

SB003_L.001

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Energy.

SB26-003 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Short title.** The short title of this act is the
4 "Promoting Responsible End-of-Life Management of Electric Vehicle
5 Batteries Act".

6 **SECTION 2.** In Colorado Revised Statutes, 25-17-1002, **amend**
7 (2); and **add** (1.5) as follows:

8 **25-17-1002. Legislative declaration.**

9 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

10 (a) ELECTRIC VEHICLES ARE CRUCIAL TOOLS FOR REDUCING
11 GREENHOUSE GAS EMISSIONS, WHICH THE STATE IS STRIVING TO ELIMINATE
12 BY 2050. ELECTRIC VEHICLES ARE ALSO VITAL TO REDUCING LOCAL AIR
13 POLLUTION IN AREAS OF THE STATE, SUCH AS THE DENVER METRO AND
14 NORTH FRONT RANGE AREAS, THAT THE FEDERAL ENVIRONMENTAL
15 PROTECTION AGENCY HAS DESIGNATED AS BEING IN NONATTAINMENT
16 WITH A NATIONAL AMBIENT AIR QUALITY STANDARD. TO ACHIEVE
17 EMISSION REDUCTIONS NEEDED TO MEET STATE-MANDATED CLIMATE
18 GOALS AND FEDERALLY REQUIRED OZONE LEVELS, MANY MORE ELECTRIC
19 VEHICLES WILL NEED TO BE DEPLOYED IN COLORADO.

20 (b) AS ELECTRIC VEHICLE SALES IN THE STATE CONTINUE TO GROW,
21 SUBSTANTIALLY MORE ELECTRIC VEHICLES WILL BE RETIRED IN THE
22 COMING YEARS, AND THEIR BATTERIES, KNOWN AS PROPULSION
23 BATTERIES, WILL NEED RESPONSIBLE END-OF-LIFE MANAGEMENT;

24 (c) PROPULSION BATTERIES OFTEN RETAIN VALUE EVEN AFTER
25 THEY CEASE TO POWER THE ORIGINAL VEHICLES INTO WHICH THEY WERE
26 PLACED AND CAN BE REUSED, REMANUFACTURED, REPURPOSED, OR
27 RECYCLED. EXTENDING THE USEFUL LIFESPAN OF PROPULSION BATTERIES
28 IMPROVES THE SUSTAINABILITY PROFILE OF THE ELECTRIC VEHICLE
29 INDUSTRY AND CREATES LOCAL ECONOMIC OPPORTUNITIES.

30 (d) MULTIPLE ANALYSES HAVE ESTABLISHED THAT EXPENSIVE AND
31 HAZARDOUS RISKS RESULT FROM THE IMPROPER HANDLING AND DISPOSAL
32 OF PROPULSION BATTERIES; AND

33 (e) UNWANTED PROPULSION BATTERIES THAT ARE STORED
34 IMPROPERLY INSTEAD OF BEING SORTED FOR REUSE, REMANUFACTURING,
35 REPURPOSING, OR ULTIMATE RECYCLING AND RECOVERY OF VALUABLE
36 MATERIALS COULD POTENTIALLY REDUCE THE ENVIRONMENTAL BENEFITS
37 OF A ROBUST CIRCULAR ECONOMY FOR PROPULSION BATTERIES WHILE
38 ALSO INCREASING THE RISK OF BATTERY FIRES. A ROBUST EXTENDED
39 PROVIDER RESPONSIBILITY POLICY IS NEEDED TO ENABLE A PROPULSION
40 BATTERY CIRCULAR ECONOMY.

1 (2) The general assembly therefore declares that it is in the public
2 interest of Colorado to:

3 (a) Require producers of batteries AND PROVIDERS OF PROPULSION
4 BATTERIES to finance and implement a coordinated, state-approved
5 system that increases access to the safe ~~disposal~~ AND RESPONSIBLE
6 END-OF-LIFE MANAGEMENT of batteries in Colorado;

7 (b) REDUCE THE INHERENT RISK OF FIRE THAT CAN OCCUR WHEN
8 PROPULSION BATTERIES ARE IMPROPERLY DISPOSED OF; AND

9 (c) ENCOURAGE THE REUSE, REMANUFACTURING, AND
10 REPURPOSING OF PROPULSION BATTERIES AND THE ULTIMATE RECYCLING
11 AND RECOVERY OF THE VALUABLE MATERIALS IN A PROPULSION BATTERY
12 THAT CAN BE PUT BACK INTO THE SUPPLY CHAIN.

13 **SECTION 3.** In Colorado Revised Statutes, 25-17-1003, **amend**
14 (8)(b)(VI), (28), (29), (30), and (31); and **add** (1.5), (2.5), (8.5), (10.5),
15 (13.5), (19.5), (23.3), (23.5), (23.7), (23.9), (26.3), (26.5), (26.7), (26.8),
16 (26.9), (32), (33), (34), (35), (36), (37), (38), (39), and (40) as follows:

17 **25-17-1003. Definitions - rules.**

18 As used in this part 10, unless the context otherwise requires:

19 (1.5) "BATTERY" MEANS A DEVICE CONSISTING OF ONE OR MORE
20 ELECTRICALLY CONNECTED ELECTROCHEMICAL CELLS, WHICH DEVICE IS
21 DESIGNED TO RECEIVE, STORE, AND DELIVER ELECTRIC ENERGY.

22 (2.5) "BATTERY MANAGEMENT HIERARCHY" MEANS THE PROCESS
23 OF SECONDARY HANDLERS, REPURPOSERS, AND PROPULSION BATTERY
24 PROVIDERS FIRST STRIVING TO REUSE, REPURPOSE, OR REMANUFACTURE
25 PROPULSION BATTERIES, WHEN DOING SO IS POSSIBLE AND
26 COST-EFFECTIVE, BEFORE PROPULSION BATTERY RECYCLING.

27 (8) (b) "Covered battery" does not include:

28 (VI) A battery, INCLUDING A PROPULSION BATTERY, assembled by
29 or for a vehicle manufacturer, ~~or franchised dealer~~, that is designed to
30 power a motor vehicle, a part of a motor vehicle, or a component part of
31 a motor vehicle, including a replacement part for use in a motor vehicle.

32 (8.5) "CRITICAL MINERALS" MEANS MINERALS DESIGNATED AS
33 CRITICAL MINERALS BY THE UNITED STATES SECRETARY OF THE INTERIOR,
34 ACTING THROUGH THE DIRECTOR OF THE UNITED STATES GEOLOGICAL
35 SURVEY, PURSUANT TO 30 U.S.C. SEC. 1606 (c).

36 (10.5) (a) "DISPOSITIONING" MEANS EVALUATING A PROPULSION
37 BATTERY TO DETERMINE THE MOST SUITABLE BATTERY MANAGEMENT
38 OPTION BASED ON METRICS SUCH AS THE CHEMISTRY, CONDITION, FORMAT,
39 AND LOCATION OF THE PROPULSION BATTERY.

40 (b) "DISPOSITIONING" MAY INCLUDE EVALUATING A PROPULSION
41 BATTERY FOR SECONDARY USE BY A REPURPOSER OR A PROPULSION
42 BATTERY RECYCLER.

