

SB003_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Appropriations.

SB26-003 be amended as follows:

1 Strike the Transportation and Energy Committee Report, dated February
2 25, 2026, and substitute:

3 "Amend printed bill, strike everything below the enacting clause and
4 substitute:

5

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

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

11 25-17-1002. **Legislative declaration.**

12 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

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

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

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

33 (d) MULTIPLE ANALYSES HAVE ESTABLISHED THAT EXPENSIVE
34 AND HAZARDOUS RISKS RESULT FROM THE IMPROPER HANDLING,
35 STORAGE, AND DISPOSAL OF PROPULSION BATTERIES; AND

36 (e) UNWANTED PROPULSION BATTERIES THAT ARE STORED
37 IMPROPERLY INSTEAD OF BEING SORTED FOR REUSE, REMANUFACTURING,
38 REPURPOSING, OR ULTIMATE RECYCLING AND RECOVERY OF VALUABLE
39 MATERIALS COULD POTENTIALLY REDUCE THE ENVIRONMENTAL BENEFITS
40 OF A ROBUST CIRCULAR ECONOMY FOR PROPULSION BATTERIES WHILE

1 ALSO INCREASING THE RISK OF BATTERY FIRES. A ROBUST EXTENDED
2 PROVIDER RESPONSIBILITY POLICY IS NEEDED TO ENABLE A PROPULSION
3 BATTERY CIRCULAR ECONOMY.

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

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

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

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

16 **SECTION 3.** In Colorado Revised Statutes, 25-17-1003, **amend**
17 (8)(b)(VI); and **add** (1.5), (2.5), (8.5), (10.5), (12.5), (13.5), (19.5), (23.3),
18 (23.5), (23.7), (23.9), (24.5), (26.3), (26.5), (26.7), (26.8), (26.9), (27.1),
19 (27.2), (27.3), (27.4), (27.5), (27.6), and (30.5) as follows:

20 **25-17-1003. Definitions - rules.**

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

22 (1.5) "BATTERY" MEANS A DEVICE CONSISTING OF ONE OR MORE
23 ELECTRICALLY CONNECTED ELECTROCHEMICAL CELLS, WHICH DEVICE IS
24 DESIGNED TO RECEIVE, STORE, AND DELIVER ELECTRIC ENERGY.

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

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

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

36 (8.5) "CRITICAL MINERALS" MEANS MINERALS DESIGNATED AS
37 CRITICAL MINERALS BY THE UNITED STATES SECRETARY OF THE INTERIOR,
38 ACTING THROUGH THE DIRECTOR OF THE UNITED STATES GEOLOGICAL
39 SURVEY, PURSUANT TO 30 U.S.C. SEC. 1606 (c).

40 (10.5) (a) "DISPOSITIONING" OR "DISPOSITIONED" MEANS
41 EVALUATING A PROPULSION BATTERY TO DETERMINE THE MOST SUITABLE
42 BATTERY MANAGEMENT OPTION BASED ON METRICS SUCH AS THE
43 CHEMISTRY, CONDITION, FORMAT, AND LOCATION OF THE PROPULSION
44 BATTERY.

1 (b) "DISPOSITIONING" OR "DISPOSITIONED" MAY INCLUDE
2 EVALUATING A PROPULSION BATTERY FOR SECONDARY USE BY A
3 REPURPOSER OR A PROPULSION BATTERY RECYCLER.

4 (12.5) "EDUCATION AND OUTREACH PLAN" MEANS A PLAN
5 SUBMITTED BY A PROPULSION BATTERY PROVIDER OR GROUP OF
6 PROPULSION BATTERY PROVIDERS TO THE EXECUTIVE DIRECTOR
7 PURSUANT TO SECTION 25-17-1019 (2).

8 (13.5) "END OF LIFE" MEANS:

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

11 (b) THE STAGE WHEN A PROPULSION BATTERY IS NO LONGER
12 SUITABLE FOR USE AS A PROPULSION BATTERY OR FOR REPURPOSING AND
13 IS DIRECTED FOR PROPULSION BATTERY RECYCLING.

14 (19.5) "ORPHANED BATTERY" MEANS:

15 (a) A PROPULSION BATTERY THAT HAS AN UNIDENTIFIABLE
16 PROPULSION BATTERY PROVIDER OR REMANUFACTURER OR A PROPULSION
17 BATTERY PROVIDER OR REMANUFACTURER THAT NO LONGER EXISTS; OR

18 (b) AN UNWANTED PROPULSION BATTERY THAT HAS NOT BEEN
19 COLLECTED OR MANAGED IN ACCORDANCE WITH THE BATTERY
20 MANAGEMENT HIERARCHY.

21 (23.3) "PROPULSION BATTERY" MEANS A BATTERY THAT IS
22 PRIMARILY USED TO SUPPLY POWER TO PROPEL A BATTERY ELECTRIC
23 MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202 (1.5), A PLUG-IN
24 HYBRID ELECTRIC MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202
25 (14), OR A HYBRID VEHICLE, AS DEFINED IN SECTION 42-4-1012
26 (2.5)(a)(III).

27 (23.5) (a) "PROPULSION BATTERY PROVIDER" MEANS:

28 (I) A PERSON THAT FIRST SELLS, OFFERS FOR SALE, OR
29 DISTRIBUTES A PROPULSION BATTERY OR A VEHICLE CONTAINING A
30 PROPULSION BATTERY IN OR INTO THE STATE, INCLUDING VEHICLE
31 MANUFACTURERS LICENSED PURSUANT TO APPLICABLE STATE LAWS OR
32 PROPULSION BATTERY MANUFACTURERS THAT DISTRIBUTE PROPULSION
33 BATTERIES UNDER THEIR OWN NAME OR BRAND;

34 (II) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OF
35 THIS SECTION APPLIES TO, THE OWNER OR LICENSEE OF THE BRAND OR
36 TRADEMARK UNDER WHICH THE PROPULSION BATTERY IS SOLD, OFFERED
37 FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE. THIS INCLUDES AN
38 EXCLUSIVE LICENSEE WITH THE EXCLUSIVE RIGHT TO USE THE BRAND OR
39 TRADEMARK IN CONNECTION WITH THE DISTRIBUTION OR SALE OF
40 PROPULSION BATTERIES.

41 (III) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OR
42 (23.5)(a)(II) OF THIS SECTION APPLIES TO, THE PERSON THAT IMPORTS THE
43 PROPULSION BATTERY INTO THE STATE FOR SALE, DISTRIBUTION, OR
44 INSTALLATION.

