

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 30, 2026
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB26-003 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

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

23 (b) AS ELECTRIC VEHICLE SALES IN THE STATE CONTINUE TO GROW,
24 SUBSTANTIALLY MORE ELECTRIC VEHICLES WILL BE RETIRED IN THE
25 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

1 THEY CEASE TO POWER THE ORIGINAL VEHICLES INTO WHICH THEY WERE
2 PLACED AND CAN BE REUSED, REMANUFACTURED, REPURPOSED, OR
3 RECYCLED. EXTENDING THE USEFUL LIFESPAN OF PROPULSION BATTERIES
4 IMPROVES THE SUSTAINABILITY PROFILE OF THE ELECTRIC VEHICLE
5 INDUSTRY AND CREATES LOCAL ECONOMIC OPPORTUNITIES.

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

9 (e) UNWANTED PROPULSION BATTERIES THAT ARE STORED
10 IMPROPERLY INSTEAD OF BEING SORTED FOR REUSE, REMANUFACTURING,
11 REPURPOSING, OR ULTIMATE RECYCLING AND RECOVERY OF VALUABLE
12 MATERIALS COULD POTENTIALLY REDUCE THE ENVIRONMENTAL BENEFITS
13 OF A ROBUST CIRCULAR ECONOMY FOR PROPULSION BATTERIES WHILE
14 ALSO INCREASING THE RISK OF BATTERY FIRES. A ROBUST EXTENDED
15 PROVIDER RESPONSIBILITY POLICY IS NEEDED TO ENABLE A PROPULSION
16 BATTERY CIRCULAR ECONOMY.

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

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

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

25 (c) ENCOURAGE THE REUSE, REMANUFACTURING, AND
26 REPURPOSING OF PROPULSION BATTERIES AND THE ULTIMATE RECYCLING
27 AND RECOVERY OF THE VALUABLE MATERIALS IN A PROPULSION BATTERY
28 THAT CAN BE PUT BACK INTO THE SUPPLY CHAIN.

29 **SECTION 3.** In Colorado Revised Statutes, 25-17-1003, **amend**
30 (8)(b)(VI); and **add** (1.5), (2.5), (8.5), (10.5), (12.5), (13.5), (19.5), (23.3),
31 (23.5), (23.7), (23.9), (24.5), (26.3), (26.5), (26.7), (26.8), (26.9), (27.1),
32 (27.2), (27.3), (27.4), (27.5), (27.6), and (30.5) as follows:

33 **25-17-1003. Definitions - rules.**

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

35 (1.5) "BATTERY" MEANS A DEVICE CONSISTING OF ONE OR MORE
36 ELECTRICALLY CONNECTED ELECTROCHEMICAL CELLS, WHICH DEVICE IS
37 DESIGNED TO RECEIVE, STORE, AND DELIVER ELECTRIC ENERGY.

38 (2.5) "BATTERY MANAGEMENT HIERARCHY" MEANS THE PROCESS
39 OF SECONDARY HANDLERS, REMANUFACTURERS, REPURPOSERS, AND
40 PROPULSION BATTERY PROVIDERS FIRST STRIVING TO REUSE, REPURPOSE,
41 OR REMANUFACTURE PROPULSION BATTERIES, WHEN DOING SO IS POSSIBLE
42 AND COST-EFFECTIVE, BEFORE PROPULSION BATTERY RECYCLING.

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

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

5 (8.5) "CRITICAL MINERALS" MEANS MINERALS DESIGNATED AS
6 CRITICAL MINERALS BY THE UNITED STATES SECRETARY OF THE INTERIOR,
7 ACTING THROUGH THE DIRECTOR OF THE UNITED STATES GEOLOGICAL
8 SURVEY, PURSUANT TO 30 U.S.C. SEC. 1606 (c).

9 (10.5) (a) "DISPOSITIONING" OR "DISPOSITIONED" MEANS
10 EVALUATING A PROPULSION BATTERY TO DETERMINE THE MOST SUITABLE
11 BATTERY MANAGEMENT OPTION BASED ON METRICS SUCH AS THE
12 CHEMISTRY, CONDITION, FORMAT, AND LOCATION OF THE PROPULSION
13 BATTERY.

14 (b) "DISPOSITIONING" OR "DISPOSITIONED" MAY INCLUDE
15 EVALUATING A PROPULSION BATTERY FOR SECONDARY USE BY A
16 REPURPOSER OR A PROPULSION BATTERY RECYCLER.

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

21 (13.5) "END OF LIFE" MEANS:

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

24 (b) THE STAGE WHEN A PROPULSION BATTERY IS NO LONGER
25 SUITABLE FOR USE AS A PROPULSION BATTERY OR FOR REPURPOSING AND
26 IS DIRECTED FOR PROPULSION BATTERY RECYCLING.

27 (19.5) "ORPHANED BATTERY" MEANS:

28 (a) A PROPULSION BATTERY THAT HAS AN UNIDENTIFIABLE
29 PROPULSION BATTERY PROVIDER OR REMANUFACTURER OR A PROPULSION
30 BATTERY PROVIDER OR REMANUFACTURER THAT NO LONGER EXISTS; OR

31 (b) AN UNWANTED PROPULSION BATTERY THAT HAS NOT BEEN
32 COLLECTED OR MANAGED IN ACCORDANCE WITH THE BATTERY
33 MANAGEMENT HIERARCHY.

34 (23.3) "PROPULSION BATTERY" MEANS A BATTERY THAT IS
35 PRIMARILY USED TO SUPPLY POWER TO PROPEL A BATTERY ELECTRIC
36 MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202 (1.5), A PLUG-IN
37 HYBRID ELECTRIC MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202
38 (14), OR A HYBRID VEHICLE, AS DEFINED IN SECTION 42-4-1012
39 (2.5)(a)(III).

40 (23.5) (a) "PROPULSION BATTERY PROVIDER" MEANS:

41 (I) A PERSON THAT FIRST SELLS, OFFERS FOR SALE, OR DISTRIBUTES
42 A PROPULSION BATTERY OR A VEHICLE CONTAINING A PROPULSION
43 BATTERY IN OR INTO THE STATE, INCLUDING VEHICLE MANUFACTURERS

1 LICENSED PURSUANT TO APPLICABLE STATE LAWS OR PROPULSION
2 BATTERY MANUFACTURERS THAT DISTRIBUTE PROPULSION BATTERIES
3 UNDER THEIR OWN NAME OR BRAND;

4 (II) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OF
5 THIS SECTION APPLIES TO, THE OWNER OR LICENSEE OF THE BRAND OR
6 TRADEMARK UNDER WHICH THE PROPULSION BATTERY IS SOLD, OFFERED
7 FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE. THIS INCLUDES AN
8 EXCLUSIVE LICENSEE WITH THE EXCLUSIVE RIGHT TO USE THE BRAND OR
9 TRADEMARK IN CONNECTION WITH THE DISTRIBUTION OR SALE OF
10 PROPULSION BATTERIES.

11 (III) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OR
12 (23.5)(a)(II) OF THIS SECTION APPLIES TO, THE PERSON THAT IMPORTS THE
13 PROPULSION BATTERY INTO THE STATE FOR SALE, DISTRIBUTION, OR
14 INSTALLATION.

