



SPONSOR: Sen. S. McBride & Rep. Griffith & Rep. Phillips
Sens. Gay, Hansen, Hoffner, Huxtable, Pinkney, Poore,
Sokola, Sturgeon, Townsend, Walsh; Reps. Baumbach,
Harris, Heffernan, Morrison

DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 103

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ELECTRIC VEHICLE CHARGING
INFRASTRUCTURE FOR RESIDENTIAL DWELLINGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Part VII, Title 16 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 Chapter 80. Residential Dwelling Electric Vehicle Charging Infrastructure

4 § 8001. Purpose.

5 The purpose of this chapter is to facilitate the ownership of electric vehicles by persons who own or lease a single-
6 family or multi-family residential dwelling.

7 § 8002. Definitions.

8 For purposes of this chapter:

9 (1) “Developer” means an individual; corporation; business trust; estate trust; partnership; limited liability
10 company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public
11 corporation; or any other legal or commercial entity that constructs a single-family or multi-family residential dwelling.

12 (2)a. “Electric vehicle” means an automotive-type vehicle for on-road use primarily powered by an electric
13 motor that draws current from an onboard battery charged through a building electrical service, electric vehicle supply
14 equipment, or another source of electric current.

15 b. “Electric vehicle” includes all of the following:

16 1. A plug-in hybrid vehicle, which operates with an internal combustion engine and an electric motor
17 that can be plugged into an external electric power source to charge the internal battery.

18 2. An all-electric vehicle, which operates solely from an internal electric battery.

19 (3) “Electric vehicle capable parking space” means a dedicated parking space with electrical panel capacity
20 and space for a branch circuit dedicated to the parking space and equipped with raceways, both underground and
21 surface mounted, to enable the future installation of electric vehicle supply equipment and that meets all of the
22 following:

23 a. An electrical conduit is run continuously from the electrical panel serving the parking space to an
24 electric junction box or receptacle located within 5 feet of the parking space.

25 b. The electrical conduit under paragraph (3)a of this section is sized and rated to accommodate a branch
26 circuit of sufficient size to the future electrical charging facility.

27 c. The junction box or receptacle and the electrical panel under paragraph (3)a. of this section are
28 conspicuously marked and identified as “For electric vehicle charging”.

29 d. If the junction box or receptacle under paragraph (3)a. of this section is not in a garage, the junction
30 box or receptacle must be appropriately sealed.

31 (4) “Electric vehicle charging infrastructure” means the conductors, including the ungrounded, grounded, and
32 equipment grounding conductors, and the electric vehicle connectors, attachment plugs, and any other fittings, devices,
33 power outlets, or apparatus installed specifically for the purpose of transferring energy to an electric vehicle.

34 (5) “Electric vehicle charging infrastructure parking space” means a designated parking space with dedicated
35 electric vehicle charging infrastructure, installed as required under the electrical code in this State and which can
36 charge an electric vehicle located within 5 feet of the parking space.

37 (6) “Multi-family residential dwelling” means residential group R-2 occupancies containing sleeping units or
38 more than 2 dwelling units where occupants are primarily permanent in nature, including all of the following:

39 a. Apartment houses.

40 b. Congregate living facilities.

41 c. Boarding houses (nontransient).

42 d. Convents.

43 e. Dormitories.

44 f. Fraternities and sororities.

45 g. Hotels (nontransient).

46 h. Live/work units.

47 i. Motels (nontransient).

48 j. Vacation timeshare properties.

49 (7) “Single-family residential dwelling” means all of the following intended for occupancy by a family:

50 a. An attached structure, including a townhouse or row home.

51 b. A detached structure, including a house.

52 § 8003. Scope.

53 (a)(1) This chapter applies to the construction of a single-family residential dwelling for which a building permit is
54 issued on or after January 1, 2024.

55 (2) This chapter applies to the construction of a multi-family residential dwelling for which an application for
56 final site plan approval is submitted on or after January 1, 2025.

57 (b)(1) This chapter does not apply to the construction of a single-family residential dwelling for which a building
58 permit is issued before January 1, 2024.

59 (2) This chapter does not apply to the construction of a multi-family residential dwelling for which a final site
60 plan approval is issued before January 1, 2025.

61 § 8004. Single-family residential dwelling electric vehicle charging infrastructure requirements.

62 (a) Except as provided under subsections (b) and (c) of this section, a developer of a single-family residential
63 dwelling shall install at least 1 electric vehicle capable parking space at each single-family residential dwelling constructed.

64 (1) If the single-family residential dwelling has an attached or detached garage, the electric vehicle capable
65 parking space must be in the attached or detached garage.

66 (2) If the single-family residential dwelling does not have an attached or detached garage, an electric vehicle
67 capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned
68 non-street residential parking space constructed as part of the project.