1 (b) "PROPULSION BATTERY PROVIDER" DOES NOT INCLUDE:
2 (I) A DEALER OF A VEHICLE CONTAINING A PROPULSION BATTERY;
3 (II) A SECONDARY HANDLER THAT SELLS, OFFERS FOR SALE,
4 REGISTERS, OR DISTRIBUTES A VEHICLE CONTAINING A PROPULSION
5 BATTERY IN OR INTO THE STATE; OR
6 (III) A PERSON THAT SELLS A USED VEHICLE IN OR INTO THE STATE.
7 (c) FOR THE PURPOSES OF THIS SUBSECTION (23.5), THE SALE OF A
8 PROPULSION BATTERY OCCURS IN THE STATE IF THE PROPULSION BATTERY,
9 OR THE VEHICLE CONTAINING THE PROPULSION BATTERY, IS DELIVERED TO
10 A LICENSED DEALER OR DIRECTLY TO A CONSUMER IN THE STATE.
11 (23.7) (a) "PROPULSION BATTERY RECYCLER" MEANS AN ENTITY
12 OR FACILITY THAT:
13 (I) OPERATES IN ACCORDANCE WITH ALL REQUIRED PERMITS AND
14 REGULATORY EXCLUSIONS IN ALL APPLICABLE FEDERAL, STATE, AND
15 LOCAL LAWS;
16 (II) CONDUCTS PROPULSION BATTERY RECYCLING; AND
17 (III) PERFORMS AT LEAST ONE OF THE FOLLOWING ACTIVITIES:
18 (A) EXTRACTS AND SEPARATES MATERIALS FROM END-OF-LIFE
19 PROPULSION BATTERIES, INCLUDING METALS, COMPOUNDS, OR
20 INTERMEDIATE FRACTIONS, AND DIRECTS THESE MATERIALS TO ONE OR
21 MORE ADDITIONAL PROPULSION BATTERY RECYCLERS FOR FURTHER
22 PROCESSING OR REFINING; OR
23 (B) REFINES END-OF-LIFE PROPULSION BATTERIES OR PROPULSION
24 BATTERY MATERIALS, SUCH AS ALUMINUM, COBALT, COPPER, GRAPHITE,
25 IRON, LITHIUM COMPOUNDS, MANGANESE, AND NICKEL, BACK TO USEABLE
26 MATERIALS SUITABLE FOR REINTRODUCTION INTO BATTERY,
27 MANUFACTURING, OR OTHER INDUSTRIAL SUPPLY CHAINS.
28 (b) "PROPULSION BATTERY RECYCLER" DOES NOT INCLUDE AN
29 ENTITY OR FACILITY THAT ONLY ENGAGES IN THE COLLECTION OR
30 TRANSPORTATION OF, OR THE LOGISTICS OF MOVING, PROPULSION
31 BATTERIES OR PROPULSION BATTERY MATERIALS DURING THE RECYCLING
32 PROCESS.
33 (23.9) (a) "PROPULSION BATTERY RECYCLING" MEANS THE
34 RECOVERY OF CRITICAL MINERALS THAT ARE PRESENT IN THE PROPULSION
35 BATTERY FEEDSTOCK, USING ONE OR MORE PROPULSION BATTERY
36 RECYCLERS.
37 (b) (I) "PROPULSION BATTERY RECYCLING" DOES NOT INCLUDE
38 DISPOSAL OR SHAM RECYCLING UNDER THE FEDERAL "RESOURCE
39 CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901 ET
40 SEQ., OR OTHER APPLICABLE FEDERAL LAW.

41 (II) FOR THE PURPOSES OF THIS SUBSECTION (23.9)(b), SHAM
42 RECYCLING AND LEGITIMATE RECYCLING ARE DETERMINED IN
43 ACCORDANCE WITH THE LEGITIMACY CRITERIA SET FORTH IN 40 CFR

1 260.43.

2 (24.5) (a) "RECOVERY" MEANS THE EXTRACTION, SEPARATION, OR
3 REGENERATION OF CRITICAL MINERALS OR CATHODE MATERIALS IN THEIR
4 ELEMENTAL, COMPOUND, OR INTERMEDIATE FORM, SUCH AS REFINED
5 METALS, SALTS, OXIDES, HYDROXIDES, OR REGENERATED CATHODE
6 MATERIALS, OR OTHER COMMERCIALY USABLE FORMS.

7 (b) "RECOVERY" DOES NOT INCLUDE LITHIUM RECOVERED AS SLAG
8 AND USED AS CONCRETE ADDITIVES.

9 (26.3) "REMANUFACTURE" MEANS A STANDARDIZED INDUSTRIAL
10 PROCESS THROUGH WHICH BATTERY CORES ARE RETURNED TO
11 SAME-AS-NEW OR BETTER CONDITION AND PERFORMANCE, WHICH
12 PROCESS IS IN LINE WITH SPECIFIC TECHNICAL SPECIFICATIONS INCLUDING
13 ENGINEERING, QUALITY, AND TESTING STANDARDS.

14 (26.5) "REMANUFACTURER" MEANS A PERSON THAT
15 REMANUFACTURES A PROPULSION BATTERY.

16 (26.7) "REPURPOSE" MEANS THE PROCESS OF MODIFYING A
17 PROPULSION BATTERY OR PROPULSION BATTERY PACK, MODULE, OR CELL
18 TO STORE AND SUPPLY ELECTRICITY IN A MANNER OTHER THAN THE
19 ORIGINAL INTENDED PURPOSE OF THE PROPULSION BATTERY.

20 (26.8) "REPURPOSER" MEANS A PERSON THAT USES A PROPULSION
21 BATTERY TO FULFILL A DIFFERENT USE THAN THE USE FOR WHICH THE
22 PROPULSION BATTERY WAS ORIGINALLY DESIGNED.

23 (26.9) "RESPONSIBLE PROPULSION BATTERY MANAGEMENT"
24 MEANS ENSURING A PROPULSION BATTERY IS DISPOSITIONED AND
25 MANAGED PURSUANT TO THE BATTERY MANAGEMENT HIERARCHY, WHILE
26 ALSO ENSURING THAT ANY PROPULSION BATTERY NO LONGER SUITABLE
27 FOR USE IN A VEHICLE IS ULTIMATELY DIRECTED TO EITHER A REPURPOSER
28 OR A PROPULSION BATTERY RECYCLER.

29 (27.1) "REUSE" MEANS THE USE OF A PROPULSION BATTERY IN A
30 VEHICLE OTHER THAN THE ORIGINAL VEHICLE INTO WHICH THE
31 PROPULSION BATTERY WAS PLACED.

32 (27.2) (a) "SECONDARY HANDLER" MEANS A COMMERCIAL ENTITY
33 OTHER THAN THE PROPULSION BATTERY PROVIDER THAT TAKES
34 POSSESSION OF A PROPULSION BATTERY OR REMOVES A PROPULSION
35 BATTERY FROM A VEHICLE FOR THE PURPOSE OF SELLING, DISPOSITIONING,
36 REPAIRING, REUSING, OR RECYCLING THE PROPULSION BATTERY WITH A
37 PROPULSION BATTERY RECYCLER.

38 (b) "SECONDARY HANDLER" INCLUDES A SOLID WASTE DISPOSAL
39 SITE AND FACILITY.

40 (27.3) "SOLID WASTE COLLECTOR" MEANS A PERSON THAT
41 OPERATES COLLECTION ROUTES FOR THE REMOVAL OF SOLID WASTE FROM
42 RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL, OR INDUSTRIAL
43 PREMISES.

44 (27.4) "SOLID WASTE DISPOSAL SITE AND FACILITY" HAS THE SAME

1 MEANING AS "SOLID WASTES DISPOSAL SITE AND FACILITY" AS DEFINED IN
2 SECTION 30-20-101 (8).

3 (27.5) "STATE OF CHARGE" MEANS THE MEASURE OF A
4 PROPULSION BATTERY'S REMAINING CAPACITY, EXPRESSED AS A
5 PERCENTAGE OF ITS TOTAL CAPACITY.

6 (27.6) "STATE OF HEALTH" MEANS A CALCULATED PARAMETER
7 THAT CORRELATES TO USABLE PROPULSION BATTERY ENERGY FOR THE
8 CERTIFIED RANGE VALUE AND IS NORMALIZED FROM ZERO TO ONE
9 HUNDRED PERCENT.

10 (30.5) (a) "UNWANTED PROPULSION BATTERY" MEANS A
11 PROPULSION BATTERY THAT IS NO LONGER WANTED BY THE OWNER.

12 (b) "UNWANTED PROPULSION BATTERY" INCLUDES A PROPULSION
13 BATTERY THAT HAS BEEN DAMAGED, INCLUDING IN A THERMAL RUNAWAY
14 INCIDENT.

15 **SECTION 4.** In Colorado Revised Statutes, 25-17-1012, **amend**
16 **(2)(b); and add (3) as follows:**

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

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

22 (3) (a) (I) IN ADDITION TO THE ANNUAL FEE DESCRIBED IN
23 SUBSECTION (3)(b) OF THIS SECTION, A PROPULSION BATTERY PROVIDER
24 SHALL PAY A PROGRAM INITIATION FEE. THE PROGRAM INITIATION FEE
25 MUST BE SPLIT INTO THREE PAYMENTS, AND A PROPULSION BATTERY
26 PROVIDER SHALL MAKE ONE OF EACH OF THE PAYMENTS ON JULY 1, 2027,
27 JULY 1, 2028, AND JULY 1, 2029, RESPECTIVELY. THE SUM OF THE
28 PROGRAM INITIATION FEES PAID BY PROPULSION BATTERY PROVIDERS IN
29 A GIVEN YEAR MUST OFFSET ANY GENERAL FUND ALLOCATIONS BY
30 COVERING ANY COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING
31 SECTION 25-17-1019.

