

1 HOUSE BILL 310

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; ENACTING THE PROMOTING RESPONSIBLE
12 END-OF-LIFE MANAGEMENT OF ELECTRIC VEHICLE BATTERIES ACT.

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
16 cited as the "Promoting Responsible End-of-Life Management of
17 Electric Vehicle Batteries Act".

18 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
19 Promoting Responsible End-of-Life Management of Electric
20 Vehicle Batteries Act:

21 A. "auto recycler" means a person engaged in New
22 Mexico in an established business that includes acquiring
23 vehicles that are required to be registered pursuant to the
24 Motor Vehicle Code for the purpose of dismantling, wrecking,
25 shredding, compacting, crushing or otherwise destroying

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1 vehicles for reclaimable parts or scrap material to sell;

2 B. "battery" means a device consisting of one or
3 more electrically connected electrochemical cells that is
4 designed to receive, store and deliver electric energy;

5 C. "battery management hierarchy" means the
6 preference for auto recyclers, secondary handlers, secondary
7 users or battery providers to first strive to reuse, repair or
8 remanufacture batteries when possible and cost-effective before
9 sending end-of-life batteries for recycling;

10 D. "battery provider" means:

11 (1) a person that initially sells, offers for
12 sale or distributes a propulsion battery or a vehicle
13 containing a propulsion battery in or into New Mexico,
14 including vehicle manufacturers licensed pursuant to applicable
15 state codes or propulsion battery manufacturers that distribute
16 propulsion batteries under their own name or brand;

17 (2) the owner or licensee of a brand or
18 trademark under which a propulsion battery is sold or
19 distributed in or into New Mexico, including a licensee with
20 the exclusive right to use the trademark or brand in connection
21 with the distribution or sale of propulsion batteries;

22 (3) if no person meets the criteria set forth
23 in Paragraph (1) or (2) of this subsection, a battery provider
24 is the person that imports the propulsion battery into the
25 state for sale, distribution or installation; and

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1 (4) if no other person meets the criteria set
2 forth in Paragraph (1), (2) or (3) of this subsection, the
3 distributor, retailer, dealer or wholesaler that sells or
4 distributes the propulsion battery in or into New Mexico.

5 The sale of a propulsion battery is considered to occur in
6 New Mexico if the battery, or the vehicle containing the
7 battery, is delivered to a licensed dealer or directly to the
8 consumer in New Mexico;

9 E. "battery state of health" means a figure of
10 merit, measured in kilowatt-hours or percentage of remaining
11 kilowatt-hours as compared to its initial capacity, comparing
12 the propulsion battery's remaining energy retention capacity to
13 its original specifications when it was new;

14 F. "commercial hauler" means a person transporting
15 solid waste for hire by whatever means for the purpose of
16 transferring, processing, storing or disposing of the solid
17 waste in a solid waste facility, except that "commercial
18 hauler" does not include a person transporting solid waste
19 generated on the person's residential or business premises for
20 the purpose of disposing of it in a solid waste facility;

21 G. "department" means the department of
22 environment;

23 H. "end-of-life" means the stage at which a
24 propulsion battery is no longer suitable for powering a vehicle
25 and will be evaluated by a secondary handler or secondary user

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1 for reuse, remanufacture, repair, repurpose or recycling;

2 I. "propulsion battery" means a battery with the
3 primary intended purpose of supplying power to propel an
4 electric or hybrid vehicle;

5 J. "remanufacture" means a repair or modification
6 to a propulsion battery that results in the complete battery,
7 or any battery modules or battery cells in the propulsion
8 battery, being used for the same purpose or application for
9 which the battery was originally designed;

10 K. "repurpose" means the use of a propulsion
11 battery or any battery modules or battery cells in the
12 propulsion battery to store and supply electricity in a manner
13 other than its primary intended purpose;

14 L. "reuse" means the use of a propulsion battery in
15 another vehicle from the same manufacturer, which does not
16 require modification to the battery;

17 M. "secondary handler" means an entity that takes
18 possession of a propulsion battery:

19 (1) to sort, reuse, repair or remanufacture;

20 or

21 (2) to prepare the battery for:

22 (a) repurposing by a secondary user; or

23 (b) end-of-life management by a
24 specialized battery recycler;

25 N. "secondary user" means an entity that repurposes

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1 a propulsion battery;

2 O. "specialized battery recycler" means an entity
3 or facility that is authorized by the department or an
4 equivalent agency in another state to:

5 (1) extract and separate end-of-life
6 propulsion battery elements that include:

7 (a) intermediate fraction from the
8 thermal or mechanical treatment of waste batteries; and

9 (b) components, including lithium
10 compounds, cobalt, nickel, copper, aluminum, iron, manganese
11 and graphite, and send the material for further processing or
12 refining prior to sending them to another specialized battery
13 recycler; or

14 (2) refine end-of-life propulsion batteries or
15 the materials listed in Paragraph (1) of this subsection to
16 useable battery materials;

17 P. "Specialized battery recycler" does not include
18 entities that are only engaged in the collection or logistics
19 of moving materials for recycling or whose primary method of
20 battery recycling is done by smelting; and

21 Q. "spent battery" means a propulsion battery for
22 which costs associated with reuse, repurposing, remanufacturing
23 or recycling the battery present a burden for the secondary
24 handler or secondary user that has removed the battery from the
25 vehicle.

