

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/6/2025

Check all that apply:

Bill Number: HB310

Original Correction
Amendment Substitute

Sponsor: Rep. Kristina Ortez

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: Responsible Electric Car
Battery End Of Life

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: This bill and all of its sections are new material seeking to enact a new act.

Section 1: The act may be cited as “Promoting Responsible End-of-Life Management of Electric Vehicle Batteries Act” (the Act).

Section 2: Defines the terms that will be used in the Act in detail.

Section 3: Prohibits electric vehicle batteries from being sent to landfills. This Section also prohibits commercial haulers and solid waste facilities from knowingly collecting or accepting for disposal the pertinent batteries.

Section 4: Makes the providers of these batteries responsible for spent batteries and their end-of-life treatment under the Act, unless the battery was modified, in which case the responsible party is the last entity to modify the battery.

Section 5: Expands upon Section 4 by stating that secondary users/handlers who repurpose or remanufacture these batteries are responsible for end-of-life management, and directs such handlers/users to identify and notify the responsible party for end-of-life treatment. The Section also requires secondary handlers/users to manage the batters in accordance with the battery management hierarchy (Subsection (F)). Subsection (C) states that when such batteries cannot be further reused, secondary handlers/users shall coordinate with a specialized recycler. Subsection (D) states that secondary handlers/users who modify such batters must update the labeling. Subsection (E) requires annual reports to be submitted to the department of environment beginning April 1, 2027 with specified information.

Section 6: sets forth the responsibilities of battery providers. The Section requires that a battery provider shall retrieve and properly manage and/or recycle the battery and ensure that battery state of health data is present and easily interpretable, along with providing annual reports starting April 1, 2027 regarding how the batteries were collected and where they came from. This Section also states that if a vehicle with such a battery is “retired” out of state, it is no longer subject to the Act (Subsection (D)).

Section 7: imposes responsibilities on specialized battery recyclers, including submitting annual reports beginning April 1, 2027 regarding the batteries being recycled and the recovery rates of rare minerals (lithium, cobalt, and aluminum) and more common metals

like cooper and nickel.

Section 8: Sets forth requirements for disposal of batteries by those other than providers or secondary handlers/users, including to return the vehicle or the battery to the responsible entity or to notify them and coordinate timely and safe pickup, or sell or transfer the vehicle or battery to a secondary handler/user or specialized battery recycler.

Section 9: Sets forth the requirements for the department of the environment, including notifying relevant peoples of the Act and its prohibitions, determining how to proceed if the federal government passes related laws or publishes related regulations, revising relevant rules to ensure compliance with federal standards and to achieve greater efficiency and feasibility, and determine and enforce violations.

Section 10: sets the effective date of this bill for January 1, 2026.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Section 3 prohibits certain actions but does not provide for any consequences if the bill is violated. It is unclear whether and how such provision would be enforced. Generally, to the degree the bill requires or prohibits certain individuals, entities, and/or agencies to do or from doing something, there are no identified consequences for violations of such provisions. The bill does state that the department of energy shall determine and enforce violations of the Act, but how that is to occur, what enforcement mechanism exists, whether a right of appeal exists, etc., is not discussed other than reference to provisions of the New Mexico Administrative Code required by the federal Resource Conservation and Recovery Act.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

This bill creates additional duties and obligations for the environmental department but does not provide for funding or resources.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A