Protecting Consumers in the Electric Vehicle Transition

May 2026



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ACKNOWLEDGEMENTS

This paper would not have been possible without the following people. David Nahmias of the Berkeley Law Center for Consumer Law and Economic Justice and Ted Lamm of the Berkeley Law Center for Law, Energy and the Environment (CLEE) supervised the preparation of this report. Former CLEE research fellow Malcolm Johnson and Sophie Allan J.D. ’26 provided research and drafting and Berkeley Law students Ezra Berger, Linda Gordon, Jackson Mariotti, and Renee Serota conducted background research. Jen Bosco of the National Consumer Law Center and Zach Franklin of GRID Alternatives also provided valuable feedback on early drafts of this paper.

I. Introduction

The electric vehicle (EV) transition is both underway and under threat across the United States–and consumers are feeling the heat. Uncertainty and instability in a dynamic market can be a breeding ground for fraud and deception, and the EV market is no exception. Consumers need clarity, transparency, and information in order to make purchase decisions. As a national leader in EV uptake and the state with the greatest share of EVs per capita,[1] California is at the forefront of this transition. Policymakers now have an opportunity to provide clear, readily available information to protect California drivers from unscrupulous EV dealers, manufacturers and lenders, and ensure a smooth and safe transition–even in the face of outright hostility from the federal government.

The past half-decade has offered consumers significant swings in EV policy and incentives, a dozen states representing nearly 40 percent of the US automobile market adopted California regulations to phase out the sale of new internal combustion engine (ICE) vehicles over the coming decade, and the Biden-era US Environmental Protection Agency (EPA) issued new standards that would lead to EVs comprising over two thirds of vehicle sales over the same period. But the Trump Administration and Congress have attempted to reverse course by eliminating federal tax incentives for EVs, proposing to rescind EPA standards, attempting to revoke California's authority to regulate vehicle emissions, and more. Congress authorized substantial tax credits for EV purchases and leases in the 2022 Inflation Reduction Act, accelerating adoption nationwide, but rescinded those credits in 2025, leaving a patchwork of diminished state- and electric utility-level financial incentives.

The speed of the transition, the newness of EV and charging technology, the nature of manufacturers' and dealers' embrace of it, and the financial and lifestyle centrality of automobiles for so many Americans create risks of consumer misinformation and exploitation. The Trump Administration's hostility toward EVs may slow the rate of adoption, but it will not mitigate–and likely will even exacerbate–the confusion and risks many consumers will face.

In response to the Administration's actions, Governor Gavin Newsom issued an executive order calling on state agencies to take steps to strengthen EV adoption, including "strategies to increase consumer protections." In August 2025, the agencies, including the California Department of Consumer Affairs (DCA), issued a report describing those actions, which reflected a focus on consumer protection:

> **Advance [Zero Emission Vehicle] consumer assurance measures**. The DCA or [California State Transportation Agency] should explore options for, and implement if feasible, consumer protection actions that bolster ZEV buyer confidence by ensuring ZEVs are equally as reliable and repairable as conventional vehicles. This would include actions such as battery warranty, vehicle durability, and battery state of health data requirements.

While the EV transition promises significant benefits–greenhouse gas emissions reductions, local air quality improvements, the convenience of home charging for many, and long-term fuel and maintenance cost savings for drivers–it also raises important questions for consumer protection and economic justice. Personal vehicles are vital to the mobility and economic security of millions of Americans, who use their vehicles to commute to and from work and engage in essential household activities. Buying or leasing a car is among the most significant financial commitments American households make; rarely if ever before has a technology transition had such immediate potential to

affect individual finances. And the complicated and rapidly evolving nature of the market foments new opportunities for unscrupulous dealers, financing companies, and other actors in the EV market to prey on consumers with deception and fraud.

With government leaders promoting the EV transition as a key lever of climate and transportation policy, addressing these issues effectively is a matter of both consumer and climate justice. This white paper aims to alert advocates, policymakers, and regulators of emerging risks to consumer protection associated with the EV transition in California and nationwide.

The paper identifies a series of problems and outlines potential legal and policy pathways to mitigate them. Some of these risks are new and particular to EVs–for example, those relating to charging costs and reliability–while others are long-standing consumer protection concerns relating to vehicle marketing and sales that endure in the specific EV market.

The problem statements cover the following issues:

1. EV Purchase Requirements and Incentive Programs
2. EV Charging Pricing Transparency
3. EV Maintenance, Service, and Repairs
4. Misrepresentation of EV Battery Life
5. EV Data Privacy and Hacking Vulnerability
6. Used EV Purchase Transparency

These statements are followed by a discussion of opportunities policymakers could take to inform consumers and enforce (or, in some cases, update) relevant state consumer protection laws.

II. Consumer Protection Problems in the EV Transition

1. EV Purchase Requirements and Incentive Programs

EV purchase incentive programs have operated in a complicated and constantly evolving landscape providing prospective buyers with an ever-changing, and often opaque, set of financial considerations. Additionally, consumers may face confusion and misinformation over the status and requirements of California's ICE phaseout.

Purchase Incentives

Aiming to jump-start the EV market and advance the EV transition, various government entities and public utilities have offered vehicle rebate and incentive programs to reduce upfront purchase and lease prices.

Most prominently, the federal government for years offered a tax credit for EV purchases that was expanded under the 2022 Inflation Reduction Act, providing credits of up to $7,500 for buyers of eligible new vehicles and $4,000 for used vehicles. Congress and the Trump Administration canceled the tax credit program altogether in 2025. California's Clean Vehicle Rebate Program (CVRP) offered similar incentives for over a decade before state leaders phased out the program in 2023 due to a combination of market maturity and funding limitations, leaving in place the state's Clean Cars For All Program, which offers significant incentives for eligible low-income drivers to swap a high-polluting older vehicle for a low-emitting vehicle. A handful of states such as Colorado and New York also continue to offer limited purchase incentives, and electric utilities including each of California's major investor-owned utilities (Pacific Gas & Electric, San Diego Gas & Electric, and Southern California Edison) offer some incentives as well. In response to the elimination of federal credits, Governor Newsom proposed a limited-scale revival of CVRP in early 2026.[2]

These programs have employed a mix of eligibility criteria, such as whether the consumer falls below an income threshold, whether the specific type of vehicle is classified as eligible, and utility service territory, among others.[3] In addition, incentives structured as tax credits (as the federal rebate programs were) typically are non-refundable, meaning a consumer must have a positive tax bill against which to apply the credit. Navigating these eligibility requirements and claiming the credits can be a very complicated process for consumers determining the total purchase price of a vehicle; the rapid creation and elimination of both federal and state programs adds to the confusion. Consumers need clear guidance to make informed purchases and ensure they are not misled into a purchase with a misunderstanding of rebate availability (e.g., due to expiration of programs, ineligibility, or lack of a tax bill to offset) or of the inclusion of a rebate in the purchase price.[4567]