43 (13.5) "END OF LIFE" MEANS:

44 (a) THE STAGE WHEN A COVERED BATTERY IS NO LONGER
45 SUITABLE FOR USE AS A BATTERY AND MUST BE RECYCLED; OR

1 (b) THE STAGE WHEN A PROPULSION BATTERY IS NO LONGER
2 SUITABLE FOR USE AS A PROPULSION BATTERY OR FOR REPURPOSING AND
3 IS DIRECTED FOR PROPULSION BATTERY RECYCLING.

4 (19.5) "ORPHANED BATTERY" MEANS:
5 (a) A PROPULSION BATTERY OR REPURPOSED BATTERY THAT HAS
6 AN UNIDENTIFIABLE PROPULSION BATTERY PROVIDER, REMANUFACTURER,
7 OR REPURPOSER OR A PROPULSION BATTERY PROVIDER,
8 REMANUFACTURER, OR REPURPOSER THAT NO LONGER EXISTS; OR
9 (b) AN UNWANTED PROPULSION BATTERY THAT HAS NOT BEEN
10 COLLECTED OR MANAGED IN ACCORDANCE WITH THE BATTERY
11 MANAGEMENT HIERARCHY.

12 (23.3) "PROPULSION BATTERY" MEANS A BATTERY THAT IS
13 PRIMARILY USED TO SUPPLY POWER TO PROPEL A BATTERY ELECTRIC
14 MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202 (1.5), A PLUG-IN
15 HYBRID ELECTRIC MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202
16 (14), OR A HYBRID VEHICLE, AS DEFINED IN SECTION 42-4-1012
17 (2.5)(a)(III).

18 (23.5) (a) "PROPULSION BATTERY PROVIDER" MEANS:
19 (I) A PERSON THAT FIRST SELLS, OFFERS FOR SALE, OR DISTRIBUTES
20 A PROPULSION BATTERY OR A VEHICLE CONTAINING A PROPULSION
21 BATTERY IN OR INTO THE STATE, INCLUDING VEHICLE MANUFACTURERS
22 LICENSED PURSUANT TO APPLICABLE STATE LAWS OR PROPULSION
23 BATTERY MANUFACTURERS THAT DISTRIBUTE PROPULSION BATTERIES
24 UNDER THEIR OWN NAME OR BRAND;
25 (II) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OF
26 THIS SECTION APPLIES TO, THE OWNER OR LICENSEE OF THE BRAND OR
27 TRADEMARK UNDER WHICH THE PROPULSION BATTERY IS SOLD, OFFERED
28 FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE. THIS INCLUDES AN
29 EXCLUSIVE LICENSEE WITH THE EXCLUSIVE RIGHT TO USE THE BRAND OR
30 TRADEMARK IN CONNECTION WITH THE DISTRIBUTION OR SALE OF
31 PROPULSION BATTERIES.
32 (III) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OR
33 (23.5)(a)(II) OF THIS SECTION APPLIES TO, THE PERSON THAT IMPORTS THE
34 PROPULSION BATTERY INTO THE STATE FOR SALE, DISTRIBUTION, OR
35 INSTALLATION.

36 (b) "PROPULSION BATTERY PROVIDER" DOES NOT INCLUDE:
37 (I) A DEALER OF A VEHICLE CONTAINING A PROPULSION BATTERY;
38 OR
39 (II) A SECONDARY HANDLER THAT SELLS, OFFERS FOR SALE,
40 REGISTERS, OR DISTRIBUTES A VEHICLE CONTAINING A PROPULSION
41 BATTERY IN OR INTO THE STATE.
42 (c) FOR THE PURPOSES OF THIS SUBSECTION (23.5), THE SALE OF A
43 PROPULSION BATTERY OCCURS IN THE STATE IF THE PROPULSION BATTERY,
44 OR THE VEHICLE CONTAINING THE PROPULSION BATTERY, IS DELIVERED TO
45 A LICENSED DEALER OR DIRECTLY TO A CONSUMER IN THE STATE.

1 (23.7) (a) "PROPULSION BATTERY RECYCLER" MEANS AN ENTITY
2 OR FACILITY THAT ABIDES BY ALL APPLICABLE FEDERAL, STATE, AND
3 LOCAL LAWS AND:

4 (I) EXTRACTS AND SEPARATES MATERIALS FROM END-OF-LIFE
5 PROPULSION BATTERIES, INCLUDING METALS, COMPOUNDS, OR
6 INTERMEDIATE FRACTIONS, AND DIRECTS THESE MATERIALS TO ANOTHER
7 PROPULSION BATTERY RECYCLER FOR FURTHER PROCESSING OR REFINING;
8 OR

9 (II) REFINES END-OF-LIFE PROPULSION BATTERIES OR PROPULSION
10 BATTERY MATERIALS, SUCH AS ALUMINUM, COBALT, COPPER, GRAPHITE,
11 IRON, LITHIUM COMPOUNDS, MANGANESE, AND NICKEL, BACK TO USEABLE
12 BATTERY MATERIALS SUITABLE FOR REINTRODUCTION INTO THE
13 MANUFACTURING OR BATTERY SUPPLY CHAIN.

14 (b) "PROPULSION BATTERY RECYCLER" DOES NOT INCLUDE AN
15 ENTITY OR FACILITY THAT ONLY ENGAGES IN THE COLLECTION OR
16 TRANSPORTATION OF, OR THE LOGISTICS OF MOVING, PROPULSION
17 BATTERIES OR PROPULSION BATTERY MATERIALS DURING THE RECYCLING
18 PROCESS.

19 (23.9) (a) "PROPULSION BATTERY RECYCLING" MEANS:

20 (I) THE REFINEMENT OF CRITICAL MINERALS, SUCH AS ALUMINUM,
21 COBALT, COPPER, IRON, LITHIUM COMPOUNDS, MANGANESE, AND NICKEL,
22 THAT ARE SUITABLE FOR REINTRODUCTION INTO THE BATTERY AND
23 MANUFACTURING SUPPLY CHAIN; AND

24 (II) THE RECOVERY OF AT LEAST FIFTY-FIVE PERCENT OF CRITICAL
25 MINERALS.

26 (b) "PROPULSION BATTERY RECYCLING" DOES NOT INCLUDE
27 SMELTING.

28 (26.3) "REMANUFACTURE" MEANS A STANDARDIZED INDUSTRIAL
29 PROCESS THROUGH WHICH BATTERY CORES ARE RETURNED TO
30 SAME-AS-NEW OR BETTER CONDITION AND PERFORMANCE, WHICH PROCESS
31 IS IN LINE WITH SPECIFIC TECHNICAL SPECIFICATIONS INCLUDING
32 ENGINEERING, QUALITY, AND TESTING STANDARDS.

33 (26.5) "REMANUFACTURER" MEANS A PERSON THAT
34 REMANUFACTURES A PROPULSION BATTERY.

35 (26.7) "REPURPOSE" MEANS THE PROCESS OF MODIFYING A
36 PROPULSION BATTERY OR PROPULSION BATTERY PACK, MODULE, OR CELL
37 TO STORE AND SUPPLY ELECTRICITY IN A MANNER OTHER THAN THE
38 ORIGINAL INTENDED PURPOSE OF THE PROPULSION BATTERY.

39 (26.8) "REPURPOSER" MEANS A PERSON THAT USES A PROPULSION
40 BATTERY TO FULFILL A DIFFERENT USE THAN THE USE FOR WHICH THE
41 PROPULSION BATTERY WAS ORIGINALLY DESIGNED.