15 (b) "PROPULSION BATTERY PROVIDER" DOES NOT INCLUDE:

16 (I) A DEALER OF A VEHICLE CONTAINING A PROPULSION BATTERY;

17 (II) A SECONDARY HANDLER THAT SELLS, OFFERS FOR SALE,
18 REGISTERS, OR DISTRIBUTES A VEHICLE CONTAINING A PROPULSION
19 BATTERY IN OR INTO THE STATE; OR

20 (III) A PERSON THAT SELLS A USED VEHICLE IN OR INTO THE STATE.

21 (c) FOR THE PURPOSES OF THIS SUBSECTION (23.5), THE SALE OF A
22 PROPULSION BATTERY OCCURS IN THE STATE IF THE PROPULSION BATTERY,
23 OR THE VEHICLE CONTAINING THE PROPULSION BATTERY, IS DELIVERED TO
24 A LICENSED DEALER OR DIRECTLY TO A CONSUMER IN THE STATE.

25 (23.7) (a) "PROPULSION BATTERY RECYCLER" MEANS AN ENTITY
26 OR FACILITY THAT:

27 (I) OPERATES IN ACCORDANCE WITH ALL REQUIRED PERMITS AND
28 REGULATORY EXCLUSIONS IN ALL APPLICABLE FEDERAL, STATE, AND
29 LOCAL LAWS;

30 (II) CONDUCTS PROPULSION BATTERY RECYCLING; AND

31 (III) PERFORMS AT LEAST ONE OF THE FOLLOWING ACTIVITIES:

32 (A) EXTRACTS AND SEPARATES MATERIALS FROM END-OF-LIFE
33 PROPULSION BATTERIES, INCLUDING METALS, COMPOUNDS, OR
34 INTERMEDIATE FRACTIONS, AND DIRECTS THESE MATERIALS TO ONE OR
35 MORE ADDITIONAL PROPULSION BATTERY RECYCLERS FOR FURTHER
36 PROCESSING OR REFINING; OR

37 (B) REFINES END-OF-LIFE PROPULSION BATTERIES OR PROPULSION
38 BATTERY MATERIALS, SUCH AS ALUMINUM, COBALT, COPPER, GRAPHITE,
39 IRON, LITHIUM COMPOUNDS, MANGANESE, AND NICKEL, BACK TO USEABLE
40 MATERIALS SUITABLE FOR REINTRODUCTION INTO BATTERY,
41 MANUFACTURING, OR OTHER INDUSTRIAL SUPPLY CHAINS.

42 (b) "PROPULSION BATTERY RECYCLER" DOES NOT INCLUDE AN
43 ENTITY OR FACILITY THAT ONLY ENGAGES IN THE COLLECTION OR

1 TRANSPORTATION OF, OR THE LOGISTICS OF MOVING, PROPULSION
2 BATTERIES OR PROPULSION BATTERY MATERIALS DURING THE RECYCLING
3 PROCESS.

4 (23.9) (a) "PROPULSION BATTERY RECYCLING" MEANS THE
5 RECOVERY OF CRITICAL MINERALS THAT ARE PRESENT IN THE PROPULSION
6 BATTERY FEEDSTOCK, USING ONE OR MORE PROPULSION BATTERY
7 RECYCLERS.

8 (b) (I) "PROPULSION BATTERY RECYCLING" DOES NOT INCLUDE
9 DISPOSAL OR SHAM RECYCLING UNDER THE FEDERAL "RESOURCE
10 CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901 ET
11 SEQ., OR OTHER APPLICABLE FEDERAL LAW.

12 (II) FOR THE PURPOSES OF THIS SUBSECTION (23.9)(b), SHAM
13 RECYCLING AND LEGITIMATE RECYCLING ARE DETERMINED IN
14 ACCORDANCE WITH THE LEGITIMACY CRITERIA SET FORTH IN 40 CFR
15 260.43.

16 (24.5) (a) "RECOVERY" MEANS THE EXTRACTION, SEPARATION, OR
17 REGENERATION OF CRITICAL MINERALS OR CATHODE MATERIALS IN THEIR
18 ELEMENTAL, COMPOUND, OR INTERMEDIATE FORM, SUCH AS REFINED
19 METALS, SALTS, OXIDES, HYDROXIDES, OR REGENERATED CATHODE
20 MATERIALS, OR OTHER COMMERCIALY USABLE FORMS.

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

23 (26.3) "REMANUFACTURE" MEANS A STANDARDIZED INDUSTRIAL
24 PROCESS THROUGH WHICH BATTERY CORES ARE RETURNED TO
25 SAME-AS-NEW OR BETTER CONDITION AND PERFORMANCE, WHICH PROCESS
26 IS IN LINE WITH SPECIFIC TECHNICAL SPECIFICATIONS INCLUDING
27 ENGINEERING, QUALITY, AND TESTING STANDARDS.

28 (26.5) "REMANUFACTURER" MEANS A PERSON THAT
29 REMANUFACTURES A PROPULSION BATTERY.

30 (26.7) "REPURPOSE" MEANS THE PROCESS OF MODIFYING A
31 PROPULSION BATTERY OR PROPULSION BATTERY PACK, MODULE, OR CELL
32 TO STORE AND SUPPLY ELECTRICITY IN A MANNER OTHER THAN THE
33 ORIGINAL INTENDED PURPOSE OF THE PROPULSION BATTERY.

34 (26.8) "REPURPOSER" MEANS A PERSON THAT USES A PROPULSION
35 BATTERY TO FULFILL A DIFFERENT USE THAN THE USE FOR WHICH THE
36 PROPULSION BATTERY WAS ORIGINALLY DESIGNED.

37 (26.9) "RESPONSIBLE PROPULSION BATTERY MANAGEMENT"
38 MEANS ENSURING A PROPULSION BATTERY IS DISPOSITIONED AND
39 MANAGED PURSUANT TO THE BATTERY MANAGEMENT HIERARCHY, WHILE
40 ALSO ENSURING THAT ANY PROPULSION BATTERY NO LONGER SUITABLE
41 FOR USE IN A VEHICLE IS ULTIMATELY DIRECTED TO EITHER A REPURPOSER
42 OR A PROPULSION BATTERY RECYCLER.

1 (27.1) "REUSE" MEANS THE USE OF A PROPULSION BATTERY IN A
2 VEHICLE OTHER THAN THE ORIGINAL VEHICLE INTO WHICH THE
3 PROPULSION BATTERY WAS PLACED.

4 (27.2) (a) "SECONDARY HANDLER" MEANS A COMMERCIAL ENTITY
5 OTHER THAN THE PROPULSION BATTERY PROVIDER THAT TAKES
6 POSSESSION OF A PROPULSION BATTERY OR REMOVES A PROPULSION
7 BATTERY FROM A VEHICLE FOR THE PURPOSE OF SELLING, DISPOSITIONING,
8 REPAIRING, REUSING, OR RECYCLING THE PROPULSION BATTERY WITH A
9 PROPULSION BATTERY RECYCLER.

10 (b) "SECONDARY HANDLER" INCLUDES A SOLID WASTE DISPOSAL
11 SITE AND FACILITY.

12 (27.3) "SOLID WASTE COLLECTOR" MEANS A PERSON THAT
13 OPERATES COLLECTION ROUTES FOR THE REMOVAL OF SOLID WASTE FROM
14 RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL, OR INDUSTRIAL
15 PREMISES.