The Internal Combustion Engine (ICE) Phaseout

In 2022, California Air Resources Board (CARB) adopted new regulations, Advanced Clean Cars II ("ACC II"), which require that "by 2035 100% of new cars and light trucks sold in California" must be zero emission vehicles, which include "[p]lug-in hybrid, full battery-electric and hydrogen fuel cell vehicles."[8] In 2025, Congress and President Trump eliminated CARB's Clean Air Act waiver for ACC II

with the passage of House Joint Resolution 88 under the Congressional Review Act, an action that is now under judicial review.[9] Crucially, ACC II is a manufacturer mandate, not a consumer mandate, and consumers are under no obligation to get rid of gas-powered vehicles or to purchase EVs.[10] Under the regulations, even after 2035, a gas-powered vehicle can still be driven in California, registered with the California Department of Motor Vehicles, and sold as a used car to a new owner.[11]

While the future of the ACC II ICE phase-out is unclear, if it remains in place it will be important to ensure that consumers understand that ACC II does *not* prevent them from driving or buying used gas-powered vehicles or require an individual EV transition at any specific point.[12] Media surrounding ACC II indicates that consumers may encounter misinformation that gas-powered vehicles will be banned starting in 2035—certain news outlets appear to be propagating the claim that gas-powered vehicles will be banned.[13] Further, it is possible that car dealers and manufacturers may misrepresent to consumers that they must buy EVs (and trade in their gas-powered vehicles) by a certain date or that 2034-35 is their "last chance" to buy a gas-powered vehicle. As the phase-out date nears, policymakers and consumer advocates should actively track how dealers are describing it, if at all, and be prepared to share public information that clarifies the lack of consumer obligations and the falsehood of any claims that particular consumer purchases or actions are required.

Surveying how other consumer products have been phased out as a result of government regulations provides helpful insight into how CARB can successfully administer ACC II and ensure consumers are protected from misrepresentation of purchasing obligations. For instance, in 2022, the U.S. Department of Energy adopted a rule establishing that lightbulbs must meet "the minimum standard of 45 [lumens per watt]"—this effectively phased out incandescent lightbulbs.[14] Although many headlines described the new rule as a "ban" on incandescent lightbulbs[15] and there was a general misconception that this rule "aimed at cutting incandescents out of the market" completely, the rule "only applie[d] to the sale (not use) of bulbs."[16] Moreover, consumers were under no obligation to "rush to the store to replace any incandescent bulbs currently in use in their homes."[17] In response to "misconceptions" and "common myths," the U.S. Department of Energy issued a statement[18] clarifying the scope of the rule and consumer obligations.[19]

In 2020, Congress enacted the American Innovation and Manufacturing (AIM) Act, which authorized the U.S. Environmental Protection Agency (EPA) to phase down production and consumption of hydrofluorocarbons (HFCs).[20] EPA responded by issuing standards banning the use of R-410A (an HFC with high global warming potential) new air conditioning equipment after January 1, 2025.[21] In a web page focused on frequently asked questions about the phasedown of HFCs, the EPA clarified that this does not prevent consumers who have R-410A A/C systems in their homes from "maintain[ing] and repair[ing] their systems throughout the useful life of the equipment" and that consumers must use refrigerants with a lower global warming potential only "if a whole new system is installed."[22]

These examples demonstrate the potential phaseout of new ICE vehicle sales may not be the first time manufacturer mandates have been misconstrued as a consumer responsibility. If or when phase-out dates near, regulators will need to be cognizant of public misperceptions of phase out obligations.

2. EV Charging Pricing Transparency

A lack of accessible EV charging pricing information is a significant opportunity for consumer confusion through an inability to price compare or identify additional charges and fees. And, as a result, there are more opportunities for deceptive charging station operators to try to charge EV customers more money.

When out on the road–or if a driver lacks a home charging station–it is inevitable that an EV driver will need to find a publicly available charging station. When searching for a public charging station, drivers need to be able to easily identify where stations are located and quickly compare the pricing at those stations, much as drivers of traditional ICE vehicles can do with gas prices at the ubiquitous service stations. Yet drivers have repeatedly complained about limited to nonexistent transparent pricing information. A lack of accessible pricing information may expose consumers to a risk of misinformation and exploitation by charging providers, reduce price competition among providers, and serve as a barrier or disincentive to driving an EV altogether.

Various factors give rise to the lack of transparent EV charger pricing. First, public chargers "are owned by a mix of providers, follow different pricing models, and do not regularly disclose pricing information."[23] Unlike gas stations, which typically display fuel prices on highly visible signs, public charging stations for EVs rarely advertise the cost of charging, which prevents EV users from knowing what price to expect or how to price compare among options.[24] Second, public EV charging pricing can vary substantially by location and time of day, creating more risk for confusion among those charging in public than at home (in addition, paid public charging typically costs more than at-home charging). Third, there are at least five different ways that EV chargers can present their prices, including energy-based (i.e., per kilowatt-hour consumed), time-based (i.e., per minute of charging), tiered (i.e., either format, varied by time of day), subscription (i.e., flat service fee), and free–none of which translate neatly onto the traditional gallon-based pricing model for fuel purchasing with which most consumers are familiar.[25] Charging pricing in dollars per kilowatt-hour, which is the most accurate energy-based representation of the cost for a unit of energy, is a difficult metric for most drivers to understand the cost of a full charge and the driving range it enables.[26]

3. EV Maintenance, Service, and Repairs

Batteries and electronics in EVs will require repairs and maintenance. Because of manufacturer warranties and policies, owners have a limited ability to repair their own vehicles. There is also a lack of mechanics working on EVs, leading to consumers often only able to access repair and maintenance services from manufacturers and dealers. These issues can lead to increased costs for consumers and delays for repairs and maintenance.

