

Date of Hearing: July 1, 2026

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair
SB 969 (Reyes) – As Amended June 11, 2026

SENATE VOTE: 37-0

SUBJECT: Weights and measures: electric vehicle fueling systems

SYNOPSIS

Over the next few years, California aims to make 250,000 commercial electric vehicle (EV) chargers available to EV owners across the state. Just as Californians trust gas pumps to accurately dispense fuel for internal combustion engine vehicles, EV chargers will be expected to accurately dispense fuel – electricity – for EVs. County sealers and their nonpublic counterparts, the registered service agents (RSAs), are responsible for testing and verifying as correct all weighing and measuring devices in California. At present, there are 58 county sealers and 3110 RSAs spread throughout the state – however, only 46 of California’s 628 service agencies are certified and equipped to test EV chargers.

When a weighing or measuring device is installed for the first time, a sealer or RSA must test and verify it as correct before it can be used commercially. State law also requires weighing and measuring devices to be retested each time they undergo repairs, and a weighing and measuring device may be repaired many times over the course of its commercial life. The costs facing the owners and operators of these devices quickly add up. This bill would attempt to bridge the gap between the state’s ambitious goals and its limited capacity to realize those goals by exempting EV chargers that are factory tested and certified for metrological requirements from being retested and sealed during installation. The bill preserves sealers’ ability to test these devices post-installation.

This author-sponsored bill is supported by a variety of EV charger companies, including Chargepoint, Tesla, and Electrify America, and environmental advocacy groups, including Natural Resources Defense Council and Sierra Club California. The California Agricultural Commissioners & Sealers Association and California State Association of Counties adopt “oppose unless amended” positions with respect to a prior version of the bill.

EXISTING LAW:

- 1) Establishes in each county the office of county sealer of weights and measures. (Bus. & Prof. Code § 12200.)
- 2) Extends the jurisdiction of a county sealer to the entire territorial limits of their county. (Bus. & Prof. Code § 12206.)
- 3) Requires a county sealer to test all weighing or measurement devices and accessories used for commercial purposes within their jurisdiction. (Bus. & Prof. Code § 12210.)
- 4) Limits how much county sealers can charge for their services. (Bus & Prof. Code § 12240.)

- 5) Prohibits the use of commercial weighing and measuring devices that are not of a type approved by the Department of Food and Agriculture. (Bus & Prof. Code § 12500.5.)
- 6) Requires any person who uses a weighing or measuring device for commercial purposes to have the device sealed before use, unless the device has been sealed before sale. (Bus & Prof. Code § 12501.1.)
- 7) Allows a sealer to mark an incorrect weighing or measuring device with an “out-of-order” tag if they are capable of being repaired. (Bus & Prof. Code § 12506.)
- 8) Prohibits the use of weighing and measuring devices that have been marked “out-of-order,” and grants the owners of these devices 30 days to repair or correct them. (Bus & Prof. Code § 12507.)
- 9) Requires a county sealer to remove an “out-of-order” tag from a device they reinspect and find correct. Requires the county sealer to seal and mark the device accordingly. (Bus & Prof. Code § 12509.)
- 10) Allows any weighing or measuring device that has been sealed to be used without further testing for a specified duration. (Bus & Prof. Code § 12511.)
- 11) Requires that a device may only be placed in service by a county sealer or RSA. (Bus & Prof. Code § 12532.)
- 12) Until January 1, 2028, does both of the following:
 - a) Defines “EVSE” or “electric vehicle supply equipment” to mean a device that is used in connection with the sale of electricity as a motor vehicle fuel for controlling the electricity supply from an electric vehicle charging station to a vehicle during a charging session and that includes a measuring instrument.
 - b) Requires that, notwithstanding Bus. & Prof. Code § 12532, if an EVSE has previously been placed in service by a service agency or sealer, the EVSE shall not be required to be retested or placed in service by a service agency or sealer before the EVSE is used after receiving maintenance in a manner that does not affect the EVSE being correct.
- 13) Requires that the sealer of each county shall perform such inspections as may be required by the secretary, but provides that the sealer may inspect a device more frequently than required if he or she deems those tests to be necessary.
- 14) Establishes the State Energy Resources Conservation and Development Commission (Energy Commission) consisting of five members appointed by the Governor, and specifies the duties of the commission.
- 15) Defines the following terms:
 - a) “Placed in service” means to permit the use of a device that has been tested and found to be correct and type approved. (Bus. & Prof. Code § 12531.)
 - b) “Repair” means to provide maintenance, or to install, adjust, recondition, or service a device. (Bus. & Prof. Code § 12531.)