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1 SECTION 3. [NEW MATERIAL] PROHIBITION ON LANDFILLING.--

2 A. All propulsion batteries in the state shall be
3 managed responsibly at end-of-life in accordance with the
4 battery management hierarchy. Disposal of propulsion batteries
5 through landfilling is prohibited.

6 B. A commercial hauler shall not knowingly collect
7 a propulsion battery, or any module or cell of a propulsion
8 battery, placed for collection and disposal as solid waste. A
9 commercial hauler may refuse to collect a solid waste container
10 containing a propulsion battery or any components of a
11 propulsion battery.

12 C. No solid waste facility in this state shall
13 knowingly accept for disposal a propulsion battery or any
14 components of a propulsion battery or a truckload or roll-off
15 container of solid waste containing a propulsion battery or any
16 components of a propulsion battery. The owner or operator of a
17 solid waste facility may refuse to accept for disposal a
18 propulsion battery or any module or cell of a propulsion
19 battery or any truckload or roll-off container of solid waste
20 containing a propulsion battery or any components of a
21 propulsion battery.

22 SECTION 4. [NEW MATERIAL] RESPONSIBLE ENTITY FOR SPENT
23 BATTERIES.--The responsible entity for a spent battery shall be
24 the battery provider, unless a secondary handler or secondary
25 user has modified the battery. In that case, the responsible

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1 entity shall be the last party that modified the battery. The
2 responsible entity shall be responsible for end-of-life
3 treatment for a spent battery consistent with the provisions of
4 the Promoting Responsible End-of-Life Management of Electric
5 Vehicle Batteries Act.

6 SECTION 5. ~~[NEW MATERIAL]~~ RESPONSIBILITIES OF SECONDARY
7 HANDLERS AND SECONDARY USERS.--

8 A. Upon repurposing or remanufacturing a propulsion
9 battery, secondary users and secondary handlers are responsible
10 for end-of-life battery management of spent batteries.

11 B. If a secondary handler or a secondary user
12 identifies a propulsion battery as a spent battery upon taking
13 initial possession of the battery, the secondary handler or
14 secondary user shall use the labeling to identify the
15 responsible entity for that spent battery, which shall be
16 either the battery provider or the last entity to have modified
17 the battery. The secondary handler or secondary user shall
18 notify the responsible entity, who shall collect the spent
19 battery.

20 C. For propulsion batteries that are unable to be
21 further reused, repurposed or remanufactured, secondary
22 handlers and secondary users shall coordinate with a
23 specialized battery recycler for end-of-life management to
24 ensure compliance with the Promoting Responsible End-of-Life
25 Management of Electric Vehicle Batteries Act. When a battery

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1 provider acts as a secondary handler or secondary user, the
2 battery provider shall be subject to the responsibilities of
3 secondary handlers and secondary users pursuant to this
4 section.

5 D. If a secondary handler or secondary user
6 modifies a propulsion battery, the secondary handler or
7 secondary user shall provide updated labeling that identifies
8 the secondary handler or secondary user as the responsible
9 entity for the modified battery before the battery can be
10 supplied back to market. Secondary handlers and secondary
11 users become responsible for ensuring spent batteries are
12 handled in accordance with the Promoting Responsible End-of-
13 Life Management of Electric Vehicle Batteries Act when the
14 secondary handlers or secondary users modify a propulsion
15 battery.

16 E. On or before April 1, 2027 and by April 1 of
17 each year thereafter, secondary users and secondary handlers
18 shall submit annual reports to the department containing the
19 following information for the prior calendar year, if
20 applicable:

21 (1) the total volume of propulsion batteries
22 each secondary user procured;

23 (2) identification of all auto recyclers
24 involved in propulsion battery collections;

25 (3) a brief overview of methods used to

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1 transport used propulsion batteries;

2 (4) the total volume of propulsion batteries
3 reused;

4 (5) a brief overview of processes used for
5 reuse of propulsion batteries;

6 (6) the total volume of propulsion batteries
7 repurposed;

8 (7) a brief overview of processes used to
9 repurpose propulsion batteries;

10 (8) the total volume of propulsion batteries
11 remanufactured;

12 (9) a brief overview of processes used to
13 remanufacture propulsion batteries;

14 (10) the total volume of propulsion batteries
15 sent to a specialized battery recycler; and

16 (11) the volume of spent batteries that
17 secondary handlers and secondary users contacted battery
18 providers to pick up.

19 F. Upon taking possession of a propulsion battery,
20 secondary handlers and secondary users shall manage propulsion
21 batteries in accordance with the battery management hierarchy.