Typically, EVs require less maintenance than gas-powered vehicles, as EV batteries and motors have fewer moving parts and fluids subject to wear and tear.[27] A *Consumer Reports* study found that an EV generally costs half as much to repair and maintain as a gas-powered vehicle throughout the life of the vehicle.[28] However, while the lack of a fuel engine means there are fewer parts to repair, EVs are still subject to wear and tear and require battery and electronic maintenance.[29] And when consumers do face EV maintenance and repair issues, they often can only obtain these services directly from vehicle manufacturers and dealers.[30]

As part of a widely observed trend in the development of digital technologies, some EV manufacturers are using warranties and policies, similar to those for ICE vehicles with an added warranty for EV and hybrid battery life,[31] to strongly encourage consumers "to take their products either to the manufacturer's service department or to manufacturer-certified repair shops"; "withhold their diagnostic equipment";[32] limit the availability of repair parts and information;[33] restrict access to telematic data, or "information about speed, location, and performance that cars transmit wirelessly back to their manufacturers";[34] and limit repairs through applying patent rights, enforcing trademarks, and using software locks.[35] In a broader report on diminishing access to independent auto repair shops and services, the U.S. Government Accountability Office has noted that independent auto repair shops need—yet are often unable to access—additional "tools, technologies, and training" to work on EVs and address EV battery problems and other EV technological issues.[36]

This limited access to EV maintenance and repair poses several threats to consumers: it reduces the supply of available service providers, increases costs, and can lead to delays or limited options for timely, high-quality maintenance and repair services.[37]

Manufacturers limiting information and availability of repair parts also implicates the consumer "right-to-repair"—the principle that "if you own something, you should be able to repair it yourself or take it to a technician of your choice."[38] Manufacturers often oppose the right-to-repair, because they want to maintain control over repair processes and maximize profits.[39] Moreover, manufacturers profit when consumers utilize their repair services, as well as when consumers decide to purchase entirely new products due to the difficulties in fixing the products they already own.[40]

Several states, including California, have passed right-to-repair laws.[41] Although California's right-to-repair law only covers "consumer electronic or appliance products,"[42] some states have enacted right-to-repair laws that apply to automobiles.[43] For instance, Massachusetts and Maine have recently passed laws that aim to provide vehicle owners with "unprecedented access to their car's wireless diagnostic and repair information."[44] At the federal level, Congress has recently considered legislation, the Right to Equitable and Professional Auto Industry Act (REPAIR Act, introduced in the House in 2023) to "ensure consumers have access to data relating to their motor vehicles, critical repair information, and tools," as well as "provide them choices for the maintenance, service, and repair of their motor vehicles."[45] The right-to-repair movement has gained significant momentum in the context of agricultural equipment which may provide helpful insight into the right to repair EVs.[46]

Recent litigants challenging manufacturer-imposed restrictions on EV repairs have claimed they may "drive independent repair shops out of business by raising their costs or denying them key inputs," which ultimately "leaves consumers with fewer choices."[47] Additionally, repair restrictions imposed by EV manufacturers may "delay repairs" by reducing "the number of repair shops available to consumers" and "'stymie[ing]' independent repairs," which could be particularly harmful for consumers with "time-sensitive" needs.[48] EV repair restrictions may also "raise prices and reduce quality."[49] Consumers have been frustrated by the maintenance repair restrictions that EV manufacturers such as Tesla have imposed.[50] For example, lawsuits filed against Tesla have claimed that Tesla "unlawfully restricted access to third party repairs and parts."[51] Plaintiffs have brought statutory claims and assert that they have been "forced to pay supracompetitive prices and suffer

exorbitant wait times to maintain and repair their Tesla vehicles as a result of Tesla's monopolization, attempted monopolization, exclusionary conduct, and restraint of the markets for compatible replacement parts . . . and maintenance and repair services."[52]

Right-to-repair principles also arise when a car manufacturer goes out of business. In 2024, the maker of the Fisker Ocean EV filed for bankruptcy, leaving EV owners with "cars plagued by battery failures, glitchy software, inconsistent key fobs, and door handles that did not always open" and "no way to fix any issues" without the company.[53] Afterwards, several owners founded the Fisker Owners Association to address repair issues, such as supporting Ocean's software, ensuring a replacement parts supply chain, and sharing do-it-yourself solutions for problems that arise.[54]

Ultimately, a lack of confidence in the ability to maintain and repair EVs and prohibitively expensive or time-consuming repair and maintenance processes may deter consumers from utilizing EVs. Further, the inability to maintain and repair EVs may reduce their "effective lifespan" and lead to the premature replacement of EVs or EV parts, which could result in greater waste and negative environmental impacts.[55]

4. Misrepresentation of EV Battery Life

EV battery range is a key consideration for consumers when purchasing a vehicle. Misrepresentation of EV battery life represents a potential area of consumer risk because manufacturers may provide battery upgrades for a higher price, charging locations can be rare, and some EV drivers have found that their EVs are not meeting the estimated driving ranges.

Consumers face the risk of being exposed to and relying upon EV manufacturers' misrepresentations about their EVs' ranges. An EV's range is a critical consideration for consumers using EVs and is likely determinative in purchasing decisions, as it relates to the distance EVs can drive before having to recharge their battery. Battery range also enables users to adequately assess whether the EV will be practical for daily use, longer journeys, and driving conditions they expect to encounter.[56] Range is a key factor in vehicle pricing; many EV manufacturers offer higher-capacity extended-range batteries as a paid upgrade or a feature on premium models, and most EV advertising prominently features battery range claims.[57] For example, Tesla's premium upgrades of the Model 3 and Ford's premium upgrades of the Mustang March-E include increased range.[58] The Tesla Model 3 Rear-Wheel Drive has an estimated range of 321 miles, while the Premium Rear-Wheel Drive has an estimated range of 363 miles.[59] The Ford Mustang Mach-E select has a 300-mile estimated range, while the premium version has a 320-mile estimated range.[60]

Some EV owners are finding that their EVs are not meeting their advertised estimated driving ranges.[61] A number of lawsuits have been filed by plaintiffs claiming manufacturers have misrepresented the driving range of their EVs.[62] Specifically, consumers are alleging that the automotive industry misrepresents the products, conducts deceptive or false marketing of the products, and fails to cure breach of written or implied warranties, bringing both statutory and common law claims.[63] For instance, one plaintiff reported that he purchased a 2021 Tesla Model 3 Long Range vehicle, which had an advertised range of 333 miles, for $60,000.[64] After charging to 100 percent battery charge and embarking on a 180-mile road trip, he found that his vehicle only had about 10-15 percent of its battery charge remaining (corresponding to roughly 283 miles of stated range).[65] A Tesla Model Y Performance driver sued the company after his $72,000 vehicle lost 182

miles of range (out of 303 total capacity) on a 92 mile drive.[66] In another suit, a consumer sued General Motors (GM) over the discrepancy between the marketed range of her 2020 Chevrolet Bolt (259 miles) and a later recall notice instructing drivers to limit charging to 90 percent (233 miles).[67]

A manufacturer's or dealer's misrepresentations about battery range can negatively impact buyers whose vehicles' performance does not match what was advertised and paid for. All advertised battery ranges are US EPA estimates and actual performance varies widely with conditions and driving style (as with an internal combustion vehicle).[68] However, the novelty of range as a consideration, the ability of manufacturers to sell different battery capacities in the same vehicle line, and the relative rarity of charging locations present a potential consumer risk, particularly since battery technology is constantly advancing and range estimates are constantly increasing.

