

Notes: This model policy language covers proper battery disposal, extended producer responsibility (each producer has to submit a battery management plan), and consumer education. This bill pulls heavily from NJ S 3723.

[Your State] Electric Vehicle Battery Management Act

Section 1. Title

This Act shall be known and may be cited as the "[Your State] Electric and Hybrid Vehicle Battery Management Act."

Section 2. Findings and Purpose

(A) The Legislature finds that the rapid advancement of electric and hybrid vehicle technology necessitates a comprehensive approach to the management and disposal of vehicle batteries.

(B) The purpose of this Act is to establish a framework for the responsible and sustainable management of electric and hybrid vehicle batteries to protect public health, safety, and the environment and to promote a circular economy.

Section 3. Definitions

(A) For the purposes of this Act, the following definitions apply:

"Battery cell" means the basic electrochemical component of a battery, which provides a source of electrical energy and which consists of an assembly of a cathode, an anode, and an electrolyte.

"Battery management plan" means a plan for the collection, transportation, remanufacturing, reuse, recycling, and disposal, using environmentally sound management practices, of used propulsion batteries.

"Battery module" means an array of multiple battery cells connected in series or parallel and encased in one structure.

"Environmentally sound management practices" mean the policies and procedures for the collection, transportation, reuse, and recycling or disposal of used electric vehicle batteries, implemented by a producer to ensure compliance with all applicable federal, State, and local laws, rules, regulations, and ordinances, to protect human health, safety, and the environment, and to provide for the adequate recordkeeping, tracking, and documentation of the disposal of used propulsion batteries within the State.

"Producer" means a propulsion battery manufacturer, remanufacturer, or importer, a person who repurposes propulsion batteries, or a motor vehicle manufacturer, brand or trademark licensee, or importer, who manufactures, sells, offers for sale, or imports a propulsion battery in or into the State.

"Propulsion battery" means an electrical energy storage device, consisting of one or more individual battery modules or battery cells, which are used to supply power to propel an electric or hybrid road vehicle. "Propulsion battery" includes, but is not limited to, lithium-ion batteries and nickel-metal hydride batteries. "Propulsion battery" does not include a starter battery or a battery used for, or embedded in, products for industrial applications.

"Recycling center" means the same as the term is defined in section 2 of P.L.1987, c.102 (C.13:1E-99.12).

"Remanufacture" means any repair or modification to a propulsion battery that results in the complete battery, or any battery modules or battery cells thereof, being used for the same purpose or application as the one for which the battery was originally designed.

"Repurpose" means any operation to a propulsion battery that results in the complete battery, or any battery modules or battery cells thereof, being used for a different purpose or application than the one for which the battery was originally designed.

"Reuse" means the use of a propulsion battery in another vehicle of the same type, which does not require modification to the battery.

"Solid waste" means the same as the term is defined in section 3 of P.L.1970, c.39 (C.13:1E-3).

"Solid waste facility" means the same as the term is defined in section 3 of P.L.1970, c.39 (C.13:1E-3).

Section 4. Solid Waste

(A) No person shall dispose of a propulsion battery, or any battery module or battery cell thereof, as solid waste.

(B) No solid waste facility in this State shall knowingly accept for disposal a propulsion battery, or any module or cell thereof, or a truckload or roll-off container of solid waste containing a propulsion battery, or any module or cell thereof.

Section 5. Battery Management Plan

(A) Each producer of propulsion batteries sold within the State, either individually or as a part of a group of producers, shall, in consultation with [Your State Department or Agency], develop and submit a battery management plan to the [Your State Department or Agency] for review and approval. The plan shall provide for producers to be responsible for the collection and management of the producer's used propulsion batteries that are offered to the producer for take-back by the current battery owner.

Section 6. Battery Management Plan Standards

(A) A battery management plan prepared and submitted shall include, at a minimum:

1. Methods that will be used to collect and store the used propulsion batteries returned to the producer, including proposed collection services;
2. methods that will be utilized to transport used propulsion batteries to authorized recycling facilities, including the name and location of all authorized recyclers to be directly utilized pursuant to the plan;
3. processes and methods that will be utilized to remanufacture, repurpose, or recycle propulsion batteries that have reached the end of their service life, including, if necessary, a plan for final disposal of such batteries, in accordance with environmentally sound management practices;
4. a strategy for informing consumers, vehicle repair facilities, and vehicle dismantlers in the State about the requirement to properly manage propulsion batteries, the environmental impact of the improper handling or disposal of used propulsion batteries, and the mechanisms for the management of propulsion batteries that are available pursuant to the plan;
5. the means that will be used to implement and finance the battery management plan; and
6. any other information, policies, or procedures that the department deems appropriate.

Section 7. Consumer Education and Awareness

(A) A producer shall provide consumers with educational materials related to the producer's approved battery management plan and the collection services that are available. The educational materials shall include, but need not be limited to, information identifying the end-of-life management options that are available for propulsion batteries through the battery management plan, and a notice that, in [Your State], the costs of the services will be covered by the producer.

Section 8. Reporting and Compliance

(A) Manufacturers of electric and hybrid vehicle batteries shall submit annual reports to [Your State Department or Agency] detailing their compliance with battery management standards outlined in this Act.

(B) Non-compliance with the provisions of this Act may result in penalties, fines, or other enforcement measures as deemed appropriate. A violation of the provisions of this act shall be considered a violation of the "Solid Waste Management Act," and the commissioner shall have recourse to any of the actions or penalties provided in order to address the violation.

Section 9. Severability

If any provision of this Act or its application to any person or circumstances is held invalid, the remainder of the Act or the application of the provisions to other persons or circumstances shall not be affected.

Section 10. Effective Date

This Act shall take effect on [insert effective date].