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**SB-314 Weights and measures: electric vehicle supply equipment.** (2025-2026)

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AMENDED IN SENATE MARCH 17, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL**

**NO. 314**

Introduced by Senator Padilla

February 10, 2025

An act to amend Sections 12500, 12501.1, and 12509.5 of, and to add ~~Section~~ *Sections 12509.1 and* 12509.6 to, the Business and Professions Code, relating to weights and measures.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 314, as amended, Padilla. Weights and measures: electric vehicle supply equipment.

Existing law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state, including devices used to measure electricity sold as a motor vehicle fuel. Existing law regulates the use and repair of weighing or measuring devices. Existing law authorizes a device to be placed in service only by a sealer or a service agency. Existing law prohibits, until January 1, 2028, requiring electric vehicle supply equipment (EVSE) to be retested or placed in service by a service agency or sealer, if the EVSE has previously been placed in service by a service agency or sealer, before the EVSE is used after receiving maintenance, as specified.

This bill would authorize an EVSE that has been audited or tested by the manufacturer or supplier to be used commercially without further testing during the remainder of the inspection period adopted by the Secretary of Food and Agriculture, but not until it has been sealed by a sealer. *The bill would, among other things, require the county sealer to ensure that certain EVSE installed before January 1, 2026, are initially placed in service and tested by a sealer on or before January 1, 2027, at no additional cost other than the registration fees paid by the EVSE owner or operator.* The bill would, until January 1, 2028, ~~among other things, exempt an EVSE installed in a workplace for the exclusive use of its employees, or installed in a residence, including a multifamily residential dwelling, for the exclusive use of the residents, from specified laws, and would authorize an EVSE, following installation, to be used in connection with the sale of electricity as a motor vehicle fuel without being placed into service by a service agency or sealer, a specified. The bill would authorize a county to take specified actions in order to support county oversight of EVSE and build capacity. if an EVSE has previously been placed in service, no longer require the EVSE 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.~~ The bill would require the Division of Measurement ~~Standards to develop an optional pathway for compliance with specified laws using factory auditing and inspection for the EVSE, Standards, on or before January~~

1, 2027, to issue guidance and develop statewide resources relevant to weights and measures for EVSE, as specified, and to consider ~~specified information when developing the pathway for compliance.~~ and implement optional pathways for EVSE testing and placed-in-service requirements, including in-factory auditing or testing and certification by a factory- or supplier-registered service agency.

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

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

**SECTION 1.** Section 12500 of the Business and Professions Code is amended to read:

**12500.** As used in this chapter, the following terms have the following definitions:

(a) "Weighing instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining weight and includes any tool, appliance, or accessory used or connected therewith.

(b) "Measuring instrument" means any device, contrivance, apparatus, or instrument used, or designed to be used, for ascertaining measure and includes any tool, appliance, or accessory used or connected therewith.

(c) "Correct" means any weight or measure or weighing, measuring, or counting instrument that meet all of the tolerance and specification requirements established by the secretary pursuant to Section 12107.

(d) "Incorrect" means any instrument that fails to meet all of the requirements of Section 12107.

(e) (1) "Commercial purposes" include the determination of the weight, measure, or count of any commodity or thing that is sold on the basis of weight, measure, or count; or the determination of the weight, measure, or count of any commodity or thing upon which determination a charge for service is based. Devices used in a determination upon which a charge for service is based include, but are not limited to, taximeters, odometers, timing devices, parcel scales, shipping scales, and scales used in the payment of agricultural workers.

(2) "Commercial purposes" do not include the determination of the weight, measure, or count of any commodity or thing that is performed within a plant or business as a part of the manufacturing, processing, or preparing for market of that commodity or thing, or the determination of charges for the transmission of letters or parcels of less than 150 pounds, except when that determination is made in the presence of the customer charged for the service, or the determination of the weight of any animal or human by a qualified health provider, California-licensed veterinarian, licensed physician and surgeon, or staff members within the business operations of, and under the supervision of, a California-licensed veterinarian or licensed physician and surgeon for the purposes of determining the appropriate dosage of any medication or medical treatment or the volume, duration, or application of any medical procedure.

(f) "EVSE" or "electric vehicle supply equipment" means 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.

**SEC. 2.** Section 12501.1 of the Business and Professions Code is amended to read:

**12501.1.** (a) Every person who uses, or intends to use, any weight or measure, or weighing or measuring instrument for commercial purposes shall, before using the same, cause them to be sealed by a sealer, unless they have been sealed before sale, in which case they may be used by the purchaser for the remainder of such period as is authorized in the regulations adopted by the secretary pursuant to Section 12212, or until they become "incorrect," as defined in subdivision (d) of Section 12500.

(b) Notwithstanding any other law, an odometer that has been tested by the manufacturer may be used commercially without further test during the remainder of the inspection period adopted by the secretary for odometers, but shall not be used commercially thereafter until it has been sealed by a sealer.

(c) Notwithstanding any other law, an EVSE that has been audited or tested by the manufacturer or supplier may be used commercially without further testing during the remainder of the inspection period adopted by the secretary, but not until it has been sealed by a sealer.

**SEC. 3.** Section 12509.1 is added to the Business and Professions Code, to read:

**12509.1.** (a) *The county sealer shall ensure that EVSE installed before January 1, 2026, that is subject to this chapter is initially placed in service and tested by a sealer on or before January 1, 2027, at no additional cost other than the registration fees paid*

by the EVSE owner or operator.