5. EV Data Privacy and Hacking Vulnerability

The uptick in use of digital technology in EVs and charging stations leads to heightened risk of vehicle owners having their private personal data compromised. Specifically, vehicle companies and EV charging companies have the ability to collect vast amounts of data and track users. Also, a lack of privacy safeguards to protect the integrity of these systems heightens the risk of third-party hackers seizing personal data for nefarious purposes.

Automobiles of all types have become heavily computerized in recent years, employing digital and internet-connected navigation, entertainment, heating/cooling, diagnostic, and other systems.[69] As electric vehicles inherently extend computerization to the drivetrain they are inevitably continuing this trend, with essential features related to charging and battery health, performance and efficiency, and safety (including backup cameras and lane detection),[70] as well as internet access, touchscreens, and passenger comfort. Smartphone apps enable drivers to remotely control an array of functions, such as starting or locking a vehicle, using GPS location tracking, and monitoring charging information.[71]

As EVs "become increasingly interconnected and reliant on digital technologies," they allow for "more points of entry for malicious activities" and raise cybersecurity and data privacy concerns.[72] All drivers in connected vehicles face risks from corporate surveillance and manufacturers' potential misuse of consumer data,[73] and these concerns are particularly amplified in the EV context due to the vehicles' highly connected nature.[74] Concerns have arisen surrounding vehicle manufacturers using consumers' personal data for their own research and marketing, as well as sharing or selling consumers' personal data to service providers, data brokers, and other third parties.[75]

For instance, one Chevrolet Bolt user was shocked when faced with a 21 percent increase in the cost of his car insurance as a result of a "consumer disclosure report" generated by LexisNexis using data provided by the car manufacturer that detailed every trip the car had taken in the past six months.[76] Additionally, opting out of sharing personal data can be difficult and confusing. For example, Tesla's customer privacy notice authorizes EV users to "deactivate connectivity" to stop Tesla from collecting vehicle and user data.[77] Yet, Tesla states that doing so will prevent Tesla from "know[ing] or notify[ing]" users of vehicle issues in real time, and "may result in [users'] vehicle[s] suffering from reduced functionality, serious damage, or inoperability."[78] Some consumers have also argued that EV manufacturers have collected their personal data without consent. For instance, a class action lawsuit was brought against Tesla alleging that Tesla violated the Illinois Biometric

Information Privacy Act by collecting biometric data—such as facial and eye tracking—without "informed consent.[79]

Furthermore, drivers face threats from manufacturers failing to adequately protect the data they collect. A recent Volkswagen EV data leak resulted in 800,000 EV users' "sensitive personal data and vehicle information"—including GPS location information and email addresses—being openly accessible online.[80]

Alongside risks from corporate surveillance, EV drivers face cybersecurity and data privacy threats from malicious actors. These risks can include hackers "intercept[ing] wireless fob signals" to gain "unauthorized access" to EVs,[81] as well as exploiting weaknesses" in software to manipulate critical functions like braking, driver assistance systems, and energy storage. Additionally, hackers may utilize "malware-infected applications" or "unsecured over-the-air firmware updates" to alter vehicle software and change system functionality.[82] The interconnectedness of personal devices and EVs also exposes users to potential threats, including "mobile malware, phishing attacks, and data breaches."[83] These concerns apply broadly to all connected and digital vehicle technologies, but are more pronounced in EVs that rely heavily on these technologies.

The EV charging infrastructure ecosystem also faces cybersecurity and data privacy risks.[84] For instance, hackers can infiltrate EV charging stations with "harmful software" that compromises EV "safety and functionality" and provides access to sensitive data (e.g., usernames, passwords, financial data, and credentials).[85] Additionally, hackers can interfere with "cloud-based charging station management platforms" to take individual charging stations or entire charging networks offline; breach home or business Wi-Fi networks that charging stations are connected to;[86] and attack Electric Vehicle Supply Equipment (EVSE) to disrupt the electric grid.[87]

So far, real-world cyberattacks on EVs and charging stations have been rare.[88] However, cybersecurity professionals have demonstrated these EV cybersecurity and data privacy risks in testing events and trials,[89] for example "successfully compromis[ing] a Tesla modem and entertainment system, as well as three EV charging stations"[90] and hacking twenty-five Tesla EVs through a third-party software application to access vehicle data and controls.[91] In 2020, a researcher managed to "overwrite and hijack the firmware of Tesla Model X key fobs," theoretically enabling vehicle theft.[92]

While there is no comprehensive federal privacy law, several states, including California, have implemented privacy laws that could protect EV users from data privacy and cybersecurity threats.[93] In 2023, the California Privacy Protection Agency's (CPPA) Enforcement Division announced a review under the California Consumer Privacy Act (CCPA) of "data privacy practices by connected vehicle (CV) manufacturers and related CV technologies."[94] In 2025, Honda settled with CPPA to resolve these data privacy allegations and agreed to implement simpler processes for consumers to assert their privacy rights, including additional employee training and compliance certifications, and pay a $632,500 fine with additional $2,500 administrative fines for each subsequent violation.[95] In May 2026, GM settled with the California Attorney General for $12.75 million in civil penalties under the CPPA for selling driving data obtained from the emergency roadside and navigation service OnStar to data brokers.[96] While the recent GM settlement is not related to EV-specific technologies, this settlement illustrates both the risk of data privacy violations as more technology is integrated into vehicles and the potential for enforcement under state law.

As computerized and digital vehicle systems proliferate, adequately addressing EV and EVSE data privacy and cybersecurity threats will be critical to both fostering user confidence in EVs and ensuring consumers are protected from nonconsensual surveillance and hacking. The National Highway Traffic Safety Administration's (NHTSA) "Cybersecurity Best Practices for the Safety of Modern Vehicles" advances "guidance to the automotive industry for improving vehicle cybersecurity for safety."[97] NHTSA states that the guidance "contains important best practices" for the industry going forward[98] and "emphasizes the automotive industry's obligation to tackle cyber security and privacy vulnerabilities,"[99] but it includes no binding provisions.

6. Used EV Purchase Transparency

The used EV market presents a range of consumer protection challenges that build on existing risks facing EV and used vehicle buyers regardless of technology type. The main areas of concern for used EV buyers include battery life and health degrading over time, uncertainty in vehicle pricing transparency, and navigating incentives and rebates–issues that are largely present for new EV buyers but are magnified in the used context.

The majority of car buyers in the US purchase used vehicles–in the fourth quarter of 2024, about 70 percent of all light duty vehicle sales in the country were used vehicles.[100] Because used vehicles are more affordable than new, the secondary vehicle market provides a particularly important option for lower-income car buyers. Used EVs comprise a small but growing market that will become a crucial pathway toward widespread, affordable EV adoption as first-generation buyers and lessees return their vehicles.

