

SSB 5136 - H AMD 438

By Representative Van De Wege

WITHDRAWN 04/01/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 64.38 RCW
4 to read as follows:

5 (1) The governing documents may not prohibit the installation of a
6 solar energy panel by an owner or resident on the owner's or resident's
7 property as long as the solar energy panel:

8 (a) Meets applicable health and safety standards and requirements
9 imposed by state and local permitting authorities;

10 (b) If used to heat water, is certified by the solar rating
11 certification corporation or another nationally recognized
12 certification agency. Certification must be for the solar energy panel
13 and for installation; and

14 (c) If used to produce electricity, meets all applicable safety and
15 performance standards established by the national electric code, the
16 institute of electrical and electronics engineers, accredited testing
17 laboratories, such as underwriters laboratories, and, where applicable,
18 rules of the utilities and transportation commission regarding safety
19 and reliability.

20 (2) The governing documents may include reasonable rules regarding
21 solar energy panels and their installation. The governing documents
22 may require an owner or resident who installs a solar energy panel to
23 indemnify or reimburse the association or its members for loss or
24 damage caused by the installation, maintenance, or use of a solar
25 energy panel.

26 (3) For purposes of this section, "solar energy panel" means a
27 panel device or system or combination of panel devices or systems that
28 relies on direct sunlight as an energy source for, or collects sunlight
29 for the use in:

1 (a) The heating or cooling of the owner's or resident's property or
2 any ancillary structure on the property, such as a garage, guest house,
3 studio, or workshop;

4 (b) The heating or pumping of water for the owner's or resident's
5 property or any ancillary structure on the property, or for irrigation
6 of the owner's or resident's property; or

7 (c) The generation of electricity.

8 (4) This section does not apply to common areas as defined in RCW
9 64.38.010.

10 (5) This section applies retroactively to a governing document in
11 effect on the effective date of this section. A provision in a
12 governing document in effect on the effective date of this section that
13 is inconsistent with this section is void and unenforceable."

14 Correct the title.

EFFECT: The amendment makes the following changes:

(1) Removes the provisions allowing a homeowners' association's governing documents to prohibit the visibility of solar energy panels above the roof line or require panels to be shielded or painted to coordinate with roofing materials.

(2) Excludes the collection of sunlight for use in industrial, commercial, or agricultural processes from the definition of "solar energy panel."

(3) Modifies the definition of "solar energy panel" to allow panel devices or systems used in: The heating or cooling of an owner's or resident's property or any ancillary structure on the property; or the heating or pumping of water for an owner's or resident's property or any ancillary structure on the property, or for irrigation of the owner's or resident's property.

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