

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1649

By: Fields

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6 AS INTRODUCED

7 An Act relating to property; prohibiting restrictive  
8 covenants relating to standby electric generators;  
9 defining term; prohibiting owners associations from  
10 adopting or enforcing certain restrictions relating  
11 to property owners owning, operating, installing or  
12 maintaining permanently installed standby electric  
13 generators; authorizing owners associations to adopt  
14 certain standards; requiring approval of standby  
15 electric generators meeting requirements; requiring  
16 owners association to bear burden of proof in certain  
17 action; providing for codification; and providing an  
18 effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 858 of Title 60, unless there is  
22 created a duplication in numbering, reads as follows:

23 A. As used in this section "standby electric generator" means a  
24 device that converts mechanical energy to electrical energy and:

1. Is powered by natural gas, liquefied petroleum gas, diesel  
fuel, bio-diesel fuel or hydrogen;

2. Is fully enclosed in an integral manufacturer supplied sound  
attenuating enclosure;

1           3. Is connected to the main electrical panel of a residence by  
2 a manual or automatic transfer switch; and

3           4. Is rated for a generating capacity of not less than seven  
4 kilowatts.

5           B. Except as otherwise provided by subsection C of this  
6 section, an owners association may not adopt or enforce a dedicatory  
7 instrument provision that prohibits, restricts, or has the effect of  
8 prohibiting or restricting a residential property owner from owning,  
9 operating, installing or maintaining a permanently installed standby  
10 electric generator.

11           C. An owners association may adopt any of the following  
12 standards for the purpose of regulating the operation and  
13 installation of standby electric generators. Permitted standards  
14 may:

15           1. Require a standby electric generator to be installed and  
16 maintained in compliance with the manufacturer's specifications;

17           2. Require a standby electric generator be installed and  
18 maintained in compliance with applicable governmental health,  
19 safety, electrical codes and building codes;

20           3. Require all electrical, plumbing and fuel line connections  
21 be installed only by licensed contractors;

22           4. Require all electrical and fuel line connections be  
23 installed underground;

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1       5. Require nonintegral standby electric generator fuel tanks be  
2 installed and maintained to comply with applicable municipal zoning  
3 ordinances, health, safety, electrical and building codes;

4       6. Require the standby electric generator, its electrical lines  
5 and its fuel lines, be maintained in good condition and that any  
6 deteriorated or unsafe components be repaired, replaced or removed;

7       7. Require a property owner to screen a standby electric  
8 generator, if the standby electric generator is visible from the  
9 street faced by the dwelling;

10      8. Set reasonable times, consistent with manufacturers'  
11 recommendations, for the periodic testing of a standby electric  
12 generator;

13      9. Prohibit the use of the standby electric generator to  
14 generate all or substantially all of the electrical power to a  
15 residence except when utility generated electrical power is not  
16 available or is intermittent due to causes other than the property  
17 owner's nonpayment for utility services;

18      10. Reasonably regulate the location of the standby electric  
19 generator; and

20      11. Prohibit a property owner from locating a standby electric  
21 generator on property:

- 22          a. owned or maintained by the owners association, or
- 23          b. owned in common by the owner association members.

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1 D. The foregoing standards, if adopted, must be reasonably  
2 applied and enforced.

3 E. A standard that regulates the location of a standby  
4 electrical generator is void and unenforceable, if it increases the  
5 cost of installing the standby electric generator by more than ten  
6 percent or increases the cost of installing and connecting the  
7 electrical and fuel lines for the standby electric generator by more  
8 than twenty percent (20%).

9 F. If the dedicatory instruments of an owners association  
10 require that the installation of a standby electric generator be  
11 approved by a board or committee prior to installation, a proposed  
12 installation of a standby electric generator that meets the  
13 standards set forth in this section, must be approved by the board  
14 or committee.

15 G. An owners association, or other complaining party, bears the  
16 burden of proof in any administrative or judicial action to prove a  
17 proposed or installed standby electric generator does not meet the  
18 adopted standards.

19 SECTION 2. This act shall become effective November 1, 2014.  
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