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SENATE BILL 26-003

BY SENATOR(S) Wallace and Cutter, Amabile, Ball, Benavidez, Bridges, Danielson, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Lindstedt, Roberts, Sullivan, Weissman, Coleman;  
also REPRESENTATIVE(S) Brown and Stewart R., Boesenecker, Gonzalez R., Lindsay, Martinez, Mauro, McCormick, Ricks, Smith, Velasco.

CONCERNING EXPANDING THE SCOPE OF THE "BATTERY STEWARDSHIP ACT"  
TO COVER THE END-OF-LIFE MANAGEMENT OF ELECTRIC VEHICLE  
BATTERIES.

*Be it enacted by the General Assembly of the State of Colorado:*

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

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

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

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(1.5) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8.5) "CRITICAL MINERALS" MEANS MINERALS DESIGNATED AS

CRITICAL MINERALS BY THE UNITED STATES SECRETARY OF THE INTERIOR, ACTING THROUGH THE DIRECTOR OF THE UNITED STATES GEOLOGICAL SURVEY, PURSUANT TO 30 U.S.C. SEC. 1606 (c).

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

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

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

(13.5) "END OF LIFE" MEANS:

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

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

(19.5) "ORPHANED BATTERY" MEANS:

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

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

(23.3) "PROPULSION BATTERY" MEANS A BATTERY THAT IS PRIMARILY USED TO SUPPLY POWER TO PROPEL A BATTERY ELECTRIC MOTOR

VEHICLE, AS DEFINED IN SECTION 43-4-1202 (1.5), A PLUG-IN HYBRID ELECTRIC MOTOR VEHICLE, AS DEFINED IN SECTION 43-4-1202 (14), OR A HYBRID VEHICLE, AS DEFINED IN SECTION 42-4-1012 (2.5)(a)(III).

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

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

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

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

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

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

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

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

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

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

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

(II) CONDUCTS PROPULSION BATTERY RECYCLING; AND

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

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

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

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

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

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

(II) FOR THE PURPOSES OF THIS SUBSECTION (23.9)(b), SHAM RECYCLING AND LEGITIMATE RECYCLING ARE DETERMINED IN ACCORDANCE

WITH THE LEGITIMACY CRITERIA SET FORTH IN 40 CFR 260.43.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) (b) The fund consists of fees paid to the department pursuant to

~~subsection (1)~~ SUBSECTIONS (1) AND (3) of this section and any other money that the general assembly may appropriate or transfer to the fund.

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

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

(A) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR MORE THAN FIVE PERCENT OF ALL PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF TWENTY-NINE THOUSAND SEVEN HUNDRED DOLLARS, CONSISTING OF THREE SEPARATE PAYMENTS OF NINE THOUSAND NINE HUNDRED DOLLARS, EACH MADE ON JULY 1, 2027; JULY 1, 2028; AND JULY 1, 2029, RESPECTIVELY;

(B) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR MORE THAN TWO PERCENT BUT NO MORE THAN FIVE PERCENT OF ALL PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOURTEEN THOUSAND EIGHT HUNDRED FIFTY DOLLARS, CONSISTING OF THREE SEPARATE PAYMENTS OF FOUR THOUSAND NINE HUNDRED FIFTY DOLLARS, EACH MADE ON JULY 1, 2027; JULY 1, 2028; AND JULY 1, 2029, RESPECTIVELY;

(C) A PROPULSION BATTERY PROVIDER THAT IS RESPONSIBLE FOR MORE THAN ONE-FIFTH PERCENT BUT NO MORE THAN TWO PERCENT OF ALL PROPULSION BATTERY VEHICLES REGISTERED IN THE STATE AS OF APRIL 26, 2026, SHALL PAY A PROGRAM INITIATION FEE OF FOUR THOUSAND NINE

HUNDRED FIFTY DOLLARS, CONSISTING OF THREE SEPARATE PAYMENTS OF ONE THOUSAND SIX HUNDRED FIFTY DOLLARS, EACH MADE ON JULY 1, 2027; JULY 1, 2028; AND JULY 1, 2029, RESPECTIVELY; AND