42 (26.9) "RESPONSIBLE PROPULSION BATTERY MANAGEMENT"
43 MEANS ENSURING A PROPULSION BATTERY IS MANAGED PURSUANT TO THE
44 BATTERY MANAGEMENT HIERARCHY.

45 (28) ~~"Universal waste" has the meaning set forth in rules adopted~~

1 ~~by the commission~~ "REUSE" MEANS THE USE OF A PROPULSION BATTERY
2 IN A VEHICLE OTHER THAN THE ORIGINAL VEHICLE INTO WHICH THE
3 PROPULSION BATTERY WAS PLACED.

4 (29) ~~"Universal waste battery" means a waste battery generated by~~
5 ~~a nonresidential entity, such as a business, school, or government agency,~~
6 ~~that is managed as universal waste regulated in accordance with the~~
7 ~~commission's rules governing standards for universal waste management~~
8 "SAFETY PLAN" MEANS A PLAN SUBMITTED BY A PROPULSION BATTERY
9 PROVIDER TO THE EXECUTIVE DIRECTOR PURSUANT TO SECTION
10 25-17-1019 (1).

11 (30) ~~"Universal waste handler" means the owner or operator of a~~
12 ~~facility that receives, accumulates, and sends universal waste to another~~
13 ~~universal waste handler, a destination facility, or a foreign destination in~~
14 ~~accordance with the commission's rules governing standards for universal~~
15 ~~waste management~~ (a) "SECONDARY HANDLER" MEANS A COMMERCIAL
16 ENTITY OTHER THAN THE PROPULSION BATTERY PROVIDER THAT TAKES
17 POSSESSION OF A PROPULSION BATTERY OR REMOVES A PROPULSION
18 BATTERY FROM A VEHICLE FOR THE PURPOSE OF SELLING, DISPOSITIONING,
19 REPAIRING, REUSING, OR RECYCLING THE PROPULSION BATTERY.

20 (b) "SECONDARY HANDLER" INCLUDES A SOLID WASTE DISPOSAL
21 SITE AND FACILITY.

22 (31) ~~"Written certification" means written certification by a~~
23 ~~producer that:~~

24 (a) ~~The producer is a member of a battery stewardship~~
25 ~~organization; and~~

26 (b) ~~A covered battery or battery-containing product is marked in~~
27 ~~accordance with section 25-17-1013 or the rules adopted in accordance~~
28 ~~with section 25-17-1013~~ "SMELTING" MEANS TO MELT OR FUSE A
29 METALLIFEROUS MINERAL, OFTEN WITH AN ACCOMPANYING CHEMICAL
30 CHANGE, USUALLY TO SEPARATE THE METAL.

31 (32) "SOLID WASTE COLLECTOR" MEANS A PERSON THAT OPERATES
32 COLLECTION ROUTES FOR THE REMOVAL OF SOLID WASTE FROM
33 RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL, OR INDUSTRIAL
34 PREMISES.

35 (33) "SOLID WASTE DISPOSAL SITE AND FACILITY" HAS THE SAME
36 MEANING AS "SOLID WASTES DISPOSAL SITE AND FACILITY" AS DEFINED IN
37 SECTION 30-20-101 (8).

38 (34) "STATE OF CHARGE" MEANS THE MEASURE OF A PROPULSION
39 BATTERY'S REMAINING CAPACITY, EXPRESSED AS A PERCENTAGE OF ITS
40 TOTAL CAPACITY.

41 (35) "STATE OF HEALTH" MEANS A CALCULATED PARAMETER THAT
42 CORRELATES TO USABLE PROPULSION BATTERY ENERGY FOR THE
43 CERTIFIED RANGE VALUE AND IS NORMALIZED FROM ZERO TO ONE
44 HUNDRED PERCENT.

45 (36) "UNIVERSAL WASTE" HAS THE MEANING SET FORTH IN RULES

1 ADOPTED BY THE COMMISSION.

2 (37) "UNIVERSAL WASTE BATTERY" MEANS A WASTE BATTERY
3 GENERATED BY A NONRESIDENTIAL ENTITY, SUCH AS A BUSINESS, SCHOOL,
4 OR GOVERNMENT AGENCY, THAT IS MANAGED AS UNIVERSAL WASTE
5 REGULATED IN ACCORDANCE WITH THE COMMISSION'S RULES GOVERNING
6 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

7 (38) "UNIVERSAL WASTE HANDLER" MEANS THE OWNER OR
8 OPERATOR OF A FACILITY THAT RECEIVES, ACCUMULATES, AND SENDS
9 UNIVERSAL WASTE TO ANOTHER UNIVERSAL WASTE HANDLER, A
10 DESTINATION FACILITY, OR A FOREIGN DESTINATION IN ACCORDANCE WITH
11 THE COMMISSION'S RULES GOVERNING STANDARDS FOR UNIVERSAL WASTE
12 MANAGEMENT.

13 (39)(a) "UNWANTED PROPULSION BATTERY" MEANS A PROPULSION
14 BATTERY THAT IS NO LONGER WANTED BY THE OWNER AND IS THUS
15 REQUIRED TO BE COLLECTED BY A PROPULSION BATTERY PROVIDER OR
16 REMANUFACTURER FOR RESPONSIBLE PROPULSION BATTERY
17 MANAGEMENT.

18 (b) "UNWANTED PROPULSION BATTERY" INCLUDES A PROPULSION
19 BATTERY THAT HAS BEEN DAMAGED, INCLUDING IN A THERMAL RUNAWAY
20 INCIDENT.

21 (40) "WRITTEN CERTIFICATION" MEANS WRITTEN CERTIFICATION
22 BY A PRODUCER THAT:

23 (a) THE PRODUCER IS A MEMBER OF A BATTERY STEWARDSHIP
24 ORGANIZATION; AND

25 (b) A COVERED BATTERY OR BATTERY-CONTAINING PRODUCT IS
26 MARKED IN ACCORDANCE WITH SECTION 25-17-1013 OR THE RULES
27 ADOPTED IN ACCORDANCE WITH SECTION 25-17-1013.

28 **SECTION 4.** In Colorado Revised Statutes, 25-17-1012, **amend**
29 (1)(b), (2)(b), and (2)(d) introductory portion; and **add** (2)(e) and (3) as
30 follows:

31 **25-17-1012. Annual fee - battery stewardship fund -**
32 **responsibilities of the executive director - rules.**

33 (1) (b) Within twelve months after a plan is approved, and on or
34 before each July 1 thereafter, a battery stewardship organization shall pay
35 to the department an annual fee to cover the department's cost of
36 implementing, administering, and enforcing THE REQUIREMENTS RELATED
37 TO COVERED BATTERIES IN this part 10. The state treasurer shall credit the
38 annual fees to the fund, and the department shall use the fees for costs
39 associated with the administration of this part 10. The commission shall
40 establish the fee amount by rule.

41 (2) (b) The fund consists of fees paid to the department pursuant
42 to ~~subsection (1)~~ SUBSECTIONS (1) AND (3) of this section and any other
43 money that the general assembly may appropriate or transfer to the fund.