32 (II) THE PROGRAM INITIATION FEE AMOUNT REQUIRED TO BE PAID
33 BY EACH PROPULSION BATTERY PROVIDER IS BASED ON EACH PROPULSION
34 BATTERY PROVIDER'S PERCENTAGE OF ALL PROPULSION BATTERY
35 VEHICLES REGISTERED IN THE STATE, ACCORDING TO REGISTRATION DATA
36 COLLECTED BY THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF
37 REVENUE AS OF APRIL 26, 2026, AS FOLLOWS:

38 (A) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
39 MORE THAN FIVE PERCENT OF ALL PROPULSION BATTERY VEHICLES
40 REGISTERED IN THE STATE AS OF APRIL 26, 2026, SHALL PAY A PROGRAM
41 INITIATION FEE OF TWENTY-FOUR THOUSAND FOUR HUNDRED DOLLARS,
42 CONSISTING OF A PAYMENT OF EIGHT THOUSAND THREE HUNDRED
43 DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF EIGHT THOUSAND
44 FIFTY DOLLARS ON JULY 1, 2028, AND ON JULY 1, 2029, RESPECTIVELY;

1 (B) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
2 MORE THAN TWO PERCENT BUT NO MORE THAN FIVE PERCENT OF ALL
3 PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL
4 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOURTEEN THOUSAND
5 FOUR HUNDRED DOLLARS, CONSISTING OF A PAYMENT OF FIVE THOUSAND
6 DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF FOUR THOUSAND
7 SEVEN HUNDRED DOLLARS ON JULY 1, 2028, AND ON JULY 1, 2029,
8 RESPECTIVELY;

9 (C) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
10 MORE THAN ONE-FIFTH PERCENT BUT NO MORE THAN TWO PERCENT OF
11 ALL PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF
12 APRIL 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOUR
13 THOUSAND EIGHT HUNDRED DOLLARS, CONSISTING OF A PAYMENT OF TWO
14 THOUSAND DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF ONE
15 THOUSAND FOUR HUNDRED DOLLARS ON JULY 1, 2028, AND ON JULY 1,
16 2029, RESPECTIVELY; AND

17 (D) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
18 ONE-FIFTH PERCENT OR LESS OF ALL PROPULSION BATTERY VEHICLES
19 REGISTERED IN THE STATE AS OF APRIL 26, 2026, IS NOT REQUIRED TO PAY
20 A PROGRAM INITIATION FEE.

21 (IV) ANY GENERAL FUND ALLOCATIONS REQUIRED FOR THE
22 DEPARTMENT TO PROCESS THE PROGRAM INITIATION FEES SHALL BE
23 REIMBURSED TO THE GENERAL FUND THE FOLLOWING YEAR USING THE
24 MONEY GATHERED FROM THE PROGRAM INITIATION FEES.

25 (V) A PROPULSION BATTERY PROVIDER IS NOT REQUIRED TO PAY
26 THE PROGRAM INITIATION FEE WHEN THE PROPULSION BATTERY PROVIDER
27 SEEKS TO UPDATE THEIR REGISTRATION INFORMATION THAT THEY
28 PREVIOUSLY PROVIDED TO THE EXECUTIVE DIRECTOR PURSUANT TO
29 SECTION 25-17-1019 (1)(a).

30 (b) (I) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH JULY
31 1 THEREAFTER, A PROPULSION BATTERY PROVIDER SHALL PAY TO THE
32 DEPARTMENT AN ANNUAL FEE TO COVER THE DEPARTMENT'S COST OF
33 IMPLEMENTING, ADMINISTERING, AND ENFORCING SECTION 25-17-1019.
34 THE STATE TREASURER SHALL CREDIT THE ANNUAL FEES TO THE FUND,
35 AND THE DEPARTMENT SHALL USE THE FEES FOR COSTS ASSOCIATED WITH
36 THE ADMINISTRATION OF SECTION 25-17-1019.

37 (II) ON OR BEFORE JULY 1, 2029, THE COMMISSION SHALL
38 ESTABLISH THE ANNUAL FEE AMOUNT BY RULE. THE FEE AMOUNT MUST
39 BE BASED ON FACTORS SUCH AS THE PROPULSION BATTERY PROVIDER'S
40 RELATIVE MARKET SHARE OF PROPULSION BATTERIES IN THE STATE AND
41 THE NUMBER OF UNWANTED PROPULSION BATTERIES COLLECTED BY THE
42 PROPULSION BATTERY PROVIDER. THE SUM OF ANNUAL FEES PAID BY
43 PROPULSION BATTERY PROVIDERS THAT ARE REGISTERED PURSUANT TO
44 SECTION 25-17-1019 (1)(a) AND FEES PAID BY SECONDARY HANDLERS

1 PURSUANT TO SECTION 25-17-1015 (2)(d) MUST COVER THE
2 DEPARTMENT'S ANNUAL COSTS OF ADMINISTERING SECTION 25-17-1019
3 STARTING IN 2030 AND MUST NOT EXCEED NINETY THOUSAND DOLLARS
4 ACROSS ALL PARTICIPATING ENTITIES. A SINGLE PROPULSION BATTERY
5 PROVIDER SHALL NOT BE REQUIRED TO PAY MORE THAN TEN PERCENT OF
6 THE TOTAL AMOUNT OF ANNUAL FEES.

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

9 **25-17-1015. Enforcement - responsibilities of the department**
10 **- study.**

11 (1) For violations related to covered batteries, PROPULSION
12 BATTERIES, and the management of universal waste pursuant to this part
13 10, the enforcement process is conducted pursuant to section 25-15-308
14 and rules adopted by the commission in accordance with section
15 25-15-302.

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

17 (a) NOTIFY SOLID WASTE COLLECTORS THAT THE DISPOSAL OF
18 PROPULSION BATTERIES IN LANDFILLS IS PROHIBITED AND THAT
19 SECONDARY HANDLERS CAN CONTACT A PROPULSION BATTERY PROVIDER
20 OR REMANUFACTURER TO TAKE RESPONSIBILITY FOR AN UNWANTED
21 PROPULSION BATTERY;

22 (b) DETERMINE HOW TO PROCEED IF THE FEDERAL GOVERNMENT
23 ENACTS A LAW OR ADOPTS REGULATIONS PERTAINING TO PROPULSION
24 BATTERIES THAT MAY IMPACT THE REQUIREMENTS OF SECTION
25 25-17-1019;

26 (c) PROVIDE A LINK ON THE DEPARTMENT'S PUBLIC WEBSITE TO
27 EACH PROPULSION BATTERY PROVIDER'S WEBSITE IN ORDER TO EXPEDITE
28 THE COLLECTION OF UNWANTED PROPULSION BATTERIES;

29 (d) ASSESS THE ANNUAL REPORTS SUBMITTED PURSUANT TO
30 SECTION 25-17-1019 (9) TO DETERMINE WHETHER ANY SECONDARY
31 HANDLERS REQUIRED THE COLLECTION OF TEN OR MORE UNWANTED
32 PROPULSION BATTERIES IN A GIVEN YEAR AND, IF SO, ASSESS A
33 COLLECTION CHARGE OF ONE THOUSAND DOLLARS TO BE PAID TO THE
34 DEPARTMENT BY THE SECONDARY HANDLER AND CREDITED TOWARD THE
35 ANNUAL FEE AMOUNT TO REDUCE THE AMOUNT OF PROPULSION BATTERY
36 PROVIDER ANNUAL FEES;

37 (e) ASSESS THE ANNUAL REPORTS SUBMITTED PURSUANT TO
38 SECTION 25-17-1019 (9) TO DETERMINE IF SECONDARY HANDLERS THAT
39 ARE NOT YET REGISTERED PURSUANT TO SECTION 25-17-1019 (1)
40 REQUIRED THE COLLECTION OF AN UNWANTED PROPULSION BATTERY IN
41 THE PRECEDING YEAR, AND, IF SO, THE DEPARTMENT SHALL COLLECT
42 THEIR REGISTRATION INFORMATION;

