

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 310

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

AN ACT

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

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

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

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

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

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underscored material = new
[bracketed material] = delete

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 new 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. "commercial hauler" means a person transporting
10 solid waste for hire by whatever means for the purpose of
11 transferring, processing, storing or disposing of the solid
12 waste in a solid waste facility, except that "commercial
13 hauler" does not include a person transporting solid waste
14 generated on the person's residential or business premises for
15 the purpose of disposing of it in a solid waste facility;

16 F. "department" means the department of
17 environment;

18 G. "end-of-life" means the stage at which a
19 propulsion battery is no longer suitable for powering a vehicle
20 and will be evaluated by a secondary handler or secondary user
21 for reuse, remanufacture, repair, repurpose or recycling;

22 H. "propulsion battery" means a battery with the
23 primary intended purpose of supplying power to propel an
24 electric or hybrid vehicle;

25 I. "remanufacture" means a repair or modification

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1 to a propulsion battery that results in the complete battery,
2 or any battery modules or battery cells in the propulsion
3 battery, being used for the same purpose or application for
4 which the battery was originally designed;

5 J. "repurpose" means the use of a propulsion
6 battery or any battery modules or battery cells in the
7 propulsion battery to store and supply electricity in a manner
8 other than its primary intended purpose;

9 K. "reuse" means the use of a propulsion battery in
10 another vehicle from the same manufacturer, which does not
11 require modification to the battery;

12 L. "secondary handler" means an entity that takes
13 possession of a propulsion battery:

14 (1) to sort, reuse, repair or remanufacture;
15 or

16 (2) to prepare the battery for:
17 (a) repurposing by a secondary user; or
18 (b) end-of-life management by a
19 specialized battery recycler;

20 M. "secondary user" means an entity that repurposes
21 a propulsion battery;

22 N. "specialized battery recycler" means an entity
23 or facility that is authorized by the department or an
24 equivalent agency in another state or country to do one or both
25 of the following:

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

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

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

10 (2) refine end-of-life propulsion batteries or
11 the materials listed in Paragraph (1) of this subsection to
12 useable battery materials;

13 O. "specialized battery recycler" does not include
14 entities that are only engaged in the collection or logistics
15 of moving materials for recycling or whose primary method of
16 battery recycling is done by smelting; and

17 P. "spent battery" means a propulsion battery for
18 which costs associated with reuse, repurposing, remanufacturing
19 or recycling the battery present a burden for the secondary
20 handler or secondary user that has removed the battery from the
21 vehicle.

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

23 A. All propulsion batteries in the state shall be
24 managed responsibly at end-of-life in accordance with the
25 battery management hierarchy. Disposal of propulsion batteries

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1 through landfilling is prohibited.

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

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

18 SECTION 4. [NEW MATERIAL] RESPONSIBLE ENTITY FOR SPENT
19 BATTERIES.--The responsible entity for a spent battery shall be
20 the battery provider, unless a secondary handler or secondary
21 user has modified the battery. In that case, the responsible
22 entity shall be the last party that modified the battery. The
23 responsible entity shall be responsible for end-of-life
24 treatment for a spent battery consistent with the provisions of
25 the Promoting Responsible End-of-Life Management of Electric

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1 Vehicle Batteries Act.

2 SECTION 5. [NEW MATERIAL] RESPONSIBILITIES OF SECONDARY
3 HANDLERS AND SECONDARY USERS.--

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

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

16 C. For propulsion batteries that are unable to be
17 further reused, repurposed or remanufactured, secondary
18 handlers and secondary users shall coordinate with a
19 specialized battery recycler for end-of-life management to
20 ensure compliance with the Promoting Responsible End-of-Life
21 Management of Electric Vehicle Batteries Act. When a battery
22 provider acts as a secondary handler or secondary user, the
23 battery provider shall be subject to the responsibilities of
24 secondary handlers and secondary users pursuant to this
25 section.

