



CALIFORNIA

# EVSE AUTHORITY

AND EXEMPTIONS FOR  
PUBLIC AGENCIES



PRESENTED BY  
**JOSE ARRIAGA**

ORANGE COUNTY SEALER OF WEIGHTS & MEASURES

ASSEMBLY BILL

# 2037

PAPAN (2025)

**Session Year:** 2023-2024

**House:** Assembly

**Current Status:**

**PASSED** ✓

(2024-09-27: Chaptered by Secretary of State - Chapter 692, Statutes of 2024.)

- ✓ Introduced
- ✓ First Committee Review
- ✓ First Chamber
- ✓ Second Committee Review
- ✓ Second Chamber
- ✓ Enacted

## AB 2037

AB 2037 authorizes county sealers to inspect and test publicly-operated electric vehicle chargers, except chargers that are operated by local publicly owned electric utilities under certain conditions.

AB 2037 adds §12209.7 to the California Business and Professions Code (BPC)

BPC §12209.7 became operative on January 1<sup>st</sup>, 2026.

CALIFORNIA  
BUSINESS AND  
PROFESSIONS CODE  
**§ 12209.7(B)**



State of California

BUSINESS AND PROFESSIONS CODE

Section 12209.7

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12209.7.

(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.

# BPC § 12209.7

Effective January 1<sup>st</sup>, 2026, the County Sealer may:

- Test and verify as correct commercial EV chargers operated by public agencies.
- Mark chargers found to be incorrect with an "Out of Order" notice.
- Require charger to be repaired or corrected within 30 days.
- Levy civil penalties if an "Out of Order" notice is removed or altered without authorization.

CALIFORNIA  
BUSINESS AND  
PROFESSIONS CODE

**§ 12209.7**



State of California

BUSINESS AND PROFESSIONS CODE

Section 12209.7

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12209.7.

(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.

# **BPC § 12209.7 (E)**

Effective January 1<sup>st</sup>, 2026, the County Sealer may:



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.

CALIFORNIA  
BUSINESS AND  
PROFESSIONS CODE  
**§ 12240(A)**



State of California

BUSINESS AND PROFESSIONS CODE

Section 12240

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12240. (a) Except as otherwise provided in this section, the county board of supervisors, by ordinance, may charge an annual registration fee, not to exceed the county's total cost of actually inspecting or testing the devices as required by law, to recover the costs of inspecting or testing weighing and measuring devices required of the county sealer pursuant to Section 12210, and to recover the cost of carrying out Section 12211.