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

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

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

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

(II) ON OR BEFORE JULY 1, 2029, THE COMMISSION SHALL ESTABLISH THE ANNUAL FEE AMOUNT BY RULE. THE FEE AMOUNT MUST BE BASED ON FACTORS SUCH AS THE PROPULSION BATTERY PROVIDER'S RELATIVE MARKET SHARE OF PROPULSION BATTERIES IN THE STATE AND THE NUMBER OF UNWANTED PROPULSION BATTERIES COLLECTED BY THE PROPULSION BATTERY PROVIDER. THE SUM OF ANNUAL FEES PAID BY PROPULSION BATTERY PROVIDERS THAT ARE REGISTERED PURSUANT TO SECTION 25-17-1019 (1)(a) AND FEES PAID BY SECONDARY HANDLERS PURSUANT TO SECTION 25-17-1015 (2)(d) MUST COVER THE DEPARTMENT'S ANNUAL COSTS OF ADMINISTERING SECTION 25-17-1019 STARTING IN 2030 AND MUST NOT EXCEED ONE HUNDRED FORTY THOUSAND DOLLARS ACROSS ALL PARTICIPATING ENTITIES. A SINGLE PROPULSION BATTERY PROVIDER SHALL

NOT BE REQUIRED TO PAY MORE THAN TEN PERCENT OF THE TOTAL AMOUNT OF ANNUAL FEES.

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

**25-17-1015. Enforcement - responsibilities of the department.**

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

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

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

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

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

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

(e) PROVIDE A LINK ON THE DEPARTMENT'S PUBLIC WEBSITE TO A DIGITAL REGISTRATION FORM THAT AN ENTITY CAN USE TO REGISTER PURSUANT TO SECTION 25-17-1019 (1);

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

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

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

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

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

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

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

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

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

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

(c) BEFORE AN UNWANTED PROPULSION BATTERY IS COLLECTED FROM A SECONDARY HANDLER BY A PROPULSION BATTERY PROVIDER OR REMANUFACTURER, THE SECONDARY HANDLER SHALL REGISTER WITH THE DEPARTMENT BY PROVIDING TO THE DEPARTMENT, THROUGH INFORMAL DIGITAL CORRESPONDENCE OR BY SUBMITTING A DIGITAL FORM, THE SECONDARY HANDLER'S BUSINESS NAME, CONTACT INFORMATION, ADDRESS, AND BUSINESS DESCRIPTION. A SECONDARY HANDLER IS NOT REQUIRED TO PAY THE REGISTRATION FEE.

(2) ON OR BEFORE JANUARY 2, 2029, A PROPULSION BATTERY PROVIDER OR GROUP OF PROPULSION BATTERY PROVIDERS SHALL SUBMIT TO THE EXECUTIVE DIRECTOR AN EDUCATION AND OUTREACH PLAN. THE EDUCATION AND OUTREACH PLAN MUST:

(a) INCLUDE A PUBLIC EDUCATION AND OUTREACH STRATEGY FOR

SECONDARY HANDLERS THAT DESCRIBES:

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

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

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

(IV) INFORMATION ABOUT SECONDARY HANDLER REGISTRATION, INCLUDING A LINK TO THE REGISTRATION FORM CREATED BY THE DEPARTMENT PURSUANT TO SECTION 25-17-1015 (2)(e);

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

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

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

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

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

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

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

(VI) A PHOTOGRAPH OF THE PROPULSION BATTERY AND A PHOTOGRAPH OF THE LABEL ON THE PROPULSION BATTERY;

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

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

(IX) SECONDARY HANDLER REGISTRATION INFORMATION; AND

(d) DESCRIBE HOW SECONDARY HANDLERS AND FIRST RESPONDERS CAN ACCESS EMERGENCY RESPONSE GUIDES FOR ELECTRIC VEHICLES.