43 (f) COMPILE A LIST OF ENTITIES REGISTERED PURSUANT TO
44 SECTION 25-17-1019 (1) AND MAKE THE LIST AVAILABLE UPON REQUEST;

1 AND

2 (g) CONDUCT AN EMAIL SURVEY WITH ENTITIES REGISTERED
3 PURSUANT TO SECTION 25-17-1019 (1) AND SOLID WASTE DISPOSAL SITES
4 AND FACILITIES TO REQUEST FEEDBACK ON THE FUNCTIONING OF THE
5 PROPULSION BATTERY RECYCLING PROGRAM SET FORTH IN SECTION
6 25-17-1019 TO UNDERSTAND THEIR EXPERIENCE, ANY KNOWLEDGE OF
7 ORPHANED BATTERIES, AND ANY RECOMMENDED PROGRAM
8 IMPROVEMENTS. BASED ON THE FINDINGS OF THE SURVEY, THE
9 DEPARTMENT SHALL ASSESS THE EFFECTIVENESS OF THE RESPONSIBILITY
10 FRAMEWORK OUTLINED IN SECTION 25-17-1019 TO COLLECT UNWANTED
11 PROPULSION BATTERIES. THE DEPARTMENT SHALL INCLUDE A SUMMARY
12 OF THE SURVEY FINDINGS AND THE DEPARTMENT'S ASSESSMENT WITH THE
13 AGGREGATED NONPROPRIETARY DATA POSTED ANNUALLY ON THE
14 DEPARTMENT'S PUBLIC WEBSITE PURSUANT TO SUBSECTION (3) OF THIS
15 SECTION.

16 (3) THE DEPARTMENT SHALL INCLUDE THE AGGREGATED
17 NONPROPRIETARY DATA COLLECTED ON PROPULSION BATTERIES
18 PURSUANT TO SECTION 25-17-1019 (9) WITH THE DATA ON RECYCLING,
19 SOLID WASTE, AND SOLID WASTE DIVERSION THAT IS COLLECTED AND
20 REPORTED ANNUALLY BY THE DEPARTMENT TO THE STANDING
21 COMMITTEE OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY
22 EXERCISING JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH
23 AND THE ENVIRONMENT PURSUANT TO SECTION 30-20-122 (1) AND SHALL
24 ANNUALLY POST THE DATA ON THE DEPARTMENT'S PUBLIC WEBSITE.

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

28 **SECTION 6.** In Colorado Revised Statutes, add 25-17-1019 and
29 25-17-1020 as follows:

30 **25-17-1019. Propulsion batteries - propulsion battery**
31 **providers - remanufacturers - secondary handlers - public outreach**
32 **and education - collection of unwanted propulsion batteries -**
33 **reporting requirement - marking and labeling requirements - solid**
34 **waste disposal site and facility disposal prohibited.**

35 (1) (a) ON OR BEFORE JULY 1, 2027, A PROPULSION BATTERY
36 PROVIDER SHALL REGISTER WITH THE DEPARTMENT BY:

37 (I) PROVIDING TO THE DEPARTMENT, THROUGH INFORMAL DIGITAL
38 CORRESPONDENCE OR BY SUBMITTING A DIGITAL FORM, THE PROPULSION
39 BATTERY PROVIDER'S BUSINESS NAME, CONTACT INFORMATION, ADDRESS,
40 AND BUSINESS DESCRIPTION; AND

41 (II) INFORMING THE DEPARTMENT WHETHER THE PROPULSION
42 BATTERY PROVIDER PLANS TO FILE ITS EDUCATION AND OUTREACH PLAN
43 INDIVIDUALLY OR AS PART OF A GROUP OF PROPULSION BATTERY
44 PROVIDERS. A PROPULSION BATTERY PROVIDER INTENDING TO FILE AS

1 PART OF A GROUP SHALL PROVIDE TO THE DEPARTMENT THE NAMES OF
2 THE OTHER PROPULSION BATTERY PROVIDERS IN THE GROUP, IF FEASIBLE.
3 A PROPULSION BATTERY PROVIDER MAY PARTICIPATE IN A GROUP
4 EDUCATION AND OUTREACH PLAN WITHOUT PARTICIPATING IN GROUP
5 PROPULSION BATTERY COLLECTION ACTIVITIES.

6 (b) A SECONDARY HANDLER, REMANUFACTURER, OR REPURPOSER
7 MAY ELECT TO REGISTER WITH THE DEPARTMENT AT ANY TIME BY
8 PROVIDING, THROUGH INFORMAL DIGITAL CORRESPONDENCE OR BY
9 SUBMITTING A DIGITAL FORM, THE ENTITY'S BUSINESS NAME, CONTACT
10 INFORMATION, ADDRESS, AND BUSINESS DESCRIPTION. A SECONDARY
11 HANDLER, REMANUFACTURER, OR REPURPOSER IS NOT REQUIRED TO PAY
12 THE REGISTRATION FEE.

13 (2) ON OR BEFORE APRIL 1, 2028, A PROPULSION BATTERY
14 PROVIDER OR GROUP OF PROPULSION BATTERY PROVIDERS SHALL SUBMIT
15 TO THE EXECUTIVE DIRECTOR AN EDUCATION AND OUTREACH PLAN. THE
16 EDUCATION AND OUTREACH PLAN MUST:

17 (a) INCLUDE A PUBLIC EDUCATION AND OUTREACH STRATEGY FOR
18 SECONDARY HANDLERS THAT DESCRIBES:

19 (I) THE SOLID WASTE DISPOSAL SITE AND FACILITY BAN IN
20 SUBSECTION (12) OF THIS SECTION;

21 (II) THE REQUIREMENTS FOR SECONDARY HANDLERS IN
22 SUBSECTION (10) OF THIS SECTION;

23 (III) THE PROCESS FOR HOW A SECONDARY HANDLER CAN NOTIFY
24 THE PROPULSION BATTERY PROVIDER THAT AN UNWANTED PROPULSION
25 BATTERY NEEDS COLLECTION; AND

26 (IV) INFORMATION ABOUT SECONDARY HANDLER REGISTRATION;

27 (b) SPECIFY HOW THE PROPULSION BATTERY PROVIDER'S CONTACT
28 INFORMATION FOR SECONDARY HANDLERS CAN BE ACCESSED;

29 (c) INCLUDE INFORMATION THAT THE PROPULSION BATTERY
30 PROVIDER REQUIRES TO DETERMINE THE ELIGIBILITY OF A PROPULSION
31 BATTERY THAT NEEDS COLLECTION, INCLUDING:

32 (I) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
33 THAT HAS BEEN REMOVED FROM A VEHICLE;

34 (II) CONFIRMATION THAT, TO THE BEST OF THE SECONDARY
35 HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY HAS NOT BEEN
36 MODIFIED OR TAKEN APART;

37 (III) CONFIRMATION THAT THE PROPULSION BATTERY IS FULLY
38 OWNED BY THE SECONDARY HANDLER WITH NO KNOWN PENDING CLAIMS
39 FOR LOSS OR DAMAGES BY AN INSURANCE PROVIDER;

40 (IV) THE MAKE, MODEL, AND YEAR OF THE VEHICLE FROM WHICH
41 THE PROPULSION BATTERY CAME, IF AVAILABLE;

42 (V) THE DIMENSIONS AND WEIGHT OF THE PROPULSION BATTERY,
43 IF AVAILABLE;