16 (27.4) "SOLID WASTE DISPOSAL SITE AND FACILITY" HAS THE SAME
17 MEANING AS "SOLID WASTES DISPOSAL SITE AND FACILITY" AS DEFINED IN
18 SECTION 30-20-101 (8).

19 (27.5) "STATE OF CHARGE" MEANS THE MEASURE OF A PROPULSION
20 BATTERY'S REMAINING CAPACITY, EXPRESSED AS A PERCENTAGE OF ITS
21 TOTAL CAPACITY.

22 (27.6) "STATE OF HEALTH" MEANS A CALCULATED PARAMETER
23 THAT CORRELATES TO USABLE PROPULSION BATTERY ENERGY FOR THE
24 CERTIFIED RANGE VALUE AND IS NORMALIZED FROM ZERO TO ONE
25 HUNDRED PERCENT.

26 (30.5) (a) "UNWANTED PROPULSION BATTERY" MEANS A
27 PROPULSION BATTERY THAT IS NO LONGER WANTED BY THE OWNER.

28 (b) "UNWANTED PROPULSION BATTERY" INCLUDES A PROPULSION
29 BATTERY THAT HAS BEEN DAMAGED, INCLUDING IN A THERMAL RUNAWAY
30 INCIDENT.

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

33 **25-17-1012. Annual fee - battery stewardship fund -**
34 **responsibilities of the executive director - rules.**

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

38 (3) (a) (I) IN ADDITION TO THE ANNUAL FEE DESCRIBED IN
39 SUBSECTION (3)(b) OF THIS SECTION, A PROPULSION BATTERY PROVIDER
40 SHALL PAY A PROGRAM INITIATION FEE. THE PROGRAM INITIATION FEE
41 MUST BE SPLIT INTO THREE PAYMENTS, AND A PROPULSION BATTERY
42 PROVIDER SHALL MAKE ONE OF EACH OF THE PAYMENTS ON JULY 1, 2027,
43 JULY 1, 2028, AND JULY 1, 2029, RESPECTIVELY. THE SUM OF THE

1 PROGRAM INITIATION FEES PAID BY PROPULSION BATTERY PROVIDERS IN
2 A GIVEN YEAR MUST OFFSET ANY GENERAL FUND ALLOCATIONS BY
3 COVERING ANY COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING
4 SECTION 25-17-1019.

5 (II) THE PROGRAM INITIATION FEE AMOUNT REQUIRED TO BE PAID
6 BY EACH PROPULSION BATTERY PROVIDER IS BASED ON EACH PROPULSION
7 BATTERY PROVIDER'S PERCENTAGE OF ALL PROPULSION BATTERY
8 VEHICLES REGISTERED IN THE STATE, ACCORDING TO REGISTRATION DATA
9 COLLECTED BY THE DIVISION OF MOTOR VEHICLES IN THE DEPARTMENT OF
10 REVENUE AS OF APRIL 26, 2026, AS FOLLOWS:

11 (A) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
12 MORE THAN FIVE PERCENT OF ALL PROPULSION BATTERY VEHICLES
13 REGISTERED IN THE STATE AS OF APRIL 26, 2026, SHALL PAY A PROGRAM
14 INITIATION FEE OF TWENTY-FOUR THOUSAND FOUR HUNDRED DOLLARS,
15 CONSISTING OF A PAYMENT OF EIGHT THOUSAND THREE HUNDRED
16 DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF EIGHT THOUSAND
17 FIFTY DOLLARS ON JULY 1, 2028, AND ON JULY 1, 2029, RESPECTIVELY;

18 (B) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
19 MORE THAN TWO PERCENT BUT NO MORE THAN FIVE PERCENT OF ALL
20 PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL
21 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOURTEEN THOUSAND
22 FOUR HUNDRED DOLLARS, CONSISTING OF A PAYMENT OF FIVE THOUSAND
23 DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF FOUR THOUSAND
24 SEVEN HUNDRED DOLLARS ON JULY 1, 2028, AND ON JULY 1, 2029,
25 RESPECTIVELY;

26 (C) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR
27 MORE THAN ONE-FIFTH PERCENT BUT NO MORE THAN TWO PERCENT OF ALL
28 PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL
29 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOUR THOUSAND
30 EIGHT HUNDRED DOLLARS, CONSISTING OF A PAYMENT OF TWO THOUSAND
31 DOLLARS ON JULY 1, 2027, AND TWO PAYMENTS OF ONE THOUSAND FOUR
32 HUNDRED DOLLARS ON JULY 1, 2028, AND ON JULY 1, 2029,
33 RESPECTIVELY; AND

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

38 (IV) ANY GENERAL FUND ALLOCATIONS REQUIRED FOR THE
39 DEPARTMENT TO PROCESS THE PROGRAM INITIATION FEES SHALL BE
40 REIMBURSED TO THE GENERAL FUND THE FOLLOWING YEAR USING THE
41 MONEY GATHERED FROM THE PROGRAM INITIATION FEES.

42 (V) A PROPULSION BATTERY PROVIDER IS NOT REQUIRED TO PAY
43 THE PROGRAM INITIATION FEE WHEN THE PROPULSION BATTERY PROVIDER

1 SEEKS TO UPDATE THEIR REGISTRATION INFORMATION THAT THEY
2 PREVIOUSLY PROVIDED TO THE EXECUTIVE DIRECTOR PURSUANT TO
3 SECTION 25-17-1019 (1)(a).

4 (b) (I) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH JULY
5 1 THEREAFTER, A PROPULSION BATTERY PROVIDER SHALL PAY TO THE
6 DEPARTMENT AN ANNUAL FEE TO COVER THE DEPARTMENT'S COST OF
7 IMPLEMENTING, ADMINISTERING, AND ENFORCING SECTION 25-17-1019.
8 THE STATE TREASURER SHALL CREDIT THE ANNUAL FEES TO THE FUND,
9 AND THE DEPARTMENT SHALL USE THE FEES FOR COSTS ASSOCIATED WITH
10 THE ADMINISTRATION OF SECTION 25-17-1019.

11 (II) ON OR BEFORE JULY 1, 2029, THE COMMISSION SHALL
12 ESTABLISH THE ANNUAL FEE AMOUNT BY RULE. THE FEE AMOUNT MUST BE
13 BASED ON FACTORS SUCH AS THE PROPULSION BATTERY PROVIDER'S
14 RELATIVE MARKET SHARE OF PROPULSION BATTERIES IN THE STATE AND
15 THE NUMBER OF UNWANTED PROPULSION BATTERIES COLLECTED BY THE
16 PROPULSION BATTERY PROVIDER. THE SUM OF ANNUAL FEES PAID BY
17 PROPULSION BATTERY PROVIDERS THAT ARE REGISTERED PURSUANT TO
18 SECTION 25-17-1019 (1)(a) AND FEES PAID BY SECONDARY HANDLERS
19 PURSUANT TO SECTION 25-17-1015 (2)(d) MUST COVER THE
20 DEPARTMENT'S ANNUAL COSTS OF ADMINISTERING SECTION 25-17-1019
21 STARTING IN 2030 AND MUST NOT EXCEED NINETY THOUSAND DOLLARS
22 ACROSS ALL PARTICIPATING ENTITIES. A SINGLE PROPULSION BATTERY
23 PROVIDER SHALL NOT BE REQUIRED TO PAY MORE THAN TEN PERCENT OF
24 THE TOTAL AMOUNT OF ANNUAL FEES.