- c) “Correct” means a device that meets all of the tolerance and specification requirements of Section 12107. (Bus. & Prof. Code § 12107.)
- d) “Service agency” means a person that for hire, award, commission, or any other payment of any kind, repairs a commercial device. (Bus. & Prof. Code § 12531.)

THIS BILL:

- 1) Defines the following terms:
 - a) “EVSE” means an electric vehicle fueling system used for commercial purposes.
 - b) “Factory tested and certified” means a process by which a manufacturer demonstrates that its production process consistently produces and validates instruments conforming to the approved type.
 - c) “Metrologically relevant repair” means a repair affecting the meter, or a device’s compliance with applicable tolerance requirements.
 - d) “Factory registered service agency” means a service agency that conducts testing in a factory or facility prior to installation.
- 2) Requires the Secretary of Food and Agriculture to develop an EVSE inspection frequency guide for county sealers that includes a risk-based statistical sampling of EVSEs within a sealer’s jurisdiction, but grants county sealers ultimate authority over whether or not to abide by that guide.
- 3) Clarifies that a sealer may inspect an EVSE at any time, in response to a complaint or otherwise.
- 4) Requires a sealer to seal an EVSE meeting all applicable requirements of the weights and measures code.
- 5) If a sealer determines that an EVSE model or individual device does not meet type approval or applicable tolerance requirements, requires the sealer to take the EVSE out of service and report the determination to the Division of Measurement Standards, and to include an explanation for why it took the EVSE out of service in its monthly report.
- 6) If a sealer determines that an EVSE does not meet any other applicable requirement of the weights and measures code, requires the sealer to submit a written notice to the owner or operator of the EVSE, and requires the sealer to take the EVSE out of service only if both of the following conditions are met:
 - a) The sealer does not receive an acknowledgment of the notice within 30 days of the submittal.
 - b) The owner or operator does not fix the deficiency to the sealer’s satisfaction within 45 days of the submittal, unless the sealer grants additional time.

- 7) Requires a sealer to submit EVSE inspection data and information to the Division of Measurement Standards as specified.
- 8) Requires the Division of Measurement Standards to provide the Energy Commission with information submitted by sealers no less than biannually.
- 9) Exempts EVSEs meeting type approval requirements that are factory tested and certified for metrological requirements by a factory registered service agency from both of the following:
 - a) Being placed into service by a registered service agency or sealer.
 - b) Having to be tested for meeting applicable tolerance requirements in the field when placed in service.
- 10) Requires the operator of an EVSE or their designee to register the installation of an EVSE with the county sealer and to submit a “placed in service” report to the county sealer within 72 hours of installation. Prohibits a sealer from requiring an accuracy test be performed with respect to such an EVSE.
- 11) Provides that only a registered service agency or service agent may perform any metrologically relevant repair of such an EVSE, and that any repair of such an EVSE that is not a metrologically relevant repair may be performed by any person competent to perform the repair provided that the operator, or their designee, provide notice of the repair in writing to the sealer within one week.

COMMENTS:

- 1) **Author’s statement.** According to the author:

California has established ambitious climate goals, including reaching 100% zero-emission vehicle (ZEV) sales by 2035 and having 5 million ZEVs on the roads by 2030. Meeting these targets depends on a charging network that is accessible, accurate, and easy to deploy.

Under current law, EV chargers that sell electricity as a transportation fuel are treated as commercial measuring devices, similar to gas pumps. This places them under the California Department of Food and Agriculture’s (CDFA) Division of Measurement Standards, which enforces weights and measures laws to ensure consumers are charged accurately. However, stakeholders report that this system is unevenly enforced across counties, costly, and difficult to scale. A limited number of certified testers has led to delays and high costs for getting chargers up and running, slowing deployment at a time when the state needs rapid expansion.

SB 969 addresses this issue by modernizing the regulatory framework for EV charger weights and measures. These updates include allowing EV chargers that have been factory-tested and certified for accuracy to be placed into service without requiring an additional field test. It also clarifies the circumstances under which a charger may be taken out of service while preserving the authority of county sealers to inspect and test chargers in response to complaints. Together, these changes maintain strong consumer protections while reducing unnecessary barriers to deploying and operating EV charging stations across California.

