SPONSOR: Sen. S. McBride & Sen. Hansen & Rep. Griffith
Sens. Ennis, Gay, Mantzavinos, Sokola, Townsend, Walsh; Reps. Baumbach, Lambert, Morrison

DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1
FOR
SENATE BILL NO. 187
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO RESIDENTIAL ELECTRIC VEHICLE CHARGING INFRASTRUCTURE REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend Chapter 1, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 119. Residential installation of electric vehicle charging station.

(a)(1) The purpose of this section is to facilitate the ownership of electric vehicles.

(2) This section applies to a municipality with a population of 30,000 or more, as based on the most recent federal census.

(b) For purposes of this section:

(1)a. "Electric vehicle" means a motor vehicle that uses one or more electric motors for propulsion and which is powered through an internal battery that is charged using an external electricity source.

b. "Electric vehicle" includes both of the following:

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

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

(2) "Electric vehicle charging station" means equipment that connects an electric vehicle to an external source of electricity to recharge the electric vehicle's internal battery.

(c) Notwithstanding any other law to the contrary, a municipality shall adopt, not later than July 1, 2023, an ordinance that establishes a procedure to obtain a permit for the installation of an electric vehicle charging station on real property zoned for residential use that abuts a residential street.

(d) The ordinance adopted under subsection (c) of this section must do all of the following:

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(1) Require that the electric vehicle charging station be installed by a licensed electrician.

(2) Require the written permission of the owner of the real property on which the electric vehicle charging station is requested to be installed, including the owner of a sidewalk or strip of land adjacent to a curb abutting a residential street.

(3) Establish reasonable restrictions on the type of electric vehicle charging stations that are permitted to be installed.

(4) Provide that the municipality must approve or deny a permit within 90 days of the receipt of a permit application or the permit is automatically approved.

(5) Provide that an electric vehicle charging station or privately owned electrical services may not be installed within or affect an existing or proposed State right of way or easement area without the approval of the Department of Transportation.

(e) A municipality may not require an individual owner of real property to install an electric vehicle charging station for another person, including a tenant, guest, or customer, unless the requirement is adopted as part of a municipal zoning or building code that is of general applicability. This section does not create a cause of action for the failure of the owner to install an electric vehicle charging station for another person.

(f) A municipality may provide for a process for granting dedicated or reserved parking for an electric vehicle charging station permitted under the ordinance adopted under this section.

(g)(1) Subject to paragraph (g)(2) of this section, a restriction established under paragraph (d)(3) of this section is a reasonable restriction if the restriction does not do any of the following:

a. Significantly increase the purchase price of an electric vehicle charging station or the cost to install the electric vehicle charging station.

b. Significantly decrease the efficiency or specified performance of an electric vehicle charging station.

c. Effectively prohibit the installation of an electric vehicle charging station.

(2) A restriction established under paragraph (d)(3) of this section is a reasonable restriction and a municipality may enforce and adopt the restriction if the restriction addresses any of the following:

a. Health and safety.

b. Historical design review in historically designated districts.

c. Stormwater and drain management.

d. Handicap accessibility.

e. Adequate pedestrian walkway space.

f. Adequate distance from the street.

g. The delegation of electric vehicle charging station maintenance and removal responsibilities.

h. Current and planned streetscape and landscape design.