



April 9, 2026

DMS Notice
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Discard: Retain

TO: WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Application and Use of BPC 12501.3. When Inspecting Commercial EVSE

As more County Sealers inspect commercial Electric Vehicle Supply Equipment (EVSE) installed in their jurisdiction, many are finding devices that perform within applicable tolerances while meeting transactional computation and receipt generation requirements, but do not comply with all marking, specification, user, or other requirements as adopted. As this occurs, many counties are applying Business and Professions Code (BPC) [Section 12501.3](#), which is consistent with the discretionary intent provided to sealers.

BPC 12501.3. – *Notwithstanding any other requirements or provisions of this division, a sealer may permit the use of an unsealed device pending repairs if the device is in error only to the disadvantage of the user and if the user is always the seller. Such an unsealed device shall be repaired within 30 days.*

Imperative to the process of identifying needed repairs or corrections to the device, and providing notice to the owner/operator of those necessary repairs or corrections to be performed within 30 days, many County Sealers have traditionally applied to the device a “Notice To Repair” tag or similar notification, sometimes referred to as a “blue tag.”

Many California EVSE owners/operators, Electric Vehicle (EV) drivers, and various state entities supporting the electrification of California’s transportation sectors have expressed concerns regarding a lack of clarity in the message this practice sends to the EV driver (consumer) who attempts to access such an EVSE that has not been taken out of service, with a Notice to Repair tag attached. Without understanding the meaning and intent of the commonly called “blue tag,” concerns have been expressed that the EV driver may believe the device is not operating at all, is not safe for use, or will not accurately dispense electricity and assess an appropriate fee for the energy delivered.

In a collaborative discussion with EVSE industry representatives, CDFA-DMS, and several members of CACASA, it was determined that a reasonable compromise could be reached to prevent such misunderstandings by EV drivers, provided that the EVSE being inspected was type approved, operating in a manner that did not disadvantage the consumer, provided an accurate receipt, and complied with NIST Handbook 44 Section 3.40. Electric Vehicle Fueling System User Requirements UR. 2.5.



California Code of Regulations (CCR) Section 4000 adopts NIST HB 44 Section 3.40 Electric Vehicle Fueling Systems UR. User Requirements section in its entirety without modification or exception including UR.2.5.

UR.2.5. Responsibility, Unattended EVSE. – *An unattended EVSE shall have clearly and conspicuously displayed thereon, or immediately adjacent thereto, adequate information detailing the name, address, and phone number of the local responsible party for the device.*

When these conditions are met, an incorrect device that meets the permissive use allowance of BPC Section 12501.3. and complies with HB 44 Section 3.40 UR.2.5., may be allowed to operate pending repairs **without** applying a Notice to Repair or other similar tag on the device, **provided** a sealer is able to successfully contact the responsibility party via the displayed phone number of the responsible party to provide notice of the correction(s) needing to be addressed. When such contact and notification is successful, the phone contact shall serve as the official notice and may be followed by an email or mailed notice. The responsible party will be required to have the device corrected as detailed in the notification within 30 days **from the time of initial contact.**

Failure, of the responsible party identified on the device, to answer a call or inquiry from a sealer or a duly authorized weights and measures official shall result in the appropriate application of a physical tag on the device.

If you have any questions regarding this notice, please contact the Device Enforcement Program by email at dms@cdfa.ca.gov or by phone at (916) 229-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Schnepf". The signature is written in a cursive, flowing style.

Kevin Schnepf
Director

cc: Hylum Eastman, County/State Liaison, CDFCA