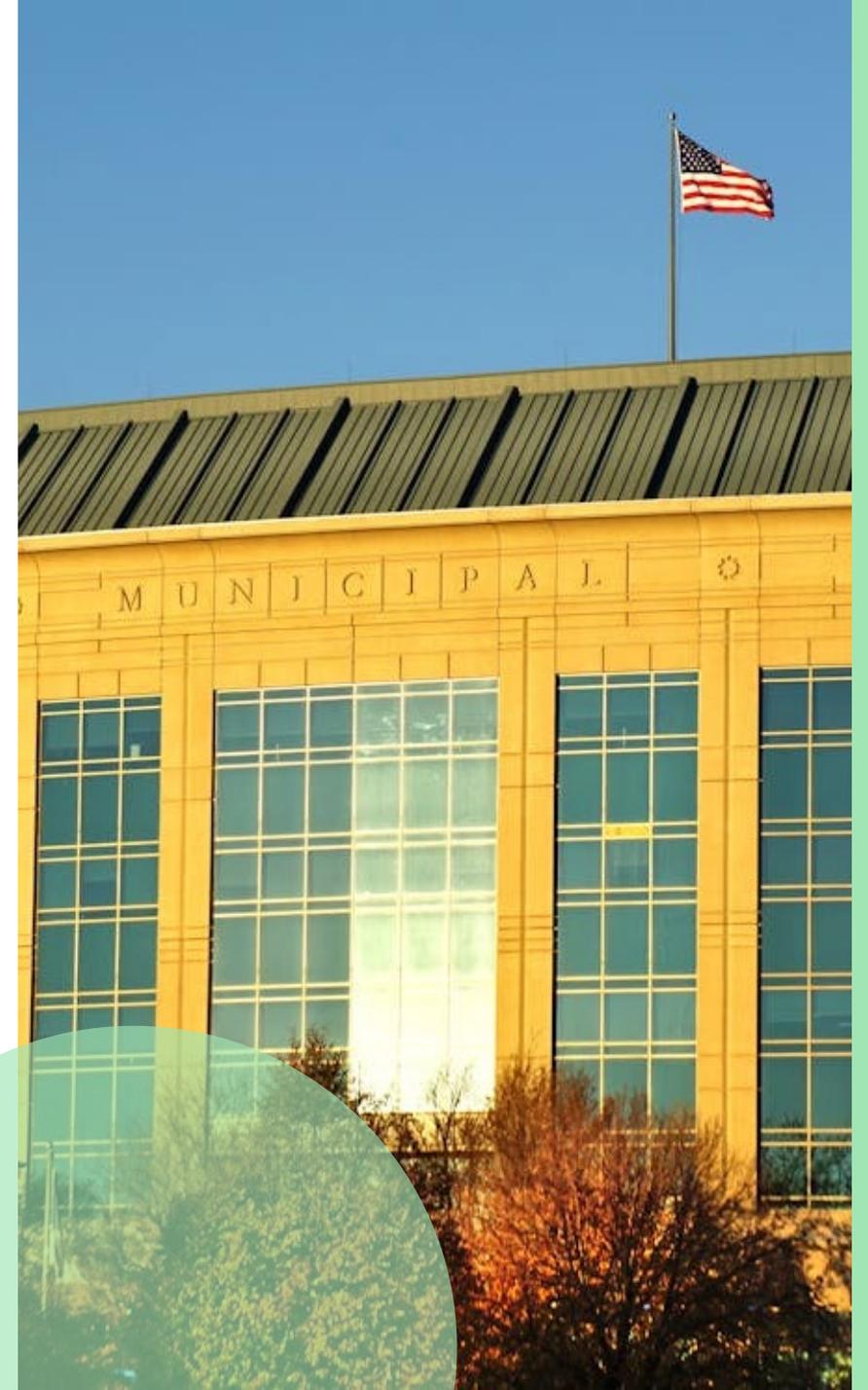
# COST RECOVERY AUTHORITY

California Business and Professions Code (BPC) grants the authority to establish a county ordinance to charge registration fees to recover the costs of inspections and testing devise.

BPC § 12209.7(A)(1-5)  
**DEFINITIONS**

**PUBLIC AGENCY**

Any city, county, city and county, district, or other local authority or public body within the State of California.



BPC § 12209.7(A)(1-5)  
**DEFINITIONS**

## Types of Electric Utilities



### **Investor-Owned Utilities**

For-profit companies owned by shareholders

### **Publicly Owned Utilities**

Run by local or state governments

### **Cooperative utilities**

Non-profit organizations owned by customers

## **LOCAL PUBLICLY OWNED ELECTRIC UTILITY**

A municipal corporation operating as a “public utility” furnishing electric services formed pursuant to the Municipal Utility District Act, The Public Utility District Act, the Irrigation District Law, or joint power authorities that includes one of these agencies that either owns or produce electric services.