44 (VI) A PHOTOGRAPH OF THE PROPULSION BATTERY AND A

1 PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;
2 (VII) AN ASSESSMENT AS TO WHETHER, TO THE BEST OF THE
3 SECONDARY HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY IS
4 DAMAGED OR DEFECTIVE;
5 (VIII) A COPY OF THE SECONDARY HANDLER'S FEDERAL
6 DEPARTMENT OF TRANSPORTATION HAZMAT TRANSPORTATION SHIPPING
7 CERTIFICATION, IF AVAILABLE; AND
8 (IX) SECONDARY HANDLER REGISTRATION INFORMATION, IF
9 AVAILABLE; AND
10 (d) DESCRIBE HOW SECONDARY HANDLERS AND FIRST
11 RESPONDERS CAN ACCESS EMERGENCY RESPONSE GUIDES FOR ELECTRIC
12 VEHICLES.
13 (3) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
14 PROVIDER SHALL NOT SELL, MAKE AVAILABLE FOR SALE, OR DISTRIBUTE
15 A PROPULSION BATTERY IN OR INTO THE STATE UNLESS THE PROPULSION
16 BATTERY PROVIDER HAS SUBMITTED AN EDUCATION AND OUTREACH PLAN
17 TO THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SUBSECTION (2) OF
18 THIS SECTION.
19 (4) A PROPULSION BATTERY PROVIDER SHALL DEVELOP AND
20 MAINTAIN ONE OR MORE WEBSITES OR EQUIVALENT MEANS, AVAILABLE
21 IN BOTH ENGLISH AND SPANISH, THAT INCLUDE THE INFORMATION IN THE
22 PROPULSION BATTERY PROVIDER'S EDUCATION AND OUTREACH PLAN. AT
23 LEAST ONE WEBSITE MUST INCLUDE THE FOLLOWING:
24 (a) A LINK TO THE PROPULSION BATTERY PROVIDER'S EMERGENCY
25 RESPONSE GUIDES FOR ELECTRIC VEHICLES;
26 (b) THE PROPULSION BATTERY PROVIDER'S CONTACT
27 INFORMATION FOR SECONDARY HANDLERS; AND
28 (c) INSTRUCTIONS FOR HOW SECONDARY HANDLERS CAN PROVIDE
29 THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(III) OF THIS SECTION
30 FOR A PROPULSION BATTERY PROVIDER TO DETERMINE THE ELIGIBILITY OF
31 AN UNWANTED PROPULSION BATTERY.
32 (5) A PROPULSION BATTERY PROVIDER SHALL:
33 (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(c) OF THIS SECTION,
34 UPON RECEIVING NOTIFICATION IN ACCORDANCE WITH THE NOTIFICATION
35 PROCESS OUTLINED IN SUBSECTION (2)(a)(III) OF THIS SECTION THAT AN
36 UNWANTED PROPULSION BATTERY NEEDS COLLECTION, RETRIEVE THE
37 BATTERY AND ENSURE RESPONSIBLE PROPULSION BATTERY MANAGEMENT.
38 THE PROPULSION BATTERY PROVIDER SHALL RETRIEVE AN UNWANTED
39 PROPULSION BATTERY:
40 (I) WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION FROM A
41 SECONDARY HANDLER, UNLESS MUTUALLY AGREEABLE TERMS FOR A
42 LONGER COLLECTION TIMELINE ARE MADE WITH A SECONDARY HANDLER
43 OR THERE IS AN UNEXPECTED DELAY DUE TO CIRCUMSTANCES FORCE
44 MAJEURE; AND

1 (II) WITHIN THIRTY DAYS AFTER RECEIVING NOTIFICATION FROM
2 A SOLID WASTE DISPOSAL SITE AND FACILITY;

3 (b) ENSURE THE RESPONSIBLE PROPULSION BATTERY
4 MANAGEMENT OF ALL PROPULSION BATTERIES WITHIN THE POSSESSION OF
5 THE PROPULSION BATTERY PROVIDER IN ACCORDANCE WITH THE BATTERY
6 MANAGEMENT HIERARCHY;

7 (c) FULLY FUND THE COSTS OF THE COLLECTION OF AN UNWANTED
8 PROPULSION BATTERY OFFERED BY A SECONDARY HANDLER; EXCEPT THAT
9 A PROPULSION BATTERY PROVIDER IS NOT RESPONSIBLE FOR THE
10 COLLECTION OF A PROPULSION BATTERY THAT:

11 (I) HAS BEEN REMANUFACTURED BY A REMANUFACTURER, UNLESS
12 THE REMANUFACTURER IS IN A CONTRACTUAL RELATIONSHIP WITH THE
13 PROPULSION BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE
14 PROPULSION BATTERY PROVIDER RETAINS RESPONSIBILITY FOR
15 RESPONSIBLE PROPULSION BATTERY MANAGEMENT;

16 (II) HAS BEEN REPURPOSED BY A REPURPOSER, UNLESS THE
17 REPURPOSER IS IN A CONTRACTUAL RELATIONSHIP WITH THE PROPULSION
18 BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE PROPULSION
19 BATTERY PROVIDER RETAINS RESPONSIBILITY FOR RESPONSIBLE
20 PROPULSION BATTERY MANAGEMENT;

21 (III) HAS BEEN DISASSEMBLED INTO MODULES OR CELLS; OR
22 (IV) IS CONTAINED WITHIN A VEHICLE OR PRODUCT THAT IS
23 DIRECTLY OWNED OR CONTROLLED BY AN INSURANCE COMPANY; AND

24 (d) PROVIDE THE STATE OF HEALTH OF A PROPULSION BATTERY
25 EMBEDDED IN A VEHICLE THROUGH THE VEHICLE'S IN-VEHICLE DISPLAY
26 OR THROUGH A NONPROPRIETARY ON-BOARD DIAGNOSTIC SCAN TOOL, FOR
27 A VEHICLE THAT IS MODEL YEAR 2028 OR LATER. A PROPULSION BATTERY
28 PROVIDER MAY, BUT IS NOT REQUIRED TO, SUPPLY STATE OF HEALTH
29 INFORMATION FOR A PROPULSION BATTERY THAT HAS BEEN REMOVED
30 FROM OR IS OUTSIDE OF A VEHICLE.

31 (6) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
32 PROVIDER SHALL NOT SELL, OFFER FOR SALE, OR DISTRIBUTE IN OR INTO
33 THE STATE A PROPULSION BATTERY UNLESS THE PROPULSION BATTERY
34 PROVIDER:

35 (a) (I) APPLIES A LABEL TO THE PROPULSION BATTERY THAT
36 INCLUDES THE NAME OF THE PROPULSION BATTERY PROVIDER
37 RESPONSIBLE FOR THE PROPULSION BATTERY, ITS DATE OF MANUFACTURE,
38 AND THE FOLLOWING:

39 (A) AN IDENTIFICATION OF THE CHEMISTRY OF THE PROPULSION
40 BATTERY, INCLUDING THE CATHODE TYPE AND ANODE TYPE, IN
41 ACCORDANCE WITH SAE INTERNATIONAL J2984 STANDARD, "CHEMICAL
42 IDENTIFICATION OF TRANSPORTATION BATTERIES FOR RECYCLING";

43 (B) THE RATED CAPACITY OR ENERGY AS MEASURED BY SAE
44 INTERNATIONAL J2288 STANDARD, "LIFE CYCLE TESTING OF ELECTRIC

1 VEHICLE BATTERY MODULES";

2 (C) THE HAZARDOUS SUBSTANCES CONTAINED IN THE PROPULSION

3 BATTERY;

4 (D) PRODUCT SAFETY AND RECALL INFORMATION; AND

5 (E) SAFE DISPOSAL INFORMATION.