EV batteries degrade over time, affecting both their total range/capacity and charging speed.[101] This power-source degradation is a key distinction between EVs and ICE vehicles, and it creates a category of information that is crucial for the used EV buyer to understand. Battery degradation causes an average of 2.3 percent reduction in total range per year based on standard use, but several other factors affect performance–including tire type and wear, driving style, and weather conditions.[102] Given the integral role of battery health in vehicle value and performance, most new EV purchases include a warranty that covers the vehicle's battery pack for at least eight years or 100,000 miles.[103] But there is little guidance or protection regarding the sale of used, partially degraded batteries.

EV battery performance degradation creates uncertainty that can be exploited and leaves buyers of used EVs vulnerable. Whereas new EV buyers have assurance that the vehicle's battery has zero miles of use, used EV buyers must consider original range estimates, vehicle performance and past use, and warranty terms to understand the remaining range (and thus value) of the battery they are acquiring. (See "Misrepresentation of EV Battery Life" for a general discussion of battery life/health and warranty issues.) Additionally, buyers and dealers are generally unfamiliar with used EV technology and associated warranties. Appropriate safeguards and regulations governing the used EV market can help deter risks of misunderstanding and misrepresentation.

All used vehicle buyers (ICE or EV) face the challenge of securing a price that appropriately reflects the vehicle's market value, in the absence of a manufacturer's standard retail price (MSRP) for new vehicles. Compared to ICE vehicles, EVs generally have fewer potentially degraded drivetrain

components to account for in pricing; however, as noted above, EV battery health is a crucial and unavoidable point of depreciation. In addition, today's used EV market encompasses significantly fewer total transactions to determine how EV usage translates into reasonable market prices, as well as fewer price comparisons available for similar vehicles. The overall EV market's nascency and uncertain policy landscape alongside shifts in EV production costs and demand all create an uncertain market environment that may subject EV prices (new and used) to greater change than ICE vehicles.

The misrepresentation risks identified in "EV Rebate Access" apply similarly to the used EV context. The federal IRS section 25E tax credit previously offered a financial incentive of up to $4,000 for used EV purchases.[104] In select states, state, local, and utility programs still provide used EV purchase incentives, also up to $4,000 in some cases.[105] However, the eligibility criteria–both for qualifying vehicles and qualifying buyers–are complex, and used EV buyers who are unaware of the specifics or recent changes in federal incentives may be vulnerable to misrepresentation of rebate availability that influences their decision on a vehicle and price point.[106] Used retailers are likely less equipped than large manufacturers to identify and communicate relevant incentives with consumers in a clear and consistent manner. Consumers and retailers hold respective responsibilities to appropriately represent and understand eligibility for available incentives, but these responsibilities may be clouded by unfamiliarity with used EV buying.

III. Opportunities for Policy Makers and Advocates

A number of existing California state laws and regulations apply to the consumer protection issues areas discussed above, such as automobile and fuel sales, false advertising, warranties, right to repair, and privacy. This section provides opportunities for state leaders to use and expand on the existing laws and regulations. Collectively these recommendations create a framework for an EV buyer's bill of rights.

1. Public prosecutors, including at the California Department of Justice, California Privacy Protection Agency (CPPA), and city- and county-level district attorneys' offices, and private consumers should enforce the strong laws already on the books with respect to emerging consumer concerns, including:

    - False advertising violations under California Unfair Competition Law (UCL), which prohibits "unfair competition," which encompasses "any unlawful, unfair or fraudulent business act or practice," as well as "unfair, deceptive, untrue or misleading advertising."[107] Furthermore, California False Advertising Law (FAL), makes it unlawful "to publicly make or disseminate—with the intent to dispose of property or to induce the public to enter into any obligation relating thereto—any statement which the speaker knows or reasonably should know to be 'untrue or misleading.'"[108]
    - Misrepresentation of pricing under Combating Auto Retail Scams (CARS) Act and California Consumer Legal Remedies Act (CLRA). CARS Act, which goes into effect in October 2026, prohibits auto dealers from making any misrepresentations regarding vehicle pricing, financing, availability, or other purchasing and leasing concerns such as add-ons and services.[109] CLRA details a list of unlawful "unfair methods of competition and unfair or deceptive acts or practices" utilized in consumer transactions for "goods" and "services."[110]
    - Warranty Laws under the California Song-Beverly Consumer Warranty Act (including the Tanner Act, also known as the Lemon Law), which ensures that buyers of consumer goods are able to utilize an express warranty provided with the purchase and every sale of consumer goods has an implied warranty that the goods are merchantable from the manufacturer and retail seller.[111]
    - Data privacy violations under the California Consumer Privacy Act (CCPA), which "provides Californians with key privacy rights, including the right to know the personal information collected about them by businesses, the right to delete that information, and the right to stop its sale or sharing."[112] In addition, California's Internet of Things (IoT) Security Law requires "a manufacturer of a connected device" to "equip the device with a reasonable security feature or features that" are "appropriate to the nature and function of the device"; "appropriate to the information it may collect, contain, or transmit"; and "designed to protect the device and any information contained therein from unauthorized access, destruction, use, modification, or disclosure."[113]

2. To address potential consumer confusion and risks and reduce the need for enforcement actions, state agency leaders should implement proactive public outreach campaigns about the core consumer protection issues related to the EV transition including:

- Charging pricing models, how to assess per-kWh pricing and time-of-use or demand-based pricing, and accessibility and price comparison across available charging networks and options.
- Rebate access, and eligibility criteria for new and used vehicles.
- Battery capacity, range ratings, and health/degradation.
- The potential effect and obligations, if any, of state regulatory measures designed to require manufacturers to provide EV models for lease or purchase.
- EV data privacy, hacking, and cybersecurity risks and prevention under the CCPA and IOT Security Law.
- Potential misrepresentations and fraudulent behavior, actions to take to avoid or report misrepresentations and fraudulent behavior, and guidelines informing consumers of their rights.

3. To address potential gaps in existing laws or their enforcement, State Senate or Assembly leaders could advance a legislative hearing series, where industry and consumer-side lawyers could provide insight on consumer impacts and feasibility of new initiatives. Topics may include:

    - Warranty claims and responsiveness for new and used vehicles, including but not limited to the potential application or extension of Song-Beverly Consumer Warranty Act.
    - EV repair and maintenance issues.

4. State agency leaders could also host multi-agency input sessions with consumer protection advocates, attorneys, and technical professional participation, potentially including:

    - EV public charging stations' pricing transparency.
    - Misrepresentation of EV purchasing obligations arising out of previous federal and current state vehicle electrification regulations and how to discuss and represent battery health and EV rebate availability for new and used vehicles.
    - Training requirements for salespeople and disclosure requirements for EV purchases and leases leading to guidance for dealers about how to discuss and represent battery health and EV rebate availability advertising for new and used vehicles.
    - Data privacy, hacking, and cybersecurity issues from using EVs and EV charging infrastructure.
    - EV repair and maintenance issues.