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.**

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

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;

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

4 (d) ASSESS THE ANNUAL REPORTS SUBMITTED PURSUANT TO
5 SECTION 25-17-1019 (9) TO DETERMINE WHETHER ANY SECONDARY
6 HANDLERS REQUIRED THE COLLECTION OF TEN OR MORE UNWANTED
7 PROPULSION BATTERIES IN A GIVEN YEAR AND, IF SO, ASSESS A
8 COLLECTION CHARGE OF ONE THOUSAND DOLLARS TO BE PAID TO THE
9 DEPARTMENT BY THE SECONDARY HANDLER AND CREDITED TOWARD THE
10 ANNUAL FEE AMOUNT TO REDUCE THE AMOUNT OF PROPULSION BATTERY
11 PROVIDER ANNUAL FEES;

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

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

21 (g) CONDUCT AN EMAIL SURVEY WITH ENTITIES REGISTERED
22 PURSUANT TO SECTION 25-17-1019 (1) AND SOLID WASTE DISPOSAL SITES
23 AND FACILITIES TO REQUEST FEEDBACK ON THE FUNCTIONING OF THE
24 PROPULSION BATTERY RECYCLING PROGRAM SET FORTH IN SECTION
25 25-17-1019 TO UNDERSTAND THEIR EXPERIENCE, ANY KNOWLEDGE OF
26 ORPHANED BATTERIES, AND ANY RECOMMENDED PROGRAM
27 IMPROVEMENTS. BASED ON THE FINDINGS OF THE SURVEY, THE
28 DEPARTMENT SHALL ASSESS THE EFFECTIVENESS OF THE RESPONSIBILITY
29 FRAMEWORK OUTLINED IN SECTION 25-17-1019 TO COLLECT UNWANTED
30 PROPULSION BATTERIES. THE DEPARTMENT SHALL INCLUDE A SUMMARY
31 OF THE SURVEY FINDINGS AND THE DEPARTMENT'S ASSESSMENT WITH THE
32 AGGREGATED NONPROPRIETARY DATA POSTED ANNUALLY ON THE
33 DEPARTMENT'S PUBLIC WEBSITE PURSUANT TO SUBSECTION (3) OF THIS
34 SECTION.

35 (3) THE DEPARTMENT SHALL INCLUDE THE AGGREGATED
36 NONPROPRIETARY DATA COLLECTED ON PROPULSION BATTERIES
37 PURSUANT TO SECTION 25-17-1019 (9) WITH THE DATA ON RECYCLING,
38 SOLID WASTE, AND SOLID WASTE DIVERSION THAT IS COLLECTED AND
39 REPORTED ANNUALLY BY THE DEPARTMENT TO THE STANDING COMMITTEE
40 OF REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY EXERCISING
41 JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH AND THE
42 ENVIRONMENT PURSUANT TO SECTION 30-20-122 (1) AND SHALL
43 ANNUALLY POST THE DATA ON THE DEPARTMENT'S PUBLIC WEBSITE.

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

4 **SECTION 6.** In Colorado Revised Statutes, **add** 25-17-1019 and
5 25-17-1020 as follows:

6 **25-17-1019. Propulsion batteries - propulsion battery**
7 **providers - remanufacturers - secondary handlers - public outreach**
8 **and education - collection of unwanted propulsion batteries -**
9 **reporting requirement - marking and labeling requirements - solid**
10 **waste disposal site and facility disposal prohibited.**

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

13 (I) PROVIDING TO THE DEPARTMENT, THROUGH INFORMAL DIGITAL
14 CORRESPONDENCE OR BY SUBMITTING A DIGITAL FORM, THE PROPULSION
15 BATTERY PROVIDER'S BUSINESS NAME, CONTACT INFORMATION, ADDRESS,
16 AND BUSINESS DESCRIPTION; AND

17 (II) INFORMING THE DEPARTMENT WHETHER THE PROPULSION
18 BATTERY PROVIDER PLANS TO FILE ITS EDUCATION AND OUTREACH PLAN
19 INDIVIDUALLY OR AS PART OF A GROUP OF PROPULSION BATTERY
20 PROVIDERS. A PROPULSION BATTERY PROVIDER INTENDING TO FILE AS
21 PART OF A GROUP SHALL PROVIDE TO THE DEPARTMENT THE NAMES OF THE
22 OTHER PROPULSION BATTERY PROVIDERS IN THE GROUP, IF FEASIBLE. A
23 PROPULSION BATTERY PROVIDER MAY PARTICIPATE IN A GROUP
24 EDUCATION AND OUTREACH PLAN WITHOUT PARTICIPATING IN GROUP
25 PROPULSION BATTERY COLLECTION ACTIVITIES.

26 (b) A SECONDARY HANDLER, REMANUFACTURER, OR REPURPOSER
27 MAY ELECT TO REGISTER WITH THE DEPARTMENT AT ANY TIME BY
28 PROVIDING, THROUGH INFORMAL DIGITAL CORRESPONDENCE OR BY
29 SUBMITTING A DIGITAL FORM, THE ENTITY'S BUSINESS NAME, CONTACT
30 INFORMATION, ADDRESS, AND BUSINESS DESCRIPTION. A SECONDARY
31 HANDLER, REMANUFACTURER, OR REPURPOSER IS NOT REQUIRED TO PAY
32 THE REGISTRATION FEE.

33 (2) ON OR BEFORE APRIL 1, 2028, A PROPULSION BATTERY
34 PROVIDER OR GROUP OF PROPULSION BATTERY PROVIDERS SHALL SUBMIT
35 TO THE EXECUTIVE DIRECTOR AN EDUCATION AND OUTREACH PLAN. THE
36 EDUCATION AND OUTREACH PLAN MUST:

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

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

41 (II) THE REQUIREMENTS FOR SECONDARY HANDLERS IN
42 SUBSECTION (10) OF THIS SECTION;