44 (d) The department shall use funds collected pursuant to ~~this~~
45 ~~section~~ SUBSECTION (1) OF THIS SECTION to provide direct services to

1 battery stewardship organizations with an approved plan to ensure
2 effective program oversight, compliance support, and public engagement.
3 Such services include:

4 (e) THE DEPARTMENT SHALL USE FUNDS COLLECTED PURSUANT TO
5 SUBSECTION (3)(a) OF THIS SECTION TO COVER THE COSTS OF REVIEWING
6 SAFETY PLANS SUBMITTED BY PROPULSION BATTERY PROVIDERS
7 PURSUANT TO SECTION 25-17-1019 (1)(a) AND TO CONDUCT A STUDY ON
8 ORPHANED BATTERIES PURSUANT TO SECTION 25-17-1015 (5)(a).

9 (3) (a) IN ADDITION TO THE ANNUAL FEE DESCRIBED IN
10 SUBSECTION (3)(b) OF THIS SECTION, A PROPULSION BATTERY PROVIDER
11 SHALL PAY A ONE-TIME SAFETY PLAN REVIEW FEE, IN THE AMOUNT OF FIVE
12 THOUSAND DOLLARS, AT THE TIME THE PROPULSION BATTERY PROVIDER
13 SUBMITS A SAFETY PLAN TO THE EXECUTIVE DIRECTOR FOR APPROVAL.
14 THERE IS NO FEE WHEN A PROPULSION BATTERY PROVIDER SEEKS TO
15 RENEW A SAFETY PLAN THAT WAS PREVIOUSLY APPROVED BY THE
16 EXECUTIVE DIRECTOR.

17 (b) WITHIN TWELVE MONTHS AFTER A SAFETY PLAN IS APPROVED,
18 AND ON OR BEFORE EACH JULY 1 THEREAFTER, A PROPULSION BATTERY
19 PROVIDER SHALL PAY TO THE DEPARTMENT AN ANNUAL FEE TO COVER THE
20 DEPARTMENT'S COST OF IMPLEMENTING, ADMINISTERING, AND ENFORCING
21 SECTION 25-17-1019. THE STATE TREASURER SHALL CREDIT THE ANNUAL
22 FEES TO THE FUND, AND THE DEPARTMENT SHALL USE THE FEES FOR COSTS
23 ASSOCIATED WITH THE ADMINISTRATION OF SECTION 25-17-1019. THE
24 COMMISSION SHALL ESTABLISH THE FEE AMOUNT BY RULE.

25 **SECTION 5.** In Colorado Revised Statutes, **amend 25-17-1015**
26 as follows:

27 **25-17-1015. Enforcement - responsibilities of the department**
28 **- study - repeal.**

29 (1) For violations related to covered batteries, PROPULSION
30 BATTERIES, and the management of universal waste pursuant to this part
31 10, the enforcement process is conducted pursuant to section 25-15-308
32 and rules adopted by the commission in accordance with section
33 25-15-302.

34 (2) TO IMPLEMENT SECTION 25-17-1019, THE DEPARTMENT SHALL:

35 (a) NOTIFY SECONDARY HANDLERS AND SOLID WASTE COLLECTORS
36 THAT THE DISPOSAL OF PROPULSION BATTERIES IN LANDFILLS IS
37 PROHIBITED AND THAT SECONDARY HANDLERS CAN CONTACT A
38 PROPULSION BATTERY PROVIDER OR REMANUFACTURER TO TAKE
39 RESPONSIBILITY FOR AN UNWANTED PROPULSION BATTERY; AND

40 (b) DETERMINE HOW TO PROCEED IF THE FEDERAL GOVERNMENT
41 ENACTS A LAW OR ADOPTS REGULATIONS PERTAINING TO PROPULSION
42 BATTERIES THAT MAY IMPACT THE REQUIREMENTS OF SECTION
43 25-17-1019.

44 (3) THE DEPARTMENT SHALL INCLUDE THE NONPROPRIETARY DATA
45 COLLECTED ON PROPULSION BATTERIES PURSUANT TO SECTION 25-17-1019

1 (5) WITH THE DATA ON RECYCLING, SOLID WASTE, AND SOLID WASTE
2 DIVERSION THAT IS COLLECTED AND REPORTED ANNUALLY BY THE
3 DEPARTMENT TO THE STANDING COMMITTEE OF REFERENCE IN EACH
4 HOUSE OF THE GENERAL ASSEMBLY EXERCISING JURISDICTION OVER
5 MATTERS CONCERNING PUBLIC HEALTH AND THE ENVIRONMENT PURSUANT
6 TO SECTION 30-20-122 (1) AND SHALL ANNUALLY POST THE DATA ON THE
7 DEPARTMENT'S PUBLIC WEBSITE.

8 (4) NOTHING IN THIS PART 10 EXEMPTS A PERSON FROM
9 COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR FEDERAL
10 LAWS OR REGULATORY REQUIREMENTS.

11 (5) (a) THE DEPARTMENT SHALL:

12 (I) CONDUCT A STUDY TO DETERMINE WHETHER THERE IS
13 EVIDENCE OF ABANDONMENT OF ORPHANED BATTERIES AND ANALYZE
14 TRENDS IN THE PREVALENCE OF ORPHANED BATTERIES; AND

15 (II) ON OR BEFORE JANUARY 1, 2031, POST A REPORT OF THE
16 STUDY'S FINDINGS ON THE DEPARTMENT'S PUBLIC WEBSITE.

17 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1,
18 2033.

19 **SECTION 6.** In Colorado Revised Statutes, **add** 25-17-1019 and
20 25-17-1020 as follows:

21 **25-17-1019. Propulsion batteries - propulsion battery**
22 **providers - safety plans - public outreach and education - collection**
23 **of unwanted propulsion batteries - reporting requirement - marking**
24 **and labeling requirements - landfill disposal prohibited.**

25 (1) (a) ON OR BEFORE APRIL 1, 2028, AND EVERY FIVE YEARS
26 THEREAFTER, A PROPULSION BATTERY PROVIDER SHALL SUBMIT TO THE
27 EXECUTIVE DIRECTOR A SAFETY PLAN. THE EXECUTIVE DIRECTOR SHALL
28 REVIEW AND APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE A
29 SAFETY PLAN BASED ON WHETHER THE SAFETY PLAN:

30 (I) INCLUDES A PUBLIC EDUCATION AND OUTREACH STRATEGY,
31 WHICH INCLUDES THE FOLLOWING INFORMATION, IN ENGLISH AND
32 SPANISH:

33 (A) INFORMATION ON SAFE STORAGE AND HANDLING OF
34 PROPULSION BATTERIES;

35 (B) GUIDANCE ON PROPULSION BATTERY WARNING SIGNS OF
36 THERMAL RUNAWAY AND OTHER PROPULSION BATTERY MALFUNCTIONS;

37 (C) DETAILS OF EMERGENCY PROCEDURES IN THE EVENT OF A
38 PROPULSION BATTERY FIRE OR OTHER THERMAL EVENT; AND

39 (D) A PROCESS FOR HOW A SECONDARY HANDLER CAN NOTIFY THE
40 PROPULSION BATTERY PROVIDER THAT AN UNWANTED PROPULSION
41 BATTERY NEEDS COLLECTION; AND

42 (II) DESCRIBES HOW THE PROPULSION BATTERY PROVIDER WILL
43 MAKE THE EDUCATIONAL MATERIALS DESCRIBED IN SUBSECTION (1)(a)(I)
44 OF THIS SECTION AVAILABLE TO SECONDARY HANDLERS AND FIRST
45 RESPONDERS.