22 SECTION 6. [NEW MATERIAL] RESPONSIBILITIES OF BATTERY
23 PROVIDERS.--

24 A. A battery provider shall:

25 (1) upon receiving notification from an auto

1 recycler regarding a spent battery, be responsible for
2 retrieving the battery in a timely and safe manner;

3 (2) ensure the responsible end-of-life
4 management of a propulsion battery that is:

5 (a) removed from a vehicle still in
6 service while under warranty, in accordance with state and
7 federal laws; or

8 (b) returned directly to the battery
9 provider; and

10 (3) coordinate with specialized battery
11 recyclers for the end-of-life management of propulsion
12 batteries if recycling is the only viable second-life
13 application available for a propulsion battery, to ensure
14 compliance with the Promoting Responsible End-of-Life
15 Management of Electric Vehicle Batteries Act.

16 B. A battery provider shall ensure that a
17 propulsion battery sold in New Mexico while embedded in a
18 vehicle shall have easily interpretable and accessible battery
19 state of health data:

20 (1) while the battery is inside the vehicle;
21 and

22 (2) when the battery has been removed from the
23 vehicle for the purpose of facilitating the potential reuse,
24 repurposing or remanufacture of the battery.

25 C. A battery provider ceases to be the responsible

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1 entity for remanufactured or repurposed propulsion batteries
2 unless the battery provider has performed the remanufacturing
3 or repurposing or has agreed to accept responsibility for such
4 liability by contract.

5 D. If a vehicle containing a propulsion battery
6 originally sold in New Mexico is retired out of state, it is
7 not subject to the provisions of the Promoting Responsible
8 End-of-Life Management of Electric Vehicle Batteries Act.

9 E. On or before April 1, 2027 and by April 1 of
10 each year thereafter, battery providers shall submit an annual
11 report to the department containing the following information
12 for the prior calendar year:

13 (1) the total volume of propulsion batteries
14 managed at end-of-life;

15 (2) the total volume of propulsion batteries
16 managed by specialized battery recyclers in accordance with the
17 Promoting Responsible End-of-Life Management of Electric
18 Vehicle Batteries Act; and

19 (3) the total volume of propulsion batteries
20 procured in the following categories:

21 (a) batteries acquired from auto
22 recyclers; and

23 (b) batteries procured from other
24 sources.

25 SECTION 7. [NEW MATERIAL] RESPONSIBILITIES OF SPECIALIZED

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1 BATTERY RECYCLERS.--On or before April 1, 2027 and by April 1
2 of each year thereafter, specialized battery recyclers shall
3 submit an annual report to the department containing the
4 following information for the prior calendar year:

5 A. the total volume of propulsion batteries the
6 specialized battery recycler has procured;

7 B. the total volume of propulsion batteries
8 recycled; and

9 C. the recovery rates of lithium, nickel, cobalt,
10 copper, aluminum and graphite, as applicable.

11 SECTION 8. [NEW MATERIAL] RESPONSIBILITIES OF OTHER
12 PERSONS.--A person that is not a battery provider, secondary
13 handler or secondary user seeking to discard a vehicle
14 propulsion battery shall:

15 A. return the vehicle propulsion battery or the
16 vehicle containing the vehicle propulsion battery to the
17 responsible entity or notify the responsible entity and
18 coordinate timely and safe pickup of the battery to be done by
19 the responsible entity; or

20 B. sell or transfer the vehicle propulsion battery
21 or the vehicle containing the vehicle propulsion battery to a
22 secondary handler, secondary user or specialized battery
23 recycler.

24 SECTION 9. [NEW MATERIAL] RESPONSIBILITIES OF THE
25 DEPARTMENT.--The department shall:

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1 A. notify secondary handlers, secondary users,
2 commercial haulers and solid waste facilities of the
3 prohibition on disposing of propulsion batteries in landfills
4 and that auto recyclers can contact the responsible entity to
5 take responsibility for spent batteries;

6 B. determine how to proceed if the federal
7 government passes laws or publishes regulations pertaining to
8 propulsion batteries that may impact the requirements outlined
9 in the Promoting Responsible End-of-Life Management of Electric
10 Vehicle Batteries Act and review, evaluate and compare the
11 federal requirements to those provided for in that act;

12 C. revise applicable administrative rules to ensure
13 compliance with federal standards and achieve greater
14 efficiency and feasibility; and

15 D. determine and enforce violations, administrative
16 compliance cost recovery and penalties for battery providers,
17 specialized battery recyclers, secondary handlers and secondary
18 users that violate the provisions of the Promoting Responsible
19 End-of-Life Management of Electric Vehicle Batteries Act or
20 fail to meet the requirements outlined in that act, in
21 alignment with those provisions of the New Mexico
22 Administrative Code required by the federal Resource
23 Conservation and Recovery Act.

24 **SECTION 10. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is January 1, 2026.

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