43 (III) THE PROCESS FOR HOW A SECONDARY HANDLER CAN NOTIFY

1 THE PROPULSION BATTERY PROVIDER THAT AN UNWANTED PROPULSION
2 BATTERY NEEDS COLLECTION; AND
3 (IV) INFORMATION ABOUT SECONDARY HANDLER REGISTRATION;
4 (b) SPECIFY HOW THE PROPULSION BATTERY PROVIDER'S CONTACT
5 INFORMATION FOR SECONDARY HANDLERS CAN BE ACCESSED;
6 (c) INCLUDE INFORMATION THAT THE PROPULSION BATTERY
7 PROVIDER REQUIRES TO DETERMINE THE ELIGIBILITY OF A PROPULSION
8 BATTERY THAT NEEDS COLLECTION, INCLUDING:
9 (I) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
10 THAT HAS BEEN REMOVED FROM A VEHICLE;
11 (II) CONFIRMATION THAT, TO THE BEST OF THE SECONDARY
12 HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY HAS NOT BEEN
13 MODIFIED OR TAKEN APART;
14 (III) CONFIRMATION THAT THE PROPULSION BATTERY IS FULLY
15 OWNED BY THE SECONDARY HANDLER WITH NO KNOWN PENDING CLAIMS
16 FOR LOSS OR DAMAGES BY AN INSURANCE PROVIDER;
17 (IV) THE MAKE, MODEL, AND YEAR OF THE VEHICLE FROM WHICH
18 THE PROPULSION BATTERY CAME, IF AVAILABLE;
19 (V) THE DIMENSIONS AND WEIGHT OF THE PROPULSION BATTERY,
20 IF AVAILABLE;
21 (VI) A PHOTOGRAPH OF THE PROPULSION BATTERY AND A
22 PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;
23 (VII) AN ASSESSMENT AS TO WHETHER, TO THE BEST OF THE
24 SECONDARY HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY IS
25 DAMAGED OR DEFECTIVE;
26 (VIII) A COPY OF THE SECONDARY HANDLER'S FEDERAL
27 DEPARTMENT OF TRANSPORTATION HAZMAT TRANSPORTATION SHIPPING
28 CERTIFICATION, IF AVAILABLE; AND
29 (IX) SECONDARY HANDLER REGISTRATION INFORMATION, IF
30 AVAILABLE; AND
31 (d) DESCRIBE HOW SECONDARY HANDLERS AND FIRST RESPONDERS
32 CAN ACCESS EMERGENCY RESPONSE GUIDES FOR ELECTRIC VEHICLES.
33 (3) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
34 PROVIDER SHALL NOT SELL, MAKE AVAILABLE FOR SALE, OR DISTRIBUTE
35 A PROPULSION BATTERY IN OR INTO THE STATE UNLESS THE PROPULSION
36 BATTERY PROVIDER HAS SUBMITTED AN EDUCATION AND OUTREACH PLAN
37 TO THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SUBSECTION (2) OF
38 THIS SECTION.
39 (4) A PROPULSION BATTERY PROVIDER SHALL DEVELOP AND
40 MAINTAIN ONE OR MORE WEBSITES OR EQUIVALENT MEANS, AVAILABLE IN
41 BOTH ENGLISH AND SPANISH, THAT INCLUDE THE INFORMATION IN THE
42 PROPULSION BATTERY PROVIDER'S EDUCATION AND OUTREACH PLAN. AT
43 LEAST ONE WEBSITE MUST INCLUDE THE FOLLOWING:

1 (a) A LINK TO THE PROPULSION BATTERY PROVIDER'S EMERGENCY
2 RESPONSE GUIDES FOR ELECTRIC VEHICLES;
3 (b) THE PROPULSION BATTERY PROVIDER'S CONTACT INFORMATION
4 FOR SECONDARY HANDLERS; AND
5 (c) INSTRUCTIONS FOR HOW SECONDARY HANDLERS CAN PROVIDE
6 THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(III) OF THIS SECTION
7 FOR A PROPULSION BATTERY PROVIDER TO DETERMINE THE ELIGIBILITY OF
8 AN UNWANTED PROPULSION BATTERY.

9 (5) A PROPULSION BATTERY PROVIDER SHALL:
10 (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(c) OF THIS SECTION,
11 UPON RECEIVING NOTIFICATION IN ACCORDANCE WITH THE NOTIFICATION
12 PROCESS OUTLINED IN SUBSECTION (2)(a)(III) OF THIS SECTION THAT AN
13 UNWANTED PROPULSION BATTERY NEEDS COLLECTION, RETRIEVE THE
14 BATTERY AND ENSURE RESPONSIBLE PROPULSION BATTERY MANAGEMENT.
15 THE PROPULSION BATTERY PROVIDER SHALL RETRIEVE AN UNWANTED
16 PROPULSION BATTERY:
17 (I) WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION FROM A
18 SECONDARY HANDLER, UNLESS MUTUALLY AGREEABLE TERMS FOR A
19 LONGER COLLECTION TIMELINE ARE MADE WITH A SECONDARY HANDLER
20 OR THERE IS AN UNEXPECTED DELAY DUE TO CIRCUMSTANCES FORCE
21 MAJEURE; AND
22 (II) WITHIN THIRTY DAYS AFTER RECEIVING NOTIFICATION FROM
23 A SOLID WASTE DISPOSAL SITE AND FACILITY;

24 (b) ENSURE THE RESPONSIBLE PROPULSION BATTERY
25 MANAGEMENT OF ALL PROPULSION BATTERIES WITHIN THE POSSESSION OF
26 THE PROPULSION BATTERY PROVIDER IN ACCORDANCE WITH THE BATTERY
27 MANAGEMENT HIERARCHY;
28 (c) FULLY FUND THE COSTS OF THE COLLECTION OF AN UNWANTED
29 PROPULSION BATTERY OFFERED BY A SECONDARY HANDLER; EXCEPT THAT
30 A PROPULSION BATTERY PROVIDER IS NOT RESPONSIBLE FOR THE
31 COLLECTION OF A PROPULSION BATTERY THAT:
32 (I) HAS BEEN REMANUFACTURED BY A REMANUFACTURER, UNLESS
33 THE REMANUFACTURER IS IN A CONTRACTUAL RELATIONSHIP WITH THE
34 PROPULSION BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE
35 PROPULSION BATTERY PROVIDER RETAINS RESPONSIBILITY FOR
36 RESPONSIBLE PROPULSION BATTERY MANAGEMENT;
37 (II) HAS BEEN REPURPOSED BY A REPURPOSER, UNLESS THE
38 REPURPOSER IS IN A CONTRACTUAL RELATIONSHIP WITH THE PROPULSION
39 BATTERY PROVIDER AND THE CONTRACT PROVIDES THAT THE PROPULSION
40 BATTERY PROVIDER RETAINS RESPONSIBILITY FOR RESPONSIBLE
41 PROPULSION BATTERY MANAGEMENT;
42 (III) HAS BEEN DISASSEMBLED INTO MODULES OR CELLS; OR
43 (IV) IS CONTAINED WITHIN A VEHICLE OR PRODUCT THAT IS

1 DIRECTLY OWNED OR CONTROLLED BY AN INSURANCE COMPANY; AND
2 (d) PROVIDE THE STATE OF HEALTH OF A PROPULSION BATTERY
3 EMBEDDED IN A VEHICLE THROUGH THE VEHICLE'S IN-VEHICLE DISPLAY OR
4 THROUGH A NONPROPRIETARY ON-BOARD DIAGNOSTIC SCAN TOOL, FOR A
5 VEHICLE THAT IS MODEL YEAR 2028 OR LATER. A PROPULSION BATTERY
6 PROVIDER MAY, BUT IS NOT REQUIRED TO, SUPPLY STATE OF HEALTH
7 INFORMATION FOR A PROPULSION BATTERY THAT HAS BEEN REMOVED
8 FROM OR IS OUTSIDE OF A VEHICLE.