5. To inform the need for enforcement efforts and legal reforms, the California Department of Consumer Affairs (DCA) could conduct investigations into the following topics:

    - Battery health and EV rebate advertising for new and used vehicles and whether EV prices are being raised in response to EV rebate and incentive programs.
    - Warranty claims for new and used EV batteries.
    - Impacts of the consumer choice in automotive repair agreement and how it may impede the implementation of more comprehensive state right-to-repair legislation.
    - Design criteria for EVs.
    - Concerns relating to data collection and used EVs in partnership with CPPA.

6. Finally, legislative leaders should consider the following actions to ensure that state consumer protection and vehicle and fuel sales laws are fully updated to address concerns specific to EVs:

- Amending Cal. Bus. & Prof. Code § 13531 to require that EV public charging stations display prices to be clearly visible from the adjacent street or highway appropriate to the location and scale of the charging infrastructure, like gas stations.[114] Rules and standards for pricing consistency, such as alternatives to per-kWh pricing should also be considered.
- Amending California's Right to Repair Act, or enacting a new law, specifically covering EVs which could cover EV repairs or help provide momentum for legislation relating to EV repairs, such as Massachusetts' focus on making telematic repair data available to consumers.[115]
- Extending the California Vehicle Code § 11950's reasonable market price disclosure rule to cover used EV retailers.
- Amend the CLRA to provide that falsely advertising that consumers must purchase an EV vehicle is a violation.
- Developing new laws that regulate physical, on-site advertising tools such as available rebates and battery health.

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[91] Sengupta et al., *supra* note 72.

[92] *Id.*

[93] Kostas, *supra* note 71.

[94] *CPPA to Review Privacy Practices of Connected Vehicles and Related Technologies*, Cal. Privacy Prot. Agency (July 31, 2023), https://cppa.ca.gov/announcements/2023/20230731.html.

[95] *Honda Settles With CPPA Over Privacy Violations*, Cal. Privacy Prot. Agency (Mar. 12, 2025), https://cppa.ca.gov/announcements/2025/20250312.html.

[96] Khari Johnson, *GM just paid a record penalty for breaking California privacy law*, CalMatters (May 8, 2026), https://calmatters.org/economy/technology/2026/05/gm-record-california-penalty-onstar-data/.

[97] *NHTSA Updates Cybersecurity Best Practices for New Vehicles*, NHTSA (Sept. 7, 2022), https://www.nhtsa.gov/press-releases/nhtsa-updates-cybersecurity-best-practices-new-vehicles.

[98] *Id.*

[99] Hannah Ji-Otto & Stefan R. Kostas, *Driving in the digital age: addressing electric vehicles' privacy and security issues*, Financier Worldwide (July 2023), https://www.financierworldwide.com/driving-in-the-digital-age-addressing-electric-vehicles-privacy-and-security-issues.

[100] *Changes in US vehicles in operation: Light duty vehicles,* Experian (2025), https://www.experian.com/content/dam/marketing/na/automotive/infrographic/market-trends-quarterly-infographic/auto-quarterly-vio-infographic.pdf.

[101] *Charger Types and Speeds*, U.S. Dep't of Transp., https://www.transportation.gov/rural/ev/toolkit/ev-basics/charging-speeds (last visited Apr. 12, 2026).

[102] Charlotte Argue, *How long do electric car batteries last? The updated guide to real-world EV battery health*, Geotab (Jan. 12, 2026), https://www.geotab.com/blog/ev-battery-health/.

[103] *See, e.g.*, *An Unsung EV Benefit: Longevity and the Battery Warranty*, Plug in America (Nov. 29, 2023), https://pluginamerica.org/an-unsung-ev-benefit-longevity-and-battery-warranties/; Renee Valdes, *EV Battery Health: The Essential Guide*, Kelley Blue Book (Jan. 17, 2025, 8:00 AM), https://www.kbb.com/car-advice/ev-battery-health-essential-guide/.

[104] *See Used Clean Vehicle Credit*, IRS (Nov. 13, 2025), https://www.irs.gov/credits-deductions/used-clean-vehicle-credit.

[105] *See EV Instant Rebates*, San Jose Clean Energy, https://sanjosecleanenergy.org/ev-rebates/ (last visited Apr. 12, 2026).

[106] Select qualifying variables include modified gross income limits that vary with a buyer's household status, and a sale price limit of $25,000—including non-required costs imposed by dealers. *Id*.

[107] Cal. Bus. & Prof. Code § 17200. EV manufacturers that knowingly and intentionally advertise inaccurate EV driving ranges may violate provisions of the UCL barring unlawful, fraudulent and unfair practices. Cal. Bus. & Prof. Code § 17200. For instance, in *Porter v. Tesla*, plaintiffs alleged that Tesla "engaged in unfair competition and unfair, unlawful, or fraudulent business practices" and injured plaintiffs through "misrepresenting the [EV] vehicle range" and "breach[ing] its duties to disclose these facts" under the UCL. *See* Compl. ¶¶ 234-35, *Porter et al v. Tesla, Inc.*, 4:23-CV-03878 (N.D. Cal. Mar. 7, 2024). The court granted Tesla's motion for mandatory arbitration and there was no disposition of UCL, FAL, and CLRA liability on March 7, 2024. Order Granting Motion to Compel Arbitration on an Individual Basis, at 1, *Porter et al v. Tesla, Inc.*, 4:23-CV-03878 (N.D. Cal. Mar. 7, 2024).

[108] *See Salvestrini v. Gen. Motors*, LLC, No. 3:23-CV-01556-W-DDL, 2023 WL 11795666, at *5 (S.D. Cal. Dec. 13, 2023); Cal. Bus. & Prof. Code § 17500. A manufacturer, dealer or seller's affirmative misrepresentation about EV rebate access, battery health and warranty, or EV purchase obligations arising out of phase-out rules may fall under FAL. For instance, a manufacturer's affirmative misrepresentation about EV driving range may fall under FAL. A plaintiff in a suit against Hyundai alleged that Hyundai violated the FAL because Hyundai's "misrepresentations and omissions regarding the safety, reliability, and functionality" of its 2019-2021 Hyundai Kona EV vehicles and 2020 Hyundai Ioniq EV vehicles "were material and likely to deceive a reasonable consumer." *See* Compl. ¶¶ 104-08, *Friche v. Hyundai Motor, Am.*, No. SACV2101324CJCADSX, 2022 WL 1599868 (C.D. Cal. Jan. 28, 2022). This case was settled on July 10, 2023. *Sebastien Friche v. Hyundai Motor Co. et al*, PacerMonitor, https://www.pacermonitor.com/public/case/41330582/Sebastien_Friche_v_Hyundai_Motor_Co_et_al (last visited Apr. 12, 2026).