6 (II) A PROPULSION BATTERY PROVIDER THAT APPLIES A LABEL

7 SHALL ATTACH THE LABEL TO THE EXTERIOR OF THE PROPULSION

8 BATTERY SO THAT THE LABEL IS VISIBLE AND ACCESSIBLE WHEN THE

9 PROPULSION BATTERY IS REMOVED FROM THE VEHICLE IN ACCORDANCE

10 WITH THE MANUFACTURER'S RECOMMENDED PROCEDURES FOR BATTERY

11 REMOVAL. THE LABEL MUST REMAIN LEGIBLE, ADHERED, AND

12 FUNCTIONALLY INTACT UNDER EXPECTED ENVIRONMENTAL AND

13 LIFE-CYCLE CONDITIONS WITHIN THE VEHICLE.

14 (b) (I) TO COMPLY WITH SUBSECTION (6)(a)(I) OF THIS SECTION,

15 A PROPULSION BATTERY PROVIDER MAY APPLY A QUICK RESPONSE (QR)

16 CODE TO THE PROPULSION BATTERY THAT LINKS TO A DATA REPOSITORY

17 WEBSITE.

18 (II) THE DATA REPOSITORY WEBSITE MAY INCLUDE INFORMATION

19 THAT COVERS A PERIOD OF TIME REPRESENTING MULTIPLE DATES OF

20 MANUFACTURE IF THE REST OF THE LABEL INFORMATION REQUIRED BY

21 THIS SUBSECTION (6) IS CONSISTENT ACROSS THE MULTIPLE DATES OF

22 MANUFACTURE AND THE DATA REPOSITORY WEBSITE ENTRY INCLUDES

23 THE APPLICABLE RANGE OF DATES OF MANUFACTURE.

24 (7) ON AND AFTER OCTOBER 1, 2028, A REMANUFACTURER

25 SELLING PROPULSION BATTERIES IN THE STATE:

26 (a) SHALL RELABEL A PROPULSION BATTERY TO ENSURE THAT THE

27 REMANUFACTURER'S BRAND IS CLEARLY MARKED ON THE LABEL. IF THE

28 ORIGINAL LABEL REMAINS, THE REMANUFACTURER SHALL PLACE THE NEW

29 LABEL ADJACENT TO THE ORIGINAL LABEL AND CLEARLY IDENTIFY THE

30 ORIGINAL LABEL AS OBSOLETE. IF THE REMANUFACTURER ALTERS THE

31 PROPULSION BATTERY'S COMPOSITION OR CHEMISTRY, THE

32 REMANUFACTURER SHALL UPDATE THE LABEL OR PROVIDE A NEW DATA

33 REPOSITORY WEBSITE LINK OR QUICK RESPONSE (QR) CODE TO REFLECT

34 THE NEW COMPOSITION.

35 (b) SHALL ENSURE RESPONSIBLE PROPULSION BATTERY

36 MANAGEMENT WHEN:

37 (I) A PROPULSION BATTERY THAT THE REMANUFACTURER

38 DISASSEMBLES OR REMANUFACTURES IS ULTIMATELY NOT SOLD FOR USE

39 IN A VEHICLE; AND

40 (II) AN UNWANTED PROPULSION BATTERY THAT HAS BEEN

41 REMOVED FROM A VEHICLE BY A SECONDARY HANDLER IN THE STATE IS

42 COLLECTED BY THE REMANUFACTURER;

43 (c) SHALL FULLY FUND THE COSTS OF THE COLLECTION OF AN

44 UNWANTED PROPULSION BATTERY THAT THE REMANUFACTURER HAS

1 REMANUFACTURED IF OFFERED BY A SECONDARY HANDLER;
2 (d) IS NOT RESPONSIBLE FOR COLLECTING A REMANUFACTURED
3 PROPULSION BATTERY IF:
4 (I) THE REMANUFACTURED PROPULSION BATTERY HAS BEEN
5 REPURPOSED BY A REPURPOSER, UNLESS THE REPURPOSER IS IN A
6 CONTRACTUAL RELATIONSHIP WITH THE REMANUFACTURER AND THE
7 CONTRACT PROVIDES THAT THE REMANUFACTURER RETAINS
8 RESPONSIBILITY FOR RESPONSIBLE PROPULSION BATTERY MANAGEMENT;
9 (II) THE REMANUFACTURED PROPULSION BATTERY IS CONTAINED
10 WITHIN A VEHICLE OR PRODUCT THAT IS DIRECTLY OWNED OR
11 CONTROLLED BY AN INSURANCE COMPANY;
12 (III) THE REMANUFACTURER IS IN A CONTRACTUAL RELATIONSHIP
13 WITH THE PROPULSION BATTERY PROVIDER AND THE CONTRACT PROVIDES
14 THAT THE PROPULSION BATTERY PROVIDER RETAINS RESPONSIBILITY FOR
15 THE DISPOSITIONING AND MANAGEMENT OF THE PROPULSION BATTERY; OR
16 (IV) THE REMANUFACTURED PROPULSION BATTERY HAS BEEN
17 DISASSEMBLED INTO MODULES OR CELLS;
18 (e) EXCEPT AS PROVIDED IN SUBSECTION (7)(d) OF THIS SECTION,
19 UPON RECEIVING NOTIFICATION THAT AN UNWANTED PROPULSION
20 BATTERY NEEDS COLLECTION IN ACCORDANCE WITH THE NOTIFICATION
21 PROCESS OUTLINED IN SUBSECTION (7)(f) OF THIS SECTION, SHALL
22 RETRIEVE THE BATTERY:
23 (I) WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION FROM A
24 SECONDARY HANDLER, UNLESS MUTUALLY AGREEABLE TERMS FOR A
25 LONGER COLLECTION TIMELINE ARE MADE WITH A SECONDARY HANDLER
26 OR THERE IS AN UNEXPECTED DELAY DUE TO CIRCUMSTANCES FORCE
27 MAJEURE; AND
28 (II) WITHIN THIRTY DAYS AFTER RECEIVING NOTIFICATION FROM
29 A SOLID WASTE DISPOSAL SITE AND FACILITY; AND
30 (f) SHALL ESTABLISH A PROCESS FOR A SECONDARY HANDLER TO
31 NOTIFY THE REMANUFACTURER THAT AN UNWANTED PROPULSION
32 BATTERY NEEDS COLLECTION. THE PROCESS MUST INCLUDE THE
33 FOLLOWING:
34 (I) AN EDUCATION AND OUTREACH PROGRAM FOR SECONDARY
35 HANDLERS;
36 (II) THE REMANUFACTURER'S CONTACT INFORMATION FOR
37 SECONDARY HANDLERS; AND
38 (III) INFORMATION THAT THE REMANUFACTURER REQUIRES TO
39 DETERMINE THE ELIGIBILITY OF A PROPULSION BATTERY THAT NEEDS
40 COLLECTION, INCLUDING:
41 (A) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
42 THAT HAS BEEN REMOVED FROM A VEHICLE;
43 (B) CONFIRMATION THAT, TO THE BEST OF THE SECONDARY
44 HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY HAS NOT BEEN

1 MODIFIED OR TAKEN APART BY ANYONE OTHER THAN THE PROPULSION
2 BATTERY PROVIDER OR REMANUFACTURER;

3 (C) CONFIRMATION THAT, TO THE BEST OF THE SECONDARY
4 HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY IS FULLY OWNED BY
5 THE SECONDARY HANDLER WITH NO KNOWN PENDING CLAIMS FOR LOSS
6 OR DAMAGES BY AN INSURANCE PROVIDER;

7 (D) THE MAKE, MODEL, AND YEAR OF THE VEHICLE FROM WHICH
8 THE PROPULSION BATTERY CAME, IF AVAILABLE;

9 (E) THE DIMENSIONS AND WEIGHT OF THE PROPULSION BATTERY,
10 IF AVAILABLE;

11 (F) A PHOTOGRAPH OF THE PROPULSION BATTERY AND A
12 PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;

13 (G) AN ASSESSMENT AS TO WHETHER, TO THE BEST OF THE
14 SECONDARY HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY IS
15 DAMAGED OR DEFECTIVE;

16 (H) A COPY OF THE SECONDARY HANDLER'S FEDERAL
17 DEPARTMENT OF TRANSPORTATION HAZMAT TRANSPORTATION SHIPPING
18 CERTIFICATION, IF AVAILABLE; AND

19 (I) SECONDARY HANDLER REGISTRATION INFORMATION, IF
20 AVAILABLE.