1 (b) THE PROCESS SPECIFIED IN A SAFETY PLAN PURSUANT TO
2 SUBSECTION (1)(a)(I)(D) OF THIS SECTION MUST INCLUDE:
3 (I) AN EDUCATION AND OUTREACH PROGRAM FOR SECONDARY
4 HANDLERS;
5 (II) THE PROPULSION BATTERY PROVIDER'S CONTACT
6 INFORMATION FOR SECONDARY HANDLERS; AND
7 (III) INFORMATION THAT THE PROPULSION BATTERY PROVIDER
8 REQUIRES TO DETERMINE THE ELIGIBILITY OF A PROPULSION BATTERY
9 THAT NEEDS COLLECTION, INCLUDING:
10 (A) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
11 THAT HAS BEEN REMOVED FROM A VEHICLE;
12 (B) CONFIRMATION THAT THE PROPULSION BATTERY HAS NOT
13 BEEN MODIFIED OR TAKEN APART BY ANYONE OTHER THAN A PROPULSION
14 BATTERY PROVIDER OR REMANUFACTURER;
15 (C) CONFIRMATION THAT THE PROPULSION BATTERY IS FULLY
16 OWNED BY THE SECONDARY HANDLER WITH NO KNOWN PENDING CLAIMS
17 FOR LOSS OR DAMAGES BY AN INSURANCE PROVIDER;
18 (D) THE MAKE, MODEL, AND YEAR OF THE VEHICLE FROM WHICH
19 THE PROPULSION BATTERY CAME, IF AVAILABLE;
20 (E) THE DIMENSIONS AND WEIGHT OF THE PROPULSION BATTERY,
21 IF AVAILABLE;
22 (F) A PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;
23 AND
24 (G) AN ASSESSMENT AS TO WHETHER THE PROPULSION BATTERY
25 IS DAMAGED OR DEFECTIVE.
26 (c) THE EXECUTIVE DIRECTOR SHALL REVIEW A SAFETY PLAN FOR
27 COMPLIANCE WITH THIS SECTION AND SHALL APPROVE, DISAPPROVE, OR
28 CONDITIONALLY APPROVE A SAFETY PLAN WITHIN ONE HUNDRED EIGHTY
29 DAYS AFTER RECEIPT OF THE SAFETY PLAN.
30 (d) IF THE EXECUTIVE DIRECTOR DISAPPROVES A SAFETY PLAN, THE
31 EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN NOTICE OF DISAPPROVAL
32 EXPLAINING HOW THE SAFETY PLAN DOES NOT COMPLY WITH THIS
33 SECTION. THE PROPULSION BATTERY PROVIDER SHALL SUBMIT TO THE
34 EXECUTIVE DIRECTOR A REVISED SAFETY PLAN WITHIN SIXTY DAYS AFTER
35 THE DATE THAT THE WRITTEN NOTICE OF DISAPPROVAL IS ISSUED. THE
36 EXECUTIVE DIRECTOR SHALL REVIEW A REVISED SAFETY PLAN WITHIN
37 NINETY DAYS AFTER THE PROPULSION BATTERY PROVIDER SUBMITS THE
38 REVISED SAFETY PLAN.
39 (e) IF A REVISED SAFETY PLAN IS DISAPPROVED BY THE EXECUTIVE
40 DIRECTOR, A PROPULSION BATTERY PROVIDER IS NOT IN COMPLIANCE WITH
41 THIS SECTION UNTIL THE EXECUTIVE DIRECTOR APPROVES A SAFETY PLAN
42 SUBMITTED BY THE PROPULSION BATTERY PROVIDER.
43 (2) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
44 PROVIDER SHALL NOT SELL, MAKE AVAILABLE FOR SALE, OR DISTRIBUTE
45 A PROPULSION BATTERY IN OR INTO THE STATE UNLESS THE PROPULSION

1 BATTERY PROVIDER HAS SUBMITTED A SAFETY PLAN TO THE EXECUTIVE
2 DIRECTOR IN ACCORDANCE WITH SUBSECTION (1)(a) OF THIS SECTION.

3 (3) A PROPULSION BATTERY PROVIDER SHALL:

4 (a) DEVELOP AND MAINTAIN ONE OR MORE WEBSITES; AND

5 (b) PROVIDE ON AT LEAST ONE WEBSITE THE EDUCATIONAL
6 INFORMATION INCLUDED IN THE PROPULSION BATTERY PROVIDER'S SAFETY
7 PLAN PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION.

8 (4) A PROPULSION BATTERY PROVIDER SHALL:

9 (a) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION,
10 UPON RECEIVING NOTIFICATION IN ACCORDANCE WITH THE NOTIFICATION
11 PROCESS OUTLINED IN SUBSECTION (1)(b) OF THIS SECTION THAT AN
12 UNWANTED PROPULSION BATTERY NEEDS COLLECTION, RETRIEVE THE
13 BATTERY WITHIN SIXTY DAYS AFTER RECEIVING THE NOTIFICATION AND
14 ENSURE RESPONSIBLE PROPULSION BATTERY MANAGEMENT;

15 (b) ENSURE THE RESPONSIBLE PROPULSION BATTERY
16 MANAGEMENT OF ALL PROPULSION BATTERIES WITHIN THE POSSESSION OF
17 THE PROPULSION BATTERY PROVIDER IN ACCORDANCE WITH THE BATTERY
18 MANAGEMENT HIERARCHY;

19 (c) FULLY FUND THE COSTS OF THE COLLECTION OF AN UNWANTED
20 PROPULSION BATTERY OFFERED BY A SECONDARY HANDLER; EXCEPT THAT
21 A PROPULSION BATTERY PROVIDER IS NOT RESPONSIBLE FOR THE
22 COLLECTION OF A PROPULSION BATTERY THAT:

23 (I) HAS BEEN REMANUFACTURED BY A REMANUFACTURER, UNLESS
24 THE REMANUFACTURER IS IN A CONTRACTUAL RELATIONSHIP WITH THE
25 PROPULSION BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE
26 PROPULSION BATTERY PROVIDER RETAINS RESPONSIBILITY FOR
27 DISPOSITIONING AND RESPONSIBLE PROPULSION BATTERY MANAGEMENT;

28 (II) HAS BEEN REPURPOSED BY A REPURPOSER, UNLESS THE
29 REPURPOSER IS IN A CONTRACTUAL RELATIONSHIP WITH THE PROPULSION
30 BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE PROPULSION
31 BATTERY PROVIDER RETAINS RESPONSIBILITY FOR DISPOSITIONING AND
32 RESPONSIBLE PROPULSION BATTERY MANAGEMENT;

33 (III) HAS BEEN DISASSEMBLED INTO MODULES OR CELLS; OR

34 (IV) IS CONTAINED WITHIN A VEHICLE OR PRODUCT THAT IS
35 DIRECTLY OWNED OR CONTROLLED BY AN INSURANCE COMPANY; AND

36 (d) PROVIDE THE STATE OF HEALTH OF A PROPULSION BATTERY ON
37 THE VEHICLE'S IN-VEHICLE DISPLAY OR THROUGH A NONPROPRIETARY
38 ON-BOARD DIAGNOSTIC SCAN TOOL, FOR A VEHICLE THAT IS MODEL YEAR
39 2028 OR LATER. A PROPULSION BATTERY PROVIDER MAY, BUT IS NOT
40 REQUIRED TO, SUPPLY STATE OF HEALTH INFORMATION FOR A PROPULSION
41 BATTERY THAT HAS BEEN REMOVED FROM OR IS OUTSIDE OF A VEHICLE.

