

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 04, California Code of Regulations

Adopt section: 4002.11

Amend section: 4001

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3


OAL Matter Number: 2019-1101-01

OAL Matter Type: Regular (S)

Pursuant to Business and Professions Code section 12107, section 4000 in Title 4 of the California Code of Regulations states, "Commercial weighing and measuring devices shall, except where [otherwise noted], conform to the latest requirements set forth in the National Institute of Standards and Technology Handbook 44 'Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices' [('Handbook 44')]" and to other additional requirements. In this regular rulemaking, the Department of Food and Agriculture is amending and repealing requirements in Handbook 44 for their application in California.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2020.

Date: December 17, 2019



**Steven J. Escobar
Attorney**

**Original: Karen Ross, Secretary
Copy: Samuel Ferris**

**For: Kenneth J. Pogue
Director**

REGULAR

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2018-1023-01	REGULATORY ACTION NUMBER 2019-1101-01 S	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
RECEIVED DATE OCT 23 '18 PUBLICATION DATE NOV 02 '18 Office of Administrative Law NOTICE	2019 NOV -1 A 9:22 OFFICE OF ADMINISTRATIVE LAW REGULATIONS

ENDORSED - FILED
In the office of the Secretary of State of the State of California

DEC 17 2019
2:40 pm

AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Electric Vehicle Fueling Systems	TITLE(S) 4	FIRST SECTION AFFECTED 4001	2. REQUESTED PUBLICATION DATE November 2, 2018
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Samuel Ferris	TELEPHONE NUMBER (916) 229-3000	FAX NUMBER (Optional) (916) 229-3055
OAL USE ONLY <input checked="" type="checkbox"/> ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2018, 44-2	PUBLICATION DATE 11/2/2018

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Electric Vehicle Fueling Systems	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	ADOPT 4002.11 AMEND 4001 REPEAL
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	TITLE(S) 4

3. TYPE OF FILING			
<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
(1st) March 11-26, 2019; (2nd) June 14 - July 1, 2019; (3rd) September 18 - October 9, 2019

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)


<input checked="" type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Samuel Ferris	TELEPHONE NUMBER (916) 229-3000	FAX NUMBER (Optional) (916) 229-3055	E-MAIL ADDRESS (Optional) sam.ferris@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 10/30/19
TYPED NAME AND TITLE OF SIGNATORY Kevin Masuhara, Deputy Secretary	

For use by Office of Administrative Law (OAL) only
ENDORSED APPROVED
DEC 17 2019
Office of Administrative Law

per agency request 12/17/2019

Title 4. Business Regulations
FINAL TEXT

§ 4001. Exceptions.

The following regulations in Handbook 44 are not adopted or incorporated by reference:

1.10. General Code.

G-S.1.2. Remanufactured Devices and Remanufactured Main Elements.

G-T.1. Acceptance Tolerances.

(b) equipment that has been placed in commercial service within the preceding 30 days and is being officially tested for the first time;

(c) equipment that has been returned to commercial service following official rejection for failure to conform to performance requirements and is being officially tested for the first time within 30 days after corrective service;

(d) equipment that is being officially tested for the first time within 30 days after major reconditioning or overhaul;

2.20. Scales.

S.1.8.4. Customer's Indications.

N.3. Minimum Test Weights and Test Loads*.

UR.2.6.1 Vehicle Scales.

UR.3.7. Minimum Load on a Vehicle Scale.

3.30. Liquid-Measuring Devices.

N.4.1.1. Wholesale Devices Equipped With Automatic Temperature Compensating Systems.

3.31. Vehicle-Tank Meters.

UR.2.2. Ticket Printer; Customer Ticket.

3.32. Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices.

S.2.6. Automatic Temperature Compensation.

N.4.1.1. Automatic Temperature Compensation.

UR.2.3. Vapor Return Line.

3.33. Hydrocarbon Gas Vapor-Measuring Devices.

S.4.3. Temperature Compensation.

3.37. Mass Flow Meters.

S.1.3.1.1. Compressed Natural Gas Used as an Engine Fuel.

S.1.3.1.2. Liquefied Natural Gas Used as an Engine Fuel.

S.5.2. Marking of Equivalent Conversion Factors for Compressed Natural Gas.

S.5.3. Marking of Equivalent Conversion Factor for Liquefied Natural Gas.

UR.3.1.1. Marking of Equivalent Conversion Factors for Compressed Natural Gas.

UR.3.1.2. Marking of Equivalent Conversion Factor for Liquefied Natural Gas.

3.39. Hydrogen Gas-Measuring Devices.

Section 3.39 Hydrogen Gas-Measuring Devices – Tentative Code

A.2. Exceptions

(c). Devices used for dispensing a hydrogen gas with a hydrogen fuel index lower than 99.97 % and concentrations of specified impurities that exceed level limits.

A.4. Type Evaluation.

N.3. Test Drafts.

N.4.1. Master Meter (Transfer) Standard Test.

N.4.2. Gravimetric Tests.

N.4.3. PVT Pressure Volume Temperature Test.

N.6.1.1. Repeatability Tests.

T.2. Tolerances.

Table T.2.

T.3. Repeatability.

3.40. Electric Vehicle Fueling Systems – Tentative Code.

A.4. Type Evaluation.

S.1.3.2. EVSE Value of Smallest Unit.

S.2.4.1. Unit Price.

S.2.4.2. Equipment Capacity and Type of Voltage.

