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AB-2037 Weights and measures: electric vehicle chargers. (2023-2024)

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Assembly Bill No. 2037

CHAPTER 692

An act to add Section 12209.7 to the Business and Professions Code, relating to weights and measures.

[Approved by Governor September 27, 2024. Filed with Secretary of State September 27, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2037, Papan. Weights and measures: electric vehicle chargers.

Existing law regulates advertising that indicates the price of motor vehicle fuel, including electricity sold as a motor vehicle fuel. Existing law requires a county sealer to enforce the advertising requirements. Existing law makes a violation of these provisions a crime.

Existing law defines "correct," for purposes of testing and verifying the accuracy of a weighing or measuring device, as a weight or measure or a weighing, measuring, or counting instrument that meets certain tolerance and specification requirements.

This bill would, beginning January 1, 2026, authorize a county sealer to test and verify as correct any electric vehicle charger operated by a public agency, as defined, that is located in the county in which the sealer has jurisdiction. The bill would require a county sealer, upon testing and finding that an electric vehicle charger operated by a public agency is incorrect, as defined, to cause it to be marked with the words "out of order" and require the charger to be repaired or corrected, as specified. The bill would authorize a county board of supervisors to charge an annual registration fee for the cost of inspecting and testing an electric vehicle charger operated by a public agency, as specified. The bill would authorize a county sealer to levy a civil penalty against a public agency, or a vendor or entity contracted by the public agency to provide and maintain electric vehicle charger services on behalf of the public agency, that removes or obliterates a tag or device placed on an electric vehicle charger operated by a public agency, as specified. The bill would exempt an electric vehicle charger from testing and verification by a county sealer if it is owned by a local publicly owned electric utility, as defined, and if certain requirements are met.

By expanding the scope of a crime, and to the extent it would impose additional duties on a county sealer, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12209.7 is added to the Business and Professions Code, to read:

12209.7. (a) For purposes of this section, the following definitions apply:

(1) "Correct" has the same meaning as defined in Section 12500.

(2) "Electric vehicle charger operated by a public agency" means 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.

(3) "Incorrect" has the same meaning as defined in Section 12500.

(4) "Local publicly owned electric utility" has the same meaning as defined in Section 224.3 of the Public Utilities Code.

(5) "Public agency" means any city, county, city and county, district, or other local authority or public body of, or within, this state.

(b) Except as provided in subdivision (g), a county sealer may test and verify as correct any electric vehicle charger operated by a public agency that is located in the county in which the sealer has jurisdiction.

(c) Except as provided in subdivision (g), a county sealer, upon testing and finding that an electric vehicle charger operated by a public agency is incorrect, shall cause it to be marked with a tag or other suitable device with the words "out of order" and require the charger to be repaired or corrected within 30 days, subject to retesting and verification by the county sealer.

(d) Except as provided in subdivision (g), a county sealer may levy a civil penalty, pursuant to Section 12015.3, against a public agency, or a vendor or entity contracted by a public agency to provide and maintain electric vehicle charger services on behalf of a public agency, that removes or obliterates any tag or device placed, or caused to be placed, by a sealer on an electric vehicle charger operated by the public agency. For purposes of levying a civil penalty under this subdivision, a person described in Section 12015.3 includes a public agency and any contracted vendor or entity.

(e) Pursuant to Section 12240, a county board of supervisors may, by ordinance, charge an annual registration fee for the cost of inspecting and testing an electric vehicle charger, as authorized by this section.

(f) If a public agency owns an electric vehicle charger and leases the electric vehicle charger to another entity that operates the electric vehicle charger commercially, the entity that operates the electric vehicle charger commercially shall be the entity responsible for compliance with this section regarding that electric vehicle charger.

(g) (1) Subdivisions (b), (c), and (d) do not apply to an electric vehicle charger operated by a local publicly owned electric utility if the local publicly owned electric utility does all of the following:

(A) Is responsible for conducting field testing to validate the compliance with specification and user requirements and measurement and transactional accuracy of its commercial electric vehicle chargers that are available for public use.

(B) Uses field inspection and testing practices equivalent to the National Institute of Standards and Technology's (NIST) Handbook 44 "Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices" inspection and test procedures for electric vehicle fueling systems and uses testing standards and equipment that are traceable to standards approved and maintained by the NIST or, in the absence of a standard approved and maintained by the NIST, a calibration laboratory accredited under the International Organization for Standardization (ISO) 17025 standard.

(C) Tests and conducts a field inspection for each electric vehicle charger at least once every six months in accordance with subparagraph (B).

(D) Documents the results of a test and field inspection described in subparagraph (C) and any action taken to address a failed test or field inspection, retains that documentation for at least two years, and makes that documentation available to any person or entity that submits a request for it pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(E) Conspicuously affixes a clear and legible identification notification on each electric vehicle charger that includes all of the following:

(i) The name and logo of the local publicly owned electric utility.

(ii) A statement that the electric vehicle charger is operated by the local publicly owned electric utility.

(iii) The local publicly owned electric utility's customer service contact information for consumer comments, complaints, and questions.

(F) Sends a notice to the applicable county sealer indicating the local publicly owned electric utility's intent to comply with this paragraph.

(2) If the county sealer finds that a local publicly owned electric utility is not in compliance with paragraph (1), the county sealer shall notify the utility director of the local publicly owned electric utility that is not in compliance and describe the areas of noncompliance. Within 30 days of receiving that notice, the local publicly owned electric utility shall respond to the county sealer and explain the actions taken by the local publicly owned electric utility to comply. If the local publicly owned electric utility fails to provide a response, the governing board of the local publicly owned electric utility shall discuss the notice of noncompliance at its next publicly noticed regular meeting.

(h) This section shall become operative on January 1, 2026.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.