42 (5) (a) ON OR BEFORE JUNE 1, 2030, AND ON OR BEFORE EACH
43 JUNE 1 THEREAFTER, A PROPULSION BATTERY PROVIDER WITH A SAFETY
44 PLAN AND A REMANUFACTURER SHALL SUBMIT AN ANNUAL REPORT TO THE
45 EXECUTIVE DIRECTOR COVERING THE PRECEDING CALENDAR YEAR OF THE

1 RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF THE PROPULSION
2 BATTERIES COLLECTED BY THE PROPULSION BATTERY PROVIDER OR
3 REMANUFACTURER PURSUANT TO THIS SECTION. THE REPORT MUST
4 INCLUDE THE FOLLOWING:

5 (I) DETAILS OF THE PROCESS FOR A SECONDARY HANDLER TO
6 NOTIFY THE PROPULSION BATTERY PROVIDER OR REMANUFACTURER THAT
7 AN UNWANTED PROPULSION BATTERY NEEDS COLLECTION AND HOW THE
8 PROPULSION BATTERY PROVIDER OR REMANUFACTURER COMMUNICATED
9 THAT PROCESS TO SECONDARY HANDLERS;

10 (II) THE NUMBER OF UNWANTED PROPULSION BATTERIES THAT THE
11 PROPULSION BATTERY PROVIDER OR REMANUFACTURER WAS OFFERED
12 FROM A SECONDARY HANDLER AND THE NUMBER OF UNWANTED
13 PROPULSION BATTERIES COLLECTED;

14 (III) FOR EACH REQUEST A PROPULSION BATTERY PROVIDER OR
15 REMANUFACTURER RECEIVED TO COLLECT AN UNWANTED PROPULSION
16 BATTERY:

17 (A) THE DATE THAT THE SECONDARY HANDLER OFFERED THE
18 UNWANTED PROPULSION BATTERY ALONG WITH THE ELIGIBILITY
19 INFORMATION DESCRIBED IN SUBSECTIONS (1)(b)(III) AND (9)(e)(III) OF
20 THIS SECTION TO THE PROPULSION BATTERY PROVIDER OR
21 REMANUFACTURER;

22 (B) THE DATE THE PROPULSION BATTERY PROVIDER OR
23 REMANUFACTURER COMMUNICATED TO THE SECONDARY HANDLER A PLAN
24 FOR COLLECTING THE UNWANTED PROPULSION BATTERY; AND

25 (C) THE DATE THE UNWANTED PROPULSION BATTERY WAS
26 COLLECTED, OR, IF APPLICABLE, THE REASONS THAT THE UNWANTED
27 PROPULSION BATTERY WAS NOT COLLECTED, INCLUDING SUPPORTING
28 INFORMATION SUCH AS PHOTOGRAPHS;

29 (IV) THE NUMBER OF PROPULSION BATTERIES IN THE STATE, BY
30 CHEMISTRY, THAT WERE COLLECTED BY THE PROPULSION BATTERY
31 PROVIDER OR REMANUFACTURER IN THE PRECEDING YEAR;

32 (V) THE NUMBER OF PROPULSION BATTERIES, SEPARATED BY
33 CHEMISTRY, SENT FOR REUSE, REMANUFACTURING, REPURPOSING, OR
34 PROPULSION BATTERY RECYCLING, RESPECTIVELY;

35 (VI) PROPULSION BATTERY RECYCLERS USED IN THE PROPULSION
36 BATTERY RECYCLING PROCESS, INCLUDING IDENTIFICATION OF A
37 RECYCLER'S LOCATION; AND

38 (VII) FOR EACH PROPULSION BATTERY RECYCLER USED BY THE
39 PROPULSION BATTERY PROVIDER OR REMANUFACTURER:

40 (A) A DESCRIPTION OF HOW THE PROPULSION BATTERY RECYCLER
41 MANAGED OR RECYCLED PROPULSION BATTERIES AND PROPULSION
42 BATTERY COMPONENTS; AND

43 (B) THE PROPULSION BATTERY RECYCLER'S RATIO, BY WEIGHT, OF
44 CRITICAL MINERALS RECOVERED FROM PROPULSION BATTERIES TO
45 CRITICAL MINERALS RECEIVED. THE INDIVIDUAL CRITICAL MINERALS AND

1 SPECIFIC RATIOS MUST BE LISTED SEPARATELY. THE RATIO MAY
2 REPRESENT THE FACILITY LEVEL YEARLY AVERAGE.

3 (b) (I) THE EXECUTIVE DIRECTOR SHALL KEEP PROPRIETARY
4 INFORMATION, AS MARKED BY A PROPULSION BATTERY PROVIDER,
5 REMANUFACTURER, OR PROPULSION BATTERY RECYCLER, CONFIDENTIAL
6 AND MAKE NONPROPRIETARY INFORMATION AVAILABLE UPON REQUEST.

7 (II) THE INFORMATION DESCRIBED IN SUBSECTIONS (5)(a)(I),
8 (5)(a)(II), (5)(a)(IV), (5)(a)(VI), AND (5)(a)(VII) OF THIS SECTION AND
9 AGGREGATED INFORMATION FROM SUBSECTIONS (5)(a)(III) AND (5)(a)(V)
10 OF THIS SECTION IS NOT PROPRIETARY.

11 (III) ANY INFORMATION MADE PUBLICLY AVAILABLE MUST BE
12 AGGREGATED SO THAT NO INDIVIDUAL PROPULSION BATTERY PROVIDER OR
13 REMANUFACTURER IS IDENTIFIABLE.

14 (IV) AN ANNUAL REPORT SUBMITTED PURSUANT TO THIS
15 SUBSECTION (5) MAY BE UNIQUE TO COLORADO OR INCLUDE INFORMATION
16 FOR MULTIPLE STATES.

17 (V) A PROPULSION BATTERY PROVIDER THAT IS ALSO A
18 REMANUFACTURER NEED ONLY SUBMIT ONE ANNUAL REPORT.

19 (6) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
20 PROVIDER SHALL NOT SELL, OFFER FOR SALE, OR DISTRIBUTE IN OR INTO
21 THE STATE A PROPULSION BATTERY UNLESS THE PROPULSION BATTERY
22 PROVIDER:

23 (a) (I) APPLIES A LABEL TO THE PROPULSION BATTERY THAT
24 INCLUDES THE FOLLOWING:

25 (A) AN IDENTIFICATION OF THE CHEMISTRY OF THE PROPULSION
26 BATTERY, INCLUDING THE CATHODE TYPE AND ANODE TYPE, IN
27 ACCORDANCE WITH SAE INTERNATIONAL J2984 STANDARD, "CHEMICAL
28 IDENTIFICATION OF TRANSPORTATION BATTERIES FOR RECYCLING";

29 (B) THE NAME OF THE PROPULSION BATTERY PROVIDER
30 RESPONSIBLE FOR THE PROPULSION BATTERY AND ITS DATE OF
31 MANUFACTURE;

32 (C) THE RATED CAPACITY OR ENERGY AS MEASURED BY SAE
33 INTERNATIONAL J2288 STANDARD, "LIFE CYCLE TESTING OF ELECTRIC
34 VEHICLE BATTERY MODULES";

35 (D) THE HAZARDOUS SUBSTANCES CONTAINED IN THE PROPULSION
36 BATTERY;

37 (E) PRODUCT SAFETY AND RECALL INFORMATION; AND

38 (F) SAFE DISPOSAL INFORMATION.