2) **Background.** *County sealers and Registered service agents (RSAs).* Each of California's 58 counties employs a county sealer to oversee the installation and repair of weighing and measuring devices within their jurisdiction. The county sealer's seal is affixed to many measuring devices encountered in the course of daily life in California. County sealers guarantee that if a readout at a gas station says that seven gallons of gasoline have been pumped, then the pump in question has actually dispensed seven gallons; that if a scale at the supermarket says a steak weighs two pounds, then the steak actually weighs two pounds; and that if a natural gas submeter in an apartment says that 2,000 cubic feet of natural gas were used last month, then 2,000 cubic feet of gas were actually used.

Each county employs a single county sealer, and these individuals are responsible for overseeing a great number of weighing and measuring devices. Recognizing this discrepancy, AB 376 (Floyd, 1999) established a licensing scheme that allows independent "RSAs" to repair weighing and measuring devices with the blessing of the county sealers. As of June 26, 2026, there are 3110 RSAs employed across 628 registered service agencies in California.¹ RSAs play a critical role in furthering consumer protection in California: given that they outnumber county sealers 54-to-1, the vast majority of testing done in the state is performed by RSAs rather than county sealers.

Unlike county sealers, whose service fees are defined in statute, the prices that RSAs can charge for their services are not capped. Simple weighing and measuring devices may have many RSAs competing to test them, which drives down costs for the businesses. But some weighing and measuring devices are rare or complicated, and the equipment needed to test them can be expensive. Such is the case with EV chargers: only 46 of California's 628 registered service agencies possess the necessary equipment to test these devices.

California's EV charger installation goals. The Energy Commission describes California's ambitious zero-emission vehicle (ZEV) goals:

Zero-emission Electric vehicles (ZEVs) play an important role in California's efforts to reach its ambitious climate and air quality goals. The state has goals of getting 1.5 million zero-emission vehicles (ZEVs) onto California roads by 2025, 5 million by 2030, and 100% of all in-state sales of zero-emission passenger cars and trucks by 2035.²

A great number of EV chargers will be required to support 5+ million ZEVs. In September 2025, Governor Newsom announced that the state had installed over 200,000 public and shared private EV charger ports throughout the state.³ The large number of EV chargers California intends to place into service over the next several years, combined with the high costs and low availability of qualified RSAs, threatens to create exorbitant costs for the owners and operators of these devices. It is worth considering measures to reduce the burden on these parties, many of whom are small business owners. At the same time, however, care must be taken to protect consumers.

¹ California Department of Food and Agriculture, *Registered Service Agencies/ Agents Listing*, <https://www.cdffa.ca.gov/dms/programs/rsa/rsalistings/rsaListings.html>

² California Energy Commission, "Electric Vehicles & Charging Infrastructure," <https://www.energy.ca.gov/programs-and-topics/programs/clean-transportation-program/clean-transportation-funding-areas-0>

³ Office of Governor Gavin Newsom, "California exceeds 200,000 EV chargers," (Sep. 24, 2025), <https://www.gov.ca.gov/2025/09/24/california-exceeds-200000-ev-chargers/>

EV chargers already have a reputation for being unreliable, as described in a 2024 *LA Times* article:

Ask around and many EV owners will agree, public chargers have a bad reputation. Those operated by companies including ChargePoint, Electrify America, Blink, and EVgo don't work 20% to 30% of the time, according to studies from UC Berkeley and data firm J.D. Power.⁴

Given the lack of consumer trust surrounding these issues, it is important that any effort to increase the number of EV chargers installed in California not weaken consumer protection for EV owners.

3) **What this bill would do.** This bill would exempt EV chargers that are factory tested and certified as accurate by a factory RSA from being re-tested or placed into service by a county sealer or RSA prior to being used commercially. Operators of such EV chargers would be required to register their installation with the county sealer within 72 hours of installation, and sealers would be able to take EVSE models or devices out of service for not meeting type approval or applicable tolerance requirements. The bill outlines a data collection scheme whereby sealers report EV inspection data to the Division of Measurement Services, and the Division compiles and reports inspection data to the Energy Commission. Nothing in the bill prohibits a sealer from testing a device in accordance with their normal authority.

A coalition of EV charging companies led by the Electric Vehicle Charging Association describe the need for this legislation:

A lack of resources and personnel at the county level has led to uneven enforcement, delays in placing chargers into services, and in some cases, unnecessary station outages. Notably, the study finds that most cited compliance issues stem from labeling, registration, and process requirements. There are virtually no cases of chargers providing an inaccurate measurement of electricity delivered.

