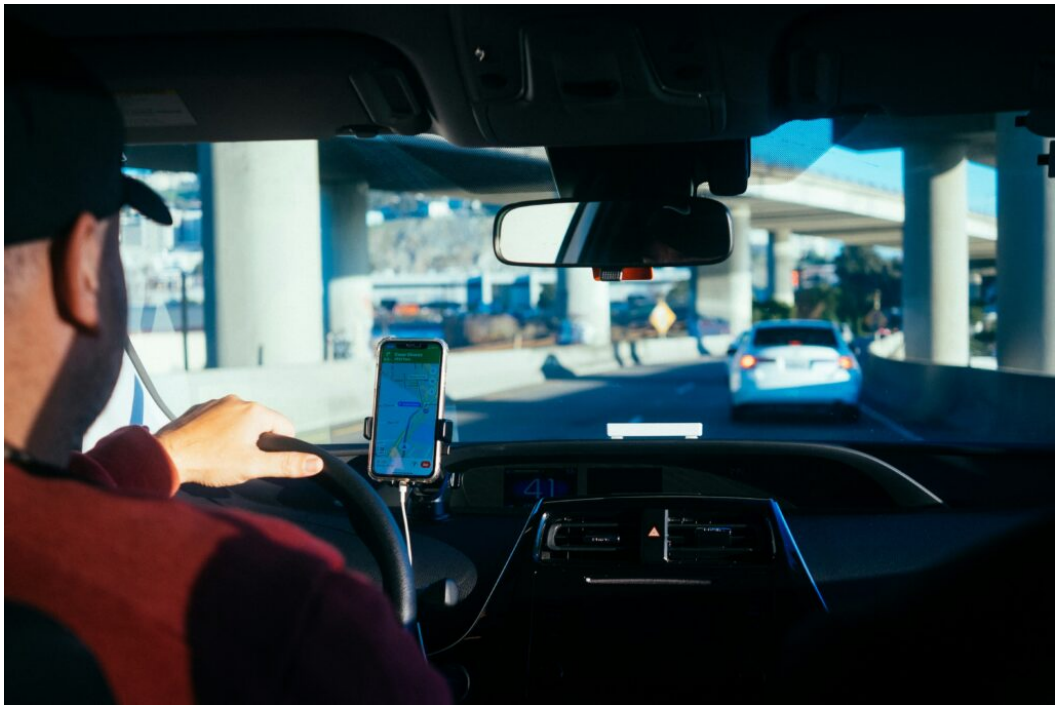


Photo by Paul Hanaoka on Unsplash

Guest contributor Jackie Dall is a UC Berkeley School of Law student (J.D. Candidate, '27)

Personal vehicles are one of the most significant financial commitments American households make, providing mobility and access to economic opportunity in most communities. The electric vehicle (EV) transition is underway and has the potential to directly impact consumers through the entire lifecycle of vehicle ownership—from purchase incentives and charging to maintenance, and ultimately the used car market. The last few years have been a bumpy ride for consumers, with a jumble of rebate program terminations, challenges to regulatory authority, and media coverage of charging difficulties contributing to confusion in an area potentially primed for unscrupulous actions by providers of a new and unfamiliar technology. Addressing areas of fraud and deception in the EV transition is a matter of both consumer and climate justice and is essential to strengthening the adopting of EVs as a lever of climate policy.

In a recently published white paper, we present a series of consumer protection issues impacting the EV transition and internal combustion engine (ICE) vehicle phase out, as well as opportunities for state leaders in California to utilize and expand on existing consumer protection laws and regulations. This white paper is

the result of a collaboration between UC Berkeley's Center for Law, Energy and the Environment and Center for Consumer Law and Economic Justice and included a number of Berkeley Law students and CLEE staff as research contributors.

The key consumer protection concerns identified are:

- EV purchase requirements and incentive programs
- EV charging and pricing transparency
- EV maintenance, service, and repairs
- Misrepresentation of EV battery life
- EV data privacy and hacking vulnerability
- Used EV purchase transparency

Navigating eligibility requirements, rebate availability, and determining if the rebate is available to a consumer are opportunities for consumer confusion due to the complexity of requirements and revocation of rebate programs. For example, under the 2022 Inflation Reduction Act, tax credits for EV purchases were available, but the Trump administration and Congress cancelled this program in 2025. Additionally, California's regulatory program to phase out the sale of new ICE vehicles by 2035—a manufacturer mandate—could be misconstrued as a consumer purchase responsibility, creating additional opportunity for misrepresentation and consumer confusion.

Potential consumer protection issues also extend to charging an EV. Unlike gas stations with gas prices advertised with clear signs displaying the cost per gallon, public EV chargers rarely advertise pricing, pricing can vary based on location and time of day, and there are multiple methods of displaying pricing (i.e. per kilowatt-hour consumer ad per minute of charging). This

lack of clear signs and pricing mechanisms gives rise to the risk of providers exploiting customers.

And when it comes time to perform routine maintenance and repairs, some EV manufacturers are using warranties and policies to limit information and availability of repair parts, which prevents consumers from repairing EVs themselves or obtaining repairs from independent auto repair shops, raising costs and reducing convenience overall (though it is worth noting that EVs require far less maintenance than ICEs). While maintenance data is limited, digital technology in EVs can also collect large amounts of data and track users, creating risks of corporate

surveillance, selling data to third parties, and hackers taking personal data.

EV battery range is also a key factor for consumers when purchasing an EV, but many consumers have found that their EVs do not meet the manufacturer's stated estimated driving range. Because battery upgrades to increase range are more expensive and charging locations can be rare, consumers are at risk for manufacture misrepresentations. Battery, maintenance, and rebate access concerns for new EVs also apply to used EVs, especially given that EV batteries degrade over time, create challenges for accurately pricing used EVs and accurately representing battery performance.

While there are numerous potential consumer protection issues—some unique to EVs, others generally applicable to vehicle purchasing and leasing—there are opportunities for state leaders and policy makers to enforce California's strong consumer protection laws already on the books and pass new legislation specific to EVs. For example, public prosecutors can enforce false advertising violations under California Unfair Competition Law (UCL), which prohibits unfair competition, including "unfair, deceptive, untrue or misleading advertising." A UCL claim could be brought for a manufacture's misrepresentations about EV driving range, for example. State legislators could consider amending existing privacy, vehicle price disclosure, and right to repair laws to ensure they protect EV drivers. Additionally, public outreach campaigns can help inform consumers about areas of confusion, such as charging pricing models, rebate access, and battery health/degradation.

As the EV transition continues, addressing areas that expose consumers to risk is necessary to continuing the rate of adoption of EVs and phasing out ICEs. The environmental benefits that come from EVs like greenhouse gas emissions reductions and local air quality improvements depend on EV consumer rights being protected in a new and dynamic market.

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