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

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

28 (9) (a) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH
29 JULY 1 THEREAFTER, A PROPULSION BATTERY PROVIDER AND A
30 REMANUFACTURER SHALL SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE
31 DIRECTOR COVERING THE PRECEDING CALENDAR YEAR OF THE
32 RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF THE PROPULSION
33 BATTERIES COLLECTED BY THE PROPULSION BATTERY PROVIDER OR
34 REMANUFACTURER PURSUANT TO THIS SECTION. THE REPORT MUST
35 INCLUDE THE FOLLOWING:

36 (I) ANY UPDATES TO EDUCATION AND OUTREACH MATERIALS FOR
37 SECONDARY HANDLERS AND HOW THE UPDATES WERE COMMUNICATED;

38 (II) THE NUMBER OF UNWANTED PROPULSION BATTERIES THAT
39 WERE OFFERED FROM A SECONDARY HANDLER AND THE NUMBER OF
40 UNWANTED PROPULSION BATTERIES COLLECTED, BY CHEMISTRY;

41 (III) FOR EACH REQUEST RECEIVED TO COLLECT AN UNWANTED
42 PROPULSION BATTERY:

43 (A) THE DATE THAT THE SECONDARY HANDLER OFFERED THE
44 UNWANTED PROPULSION BATTERY, ALONG WITH THE ELIGIBILITY

1 INFORMATION DESCRIBED IN SUBSECTIONS (2)(c) AND (7)(f)(III) OF THIS
2 SECTION, TO THE PROPULSION BATTERY PROVIDER OR REMANUFACTURER;
3 (B) THE DATE A PLAN WAS COMMUNICATED TO THE SECONDARY
4 HANDLER FOR COLLECTING THE UNWANTED PROPULSION BATTERY; AND
5 (C) THE DATE THE UNWANTED PROPULSION BATTERY WAS
6 COLLECTED OR, IF APPLICABLE, THE REASONS THAT THE UNWANTED
7 PROPULSION BATTERY WAS NOT COLLECTED, INCLUDING SUPPORTING
8 INFORMATION SUCH AS PHOTOGRAPHS;
9 (IV) THE NUMBER OF PROPULSION BATTERIES, SEPARATED BY
10 CHEMISTRY, SENT FOR REUSE, REMANUFACTURING, REPURPOSING, AND
11 PROPULSION BATTERY RECYCLING, RESPECTIVELY;
12 (V) THE PROPULSION BATTERY RECYCLERS USED IN THE
13 PROPULSION BATTERY RECYCLING PROCESS, INCLUDING IDENTIFICATION
14 OF A RECYCLER'S LOCATION;
15 (VI) A DESCRIPTION OF THE GENERAL PROCESSES USED BY
16 PROPULSION BATTERY RECYCLERS TO ACHIEVE REQUIRED RECOVERY
17 RATES; AND
18 (VII) FOR EACH PROPULSION BATTERY RECYCLER USED:
19 (A) THE RECOVERY RATE OF LITHIUM, COBALT, AND NICKEL
20 PRESENT IN THE PROPULSION BATTERY FEEDSTOCK, USING THE
21 CALCULATIONS DESCRIBED IN THIS SUBSECTION (9). THE TARGETED
22 CRITICAL MINERALS AND SPECIFIC RATIOS MUST BE LISTED SEPARATELY.
23 A MINERAL THAT IS NOT TARGETED IN THE RECOVERY PROCESS MAY BE
24 LISTED AS A PERCENT OR IT CAN BE STATED THAT THE MINERAL IS NOT
25 TARGETED AND RECOVERED BY THE PROPULSION BATTERY RECYCLER.
26 (B) THE FORM OF THE MAJORITY OF RECOVERED BATTERY
27 MATERIAL MUST BE IDENTIFIED AS ELEMENTAL, COMPOUND, OR
28 INTERMEDIATE, CONSISTENT WITH THE RECOVERY DEFINITION IN SECTION
29 25-17-1003 (24.5).
30 (b) A PROPULSION BATTERY RECYCLER SHALL RECOVER THE
31 FOLLOWING CRITICAL MINERALS IN THE ELEMENTAL, COMPOUND, OR
32 INTERMEDIATE FORM AT THE FOLLOWING MINIMUM RATES, WHICH RATES
33 ARE CALCULATED BASED ON EACH PROPULSION BATTERY RECYCLER'S
34 FACILITY-LEVEL YEARLY AVERAGE:
35 (I) BY 2030:
36 (A) NINETY PERCENT OF COBALT;
37 (B) NINETY PERCENT OF NICKEL; AND
38 (C) FIFTY PERCENT OF LITHIUM; AND
39 (II) BY 2034:
40 (A) NINETY PERCENT OF COBALT;
41 (B) NINETY PERCENT OF NICKEL; AND
42 (C) EIGHTY PERCENT OF LITHIUM.
43 (c) THE RECOVERY RATE FOR EACH TARGET CRITICAL MINERAL
44 MUST BE CALCULATED ON AN ANNUAL BASIS FOR EACH PROPULSION

1 BATTERY RECYCLER USING A MASS BALANCE APPROACH. THE
2 CALCULATION MUST ACCOUNT FOR THE MASS OF THE TARGET CRITICAL
3 MINERAL CONTAINED IN MATERIALS ENTERING THE RECYCLING PROCESS,
4 INCLUDING WASTE PROPULSION BATTERIES OR INTERMEDIATE MATERIALS,
5 AND THE MASS OF THE TARGET CRITICAL MINERAL RECOVERED IN
6 MATERIALS LEAVING THE RECYCLING PROCESS THAT MEET THE
7 DEFINITION OF "RECOVERY" AS DEFINED IN SECTION 25-17-1003 (24.5).

8 (d) THE RECOVERY RATE OF A TARGET CRITICAL MINERAL EQUALS
9 THE MASS OF TARGET CRITICAL MINERAL RECOVERED IN MATERIALS
10 LEAVING THE RECYCLING PROCESS DIVIDED BY THE MASS OF TARGET
11 CRITICAL MINERAL PRESENT IN MATERIALS ENTERING THE RECYCLING
12 PROCESS. THE MASS OF TARGET CRITICAL MINERALS ENTERING AND
13 LEAVING THE RECYCLING PROCESS SHALL BE DETERMINED BASED ON
14 THEIR CHEMICAL COMPOSITION, USING ANALYTICAL METHODS AND
15 SAMPLING PROCEDURES THAT ARE REPRESENTATIVE OF THE MATERIAL
16 FLOWS.

17 (e) A PROPULSION BATTERY RECYCLER SHALL DETERMINE THE
18 PROPORTION OF DIFFERENT BATTERY CHEMISTRIES PRESENT IN MATERIALS
19 ENTERING THE RECYCLING PROCESS BY MEANS OF A SORTING ANALYSIS
20 BASED ON CONTINUOUS SAMPLING OR REPRESENTATIVE SAMPLING
21 METHODS CONSISTENT WITH GENERALLY ACCEPTED INDUSTRY
22 STANDARDS.

23 (f) (I) THE EXECUTIVE DIRECTOR SHALL KEEP PROPRIETARY
24 INFORMATION, AS MARKED BY A PROPULSION BATTERY PROVIDER,
25 REMANUFACTURER, OR PROPULSION BATTERY RECYCLER, CONFIDENTIAL
26 AND MAKE NONPROPRIETARY INFORMATION AVAILABLE UPON REQUEST.

27 (II) THE INFORMATION DESCRIBED IN SUBSECTIONS (9)(a)(I),
28 (9)(a)(II), (9)(a)(IV), (9)(a)(VI), AND (9)(a)(VII) OF THIS SECTION AND
29 AGGREGATED INFORMATION FROM SUBSECTIONS (9)(a)(III) AND (9)(a)(V)
30 OF THIS SECTION IS NOT PROPRIETARY.

31 (III) ANY INFORMATION MADE PUBLICLY AVAILABLE MUST BE
32 AGGREGATED SO THAT NO INDIVIDUAL PROPULSION BATTERY PROVIDER,
33 REMANUFACTURER, OR PROPULSION BATTERY RECYCLER IS IDENTIFIABLE.

34 (IV) AN ANNUAL REPORT SUBMITTED PURSUANT TO THIS
35 SUBSECTION (9) MAY BE UNIQUE TO COLORADO OR INCLUDE
36 INFORMATION FOR MULTIPLE STATES.