(b) EVSE subject to this chapter shall be registered with the county in which it is installed and the owner or operator of the EVSE shall pay any applicable administrative fees.

(c) The Division of Measurement Standards, in consultation with the State Energy Resources Conservation and Development Commission, shall identify existing funding that may be expended to cover the purchase of EVSE testing equipment by county sealers or registered service agencies and, if such funding is found, shall make that funding available by June 1, 2026.

(d) Notwithstanding Section 12500.10, the EVSE may be tagged by a county for noncompliance with elements of Section 12500.5 that do not impact EVSE meter accuracy and, at the discretion of the county, may be given conditional authorization to continue operation while the violation is addressed. Operators of the EVSE with conditional authorization to operate may remove the tag for at least 30 days while the EVSE is brought into compliance. Operators of the EVSE with conditional authorization to operate may have their device seized by the county if the tag is removed and any noncompliance is not corrected as described in subdivision (c) of Section 12500.10.

**SEC. 3. SEC. 4.** Section 12509.5 of the Business and Professions Code is amended to read:

~~12509.5.(a) An EVSE installed at a workplace for the exclusive use of its employees, or installed at a residence, including a multifamily residential dwelling, for the exclusive use of the residents, shall be exempt from the provisions of this chapter, except Section 12500.5.~~

~~(b)~~

**12509.5. (a)** Notwithstanding Section 12532, if an EVSE has previously been placed in service, 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.

~~(c)(1) Notwithstanding Section 12502, following installation of an EVSE, the EVSE may be used in connection with the sale of electricity as a motor vehicle fuel without being placed into service by a service agency or sealer if it is type approved by the department pursuant to Section 12500.5, and can be used commercially without further testing or being placed in service during the remainder of the inspection period adopted by the secretary for EVSEs.~~

~~(2) Notwithstanding Section 12502, following installation of an EVSE, the EVSE shall be registered with the county in which it is installed and the owner or operator of the EVSE shall pay any applicable administrative fees.~~

~~(d) Notwithstanding Section 12500.10, the EVSE may be tagged by a county for noncompliance with Section 12500.5 and, at the discretion of the county, may be given conditional authorization to continue operation while the violation is addressed. Operators of the EVSE with conditional authorization to operate may remove the tag for at least 30 days while the EVSE is brought into compliance. Operators of the EVSE with conditional authorization to operate may have their device seized by the county if the tag is removed and any noncompliance is not corrected as described in subdivision (c) of Section 12500.10.~~

~~(e) This section does not impact a county's authority to enforce any other relevant law and does not impact a county's ability to test if an EVSE is correct in response to a complaint pursuant to Section 12503.~~

~~(f)~~

**(b)** This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

**SEC. 4.** Section 12509.6 is added to the Business and Professions Code, to read:

**12509.6.(a)** To support county oversight of EVSE and build capacity, a county may do both of the following:

**(1)** Conduct sample testing of the EVSE to collect data on EVSE metrological function.

**(2)** Share the data collected with the Division of Measurement Standards to inform future iterations of California weights and measures standards.

**(b)** A county enforcing this chapter with respect to EVSE shall do both of the following:

**(1)** Clearly communicate and post on its internet website, on or before January 1, 2027, information about all of the following:

**(A)** The registration process.

**(B)** The applicable registration fees and payment options.

~~(C) The testing protocol and template test report.~~

~~(D) All applicable forms.~~

~~(2) On or before June 30, 2026, adhere to guidelines established by the Division of Measurement Standards for testing and protocols, and registration and placed-in-service forms.~~

~~(c) The information described in paragraph (1) of subdivision (b) may also be shared with the Division of Measurement Standards to post on its internet website.~~

~~(d) The Division of Measurement Standards shall develop an optional pathway for compliance with this chapter and Chapter 5.5 (commencing with Section 12531) using factory auditing and inspection for the EVSE. The division shall consider all of the following regarding development:~~

~~(1) Risk-based assessments of compliance with devices being correct.~~

~~(2) Opportunities for cost and time savings for placing the EVSE in service relying on factory auditing and inspection.~~

~~(3) Input from the EVSE industry.~~

~~(4) International best practices regarding EVSE use.~~

~~(5) Extended timelines for field inspection of EVSEs by counties.~~

~~(e) EVSEs manufactured in compliance with the optional pathway shall be considered correct if in compliance with Section 12511.1.~~

~~(f) This section does not require factory auditing and inspection for EVSE manufacturers, and field metrological verification shall remain an option for EVSE manufacturers.~~

**SEC. 5.** *Section 12509.6 is added to the Business and Professions Code, to read:*

**12509.6.** *(a) (1) To support statewide consistency and streamline implementation of county weights and measure requirements applicable to EVSE, the Division of Measurement Standards shall, on or before January 1, 2027, issue guidance and develop statewide resources relevant to weights and measures for EVSE. The guidance and resources shall include online or web-based versions of all of the following:*

*(A) Device registration form.*

*(B) Method to pay applicable registration fees.*

*(C) Placed-in-service form.*

*(D) Testing protocol and template test report.*

*(2) The resources shall be accessible on the Division of Measurement Standards's internet website.*

*(b) A county enforcing this chapter with respect to EVSE shall accept the statewide forms and testing protocols established by the Division of Measurement Standards.*

*(c) The Division of Measurement Standards shall consider and implement optional pathways for EVSE testing and placed-in-service requirements, including in-factory auditing or testing and certification by a factory- or supplier-registered service agency.*