PUC 224.3

# BPC § 12209.7(A)(1-5) DEFINITIONS

## LOCAL PUBLICLY OWNED ELECTRIC UTILITY LIST\*

Publicly Owned Electric Utility	City / Jurisdiction	Service Area (County/Region)	Utility Type
Alameda Municipal Power	City of Alameda	Alameda County	Municipal Utility
Port of Oakland Utilities (Electric)	Port of Oakland	Alameda County	Public Agency Utility
Kirkwood Meadows PUD	Alpine / El Dorado Region	Alpine Region	Public Utility District
Biggs Municipal Utilities	City of Biggs	Butte County	Municipal Utility
Gridley Electric Utility	City of Gridley	Butte County	Municipal Utility
Pittsburg Power Company (Island Energy)	City of Pittsburg	Contra Costa County	Municipal Utility
Shelter Cove Resort Imp. Dist.	Shelter Cove	Humboldt County	Special District Electric
Imperial Irrigation District (IID)	Imperial County	Imperial / Riverside	Irrigation District Electric
Eastside Power Authority	Delano / Nearby Areas	Kern/Tulare Region	Joint Authority
Lassen Municipal Utility District	Lassen County	Lassen County	Municipal Utility District
Azusa Light and Water	City of Azusa	Los Angeles County	Municipal Utility
Burbank Water and Power	City of Burbank	Los Angeles County	Municipal Utility
Cerritos Electric Utility	City of Cerritos	Los Angeles County	Municipal Utility
City of Industry Utility	City of Industry	Los Angeles County	Municipal Utility
Glendale Water and Power	City of Glendale	Los Angeles County	Municipal Utility
Los Angeles Dept. of Water & Power (LADWP)	City of Los Angeles	Los Angeles County	Municipal Utility
Pasadena Water and Power	City of Pasadena	Los Angeles County	Municipal Utility
Vernon Gas & Electric Department	City of Vernon	Los Angeles County	Municipal Utility
Ukiah Electric Utilities	City of Ukiah	Mendocino County	Municipal Utility
Merced Irrigation District	Merced Region	Merced County	Irrigation District Electric
Truckee Donner PUD	Town of Truckee	Nevada / Placer Counties	Public Utility District
Anaheim Public Utilities	City of Anaheim	Orange County	Municipal Utility
Roseville Electric	City of Roseville	Placer County	Municipal Utility
Banning Electric Department	City of Banning	Riverside County	Municipal Utility
Coachella Municipal Utility	City of Coachella	Riverside County	Municipal Utility
Corona Department of Water & Power	City of Corona	Riverside County	Municipal Utility
Moreno Valley Utility	City of Moreno Valley	Riverside County	Municipal Utility
Riverside Public Utilities	City of Riverside	Riverside County	Municipal Utility
Sacramento Municipal Utility District (SMUD)	Sacramento Region	Sacramento / Placer	Municipal Utility District
Colton Public Utilities	City of Colton	San Bernardino County	Municipal Utility
Needles Public Utility Authority	City of Needles	San Bernardino County	Municipal Utility
Rancho Cucamonga Municipal Utility	City of Rancho Cucamonga	San Bernardino County	Municipal Utility
Victorville Municipal Utilities Services	City of Victorville	San Bernardino County	Municipal Utility
Power Enterprise (SFPUC)	City & County of San Francisco	San Francisco County	Municipal Utility
Lathrop Irrigation District	San Joaquin Valley	San Joaquin County	Irrigation District Electric
Lodi Electric Utility	City of Lodi	San Joaquin County	Municipal Utility
Port of Stockton Utilities	Port of Stockton	San Joaquin County	Public Agency Utility
Power & Water Resources Pooling Authority (PWRPA)	Tracy / Central Valley	San Joaquin County	Joint POU Authority
Lompoc Electric Division	City of Lompoc	Santa Barbara County	Municipal Utility
Palo Alto Utilities	City of Palo Alto	Santa Clara County	Municipal Utility
Silicon Valley Power (SVP)	City of Santa Clara	Santa Clara County	Municipal Utility
Redding Electric Utility	City of Redding	Shasta County	Municipal Utility
Shasta Lake Electric Utility	City of Shasta Lake	Shasta County	Municipal Utility
Healdsburg Electric Dept.	City of Healdsburg	Sonoma County	Municipal Utility
Modesto Irrigation District	Modesto Region	Stanislaus County	Irrigation District Electric
Turlock Irrigation District (TID)	Turlock Region	Stanislaus County	Irrigation District Electric
Trinity Public Utilities District	Trinity / Redding Region	Trinity County	Public Utility District

CALIFORNIA  
BUSINESS AND  
PROFESSIONS CODE  
**§ 12209.7(G)(1)**



State of California

BUSINESS AND PROFESSIONS CODE

Section 12209.7

12209.7.

(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.

BPC § 12209.7(F)

# CONTRACTS & LEASES

If a public agency owns an EV charger but **leases** or **contracts** its operation to a private entity, the commercial operator is responsible for compliance with BPC § 12209.7 for that charger.

CALIFORNIA  
BUSINESS AND  
PROFESSIONS CODE  
**§ 12209.7(G)(1)**



State of California

BUSINESS AND PROFESSIONS CODE

Section 12209.7

12209.7.

(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.

...

