

Lawsuits Emerge as Tesla Owners Allege Software Update's Adverse Effects on EV Batteries



A group of Tesla Model S and Model X owners in the United States have filed a proposed class-action lawsuit against the electric vehicle manufacturer over alleged negative impacts caused by automatic software updates. The lawsuit was filed in California's U.S. District Court on Friday.

The lawsuit claims that Tesla's automatic software updates can reduce the driving range of impacted vehicles by up to 20% or cause battery failures that require replacement at a cost of \$15,000. The suit argues that such effects violate state and federal laws.

According to the lawsuit, Tesla's automatic updates constitute violations of consumers' rights under the Computer Fraud and Abuse Act, the California Unfair Competition Law, and the Consumer Legal Remedies Act. The suit argues that impacted Tesla vehicles are "protected computers" under the definition outlined in the Computer Fraud and Abuse Act.

Steve Berman, an attorney with Hagens Berman representing Tesla owners and lessors in the lawsuit, said, "Tesla owners and lessors are uniquely at the mercy of the maker of their cars, and Tesla imposes software updates without consent whenever their vehicle is connected to Wi-Fi."

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The lawsuit argues that automakers generally notify customers when they intend to perform a software update. However, Tesla can issue automatic updates whenever the vehicle is connected to Wi-Fi.

The suit also claimed that some Tesla owners have paid third parties \$500-to \$750 to reverse battery-related software updates. Tesla has not yet commented on the lawsuit.

Attorneys for the Tesla owners claim that the electric vehicle manufacturer denies reimbursement to Model S and Model X owners and lessors who experience reduced battery capacity following a software update.

This is not the first time Tesla has faced legal action related to software updates. In July 2021, the automaker agreed to pay \$1.9 million to settle claims that a software update temporarily reduced maximum battery voltage in 1,743 Model S sedans.

As part of the settlement, the owners of impacted vehicles received \$625 each, which was "many times the prorated value of the temporarily reduced maximum voltage," according to a court filing.

The proposed class-action lawsuit comes amid ongoing scrutiny of Tesla's software updates and the impact they have on the driving range and battery life of electric vehicles.

While software updates are generally intended to improve the performance and safety of electric vehicles, they can also have unintended consequences. As electric vehicles become more common, ensuring software updates do not adversely impact vehicle performance and battery life will become increasingly important.