

LAWS OF DELAWARE
VOLUME 84
CHAPTER 145
152nd GENERAL ASSEMBLY
FORMERLY
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:

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

Chapter 80. Residential Dwelling Electric Vehicle Charging Infrastructure

§ 8001. Purpose.

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

§ 8002. Definitions.

For purposes of this chapter:

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

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

b. “Electric vehicle” includes all 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.

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

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

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

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

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

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

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

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

a. Apartment houses.

b. Congregate living facilities.

c. Boarding houses (nontransient).

- d. Convents.
- e. Dormitories.
- f. Fraternities and sororities.
- g. Hotels (nontransient).
- h. Live/work units.
- i. Motels (nontransient).
- j. Vacation timeshare properties.

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

- a. An attached structure, including a townhouse or row home.
- b. A detached structure, including a house.

§ 8003. Scope.

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

(2) This chapter 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.

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

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

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

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

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

(2) 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.

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

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

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

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

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

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

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

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

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

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

§ 8006. Enforcement.

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

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

Section 2. 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, have been updated to match or exceed the standards adopted by this Act.

Approved August 3, 2023