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

## BPC § 12209.7(G)(1)(A-F) **EXEMPTIONS**

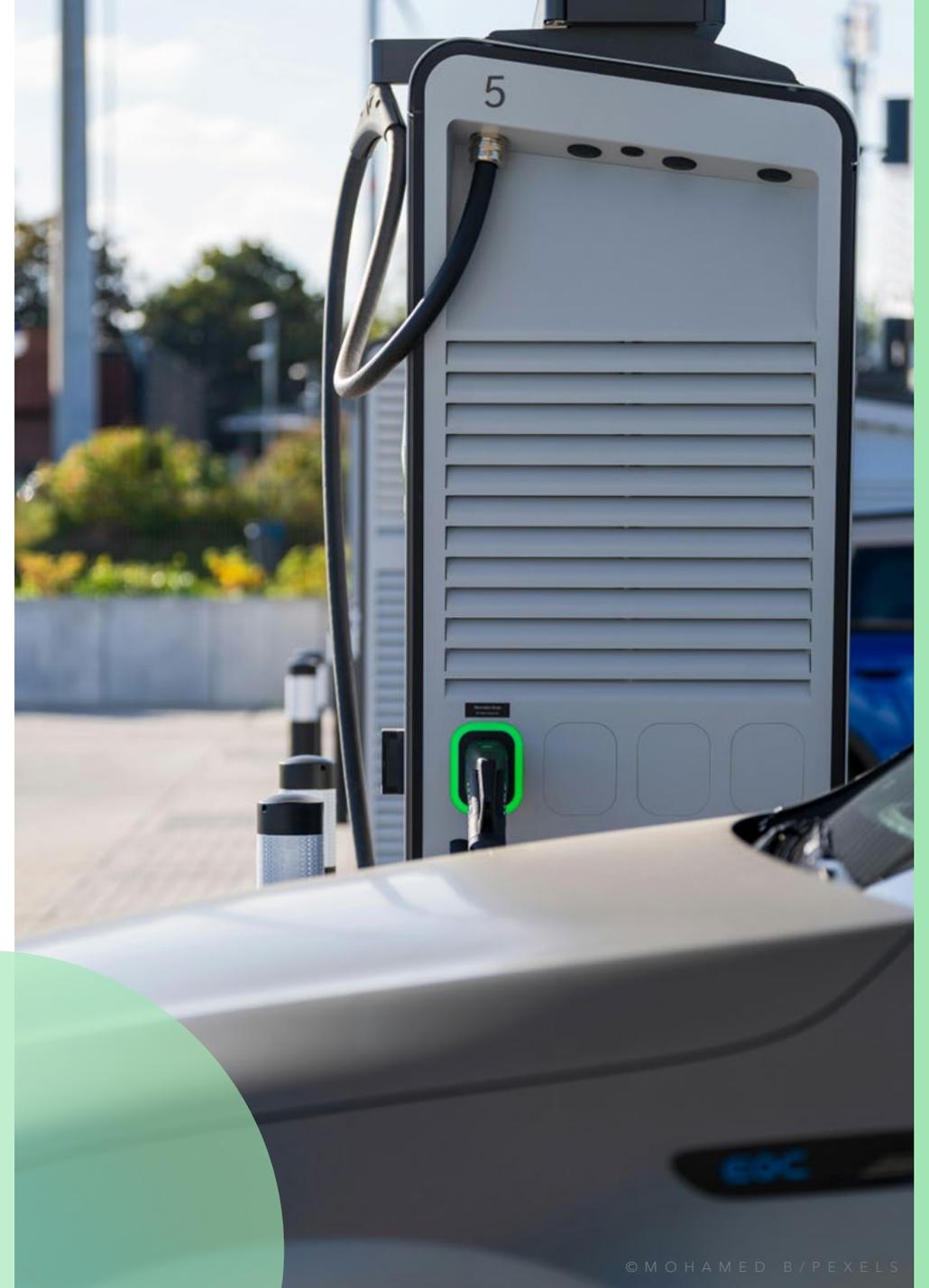
EV chargers operated by a local publicly owned electric utility may be exempt from county inspection and enforcement **only** if the utility meets all statutory self-inspection and documentation requirements:

- Conduct field testing at least once every six months.
- Use testing practices equivalent to NIST Handbook 44 with traceable standards.
- Retain inspection records for at least two years and make them available under the CA Public Records Act.
- Properly label each charger with utility identification and customer contact information.
- Provide written notice to the County Sealer of intent to comply.

# EXEMPTION COMPLIANCE

Local publicly owned electric utilities must comply with the exemption requirements to be exempted.

If a utility is found noncompliant, the County Sealer will notify the utility director, and the matter may be required to be addressed at a publicly noticed governing board meeting.



# BEST PRACTICES

- Become Familiar with BPC §12209.7
- Communication With Stakeholders
- Proper Documentation
- Verify Registration Authority
- Communication With Stakeholders



# THANK YOU.



JOSE ARRIAGA

ORANGE COUNTY SEALER OF WEIGHTS & MEASURES