(3) ON AND AFTER JULY 1, 2029, A PROPULSION BATTERY PROVIDER SHALL NOT SELL, MAKE AVAILABLE FOR SALE, OR DISTRIBUTE A PROPULSION BATTERY IN OR INTO THE STATE UNLESS THE PROPULSION BATTERY PROVIDER HAS SUBMITTED AN EDUCATION AND OUTREACH PLAN TO THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

(4) A PROPULSION BATTERY PROVIDER SHALL DEVELOP AND MAINTAIN ONE OR MORE WEBSITES OR EQUIVALENT MEANS, AVAILABLE IN BOTH ENGLISH AND SPANISH, THAT INCLUDE THE INFORMATION IN THE PROPULSION BATTERY PROVIDER'S EDUCATION AND OUTREACH PLAN. AT LEAST ONE WEBSITE MUST INCLUDE THE FOLLOWING:

(a) A LINK TO THE PROPULSION BATTERY PROVIDER'S EMERGENCY RESPONSE GUIDES FOR ELECTRIC VEHICLES;

(b) THE PROPULSION BATTERY PROVIDER'S CONTACT INFORMATION FOR SECONDARY HANDLERS; AND

(c) INSTRUCTIONS FOR HOW SECONDARY HANDLERS CAN PROVIDE THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(III) OF THIS SECTION FOR A PROPULSION BATTERY PROVIDER TO DETERMINE THE ELIGIBILITY OF AN UNWANTED PROPULSION BATTERY.

(5) A PROPULSION BATTERY PROVIDER SHALL:

(a) EXCEPT AS PROVIDED IN SUBSECTION (5)(c) OF THIS SECTION, UPON RECEIVING NOTIFICATION IN ACCORDANCE WITH THE NOTIFICATION PROCESS OUTLINED IN SUBSECTION (2)(a)(III) OF THIS SECTION THAT AN UNWANTED PROPULSION BATTERY NEEDS COLLECTION, RETRIEVE THE BATTERY AND ENSURE RESPONSIBLE PROPULSION BATTERY MANAGEMENT. THE PROPULSION BATTERY PROVIDER SHALL RETRIEVE AN UNWANTED PROPULSION BATTERY:

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

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

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

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

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

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

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

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

(d) PROVIDE THE STATE OF HEALTH OF A PROPULSION BATTERY EMBEDDED IN A VEHICLE THROUGH THE VEHICLE'S IN-VEHICLE DISPLAY OR THROUGH A NONPROPRIETARY ON-BOARD DIAGNOSTIC SCAN TOOL, FOR A VEHICLE THAT IS MODEL YEAR 2028 OR LATER. A PROPULSION BATTERY PROVIDER MAY, BUT IS NOT REQUIRED TO, SUPPLY STATE OF HEALTH INFORMATION FOR A PROPULSION BATTERY THAT HAS BEEN REMOVED FROM OR IS OUTSIDE OF A VEHICLE. FOR A PROPULSION BATTERY EMBEDDED IN A HYBRID VEHICLE, A PROPULSION BATTERY PROVIDER SATISFIES THIS REQUIREMENT BY MAKING THE STATE OF HEALTH AVAILABLE THROUGH A NONPROPRIETARY ON-BOARD DIAGNOSTIC SCAN TOOL.

(6) ON AND AFTER JULY 1, 2029, A PROPULSION BATTERY PROVIDER SHALL NOT SELL, OFFER FOR SALE, OR DISTRIBUTE IN OR INTO THE STATE A PROPULSION BATTERY UNLESS THE PROPULSION BATTERY PROVIDER:

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

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

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

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

(D) PRODUCT SAFETY AND RECALL INFORMATION; AND

(E) SAFE DISPOSAL INFORMATION.

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

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

(II) THE DATA REPOSITORY WEBSITE MAY INCLUDE INFORMATION THAT COVERS A PERIOD OF TIME REPRESENTING MULTIPLE DATES OF MANUFACTURE IF THE REST OF THE LABEL INFORMATION REQUIRED BY THIS SUBSECTION (6) IS CONSISTENT ACROSS THE MULTIPLE DATES OF MANUFACTURE AND THE DATA REPOSITORY WEBSITE ENTRY INCLUDES THE APPLICABLE RANGE OF DATES OF MANUFACTURE.