39 (II) A PROPULSION BATTERY PROVIDER THAT APPLIES A LABEL
40 SHALL ATTACH THE LABEL TO THE EXTERIOR OF THE PROPULSION BATTERY
41 SO THAT THE LABEL IS VISIBLE AND ACCESSIBLE WHEN THE PROPULSION
42 BATTERY IS REMOVED FROM THE VEHICLE IN ACCORDANCE WITH THE
43 MANUFACTURER'S RECOMMENDED PROCEDURES FOR BATTERY REMOVAL.
44 THE LABEL MUST REMAIN LEGIBLE, ADHERED, AND FUNCTIONALLY INTACT
45 UNDER EXPECTED ENVIRONMENTAL AND LIFE-CYCLE CONDITIONS WITHIN

1 THE VEHICLE.

2 (b) (I) IN LIEU OF A LABEL, APPLIES A QUICK RESPONSE (QR) CODE
3 TO THE PROPULSION BATTERY THAT LINKS TO A WEBSITE THAT CONTAINS
4 THE INFORMATION DESCRIBED IN SUBSECTION (6)(a)(I) OF THIS SECTION.
5 IF THE QUICK RESPONSE (QR) CODE IS NOT READILY ACCESSIBLE WHILE
6 THE PROPULSION BATTERY IS IN THE VEHICLE, THE PROPULSION BATTERY
7 PROVIDER SHALL ALSO PLACE THE QUICK RESPONSE (QR) CODE IN A
8 VISIBLE LOCATION ON THE VEHICLE OR IN THE VEHICLE'S INFOTAINMENT
9 SYSTEM.

10 (II) THE QUICK RESPONSE (QR) CODE MUST BE LINKED TO A DATA
11 REPOSITORY WEBSITE. THE WEBSITE MAY INCLUDE INFORMATION THAT
12 COVERS A PERIOD OF TIME REPRESENTING MULTIPLE DATES OF
13 MANUFACTURE IF THE REST OF THE LABEL INFORMATION REQUIRED BY
14 THIS SUBSECTION (6) IS CONSISTENT ACROSS THE MULTIPLE DATES OF
15 MANUFACTURE AND THE DATA REPOSITORY WEBSITE ENTRY INCLUDES THE
16 APPLICABLE RANGE OF DATES OF MANUFACTURE.

17 (III) A PROPULSION BATTERY PROVIDER THAT ELECTS TO USE A
18 QUICK RESPONSE (QR) CODE INSTEAD OF A LABEL SHALL VISIBLY INCLUDE
19 THE NAME OF THE PROPULSION BATTERY PROVIDER ON THE PROPULSION
20 BATTERY.

21 (7) (a) A PROPULSION BATTERY PROVIDER SHALL NOT RECOVER
22 THE COSTS OF COMPLIANCE WITH THIS PART 10 BY IMPOSING A FEE OR
23 OTHER CHARGE ON A FRANCHISED MOTOR VEHICLE DEALER.

24 (b) A PROPULSION BATTERY PROVIDER MAY CONTRACT WITH A
25 THIRD PARTY TO MANAGE PROPULSION BATTERIES TO SATISFY THE
26 REQUIREMENTS OF THIS SECTION.

27 (8) ON AND AFTER OCTOBER 1, 2028:

28 (a) A SECONDARY HANDLER SHALL MANAGE A PROPULSION
29 BATTERY BY ENSURING RESPONSIBLE PROPULSION BATTERY
30 MANAGEMENT;

31 (b) IF A SECONDARY HANDLER DETERMINES THAT A PROPULSION
32 BATTERY IS AN UNWANTED PROPULSION BATTERY, THE SECONDARY
33 HANDLER SHALL NOTIFY THE APPROPRIATE PROPULSION BATTERY
34 PROVIDER OR REMANUFACTURER OR ANY ENTITY THAT THE PROPULSION
35 BATTERY PROVIDER OR REMANUFACTURER HAS DESIGNATED TO
36 FACILITATE THE COLLECTION OF UNWANTED PROPULSION BATTERIES;

37 (c) A SECONDARY HANDLER MANAGING PROPULSION BATTERIES
38 SHALL MAINTAIN RECORDS FOR FIVE YEARS DETAILING THE PROPULSION
39 BATTERIES SOLD OR TRANSFERRED BY THE SECONDARY HANDLER AND
40 EACH PERSON THAT PURCHASED OR RECEIVED THE PROPULSION
41 BATTERIES;

42 (d) WHEN SHIPPING A PROPULSION BATTERY, A SECONDARY
43 HANDLER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH PROPER
44 PERSONNEL TRAINING REQUIREMENTS FOR SHIPPING UNDER 49 CFR
45 172.700 TO 172.704; AND

1 (e) WHEN REMOVING A PROPULSION BATTERY FROM A VEHICLE, A
2 SECONDARY HANDLER SHALL RECORD THE LAST KNOWN STATE OF HEALTH
3 AND STATE OF CHARGE, IF AVAILABLE, AND DISCLOSE THESE VALUES AT
4 THE TIME OF SALE OR TRANSFER OF THE PROPULSION BATTERY TO
5 ANOTHER PERSON.

6 (9) ON AND AFTER OCTOBER 1, 2028, A REMANUFACTURER
7 SELLING PROPULSION BATTERIES IN THE STATE:

8 (a) SHALL LABEL A PROPULSION BATTERY WITH THE
9 REMANUFACTURER'S REBRANDING LABEL, ENSURING THAT THE
10 REMANUFACTURER'S BRAND IS CLEARLY MARKED ON THE LABEL;

11 (b) SHALL ENSURE RESPONSIBLE PROPULSION BATTERY
12 MANAGEMENT WHEN:

13 (I) A PROPULSION BATTERY THAT THE REMANUFACTURER
14 DISASSEMBLES OR REMANUFACTURES IS ULTIMATELY NOT SOLD FOR USE
15 IN A VEHICLE; AND

16 (II) AN UNWANTED PROPULSION BATTERY THAT HAS BEEN
17 REMOVED FROM A VEHICLE BY A SECONDARY HANDLER IN THE STATE IS
18 GIVEN TO THE REMANUFACTURER;

19 (c) SHALL FULLY FUND THE COSTS OF THE COLLECTION OF AN
20 UNWANTED PROPULSION BATTERY OFFERED BY A SECONDARY HANDLER;
21 EXCEPT THAT A REMANUFACTURER IS NOT RESPONSIBLE FOR COLLECTING
22 A PROPULSION BATTERY:

23 (I) THAT HAS BEEN REPURPOSED BY A REPURPOSER, UNLESS THE
24 REPURPOSER IS IN A CONTRACTUAL RELATIONSHIP WITH THE
25 REMANUFACTURER AND THE CONTRACT PROVIDES THAT THE
26 REMANUFACTURER RETAINS RESPONSIBILITY FOR THE DISPOSITIONING AND
27 RESPONSIBLE PROPULSION BATTERY MANAGEMENT;

28 (II) THAT IS CONTAINED WITHIN A VEHICLE OR PRODUCT THAT IS
29 DIRECTLY OWNED OR CONTROLLED BY AN INSURANCE COMPANY;

30 (III) IF THE REMANUFACTURER IS IN A CONTRACTUAL
31 RELATIONSHIP WITH THE PROPULSION BATTERY PROVIDER AND THE
32 CONTRACT PROVIDES THAT THE PROPULSION BATTERY PROVIDER RETAINS
33 RESPONSIBILITY FOR THE DISPOSITIONING AND MANAGEMENT OF THE
34 PROPULSION BATTERY; OR

35 (IV) THAT HAS BEEN DISASSEMBLED INTO MODULES OR CELLS;

36 (d) EXCEPT AS PROVIDED IN SUBSECTION (9)(c) OF THIS SECTION,
37 UPON RECEIVING NOTIFICATION THAT AN UNWANTED PROPULSION
38 BATTERY NEEDS COLLECTION IN ACCORDANCE WITH THE NOTIFICATION
39 PROCESS OUTLINED IN SUBSECTION (9)(e) OF THIS SECTION, SHALL
40 RETRIEVE THE BATTERY WITHIN SIXTY DAYS AFTER RECEIVING
41 NOTIFICATION; AND

42 (e) SHALL ESTABLISH A PROCESS FOR A SECONDARY HANDLER TO
43 NOTIFY THE REMANUFACTURER THAT AN UNWANTED PROPULSION
44 BATTERY NEEDS COLLECTION. THE PROCESS MUST INCLUDE THE
45 FOLLOWING:

1 (I) AN EDUCATION AND OUTREACH PROGRAM FOR SECONDARY
2 HANDLERS;
3 (II) THE REMANUFACTURER'S CONTACT INFORMATION FOR
4 SECONDARY HANDLERS; AND
5 (III) INFORMATION THAT THE REMANUFACTURER REQUIRES TO
6 DETERMINE ELIGIBILITY OF A PROPULSION BATTERY THAT NEEDS
7 COLLECTION, INCLUDING:
8 (A) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
9 THAT HAS BEEN REMOVED FROM A VEHICLE;
10 (B) CONFIRMATION THAT THE PROPULSION BATTERY HAS NOT
11 BEEN MODIFIED OR TAKEN APART BY ANYONE OTHER THAN THE
12 PROPULSION BATTERY PROVIDER OR REMANUFACTURER;
13 (C) CONFIRMATION THAT THE PROPULSION BATTERY IS FULLY
14 OWNED BY THE SECONDARY HANDLER WITH NO KNOWN PENDING CLAIMS
15 FOR LOSS OR DAMAGES BY AN INSURANCE PROVIDER;
16 (D) THE MAKE, MODEL, AND YEAR OF THE VEHICLE FROM WHICH
17 THE PROPULSION BATTERY CAME, IF AVAILABLE;
18 (E) THE PROPULSION BATTERY DIMENSIONS AND WEIGHT, IF
19 AVAILABLE;
20 (F) A PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;
21 AND
22 (G) AN ASSESSMENT AS TO WHETHER THE PROPULSION BATTERY
23 IS DAMAGED OR DEFECTIVE.
24 (10) (a) ON AND AFTER OCTOBER 1, 2028, A REPURPOSER SHALL:
25 (I) LABEL A PROPULSION BATTERY THAT IS REPURPOSED IN THE
26 STATE, ENSURING THAT THE REPURPOSER'S BRAND IS CLEARLY MARKED ON
27 THE LABEL; AND
28 (II) ENSURE THE PROPULSION BATTERY RECYCLING OF PROPULSION
29 BATTERIES THAT ARE WITHIN THE REPURPOSER'S POSSESSION AND THAT
30 CANNOT BE REPURPOSED.
31 (b) (I) ON OR BEFORE JUNE 1, 2030, AND ON OR BEFORE EACH JUNE
32 1 THEREAFTER, A REPURPOSER SHALL SUBMIT AN ANNUAL REPORT TO THE
33 EXECUTIVE DIRECTOR COVERING THE PRECEDING CALENDAR YEAR OF THE
34 REPURPOSER'S RESPONSIBLE PROPULSION BATTERY MANAGEMENT. THE
35 REPORT MUST INCLUDE THE FOLLOWING:
36 (A) THE NUMBER OF PROPULSION BATTERIES THAT THE
37 REPURPOSER REPURPOSED FROM COLORADO; AND
38 (B) THE NAME AND ADDRESS OF WHERE THE REPURPOSED
39 BATTERIES WERE SOLD OR TRANSFERRED, INCLUDING FOR BATTERIES SENT
40 FOR USE IN A SECONDARY APPLICATION AND THOSE SENT FOR PROPULSION
41 BATTERY RECYCLING.
42 (II) THE ANNUAL REPORT MAY BE UNIQUE TO COLORADO OR MAY
43 INCLUDE INFORMATION FOR MULTIPLE STATES.
44 (III) A REPURPOSER THAT IS ALSO A REMANUFACTURER NEED
45 ONLY SUBMIT ONE ANNUAL REPORT THAT INCLUDES THE REQUIRED

1 INFORMATION SET FORTH IN THIS SECTION.
2 (11) ON AND AFTER OCTOBER 1, 2028:
3 (a) ALL PROPULSION BATTERIES IN THE STATE MUST BE MANAGED
4 AT END OF LIFE IN ACCORDANCE WITH RESPONSIBLE PROPULSION BATTERY
5 MANAGEMENT;
6 (b) PROPULSION BATTERIES THAT ARE HAZARDOUS WASTE AS
7 DEFINED UNDER FEDERAL OR STATE HAZARDOUS OR SOLID WASTE LAWS
8 MUST BE MANAGED IN A MANNER CONSISTENT WITH THOSE LAWS;
9 (c) A PERSON SHALL NOT DISPOSE OF A PROPULSION BATTERY BY
10 TAKING THE PROPULSION BATTERY TO A LANDFILL; AND
11 (d) A PERSON NOT IDENTIFIED IN THIS SECTION IS RESPONSIBLE FOR
12 ENSURING THE RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF
13 PROPULSION BATTERIES BY WORKING WITH A SECONDARY HANDLER,
14 PROPULSION BATTERY PROVIDER, REMANUFACTURER, REPURPOSER, OR
15 PROPULSION BATTERY RECYCLER.
16 **25-17-1020. Applicability.**
17 A VEHICLE CONTAINING A PROPULSION BATTERY ORIGINALLY SOLD
18 IN THE STATE IS NOT SUBJECT TO THIS PART 10 WHEN IT IS RETIRED OUT OF
19 STATE.
20 **SECTION 7. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly (August
23 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
24 referendum petition is filed pursuant to section 1 (3) of article V of the
25 state constitution against this act or an item, section, or part of this act
26 within such period, then the act, item, section, or part will not take effect
27 unless approved by the people at the general election to be held in
28 November 2026 and, in such case, will take effect on the date of the
29 official declaration of the vote thereon by the governor."

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