[109] Cal. Civ. Code § 1784.20 et seq. The CARS Law applies to all vehicle sales and is intended to address a range of misleading and exploitative auto seller behaviors that impose unnecessary costs and confusion on consumers. In the context of EV sales, its provisions could be particularly valuable to combat mystery purchase surcharges, misleading claims regarding EV-specific features and add-ons that are unfamiliar to consumers, unnecessary or fake service and maintenance packages (e.g., "free oil changes for EVs," which do not require motor oil, and battery enhancements, alongside traditional auto purchase concerns). The CARS Law also provides a 3-day cooling off period for purchasing used vehicles.

The Federal Trade Commission's Federal Combating Auto Retail Scams (CARS) Rule aimed to add truth and transparency to the car buying and leasing process by "fight[ing] two common types of illegal tactics consumers face when buying a car: bait-and-switch tactics and hidden junk fees," including prohibiting "any misrepresentation" about "the availability of any rebates or discounts that . . . factored into the advertised price but [were] not available to all consumers." 89 Fed. Reg. 590; *FTC Announces CARS Rule to Fight Scams in Vehicle Shopping*, Fed. Trade Comm'n (Dec. 12, 3023), https://www.ftc.gov/news-events/news/press-releases/2023/12/ftc-announces-cars-rule-fight-scams-vehicle-shopping. However, the Rule was vacated by the Fifth Circuit in January 2025. *See Nat'l Auto. Dealer Ass'n v. Fed. Trade Comm'n*, 127 F.4th 549, 561 (5th Cir. 2025).

Multiple provisions in the Vehicle code provide additional dealer obligations for used vehicles. Buy-here-pay-here car dealers that offer onsite, in-house financing and limited buyer credit checks, serving a particularly vulnerable set of consumers are required to (1) "affix a label on any used vehicle being offered for retail sale that states the reasonable market value of that vehicle," and (2) provide a prospective buyer of the used vehicle a copy of any information…that the [dealer] used to determine the reasonable market value of the vehicle." Cal. Veh. Code § 11950. Dealers that fail to disclose information regarding a vehicle's reasonable market value violate this provision. There are a series of conditions under which a dealer may not "advertise for sale or sell a used vehicle as 'certified' . . . [under] the terms of a used vehicle certification program," including misrepresentation of mileage on the odometer. Cal. Veh. Code § 11713.18. These laws are relevant for used EVs because battery health typically degrades and travel range decreases as an EVs miles traveled increases. Furthermore, every dealer displaying used vehicle(s) is required to post a conspicuous notice asserting prospective purchasers' right to "have the vehicle inspected by an independent party either on or off [the dealer's] premises." Cal. Veh. Code § 11709.1. This required notice can protect consumers from negligent or deceptive inspection practices from retailers, but used EV buyers that have limited familiarity with the technology—and no ability to conduct a meaningful inspection of a battery itself, which is unlikely to show physical degradation—may need further support.

[110] Cal. Civ. Code § 1770. Following passage of SB 478 (the "Honest Pricing Law," or "Hidden Fees Statute," which aims to ensure that "the price a Californian sees [is] the price they pay"), under CLRA it is unlawful to advertise a vehicle or service price that does not include all mandatory fees or charges. *See SB 478 - Hidden Fees*, State of Cal. Dep't of Just. Off. of the Att'y Gen., https://oag.ca.gov/hiddenfees (last visited Oct. 24, 2024); Cal. Civ. Code § 1770(29)(A). However, there is a carveout for motor vehicle manufacturer's suggested retail price (MSRP). Cal. Veh. Code § 11713.28. Advertising a MSRP "set by an automobile manufacturer, or

lease payments based upon an MSRP" does not violate the "Honest Pricing Law." Cal. Veh. Code § 11713.28. The misrepresentation of pricing for EVs (i.e., through failure to disclose post-purchase software or subscription fees or raising the purchase price to offset rebates) or EV charging (i.e., through failure to display an accurate current price or to disclose surcharges) may be unlawful. The statute defines goods as "tangible chattels bought or leased for use primarily for personal, family, or household purposes" with no reference to or exemption for fuel or electricity, suggesting EV charging transactions are covered. Cal. Civ. Code § 1761(a).

The misrepresentation of EV rebate eligibility or criteria and misrepresentation of EV driving range may arise under several of the "unfair methods of competition and unfair or deceptive acts or practices" utilized in consumer transactions that are "unlawful" under CLRA. Cal. Civ. Code § 1770. For instance, it is unlawful to "mak[e] false or misleading statements of fact concerning reasons for, existence of, or amounts of, price reductions." *See* Cal. Civ. Code § 1770(a)(13). Additionally, it is unlawful to "represent[] that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have." *See* Cal. Civ. Code § 1770(a)(5). It is also unlawful to "represent[] that the consumer will receive a rebate, discount, or other economic benefit, if the earning of the benefit is contingent on an event to occur subsequent to the consummation of the transaction"—properly filing a qualifying tax return may be "an event to occur subsequent to the consummation of the transaction." *See* Cal. Civ. Code § 1770(a)(17). A buyer whose battery underperforms its listed range could argue it is a misrepresented characteristic, benefit, or quantity.

[111] Cal. Civ. Code § 1790, et seq. Under the Lemon Law, manufacturers in California are required to honor their warranties and endeavor to fix serious defects. If they cannot fix the problem after a reasonable number of attempts, the manufacturer must offer to replace the vehicle or repurchase it. Failure to do so can result in liability. *California's Lemon Law Q&*A, Cal. Dep't of Consumer Aff. (Sept. 2024), https://www.dca.ca.gov/acp/pdf_files/lemonlaw_qa.pdf.

Plaintiffs have made claims under the Song-Beverly Act against EV manufacturers misrepresenting their EVs' driving ranges for breaches of implied and express warranties. For instance, *Porter* plaintiffs alleged that Tesla did not honor its express warranty to "'cover[] the repair or replacement necessary to correct defects in the materials or workmanship of any parts manufactured or supplied by Tesla under normal use' and 'cover[] the repair or replacement of any malfunctioning or defective Battery or Drive Unit.'" *See* Compl. ¶¶ 198-99, *Porter et al v. Tesla, Inc.*, 4:23-CV-03878 (N.D. Cal. Mar. 7, 2024).