S.2.7. Indication of Delivery.

S.3.5. Temperature Range for System Components.

S.5.2. EVSE Identification and Marking Requirements.

N.2. Starting Load Test.

T.2. Load Test Tolerances.

T.2.1. EVSE Load Test Tolerances.

Appendix D. Definitions for:

Diesel Gallon Equivalent (DGE).

Electricity as Vehicle Fuel.

Gasoline Gallon Equivalent (GGE).

Remanufactured Device.

Repaired Device.

Remanufactured Element.

Repaired Element.

Note: Authority cited: Sections 12027 and 12107, Business and Professions Code. Reference: Section 12107, Business and Professions Code.

§ 4002.11. Electrical Vehicle Fueling Systems. (3.40.)

A.1.1. Effective Date for AC EVSE. – All AC EVSE used for commercial purposes shall comply with all requirements of this article in accordance with the following:

(a) All AC EVSE installed prior to January 1, 2021, shall comply with the requirements of this article by January 1, 2031.

(b) All AC EVSE installed on or after January 1, 2021, shall comply with the requirements of this article upon installation.

A.1.2. Effective Dates for DC EVSE. – All DC EVSE used for commercial purposes shall comply with all requirements of this article in accordance with the following:

(a) All DC EVSE installed prior to January 1, 2023, shall comply with the requirements of this article by January 1, 2033.

(b) All DC EVSE installed on or after January 1, 2023, shall comply with the requirements of this article upon installation.

A.4. Type Evaluation. – The National Type Evaluation Program (NTEP) or California Type Evaluation Program (CTEP) will accept for type evaluation only those EVSEs that comply with all requirements of this article and have received safety certification by a nationally recognized testing laboratory (NRTL).

S.1.3.2. EVSE Value of Smallest Unit. – The value of the smallest unit of indicated delivery by an EVSE, and recorded delivery if the EVSE is equipped to record, shall be no greater than 0.0005 MJ or 0.0001 kWh.

S.2.4.1. Unit Price. – An EVSE shall be able to indicate on each face the unit price at which the EVSE is set to compute or to dispense at any point in time during a transaction. A computing EVSE shall display the unit price in whole cents (e.g., \$0.12) or tenths of one cent (e.g., \$0.119) on the basis of price per megajoule (MJ) or kilowatt-hour (kWh). In cases where the electrical energy is unlimited or free of charge, this fact shall be clearly indicated in place of the unit price.

S.2.4.2. Equipment Capacity and Type of Voltage. – An EVSE shall be able to conspicuously display on each face the maximum rate of energy transfer (i.e., maximum power) and the type of current associated with each unit price offered (e.g., 7 kW AC, 25 kW DC, etc.).

S.2.7. Indication of Delivery. – The EVSE shall automatically display on its face the initial zero condition and the quantity delivered (up to the capacity of the indicating elements).

S.3.5. Temperature Range for System Components. – EVSEs shall be accurate and correct over the temperature range of – 40 °C to + 85 °C (– 40 °F to 185 °F). If the system or any measuring system components are not capable of meeting these requirements, the temperature range over which the system is capable shall be stated on the National Type Evaluation Program (NTEP) Certificate of Conformance (CC) or California Type Evaluation

Program (CTEP) Certificate of Approval (COA), conspicuously, legibly, and indelibly marked on the EVSE, and installations shall be limited to the narrower temperature limits.

S.5.2. EVSE Identification and Marking Requirements. – In addition to all the marking requirements of Section 1.10. General Code, paragraph G-S.1. Identification, each EVSE shall have the following information conspicuously, legibly, and indelibly marked:

- (a) voltage rating;
- (b) maximum current deliverable;
- (c) type of current (AC or DC or, if capable of both, both shall be listed);
- (d) minimum measured quantity (MMQ); and
- (e) temperature limits, if narrower than and within – 40 °C to + 85 °C (– 40 °F to 185 °F).

N.2. Starting Load Test. – A system starting load test may be conducted by applying rated voltage and 0.5-ampere load.

T.2. Load Test Tolerances. – The tolerances for EVSE load tests shall be as shown in Table T.2. Accuracy Classes and Tolerances for EVSE.

Table T.2. Accuracy Classes and Tolerances for EVSE			
<u>Accuracy Class</u>	<u>Application or Commodity Being Measured</u>	<u>Acceptance Tolerance</u>	<u>Maintenance Tolerance</u>
<u>2.0</u>	<u>AC electricity as a vehicle fuel</u>	<u>1.0 %</u>	<u>2.0 %</u>
<u>5.0¹</u>	<u>DC electricity as a vehicle fuel</u>	<u>2.5 %</u>	<u>5.0 %</u>
<u>2.0²</u>	<u>DC electricity as a vehicle fuel</u>	<u>1.0 %</u>	<u>2.0 %</u>
¹ <u>The tolerance values for Accuracy Class 5.0 DC EVSE are applicable to devices installed prior to January 1, 2033.</u>			
² <u>The tolerance values for Accuracy Class 2.0 DC EVSE are applicable to devices installed on or after January 1, 2033.</u>			

Appendix D. Definitions

electricity as vehicle fuel. – Electrical energy transferred to or stored onboard an electric vehicle primarily for the purpose of propulsion. [3.40]

Note: Authority cited: Sections 12027 and 12107, Business and Professions Code. Reference: Sections 12107 and 13400, Business and Professions Code.