
UNFINISHED BUSINESS

Bill No: SB 969
Author: Reyes (D), et al.
Amended: 8/13/26
Vote: 21

PRIOR SENAE VOTES NOT RELEVANT PURSUANT TO SENATE RULE
29.10(d)

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 10-0, 8/26/26
AYES: Wahab, Choi, Archuleta, Arreguín, Caballero, Grayson, Menjivar, Niello,
Smallwood-Cuevas, Strickland
NO VOTE RECORDED: Umberg

ASSEMBLY FLOOR: 77-0, 8/24/26 - See last page for vote

SUBJECT: Weights and measures: electric vehicle fueling systems

SOURCE: Author

DIGEST: This bill exempts specified factory-tested and certified electric vehicle supply equipment (EVSE) from field testing and placement-in-service requirements and establishes alternative inspection requirements for EVSE.

Assembly Amendments create a new bill to exempt specified factory-tested and certified EVSE from field testing and placement-in-service requirements and establishes alternative inspection requirements for EVSE.

ANALYSIS:

Existing law:

- 1) Provides the California Department of Food and Agriculture (CDFA) general enforcement supervision of the laws relating to weights and measures and measuring devices and provides for the enforcement of those laws and the

inspection and testing of measuring devices in each county by the county sealer. (Business and Professions Code (BPC) §§ 12100, 12105)

- 2) Makes it unlawful for any person, as specified, to use for commercial purposes any weight or measure or weighting, measuring, or counting instrument, knowing it to be “incorrect”, as specified. (BPC § 12020)
- 3) Requires each county sealer to inspect, try and test all weights, scales, beams, measures of any kind, instruments or mechanical devices for weighing and measuring, and tools, appliances and accessories connected with any or all such instruments or measures, sold or used by any proprietor, agent, lessee or employee for commercial purposes, as defined. (BPC § 12210(a))
- 4) 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 that includes a measuring instrument. (BPC § 12509.5)
- 5) Defines “electric vehicle charger operated by a public agency” to mean an electric vehicle charger that is available for commercial use by the public and that is either owned by a public agency or for which the public agency has entered into an agreement to have the electric vehicle charger installed, maintained, or serviced, to have the revenues from the electric vehicle charger collected, or to otherwise have electric vehicle charging services performed on behalf of the public agency. (BPC § 12209.7(a)(2))
- 6) Establishes the CEC, consisting of five members appointed by the Governor and approved by members of the Senate, to carry out various responsibilities, including but not limited to: serving as a central repository within the state government for the collection, storage, retrieval, and dissemination of data and information on all forms of energy supply, demand, conservation, public safety, research, and related subjects; undertaking a continuing assessment of trends in the consumption of electrical energy and other forms of energy and analyze the social, economic, and environmental consequences of these trends and; carrying out energy conservation measures, as specified. (Public Resources Code (PRC) §§ 25200, 25216, 25216.5)

This bill:

- 1) Requires the Secretary of CDFA, in consultation with CEC, to update EVSE regulations by July 1, 2028, including regulations authorizing a risk-based statistical sampling inspection frequency for EVSE.
- 2) Requires the operator of an exempt EVSE to register the installation with the county sealer within 72 hours; requires sealers to report EVSE inspection data monthly to the Division of Measurement Standards (DMS) within CDFA and; requires DMS to provide that data to the CEC no less than twice per year.
- 3) Establishes conditions under which a sealer must, or may, take an EVSE out of service, and requires that metrologically relevant repairs be performed only by a service agency or service agent.

Background

California's Ambitious Zero-Emission Vehicle Targets and Challenges with Electric Vehicle Supply Equipment Installations for Operation and Oversight. The CEC released a press release in January of this year announcing that California has surpassed 2.5 million zero emission vehicle (ZEV) sales. The media release noted that since the end of 2019, cumulative new ZEV sales in California have grown 300%. In September of 2020, Governor Newsom issued Executive Order N-79-20, which established goals for the State of California that 100% of in-state new passenger car and truck sales will be zero-emission by 2035, and by 2045, ZEV operations for medium-and heavy-duty vehicles, where feasible. Preceding that Executive Order, former Governor Jerry Brown issued Executive Order B-48-18 which set a target for 5 million electric vehicles by 2030 and further directed California to install 250,000 electric vehicle chargers, including 10,000 direct current fast chargers by 2025.

The CEC released its first *Electric Vehicle Charging Infrastructure Assessment* report in 2021, and a revised report in 2023 with updated figures, analysis, and projections. The revised 2023 assessment projects that California's 7.1 million light duty plug-in electric passenger vehicles will need 1.01 million chargers, including 39,000 direct-current fast chargers. By 2035, 15.2 million light-duty plug-in electric passenger vehicles will need 2.11 million chargers in California including 83,000 direct-current fast chargers.

According to a CEC press release in September 2025, California has surpassed 200,000 publicly available and shared electric vehicle charging ports in California, resulting in 68% more EV charger ports than the number of gasoline nozzles

statewide. However, that figure is below the 250,000-charger goal set by then Governor Brown in Executive Order B-48-18. Publicly accessible charging stations can be found at places such as grocery store parking lots, apartment complexes, grocery stores, and even health care offices. Because electrical vehicle supply equipment devices are used to measure electricity sold as motor vehicle fuel, they are subject to the regulation under the weights and measures laws of the state.

