 electric vehicle charging station for the exclusive use of a lessee  
23 in a common area, that is not an exclusive use common area, shall  
24 be authorized by the lessor if installation in the lessee's designated  
25 parking space is impossible or unreasonably expensive and the  
26 lessor complies with the requirements in subdivision (e). In this  
27 case, the lessor shall enter into a license agreement with the lessee  
28 for the use of the space in the common area.
- 29 (g) The lessor or the lessee may install an electric vehicle  
30 charging station in the common area for the use of all lessees of  
31 the lessor and, in that case, the lessor shall develop appropriate  
32 terms of use for the charging station.
- 33 (h) A lessor may create a new parking space where one did not  
34 previously exist to facilitate the installation of an electric vehicle  
35 charging station.
- 36 (i) A lessor that willfully violates this section shall be liable to  
37 the lessee applying to install the electric vehicle charging station  
38 for actual damages, and shall pay a civil penalty to the lessee in  
39 an amount not to exceed one thousand dollars (\$1,000). In any

1 *action to enforce compliance with this section, the prevailing*  
2 *plaintiff shall be awarded reasonable attorney's fees.*

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4 SECTION 1. ~~Section 22511.2 is added to the Vehicle Code,~~  
5 ~~to read:~~

6 ~~22511.2. (a) Notwithstanding any other law, on or before July~~  
7 ~~1, 2015, an offstreet parking facility with more than 50 parking~~  
8 ~~stalls or spaces shall have at least 1 percent of those parking stalls~~  
9 ~~or spaces designated for the exclusive use of electric vehicles and~~  
10 ~~equipped with electric charging stations. Designated spaces shall~~  
11 ~~be clearly marked and the exclusive designation shall be enforced.~~

12 ~~(b) The owner or person or entity in lawful possession of~~  
13 ~~multiple offstreet parking facilities within a one-mile radius may~~  
14 ~~designate fewer parking stalls or spaces for electric vehicles in one~~  
15 ~~or more of those facilities, if the total number of electric vehicle~~  
16 ~~stalls or spaces, for all facilities within the one-mile radius, equals~~  
17 ~~the number that would otherwise be required by subdivision (a).~~

18 ~~(c) A parking space or stall designated pursuant to this section~~  
19 ~~shall not displace or reduce accessible stalls or spaces required by~~  
20 ~~the federal Americans with Disabilities Act Accessibility~~  
21 ~~Guidelines.~~

22 ~~(d) For purposes of this section, the following terms have the~~  
23 ~~following meanings:~~

24 ~~(1) "Electric vehicle" means a vehicle that uses a plug-in battery~~  
25 ~~to provide all or part of the motive power of the vehicle, including~~  
26 ~~battery electric, plug-in hybrid electric, or plug-in fuel cell vehicles.~~

27 ~~(2) "Electric vehicle charging station" means a parking stall or~~  
28 ~~space served by electric vehicle service equipment.~~

29 ~~(3) "Electric vehicle service equipment" means an electronic~~  
30 ~~component assembly or cluster of component assemblies designed~~  
31 ~~specifically to charge batteries within electric vehicles by~~  
32 ~~permitting the transfer of electric energy to a battery or other~~  
33 ~~storage device in an electric vehicle that meets both of the~~  
34 ~~following requirements:~~

35 ~~(A) The component assembly or assemblies meet recognized~~  
36 ~~standards for conductive charging of electric vehicles, including~~  
37 ~~standard SAE J1772 of SAE International.~~

38 ~~(B) The component assembly or assemblies are designated and~~  
39 ~~installed in compliance with Article 625 of the California Electrical~~  
40 ~~Code.~~

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