9 (6) ON AND AFTER OCTOBER 1, 2028, A PROPULSION BATTERY
10 PROVIDER SHALL NOT SELL, OFFER FOR SALE, OR DISTRIBUTE IN OR INTO
11 THE STATE A PROPULSION BATTERY UNLESS THE PROPULSION BATTERY
12 PROVIDER:

13 (a) (I) APPLIES A LABEL TO THE PROPULSION BATTERY THAT
14 INCLUDES THE NAME OF THE PROPULSION BATTERY PROVIDER
15 RESPONSIBLE FOR THE PROPULSION BATTERY, ITS DATE OF MANUFACTURE,
16 AND THE FOLLOWING:

17 (A) AN IDENTIFICATION OF THE CHEMISTRY OF THE PROPULSION
18 BATTERY, INCLUDING THE CATHODE TYPE AND ANODE TYPE, IN
19 ACCORDANCE WITH SAE INTERNATIONAL J2984 STANDARD, "CHEMICAL
20 IDENTIFICATION OF TRANSPORTATION BATTERIES FOR RECYCLING";

21 (B) THE RATED CAPACITY OR ENERGY AS MEASURED BY SAE
22 INTERNATIONAL J2288 STANDARD, "LIFE CYCLE TESTING OF ELECTRIC
23 VEHICLE BATTERY MODULES";

24 (C) THE HAZARDOUS SUBSTANCES CONTAINED IN THE PROPULSION
25 BATTERY;

26 (D) PRODUCT SAFETY AND RECALL INFORMATION; AND
27 (E) SAFE DISPOSAL INFORMATION.

28 (II) A PROPULSION BATTERY PROVIDER THAT APPLIES A LABEL
29 SHALL ATTACH THE LABEL TO THE EXTERIOR OF THE PROPULSION BATTERY
30 SO THAT THE LABEL IS VISIBLE AND ACCESSIBLE WHEN THE PROPULSION
31 BATTERY IS REMOVED FROM THE VEHICLE IN ACCORDANCE WITH THE
32 MANUFACTURER'S RECOMMENDED PROCEDURES FOR BATTERY REMOVAL.
33 THE LABEL MUST REMAIN LEGIBLE, ADHERED, AND FUNCTIONALLY INTACT
34 UNDER EXPECTED ENVIRONMENTAL AND LIFE-CYCLE CONDITIONS WITHIN
35 THE VEHICLE.

36 (b) (I) TO COMPLY WITH SUBSECTION (6)(a)(I) OF THIS SECTION, A
37 PROPULSION BATTERY PROVIDER MAY APPLY A QUICK RESPONSE (QR)
38 CODE TO THE PROPULSION BATTERY THAT LINKS TO A DATA REPOSITORY
39 WEBSITE.

40 (II) THE DATA REPOSITORY WEBSITE MAY INCLUDE INFORMATION
41 THAT COVERS A PERIOD OF TIME REPRESENTING MULTIPLE DATES OF
42 MANUFACTURE IF THE REST OF THE LABEL INFORMATION REQUIRED BY
43 THIS SUBSECTION (6) IS CONSISTENT ACROSS THE MULTIPLE DATES OF

1 MANUFACTURE AND THE DATA REPOSITORY WEBSITE ENTRY INCLUDES THE
2 APPLICABLE RANGE OF DATES OF MANUFACTURE.

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

5 (a) SHALL RELABEL A PROPULSION BATTERY TO ENSURE THAT THE
6 REMANUFACTURER'S BRAND IS CLEARLY MARKED ON THE LABEL. IF THE
7 ORIGINAL LABEL REMAINS, THE REMANUFACTURER SHALL PLACE THE NEW
8 LABEL ADJACENT TO THE ORIGINAL LABEL AND CLEARLY IDENTIFY THE
9 ORIGINAL LABEL AS OBSOLETE. IF THE REMANUFACTURER ALTERS THE
10 PROPULSION BATTERY'S COMPOSITION OR CHEMISTRY, THE
11 REMANUFACTURER SHALL UPDATE THE LABEL OR PROVIDE A NEW DATA
12 REPOSITORY WEBSITE LINK OR QUICK RESPONSE (QR) CODE TO REFLECT
13 THE NEW COMPOSITION.

14 (b) SHALL ENSURE RESPONSIBLE PROPULSION BATTERY
15 MANAGEMENT WHEN:

16 (I) A PROPULSION BATTERY THAT THE REMANUFACTURER
17 DISASSEMBLES OR REMANUFACTURES IS ULTIMATELY NOT SOLD FOR USE
18 IN A VEHICLE; AND

19 (II) AN UNWANTED PROPULSION BATTERY THAT HAS BEEN
20 REMOVED FROM A VEHICLE BY A SECONDARY HANDLER IN THE STATE IS
21 COLLECTED BY THE REMANUFACTURER;

22 (c) SHALL FULLY FUND THE COSTS OF THE COLLECTION OF AN
23 UNWANTED PROPULSION BATTERY THAT THE REMANUFACTURER HAS
24 REMANUFACTURED IF OFFERED BY A SECONDARY HANDLER;

25 (d) IS NOT RESPONSIBLE FOR COLLECTING A REMANUFACTURED
26 PROPULSION BATTERY IF:

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

32 (II) THE REMANUFACTURED PROPULSION BATTERY IS CONTAINED
33 WITHIN A VEHICLE OR PRODUCT THAT IS DIRECTLY OWNED OR
34 CONTROLLED BY AN INSURANCE COMPANY;

35 (III) THE REMANUFACTURER IS IN A CONTRACTUAL RELATIONSHIP
36 WITH THE PROPULSION BATTERY PROVIDER AND THE CONTRACT PROVIDES
37 THAT THE PROPULSION BATTERY PROVIDER RETAINS RESPONSIBILITY FOR
38 THE DISPOSITIONING AND MANAGEMENT OF THE PROPULSION BATTERY; OR

39 (IV) THE REMANUFACTURED PROPULSION BATTERY HAS BEEN
40 DISASSEMBLED INTO MODULES OR CELLS;

41 (e) EXCEPT AS PROVIDED IN SUBSECTION (7)(d) OF THIS SECTION,
42 UPON RECEIVING NOTIFICATION THAT AN UNWANTED PROPULSION
43 BATTERY NEEDS COLLECTION IN ACCORDANCE WITH THE NOTIFICATION

1 PROCESS OUTLINED IN SUBSECTION (7)(f) OF THIS SECTION, SHALL
2 RETRIEVE THE BATTERY:

3 (I) WITHIN SIXTY DAYS AFTER RECEIVING NOTIFICATION FROM A
4 SECONDARY HANDLER, UNLESS MUTUALLY AGREEABLE TERMS FOR A
5 LONGER COLLECTION TIMELINE ARE MADE WITH A SECONDARY HANDLER
6 OR THERE IS AN UNEXPECTED DELAY DUE TO CIRCUMSTANCES FORCE
7 MAJEURE; AND

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

10 (f) SHALL ESTABLISH A PROCESS FOR A SECONDARY HANDLER TO
11 NOTIFY THE REMANUFACTURER THAT AN UNWANTED PROPULSION
12 BATTERY NEEDS COLLECTION. THE PROCESS MUST INCLUDE THE
13 FOLLOWING:

14 (I) AN EDUCATION AND OUTREACH PROGRAM FOR SECONDARY
15 HANDLERS;

16 (II) THE REMANUFACTURER'S CONTACT INFORMATION FOR
17 SECONDARY HANDLERS; AND

18 (III) INFORMATION THAT THE REMANUFACTURER REQUIRES TO
19 DETERMINE THE ELIGIBILITY OF A PROPULSION BATTERY THAT NEEDS
20 COLLECTION, INCLUDING:

21 (A) CONFIRMATION THAT THE BATTERY IS A PROPULSION BATTERY
22 THAT HAS BEEN REMOVED FROM A VEHICLE;