69 (b) A developer does not need to run the electrical conduit from the electrical panel serving the electrical vehicle
70 capable parking space to an electric junction box or receptacle located within 5 feet of the parking space if the electrical
71 panel is in an attached or detached garage.

72 § 8005. Multi-family residential dwelling electric vehicle charging infrastructure requirements.

73 (a) A developer of a multi-family residential dwelling shall install electric vehicle parking spaces as follows:

74 (1) At least 5% of the total parking spaces for the multi-family residential dwelling must be electric vehicle
75 charging infrastructure parking spaces.

76 (2) In addition to the requirement under paragraph (a)(1) of this section, at least 10% of the total parking
77 spaces for the multi-family residential dwelling must be electric vehicle capable parking spaces.

78 (b) The calculations under subsection (a) of this section for the required number of electric vehicle charging
79 infrastructure parking spaces and electric vehicle capable parking spaces must be rounded up to the nearest whole number.

80 (c) The electric vehicle charging infrastructure parking spaces required under this section must, at a minimum, be
81 served by a 30-amp charging unit.

82 (d) In addition to subsection (a) of this section, a developer of a multi-family residential dwelling shall provide at
83 least 1 electric vehicle charging infrastructure parking space in an area available for use by all residents and available for
84 use by all residents of the multi-family residential dwelling. The electric vehicle charging infrastructure parking space must
85 be accessible by an individual with a disability.

86 (e) Construction documents must indicate the location of proposed electric vehicle charging infrastructure parking
87 spaces and electric vehicle capable parking spaces. The construction documents, or other clear identification of the location
88 of electric vehicle charging infrastructure parking spaces and electric vehicle capable parking spaces, must be available to
89 the residents of the multi-family residential dwelling on request.

90 (f) Parking space dimensions must comply with the county or municipal building code applicable to the multi-
91 family residential dwelling.

92 § 8006. Enforcement.

93 (a) A single-family residential dwelling or a multi-family residential dwelling may not be used or occupied unless
94 the developer has complied with this chapter.

95 (b) Each county government or municipal government may adopt rules or regulations to administer or enforce this
96 chapter.

97 Section 2. This Act expires on the date of publication in the Register of Regulations of a notice by the Secretary of
98 the Department of Natural Resources and Environmental Control that the Regulations for State Energy Conservation Code,
99 Regulation 2101 of Title 7 of the Delaware Administrative Code, have been updated to match or exceed the standards
100 adopted by this Act.

SYNOPSIS

Electric vehicles (EVs) are becoming more and more popular. Between 2012 and 2016, EV sales grew at an annual rate of 32%. In 2017, growth in sales reached 45%. Batteries for EVs have become much cheaper in the last 10 years, enabling EVs to compete with traditional, fossil-fueled vehicles. In addition, major vehicle manufacturers are pledging to go all electric. Some researchers are predicting that EV sales will outnumber those of traditional, combustion engine vehicles by 2040. However, only minimal electrical charging infrastructure is available today.

This Act is a substitute for Senate Bill No. 103. Like Senate Bill No. 103, this Act will make it easier and more convenient to own an electric vehicle in this State in the years to come, resulting in increased purchases of electric vehicles, promoting cleaner air and water, and resulting in improved health outcomes for Delawareans and a reduction of greenhouse gases to curtail global warming.

Also like Senate Bill No. 103, this Act achieves these goals by doing the following:

- (1) Requiring that newly constructed single-family and multi-family residential dwellings include certain electric vehicle charging infrastructure.
- (2) Providing county and municipal government enforcement of the electric vehicle charging infrastructure requirements of this Act.

Additionally, like Senate Bill No. 103, this Act expires on the date of publication in the Register of Regulations of a notice by the Secretary of the Department of Natural Resources and Environmental Control that the Regulations for State Energy Conservation Code, Regulation 2101 of Title 7 of the Delaware Administrative Code, which are adopted under § 7602 of Title 16 of the Delaware Code, have been updated to match or exceed the standards adopted by this Act.

This Act differs from Senate Bill No. 103 as follows:

- (1) Removes language from the definition of “electric vehicle capable parking space” for clarity.
- (2) Clarifies that “multi-family residential dwelling” includes only boarding houses, hotels, and motels with nontransient occupants.
- (3) Clarifies that this Act applies to the construction of a multi-family residential dwelling for which an application for final site plan approval is submitted on or after January 1, 2025.
- (4) Clarifies that if the single-family residential dwelling does not have an attached or detached garage, an electric vehicle capable parking space must be provided in the driveway, assigned parking space for the dwelling, or at an unassigned non-street residential parking space constructed as part of the project.

Author: Senator S. McBride