37 (V) A PROPULSION BATTERY PROVIDER THAT IS ALSO A
38 REMANUFACTURER MAY SUBMIT ONE ANNUAL REPORT.

39 (10) (a) ON AND AFTER OCTOBER 1, 2028:

40 (I) A SECONDARY HANDLER SHALL MANAGE A PROPULSION
41 BATTERY BY ENSURING RESPONSIBLE PROPULSION BATTERY
42 MANAGEMENT;

43 (II) IF A SECONDARY HANDLER DETERMINES THAT A PROPULSION
44 BATTERY IS AN UNWANTED PROPULSION BATTERY, THE SECONDARY

1 HANDLER SHALL NOTIFY THE APPROPRIATE PROPULSION BATTERY
2 PROVIDER OR REMANUFACTURER OR ANY ENTITY THAT THE PROPULSION
3 BATTERY PROVIDER OR REMANUFACTURER HAS DESIGNATED TO
4 FACILITATE THE COLLECTION OF UNWANTED PROPULSION BATTERIES;

5 (III) A SECONDARY HANDLER MANAGING PROPULSION BATTERIES
6 SHALL MAINTAIN RECORDS FOR THREE YEARS DETAILING THE PROPULSION
7 BATTERIES SOLD OR TRANSFERRED BY THE SECONDARY HANDLER AND THE
8 PERSON THE BATTERIES WERE SOLD OR TRANSFERRED TO;

9 (IV) WHEN SHIPPING A PROPULSION BATTERY, A SECONDARY
10 HANDLER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH PROPER
11 PERSONNEL TRAINING REQUIREMENTS FOR SHIPPING UNDER 49 CFR
12 172.700 TO 172.704;

13 (V) WHEN REMOVING A PROPULSION BATTERY FROM A VEHICLE,
14 A SECONDARY HANDLER SHALL RECORD THE LAST KNOWN STATE OF
15 HEALTH AND STATE OF CHARGE, IF AVAILABLE, AND DISCLOSE THESE
16 VALUES AT THE TIME OF SALE OR TRANSFER OF THE PROPULSION BATTERY
17 TO ANOTHER PERSON;

18 (VI) IN ORDER TO PROMOTE THE BATTERY MANAGEMENT
19 HIERARCHY, A SECONDARY HANDLER SHALL STORE PROPULSION
20 BATTERIES NOT SUSPECTED OF DAMAGE OR INSTABILITY IN A COVERED
21 AREA, MINIMIZING EXPOSURE TO PRECIPITATION AND EXTREME HEAT OR
22 COLD. A SECONDARY HANDLER SHALL STORE PROPULSION BATTERIES
23 THAT ARE VISIBLY DAMAGED OR OTHERWISE SUSPECTED TO HAVE THE
24 POTENTIAL FOR THERMAL RUNAWAY IN AN ISOLATED AREA AWAY FROM
25 FLAMMABLE MATERIALS.

26 (VII) A SECONDARY HANDLER WORKING WITH PROPULSION
27 BATTERIES SHALL OBTAIN RELEVANT SAFETY TRAINING TO ASSIST WITH
28 THE SAFE HANDLING AND STORAGE OF PROPULSION BATTERIES.

29 (b) SUBSECTIONS (10)(a)(III), (10)(a)(V), (10)(a)(VI), AND
30 (10)(a)(VII) OF THIS SECTION DO NOT APPLY TO A SOLID WASTE DISPOSAL
31 SITE AND FACILITY.

32 (c) NOTWITHSTANDING SECTION 25-17-1018, THE COMMISSION
33 SHALL NOT ADOPT RULES FOR THE PURPOSES OF IMPLEMENTING
34 SUBSECTIONS (10)(a)(VI) AND (10)(a)(VII) OF THIS SECTION.

35 (11) (a) ON AND AFTER OCTOBER 1, 2028, A REPURPOSER SHALL:

36 (I) RELABEL A PROPULSION BATTERY THAT IS REPURPOSED IN THE
37 STATE TO ENSURE THAT THE REPURPOSER'S BRAND IS CLEARLY MARKED
38 ON THE LABEL. IF THE ORIGINAL LABEL REMAINS, THE REPURPOSER SHALL
39 PLACE THE NEW LABEL ADJACENT TO THE ORIGINAL LABEL AND CLEARLY
40 IDENTIFY THE ORIGINAL LABEL AS OBSOLETE.

41 (II) ENSURE THE PROPULSION BATTERY RECYCLING OF
42 PROPULSION BATTERIES THAT ARE WITHIN THE REPURPOSER'S POSSESSION
43 AND THAT CAN NO LONGER BE REPURPOSED UNLESS THE PROPULSION
44 BATTERY PROVIDER OR REMANUFACTURER AGREES TO ACCEPT

1 CONTINUED RESPONSIBILITY FOR THE PROPULSION BATTERY BY
2 CONTRACT.

3 (b) (I) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH JULY
4 1 THEREAFTER, A REGISTERED REPURPOSER SHALL SUBMIT AN ANNUAL
5 REPORT TO THE EXECUTIVE DIRECTOR COVERING THE PRECEDING
6 CALENDAR YEAR OF THE REPURPOSER'S RESPONSIBLE PROPULSION
7 BATTERY MANAGEMENT. THE REPORT MUST INCLUDE THE FOLLOWING:

8 (A) THE NUMBER OF PROPULSION BATTERIES THAT THE
9 REPURPOSER REPURPOSED FROM COLORADO; AND

10 (B) THE NAME AND ADDRESS OF WHERE THE REPURPOSED
11 BATTERIES WERE SOLD OR TRANSFERRED, INCLUDING FOR BATTERIES SENT
12 FOR USE IN A SECONDARY APPLICATION AND THOSE SENT FOR PROPULSION
13 BATTERY RECYCLING.

14 (II) THE ANNUAL REPORT SUBMITTED PURSUANT TO THIS
15 SUBSECTION (11) MAY BE UNIQUE TO COLORADO OR MAY INCLUDE
16 INFORMATION FOR MULTIPLE STATES.

17 (III) A REPURPOSER THAT IS ALSO A REMANUFACTURER MAY
18 SUBMIT ONE ANNUAL REPORT.

19 (12) ON AND AFTER OCTOBER 1, 2028:

20 (a) PROPULSION BATTERIES THAT ARE HAZARDOUS WASTE AS
21 DEFINED UNDER FEDERAL OR STATE HAZARDOUS OR SOLID WASTE LAWS
22 MUST BE MANAGED IN A MANNER CONSISTENT WITH THOSE LAWS;

23 (b) A PERSON SHALL NOT DISPOSE OF A PROPULSION BATTERY BY
24 TAKING THE PROPULSION BATTERY TO A SOLID WASTE DISPOSAL SITE AND
25 FACILITY; AND

26 (c) A PERSON NOT IDENTIFIED IN THIS SECTION IS RESPONSIBLE FOR
27 ENSURING THE RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF
28 PROPULSION BATTERIES BY WORKING WITH A SECONDARY HANDLER,
29 PROPULSION BATTERY PROVIDER, REMANUFACTURER, REPURPOSER, OR
30 PROPULSION BATTERY RECYCLER.

31 **25-17-1020. Applicability.**

32 A VEHICLE CONTAINING A PROPULSION BATTERY ORIGINALLY SOLD
33 IN THE STATE IS NOT SUBJECT TO THIS PART 10 WHEN THE VEHICLE IS
34 RETIRED OUT OF STATE.

35 **SECTION 7. Act subject to petition - effective date.** This act
36 takes effect at 12:01 a.m. on the day following the expiration of the
37 ninety-day period after final adjournment of the general assembly
38 (August 12, 2026, if adjournment sine die is on May 13, 2026); except
39 that, if a referendum petition is filed pursuant to section 1 (3) of article V
40 of the state constitution against this act or an item, section, or part of this
41 act within such period, then the act, item, section, or part will not take
42 effect unless approved by the people at the general election to be held in
43 November 2026 and, in such case, will take effect on the date of the
44 official declaration of the vote thereon by the governor."."

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