23 (B) CONFIRMATION THAT, TO THE BEST OF THE SECONDARY
24 HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY HAS NOT BEEN
25 MODIFIED OR TAKEN APART BY ANYONE OTHER THAN THE PROPULSION
26 BATTERY PROVIDER OR REMANUFACTURER;

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

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

33 (E) THE DIMENSIONS AND WEIGHT OF THE PROPULSION BATTERY,
34 IF AVAILABLE;

35 (F) A PHOTOGRAPH OF THE PROPULSION BATTERY AND A
36 PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;

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

40 (H) A COPY OF THE SECONDARY HANDLER'S FEDERAL DEPARTMENT
41 OF TRANSPORTATION HAZMAT TRANSPORTATION SHIPPING CERTIFICATION,
42 IF AVAILABLE; AND

43 (I) SECONDARY HANDLER REGISTRATION INFORMATION, IF

1 AVAILABLE.

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

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

9 (9) (a) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH JULY
10 1 THEREAFTER, A PROPULSION BATTERY PROVIDER AND A
11 REMANUFACTURER SHALL SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE
12 DIRECTOR COVERING THE PRECEDING CALENDAR YEAR OF THE
13 RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF THE PROPULSION
14 BATTERIES COLLECTED BY THE PROPULSION BATTERY PROVIDER OR
15 REMANUFACTURER PURSUANT TO THIS SECTION. THE REPORT MUST
16 INCLUDE THE FOLLOWING:

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

19 (II) THE NUMBER OF UNWANTED PROPULSION BATTERIES THAT
20 WERE OFFERED FROM A SECONDARY HANDLER AND THE NUMBER OF
21 UNWANTED PROPULSION BATTERIES COLLECTED, BY CHEMISTRY;

22 (III) FOR EACH REQUEST RECEIVED TO COLLECT AN UNWANTED
23 PROPULSION BATTERY:

24 (A) THE DATE THAT THE SECONDARY HANDLER OFFERED THE
25 UNWANTED PROPULSION BATTERY, ALONG WITH THE ELIGIBILITY
26 INFORMATION DESCRIBED IN SUBSECTIONS (2)(c) AND (7)(f)(III) OF THIS
27 SECTION, TO THE PROPULSION BATTERY PROVIDER OR REMANUFACTURER;

28 (B) THE DATE A PLAN WAS COMMUNICATED TO THE SECONDARY
29 HANDLER FOR COLLECTING THE UNWANTED PROPULSION BATTERY; AND

30 (C) THE DATE THE UNWANTED PROPULSION BATTERY WAS
31 COLLECTED OR, IF APPLICABLE, THE REASONS THAT THE UNWANTED
32 PROPULSION BATTERY WAS NOT COLLECTED, INCLUDING SUPPORTING
33 INFORMATION SUCH AS PHOTOGRAPHS;

34 (IV) THE NUMBER OF PROPULSION BATTERIES, SEPARATED BY
35 CHEMISTRY, SENT FOR REUSE, REMANUFACTURING, REPURPOSING, AND
36 PROPULSION BATTERY RECYCLING, RESPECTIVELY;

37 (V) THE PROPULSION BATTERY RECYCLERS USED IN THE
38 PROPULSION BATTERY RECYCLING PROCESS, INCLUDING IDENTIFICATION
39 OF A RECYCLER'S LOCATION;

40 (VI) A DESCRIPTION OF THE GENERAL PROCESSES USED BY
41 PROPULSION BATTERY RECYCLERS TO ACHIEVE REQUIRED RECOVERY
42 RATES; AND

43 (VII) FOR EACH PROPULSION BATTERY RECYCLER USED:

1 (A) THE RECOVERY RATE OF LITHIUM, COBALT, AND NICKEL
2 PRESENT IN THE PROPULSION BATTERY FEEDSTOCK, USING THE
3 CALCULATIONS DESCRIBED IN THIS SUBSECTION (9). THE TARGETED
4 CRITICAL MINERALS AND SPECIFIC RATIOS MUST BE LISTED SEPARATELY.
5 A MINERAL THAT IS NOT TARGETED IN THE RECOVERY PROCESS MAY BE
6 LISTED AS A PERCENT OR IT CAN BE STATED THAT THE MINERAL IS NOT
7 TARGETED AND RECOVERED BY THE PROPULSION BATTERY RECYCLER.

8 (B) THE FORM OF THE MAJORITY OF RECOVERED BATTERY
9 MATERIAL MUST BE IDENTIFIED AS ELEMENTAL, COMPOUND, OR
10 INTERMEDIATE, CONSISTENT WITH THE RECOVERY DEFINITION IN SECTION
11 25-17-1003 (24.5).

12 (b) A PROPULSION BATTERY RECYCLER SHALL RECOVER THE
13 FOLLOWING CRITICAL MINERALS IN THE ELEMENTAL, COMPOUND, OR
14 INTERMEDIATE FORM AT THE FOLLOWING MINIMUM RATES, WHICH RATES
15 ARE CALCULATED BASED ON EACH PROPULSION BATTERY RECYCLER'S
16 FACILITY-LEVEL YEARLY AVERAGE:

17 (I) BY 2031:

18 (A) NINETY PERCENT OF COBALT;

19 (B) NINETY PERCENT OF NICKEL; AND

20 (C) FIFTY PERCENT OF LITHIUM; AND

21 (II) BY 2035:

22 (A) NINETY PERCENT OF COBALT;

23 (B) NINETY PERCENT OF NICKEL; AND

24 (C) EIGHTY PERCENT OF LITHIUM.

25 (c) THE RECOVERY RATE FOR EACH TARGET CRITICAL MINERAL
26 MUST BE CALCULATED ON AN ANNUAL BASIS FOR EACH PROPULSION
27 BATTERY RECYCLER USING A MASS BALANCE APPROACH. THE
28 CALCULATION MUST ACCOUNT FOR THE MASS OF THE TARGET CRITICAL
29 MINERAL CONTAINED IN MATERIALS ENTERING THE RECYCLING PROCESS,
30 INCLUDING WASTE PROPULSION BATTERIES OR INTERMEDIATE MATERIALS,
31 AND THE MASS OF THE TARGET CRITICAL MINERAL RECOVERED IN
32 MATERIALS LEAVING THE RECYCLING PROCESS THAT MEET THE DEFINITION
33 OF "RECOVERY" AS DEFINED IN SECTION 25-17-1003 (24.5).

34 (d) THE RECOVERY RATE OF A TARGET CRITICAL MINERAL EQUALS
35 THE MASS OF TARGET CRITICAL MINERAL RECOVERED IN MATERIALS
36 LEAVING THE RECYCLING PROCESS DIVIDED BY THE MASS OF TARGET
37 CRITICAL MINERAL PRESENT IN MATERIALS ENTERING THE RECYCLING
38 PROCESS. THE MASS OF TARGET CRITICAL MINERALS ENTERING AND
39 LEAVING THE RECYCLING PROCESS SHALL BE DETERMINED BASED ON THEIR
40 CHEMICAL COMPOSITION, USING ANALYTICAL METHODS AND SAMPLING
41 PROCEDURES THAT ARE REPRESENTATIVE OF THE MATERIAL FLOWS.

