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Troutman Pepper Launches Report on Legal Challenges in U.S. EV Charging Infrastructure

Report examines regulatory complexities and compliance issues for EV charging stakeholders

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New York – The increasing sales of electric vehicles (EVs) in the U.S. is driving an urgent need for reliable and extensive EV charging infrastructure. This infrastructure is critical not only to sustain EV adoption but also to mitigate “range anxiety” — the fear of running out of battery, which remains a significant barrier to widespread EV usage. Leading U.S. law firm Troutman Pepper’s Energy and Environmental Practice has released a new report, *Charging Ahead: Legal, Regulatory, and Operational Considerations for EV Infrastructure Development*. This report explores the evolving legal landscape and the regulatory hurdles that charging operators and industry stakeholders must address to support the rising practical demands of EVs in America.

Key legal and regulatory issues discussed in the report include:

- **Energy Regulation:** EV charging companies face varied federal and state regulations. The Federal Energy Regulatory Commission (FERC) oversees wholesale electricity sales, while states regulate retail sales, leading to inconsistent treatment of charging stations. This complexity is exacerbated by differing state approaches, with some treating EV charging as a service rather than an energy sale.
- **Data Privacy and Security:** EV charging stations collect vast amounts of sensitive data, including driver profiles and charging patterns. Operators must ensure compliance with stringent privacy laws and cybersecurity protocols to protect users’ information and avoid regulatory penalties.
- **Liability:** Operators of EV charging stations may be exposed to liability risks, such as equipment failures or safety issues. Contracts and insurance coverage are essential to manage these risks effectively.
- **Payments and Money Transmission:** Charging operators and e-mobility service providers (eMSPs) that facilitate payments for charging services may trigger state and federal money transmission regulations. The report outlines the legal frameworks these companies must navigate to avoid penalties.
- **Incentives and Evolving Laws:** Federal legislation including the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) offer significant incentives to expand charging infrastructure. However, stakeholders must stay informed about changing laws and compliance requirements to capitalize on these opportunities.

“The rapid expansion of EV adoption is bringing a complex web of regulations to the forefront, impacting every facet of EV charging infrastructure,” said Chad Warpula, Partner at Troutman Pepper. “As the market grows, it is imperative for all stakeholders to not only understand their regulatory obligations but also to proactively address potential legal risks. Our report delves into the challenges inherent in developing and operating EV charging infrastructure, providing critical insights into the evolving requirements that stakeholders must navigate.”

Troutman Pepper's market-leading energy and environmental practices help clients with their most important and complex matters throughout the United States. From renewables to conventional and emerging technologies, the cross-disciplinary team has extensive experience across the energy landscape. The firm regularly advises automobile manufacturers, charging station companies, automotive suppliers, independent power producers, banks, utilities, private equity funds, and large corporations.

About Troutman Pepper:

Troutman Pepper is a national law firm with more than 1,100 attorneys strategically located in 20+ U.S. cities. The firm's litigation, transactional, and regulatory practices advise a diverse client base, from start-ups to multinational enterprises. The firm provides sophisticated legal solutions to clients' most pressing business challenges, with depth across industry sectors, including energy, financial services, health sciences, insurance, and private equity, among others. Learn more at troutman.com.

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