(7) ON AND AFTER JULY 1, 2029, A REMANUFACTURER SELLING PROPULSION BATTERIES IN THE STATE:

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

(b) SHALL ENSURE RESPONSIBLE PROPULSION BATTERY MANAGEMENT WHEN:

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

(II) AN UNWANTED PROPULSION BATTERY THAT HAS BEEN REMOVED

FROM A VEHICLE BY A SECONDARY HANDLER IN THE STATE IS COLLECTED BY THE REMANUFACTURER;

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

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

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

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

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

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

(e) EXCEPT AS PROVIDED IN SUBSECTION (7)(d) OF THIS SECTION, UPON RECEIVING NOTIFICATION THAT AN UNWANTED PROPULSION BATTERY NEEDS COLLECTION IN ACCORDANCE WITH THE NOTIFICATION PROCESS OUTLINED IN SUBSECTION (7)(f) OF THIS SECTION, SHALL RETRIEVE THE BATTERY:

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

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

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

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

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

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

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

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

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

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

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

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

(G) AN ASSESSMENT AS TO WHETHER, TO THE BEST OF THE

SECONDARY HANDLER'S KNOWLEDGE, THE PROPULSION BATTERY IS DAMAGED OR DEFECTIVE;

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

(I) SECONDARY HANDLER REGISTRATION INFORMATION.

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

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

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

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

(II) THE NUMBER OF UNWANTED PROPULSION BATTERIES THAT NEEDED TO BE COLLECTED FROM A SECONDARY HANDLER AND THE NUMBER OF UNWANTED PROPULSION BATTERIES COLLECTED, BY CHEMISTRY;

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

(A) THE DATE THAT THE SECONDARY HANDLER NOTIFIED THE PROPULSION BATTERY PROVIDER OR REMANUFACTURER THAT THE UNWANTED PROPULSION BATTERY NEEDED TO BE COLLECTED AND PROVIDED THE ELIGIBILITY INFORMATION DESCRIBED IN SUBSECTIONS (2)(c) AND

(7)(f)(III) OF THIS SECTION;

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

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

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

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

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

(VII) FOR EACH PROPULSION BATTERY RECYCLER USED:

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

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

(b) A PROPULSION BATTERY RECYCLER SHALL RECOVER THE FOLLOWING CRITICAL MINERALS IN THE ELEMENTAL, COMPOUND, OR INTERMEDIATE FORM AT THE FOLLOWING MINIMUM RATES, WHICH RATES ARE CALCULATED BASED ON EACH PROPULSION BATTERY RECYCLER'S

FACILITY-LEVEL YEARLY AVERAGE:

(I) BY 2031:

(A) NINETY PERCENT OF COBALT;

(B) NINETY PERCENT OF NICKEL; AND

(C) FIFTY PERCENT OF LITHIUM; AND

(II) BY 2035:

(A) NINETY PERCENT OF COBALT;

(B) NINETY PERCENT OF NICKEL; AND

(C) EIGHTY PERCENT OF LITHIUM.

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

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

(e) A PROPULSION BATTERY RECYCLER SHALL DETERMINE THE PROPORTION OF DIFFERENT BATTERY CHEMISTRIES PRESENT IN MATERIALS ENTERING THE RECYCLING PROCESS BY MEANS OF A SORTING ANALYSIS

BASED ON CONTINUOUS SAMPLING OR REPRESENTATIVE SAMPLING METHODS CONSISTENT WITH GENERALLY ACCEPTED INDUSTRY STANDARDS.

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

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

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

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

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

(10) (a) ON AND AFTER JULY 1, 2029:

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

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

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

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

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

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

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

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

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

(11) (a) ON AND AFTER JULY 1, 2029, A REPURPOSER SHALL:

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

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

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

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

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

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

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

(12) ON AND AFTER JULY 1, 2029:

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

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

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

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

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

\_\_\_\_\_  
James Rashad Coleman, Sr.  
PRESIDENT OF  
THE SENATE

\_\_\_\_\_  
Julie McCluskie  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

\_\_\_\_\_  
Esther van Mourik  
SECRETARY OF  
THE SENATE

\_\_\_\_\_  
Vanessa Reilly  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_  
(Date and Time)

\_\_\_\_\_  
Jared S. Polis  
GOVERNOR OF THE STATE OF COLORADO