42 (e) A PROPULSION BATTERY RECYCLER SHALL DETERMINE THE
43 PROPORTION OF DIFFERENT BATTERY CHEMISTRIES PRESENT IN MATERIALS

1 ENTERING THE RECYCLING PROCESS BY MEANS OF A SORTING ANALYSIS
2 BASED ON CONTINUOUS SAMPLING OR REPRESENTATIVE SAMPLING
3 METHODS CONSISTENT WITH GENERALLY ACCEPTED INDUSTRY
4 STANDARDS.

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

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

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

16 (IV) AN ANNUAL REPORT SUBMITTED PURSUANT TO THIS
17 SUBSECTION (9) MAY BE UNIQUE TO COLORADO OR INCLUDE INFORMATION
18 FOR MULTIPLE STATES.

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

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

22 (I) A SECONDARY HANDLER SHALL MANAGE A PROPULSION
23 BATTERY BY ENSURING RESPONSIBLE PROPULSION BATTERY
24 MANAGEMENT;

25 (II) IF A SECONDARY HANDLER DETERMINES THAT A PROPULSION
26 BATTERY IS AN UNWANTED PROPULSION BATTERY, THE SECONDARY
27 HANDLER SHALL NOTIFY THE APPROPRIATE PROPULSION BATTERY
28 PROVIDER OR REMANUFACTURER OR ANY ENTITY THAT THE PROPULSION
29 BATTERY PROVIDER OR REMANUFACTURER HAS DESIGNATED TO
30 FACILITATE THE COLLECTION OF UNWANTED PROPULSION BATTERIES;

31 (III) A SECONDARY HANDLER MANAGING PROPULSION BATTERIES
32 SHALL MAINTAIN RECORDS FOR THREE YEARS DETAILING THE PROPULSION
33 BATTERIES SOLD OR TRANSFERRED BY THE SECONDARY HANDLER AND THE
34 PERSON THE BATTERIES WERE SOLD OR TRANSFERRED TO;

35 (IV) WHEN SHIPPING A PROPULSION BATTERY, A SECONDARY
36 HANDLER IS RESPONSIBLE FOR ENSURING COMPLIANCE WITH PROPER
37 PERSONNEL TRAINING REQUIREMENTS FOR SHIPPING UNDER 49 CFR
38 172.700 TO 172.704;

39 (V) WHEN REMOVING A PROPULSION BATTERY FROM A VEHICLE,
40 A SECONDARY HANDLER SHALL RECORD THE LAST KNOWN STATE OF
41 HEALTH AND STATE OF CHARGE, IF AVAILABLE, AND DISCLOSE THESE
42 VALUES AT THE TIME OF SALE OR TRANSFER OF THE PROPULSION BATTERY
43 TO ANOTHER PERSON;

1 (VI) IN ORDER TO PROMOTE THE BATTERY MANAGEMENT
2 HIERARCHY, A SECONDARY HANDLER SHALL STORE PROPULSION
3 BATTERIES NOT SUSPECTED OF DAMAGE OR INSTABILITY IN A COVERED
4 AREA, MINIMIZING EXPOSURE TO PRECIPITATION AND EXTREME HEAT OR
5 COLD. A SECONDARY HANDLER SHALL STORE PROPULSION BATTERIES
6 THAT ARE VISIBLY DAMAGED OR OTHERWISE SUSPECTED TO HAVE THE
7 POTENTIAL FOR THERMAL RUNAWAY IN AN ISOLATED AREA AWAY FROM
8 FLAMMABLE MATERIALS.

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

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

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

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

19 (I) RELABEL A PROPULSION BATTERY THAT IS REPURPOSED IN THE
20 STATE TO ENSURE THAT THE REPURPOSER'S BRAND IS CLEARLY MARKED
21 ON THE LABEL. IF THE ORIGINAL LABEL REMAINS, THE REPURPOSER SHALL
22 PLACE THE NEW LABEL ADJACENT TO THE ORIGINAL LABEL AND CLEARLY
23 IDENTIFY THE ORIGINAL LABEL AS OBSOLETE.

24 (II) ENSURE THE PROPULSION BATTERY RECYCLING OF
25 PROPULSION BATTERIES THAT ARE WITHIN THE REPURPOSER'S POSSESSION
26 AND THAT CAN NO LONGER BE REPURPOSED UNLESS THE PROPULSION
27 BATTERY PROVIDER OR REMANUFACTURER AGREES TO ACCEPT
28 CONTINUED RESPONSIBILITY FOR THE PROPULSION BATTERY BY
29 CONTRACT.

30 (b) (I) ON OR BEFORE JULY 1, 2030, AND ON OR BEFORE EACH JULY
31 1 THEREAFTER, A REGISTERED REPURPOSER SHALL SUBMIT AN ANNUAL
32 REPORT TO THE EXECUTIVE DIRECTOR COVERING THE PRECEDING
33 CALENDAR YEAR OF THE REPURPOSER'S RESPONSIBLE PROPULSION
34 BATTERY MANAGEMENT. THE REPORT MUST INCLUDE THE FOLLOWING:

35 (A) THE NUMBER OF PROPULSION BATTERIES THAT THE
36 REPURPOSER REPURPOSED FROM COLORADO; AND

37 (B) THE NAME AND ADDRESS OF WHERE THE REPURPOSED
38 BATTERIES WERE SOLD OR TRANSFERRED, INCLUDING FOR BATTERIES SENT
39 FOR USE IN A SECONDARY APPLICATION AND THOSE SENT FOR PROPULSION
40 BATTERY RECYCLING.

41 (II) THE ANNUAL REPORT SUBMITTED PURSUANT TO THIS
42 SUBSECTION (11) MAY BE UNIQUE TO COLORADO OR MAY INCLUDE
43 INFORMATION FOR MULTIPLE STATES.

1 (III) A REPURPOSER THAT IS ALSO A REMANUFACTURER MAY
2 SUBMIT ONE ANNUAL REPORT.

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

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

7 (b) A PERSON SHALL NOT DISPOSE OF A PROPULSION BATTERY BY
8 TAKING THE PROPULSION BATTERY TO A SOLID WASTE DISPOSAL SITE AND
9 FACILITY; AND

10 (c) A PERSON NOT IDENTIFIED IN THIS SECTION IS RESPONSIBLE FOR
11 ENSURING THE RESPONSIBLE PROPULSION BATTERY MANAGEMENT OF
12 PROPULSION BATTERIES BY WORKING WITH A SECONDARY HANDLER,
13 PROPULSION BATTERY PROVIDER, REMANUFACTURER, REPURPOSER, OR
14 PROPULSION BATTERY RECYCLER.

15 **25-17-1020. Applicability.**

16 A VEHICLE CONTAINING A PROPULSION BATTERY ORIGINALLY SOLD
17 IN THE STATE IS NOT SUBJECT TO THIS PART 10 WHEN THE VEHICLE IS
18 RETIRED OUT OF STATE.

19 **SECTION 7. Act subject to petition - effective date.** This act
20 takes effect at 12:01 a.m. on the day following the expiration of the
21 ninety-day period after final adjournment of the general assembly (August
22 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
23 referendum petition is filed pursuant to section 1 (3) of article V of the
24 state constitution against this act or an item, section, or part of this act
25 within such period, then the act, item, section, or part will not take effect
26 unless approved by the people at the general election to be held in
27 November 2026 and, in such case, will take effect on the date of the
28 official declaration of the vote thereon by the governor."."

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