California Department of Food and Agriculture and the Division of Measurement Standards. The DMS under the CDFA is responsible for the implementation and enforcement of California's weights and measures laws. When consumers purchase gasoline from a gas pump, or vegetables by weight at the supermarket, the regulation of those weighing devices used in commerce is to ensure that the price paid is correct for the amount of the product purchased. Consumers rely on the accuracy of a grocery scale to ensure they are paying the accurate price for the pound of apples they intend to purchase. A weighing or measurement device that is not operating correctly can result in overpayment by consumers, or consumers receiving less quantity for which they paid. This can include the electricity that one purchases to electrically refuel an electric vehicle.

County Sealers. Enforcement of the weights and measure standards in California, are delegated to a county sealer of weights and measures. County weights and measures officials inspect and test packaged commodities and all commercially used devices. Current law authorizes a county board of supervisors, through an ordinance, to charge an annual registration fee to recover the costs associated with inspecting or testing the weighing or measuring devices. With respect to electrical vehicle charging equipment, fees are not specified for those devices and so they fall into the \$26 authorized fee range. In addition to the per device fees, current law permits counties to assess a fee for each location where the device is at to be charged a location registration fee, which is also specified and capped in statute.

CDFA is required to adopt necessary regulations governing the inspection frequency of all the commercially used weights, measures, and weighing apparatus in the state, which includes EVSE. As noted by the DMS, "The EVSE regulation aids consumers by facilitating an "apple-to-apple" price comparison of electricity sold at different locations. Uniform requirements for price advertising and EVSE labeling helps eliminate inconsistent, misleading, or fraudulent business practices by retailers." As these charging stations were coming to market, there was a step approach to the regulation of EVSE. For those products installed prior to January 1, 2021, they are exempt from DMS/sealer oversight until 2031, and anything installed after January 1, 2021 is subject to current compliance requirements.

Electric Vehicle Supply Equipment (EVSE) and Relationship to the Regulation of Weighing and Measuring Devices. EVSEs that transfer electricity to a vehicle (as a retail motor vehicle fuel) and charge for those services are considered a commercial measuring device, which brings them under the jurisdiction of the DMS and the enforcement and inspection of the county sealer programs.

Proponents of efforts contained in this bill cite concerns with the regulatory structure for oversight of the electric vehicle supply equipment being subject to current standards for all other commercial weighing devices in California. Stakeholders across the EV ecosystem, including manufacturers, installers, site hosts, and local governments, report that the DMS system is difficult to implement, unevenly enforced, and not equipped to scale with the state's rapidly growing charging infrastructure needs...Counties vary widely in their level of enforcement and capacity, with some not registering or inspecting chargers at all, leading to inconsistency and uncertainty across the state. These challenges are compounded by a limited number of Registered Service Agencies (RSAs) authorized to test and certify charging stations, resulting in long wait times and high costs for operators to bring chargers online. As a result, proponents of efforts like those contained in this bill believe that the current system is hindering the timely installation of reliable charging infrastructure, affecting both industry growth and consumer confidence.

County Sealers and Registered Service Agencies (RSAs) and the Role of RSAs in Weights and Measure Regulations. As a part of the oversight of weighing devices, there is a RSA program under the jurisdiction of the CDFA which is responsible for registering service agencies and their employees. RSAs are in greater numbers than county sealers and can utilize their numbers to more swiftly inspect and verify weighing devices. However, the cost of testing devices necessary to test electric vehicle supply equipment remains an impediment for both county sealers and RSA agents to conduct initial testing of electric vehicle charging stations, especially at the initial point of entry into the market. It is reported that the testing equipment costs approximately \$50,000-\$100,000, which can be a barrier to entry for many RSAs. EVSEs are unique in the need for initial inspection and testing, given how quickly these stations are being installed and how many are needed.

California Energy Commission and Transitioning Oversight of Electric Vehicle Supply Equipment from Division of Measurement Standards and the County Sealers to CEC. In response to concerns with EVSE reliability, AB 2061 (Ting, Chapter 345, Statutes of 2022) required the CEC to define uptime for EV chargers, set uptime recordkeeping and reporting requirements and assess EV uptime every two years. At the same time the CEC is tasked with ensuring a robust electrical

vehicle supply market which includes increasing the availability of chargers across the state, this bill proposes to also require the CEC to oversee and regulate the private business operations of both ESVE manufacturers and equipment operators.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Committee on Appropriations, the bill will result in costs of an unknown amount, likely in the hundreds of thousands of dollars annually for a limited period, to CDFA for DMS to adopt regulations governing EVSE inspection frequency by July 1, 2028, develop the risk-based statistical sampling methodology, receive and process monthly inspection data from county sealers, and compile and transmit data to the CEC no less than biannually. Ongoing data collection and reporting workload is likely minor and absorbable within existing resources. The bill will also result in costs to the CEC for one air pollution specialist position at \$191,000 annually and ongoing and costs of an unknown amount, likely minor, to county sealers to receive placed-in-service reports, submit monthly EVSE inspection data to DMS, and administer the notice-and-cure process before taking an EVSE out of service.

SUPPORT: (Verified 8/26/26)

California Electric Transportation Coalition
California Retailers Association
Chargepoint, INC
Electric Era Technologies, INC
Electric Vehicle Charging Association
Electrify America, LLC
General Motors
GreenLatinos
Natural Resources Defense Council
Nema
Plug in America
Powerflex
Powering America's Commercial Transportation
Tesla
Trout Electric
Sierra Club California
Xeal

OPPOSITION: (Verified 8/26/26)

None received

ARGUMENTS IN SUPPORT: A broad coalition of supporters note that this bill provides a framework for EV chargers to be placed into service more efficiently without duplicative testing.

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