[112] CPPA, *supra* note 95. The CCPA establishes a private right of action only for data breaches. *See* Cal. Civ. Code § 1798.150. As noted above, the CPPA recently announced a review of data privacy practices by connected vehicle manufacturers. In March 2025, the CPPA issued a decision requiring Honda "to change its business practices and pay a $632,500 fine to resolve claims" that Honda violated the CCPA. Honda's violations of Californians' privacy rights included "requiring Californians to verify themselves and provide excessive personal information to exercise certain privacy rights, such as the right to opt-out of sale or sharing and the right to limit"; "using an online privacy management tool that failed to offer Californians their privacy choices in a symmetrical or equal way"; "making it difficult for Californians to authorize other individuals or organizations (known as 'authorized agents') to exercise their privacy rights"; and "sharing consumers' personal information with ad tech companies without producing contracts that contain the necessary terms to protect privacy." *Honda Settles With CPPA Over Privacy Violations*, Cal. Privacy Prot. Agency (Mar. 12, 2025), https://cppa.ca.gov/announcements/2025/20250312.html.

[113] Cal. Civ. Code § 1798.91.04. In California's Deployment Plan for the National Electric Vehicle Infrastructure Program, Caltrans and the California Energy Commission cited this law in its discussion of cybersecurity and EV charging infrastructure, signaling that EV chargers may be subject to the law. *California's Deployment Plan for the National Electric Vehicle Infrastructure Program*, Cal. Dep't of Transp. & Cal. Energy Comm'n, 53 (Aug. 2022), https://www.fhwa.dot.gov/environment/nevi/ev_deployment_plans/ca_nevi_plan.pdf; Stefan Kostas and Aldo Leiva, *Privacy and Cybersecurity Standards for NEVI Funded EV Charging Station Projects*, Baker Donelson (Mar. 23, 2023), https://www.bakerdonelson.com/privacy-and-cybersecurity-standards-for-nevi-funded-ev-charging-station-projects.

[114] Although certain state laws cover the display of price and fuel information at California motor vehicle fuel retailers, only some of them apply to EV public charging stations. Importantly, the relevant California statutes that govern conventional gas stations also apply to EV charging stations by default, unless they explicitly state otherwise. Cal. Bus. & Prof. Code § 13400(g) notably defines the terms "engine fuel" and "motor vehicle fuel" to include "electrical power delivered conductively or inductively to an electric motor in electric or plug-in hybrid vehicles." Cal. Bus. & Prof. Code § 13650 further defines "service station" to include "any establishment which offers for sale or sells . . . motor vehicle fuel to the public." All statutes in these chapters concerning "engine fuel," "motor vehicle fuel," and "service stations" therefore presumably apply to EV chargers and charging stations, unless they explicitly state otherwise. The most relevant statutes are under the California Business and Professions Code, Division 5 - Weights and Measures. Cal. Bus. & Prof. Code §§ 13400-630, 13650-660. California has adopted the rules of the National Institute of Standards and Technology, which provides several labeling and advertising requirements for EV charging stations and chargers and refers to the Code of Federal Regulations in defining certain EV charging station labeling requirements. Cal. Bus. & Prof. Code § 13404.5; Nat'l Inst. of Standards & Tech., Handbook 130: Uniform Laws and Regulations in the Areas of Legal Metrology and Engine Fuel Quality, ch. B § 2.34. "Retail Sales of Electricity Sold as a Vehicle Fuel," 143-145 (2024) (specifying that electrical energy sold as EV fuel be offered in kWh, setting requirements for situations "where electrical energy unit price information is presented on street signs or in advertising other than on Electric Vehicle Supply Equipment [(i.e., the fuel dispensing apparatus)]."); 16 C.F.R. § 309, "Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles." All motor vehicle fuel retailers must follow content, format, and legibility requirements in displaying certain price and fuel information at fuel dispensing apparatuses (e.g., individual gas pumps and public car chargers). *See* Cal. Bus. & Prof. Code §§ 13470-471 (requiring conspicuous display of fuel price at the dispensing apparatus); §§ 13473-474 (requiring fuel pricing signage at the dispensing apparatus to be "plainly legible" and use a minimum font size). EV charging stations, however, are exempt from rules mandating that motor vehicle fuel retailers display price advertisements that are clearly visible from adjacent streets or highways. *See* Cal. Bus. & Prof. Code §§ 13531(a)(4); cf. § 13532 (requiring all "motor vehicle fuel" advertisements to adhere to certain formatting rules) (this requirement presumably applies to EV charging station advertisements, but only if they opt to post such advertisements).

Although California law requires gas stations to display their fuel prices in a way that is "clearly visible from the adjacent street or highway," "electricity . . . sold as a motor vehicle fuel" is expressly exempt from this requirement. *See* Cal. Bus. & Prof. Code § 13531 (a). Thus, while drivers operating gas-powered vehicles can easily access pricing information while driving, drivers operating EVs may be unable to find this information or must rely on proprietary or third-party charging apps, exposing a potential consumer protection gap.

[115] The California Right to Repair Act "requires that manufacturers of electronic and/or appliance products provide documentation, parts, and tools to owners, service and repair facilities, and service dealers so they can diagnose, maintain, or repair the products." *Industry Advisory: The Right to Repair Act*, Bureau of Household Goods and Servs. (June 15, 2024), https://bhgs.dca.ca.gov/forms_pubs/sb_244_industry_advisory_english.pdf; Cal. Pub. Res. Code § 42488. The California Right to Repair Act is expressly limited to consumer electronics and appliance products. Cal. Pub. Res. Code § 42488.2(j)(3); *see also* Courtney Lindwall, *Fixing Your Electronics Just Got Easier in California and Minnesota*, Consumer Reports (July 1, 2024), https://www.consumerreports.org/right-to-repair/new-state-laws-just-made-it-easier-to-repair-electronics-a5222930321 (clarifying that the California Right to Repair Act does not apply to cars).

In 2012, Massachusetts passed the first right-to-repair law in the U.S. focused on vehicles. Stone, *supra* note 34. That law and its amendments could serve as a helpful model for expanding repair rights and addressing emerging challenges in California's EV landscape. The law gave third-party auto mechanics "explicit access to vehicle diagnostic and repair information through an in-car port." *Id*. Yet, when automakers began adopting telematics for wireless transmission of diagnostic data, the need for physical ports to access this information was eliminated. Hansen & Sheila, *supra* note 35, at 6. To combat this loophole, Massachusetts voters passed a ballot initiative in 2020 (the "Data Access Law") that required car manufacturers "to make telematic repair

data available to owners and mechanics of their choosing via a standard, open-access platform." Stone, supra note 34. On February 11, 2025, a federal judge in Massachusetts dismissed automakers' lawsuit seeking to stop the law. Sean Tucker, *Federal Judge Rules You Have Right to Repair Your Own Car*, Kelley Blue Book (Feb. 13, 2025, 12:40 PM), https://www.kbb.com/car-news/federal-judge-rules-you-have-right-to-repair-your-own-car.