[. . .]

Factory validation avoids expensive post-installation remediation, reduces site visits by technicians, shortens commissioning timelines, and minimizes the risk of chargers being taken out of service for metrology issues. By ensuring conformity before shipment, manufacturers and operators prevent high-cost field recalibration, charger replacements, and lost charging revenue—delivering a lower total cost of ownership while maintaining full consumer protection and measurement integrity. Removing the bottleneck for placing chargers into service will also allow state and local regulators to more efficiently direct testing personnel and resources that are better focused on consumer protection.

The California Agricultural Commissioners and Sealers Association adopts an “oppose unless amended” position with respect to a prior version of this bill, writing the following:

⁴ Russ Mitchell, “Broken chargers, lax oversight: How California’s troubled EV charging stations threaten emission goals,” *LA Times*, January 24, 2024, <https://www.latimes.com/environment/story/2024-01-24/california-ev-charging-stations-broken>.

While CACASA supports efforts to modernize regulatory programs and facilitate deployment of electric vehicle infrastructure, this bill would have unnecessarily restricted the authority and flexibility of county sealers to effectively and efficiently carry out their statutory responsibilities. Specifically, the bill in print would have prohibited sealers from conducting an inspection of any electric vehicle fueling system device more frequently than once every three years, except in response to a specific consumer complaint. This limitation would hinder abilities of local enforcement officials to respond to emerging issues, observed trends in noncompliance, marketplace irregularities, or technological concerns that may arise between inspection cycles. Such restrictions exist in no other sector of weights and measures regulation, wherein county sealers are authorized to inspect a commercial device at any time. ***CACASA urged the Author to amend the bill to permit county sealers to inspect of EV charging devices in accordance with BPC Section 12212(b), which permits a sealer to inspect any device more frequently than required if he or she deems those tests to be necessary.***

The author recently amended this bill following extensive negotiations with the California Agricultural Commissioners and Sealers Association to address these concerns.

ARGUMENTS IN SUPPORT: A coalition of environmental advocacy groups led by the Natural Resources Defense Council writes in support:

California must deploy hundreds of thousands of charging ports over the coming years to support increasing EV adoption and achieve the state's climate and air quality goals. Every unnecessary barrier to charging infrastructure deployment makes that transition more difficult and more expensive. Reducing unnecessary barriers to charging deployment is particularly important in multifamily communities, workplaces, and other shared charging settings, where reliable charging access is essential to ensuring that the benefits of transportation electrification are broadly available and that all Californians can participate in the transition to cleaner transportation. At the same time, drivers must be able to trust that public charging stations provide accurate and transparent transactions. SB 969 advances both objectives.

ARGUMENTS IN OPPOSITION: The California State Association of Counties, adopting an “oppose unless amended” position, writes the following:

This bill would negatively impact consumers by limiting the ability of county agricultural commissioners and sealers to carry out their existing duties to inspect electric vehicle charging stations. This measure comes at a time when electric vehicle charging infrastructure is expanding rapidly, highlighting the need to establish confidence in charging stations by ensuring that drivers are receiving services in a fair and accurate manner.

CSAC is supportive of common-sense approaches to regulatory streamlining and reform. However, we do not believe that the bill's proponents have demonstrated that the frequency of inspection of charging stations by county staff are impeding the expansion and proper operation of these stations in any way. These limitations do not exist in any other context, including the inspection of gas pumps or other similar infrastructure, and no benefit has been identified by restricting the proper oversight of charging stations.

Additionally, the extension of the required deadline for owners of these stations to make necessary repairs from 30 to 90 days is similarly harmful to consumers without any associated benefit. This will only deprive electric vehicle drivers of the very charging infrastructure that the bill is intended to foster for a longer period of time than necessary, in a manner that is unnecessarily lax compared to established practice with other fuel infrastructure.

REGISTERED SUPPORT / OPPOSITION:

Support

Blink Charging
California Electric Transportation Coalition
California Retailers Association
Chargepoint, INC
Charin
Communities for a Better Environment
Electric Era Technologies, INC
Electric Vehicle Charging Association
Electrify America, LLC
General Motors
Green Latinos
Natural Resources Defense Council (NRDC)
Nema
Plug in America
Powerflex
Qmerit
Sierra Club California
Tesla
Trout Electric
Wattev
Xeal

Oppose Unless Amended

California Agricultural Commissioners & Sealers Association
California State Association of Counties (CSAC)

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