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

12 E. On or before January 1, 2028 and by January 1 of
13 each year thereafter, secondary users and secondary handlers
14 shall submit annual reports to the department containing the
15 following information for the prior calendar year, if
16 applicable:

17 (1) the total volume of propulsion batteries
18 each secondary user procured;

19 (2) identification of all auto recyclers
20 involved in propulsion battery collections;

21 (3) a brief overview of methods used to
22 transport used propulsion batteries;

23 (4) the total volume of propulsion batteries
24 reused;

25 (5) a brief overview of processes used for

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1 reuse of propulsion batteries;

2 (6) the total volume of propulsion batteries
3 repurposed;

4 (7) a brief overview of processes used to
5 repurpose propulsion batteries;

6 (8) the total volume of propulsion batteries
7 remanufactured;

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

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

12 (11) the volume of spent batteries that
13 secondary handlers and secondary users contacted battery
14 providers to pick up.

15 F. Upon taking possession of a propulsion battery,
16 secondary handlers and secondary users shall manage propulsion
17 batteries in accordance with the battery management hierarchy.

18 SECTION 6. [NEW MATERIAL] RESPONSIBILITIES OF BATTERY
19 PROVIDERS.--

20 A. A battery provider shall:

21 (1) upon receiving notification from a
22 secondary handler or secondary user regarding a spent battery,
23 be responsible for retrieving the battery in a timely and safe
24 manner;

25 (2) ensure the responsible end-of-life

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1 management of a propulsion battery that is:

2 (a) removed from a vehicle still in
3 service while under warranty, in accordance with state and
4 federal laws; or

5 (b) returned directly to the battery
6 provider; and

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

13 B. A battery provider ceases to be the responsible
14 entity for remanufactured or repurposed propulsion batteries
15 unless the battery provider has performed the remanufacturing
16 or repurposing or has agreed to accept responsibility for such
17 liability by contract.

18 C. If a vehicle containing a propulsion battery
19 originally sold in New Mexico is retired out of state, it is
20 not subject to the provisions of the Promoting Responsible
21 End-of-Life Management of Electric Vehicle Batteries Act.

22 D. On or before January 1, 2028 and by January 1 of
23 each year thereafter, battery providers shall submit an annual
24 report to the department containing the following information
25 for the prior calendar year:

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

3 (2) the total volume of propulsion batteries
4 managed by specialized battery recyclers in accordance with the
5 Promoting Responsible End-of-Life Management of Electric
6 Vehicle Batteries Act; and

7 (3) the total volume of propulsion batteries
8 procured in the following categories:

9 (a) batteries acquired from auto
10 recyclers; and

11 (b) batteries procured from other
12 sources.

13 SECTION 7. [NEW MATERIAL] RESPONSIBILITIES OF SPECIALIZED
14 BATTERY RECYCLERS.--On or before January 1, 2028 and by January
15 1 of each year thereafter, specialized battery recyclers shall
16 submit an annual report to the department containing the
17 following information for the prior calendar year:

18 A. the total volume of propulsion batteries the
19 specialized battery recycler has procured;

20 B. the total volume of propulsion batteries
21 recycled; and

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

24 SECTION 8. [NEW MATERIAL] RESPONSIBILITIES OF OTHER
25 PERSONS.--A person that is not a battery provider, secondary

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1 handler or secondary user seeking to discard a vehicle
2 propulsion battery shall:

3 A. return the vehicle propulsion battery or the
4 vehicle containing the vehicle propulsion battery to the
5 responsible entity or notify the responsible entity and
6 coordinate timely and safe pickup of the battery to be done by
7 the responsible entity; or

8 B. sell or transfer the vehicle propulsion battery
9 or the vehicle containing the vehicle propulsion battery to a
10 secondary handler, secondary user or specialized battery
11 recycler.

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

14 A. notify secondary handlers, secondary users,
15 commercial haulers and solid waste facilities of the
16 prohibition on disposing of propulsion batteries in landfills
17 and that auto recyclers can contact the responsible entity to
18 take responsibility for spent batteries;

19 B. determine how to proceed if the federal
20 government passes laws or publishes regulations pertaining to
21 propulsion batteries that may impact the requirements outlined
22 in the Promoting Responsible End-of-Life Management of Electric
23 Vehicle Batteries Act and review, evaluate and compare the
24 federal requirements to those provided for in that act;

25 C. revise applicable administrative rules to ensure

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1 compliance with federal standards and achieve greater
2 efficiency and feasibility; and

3 D. determine and enforce violations, administrative
4 compliance cost recovery and penalties for battery providers,
5 specialized battery recyclers, secondary handlers and secondary
6 users that violate the provisions of the Promoting Responsible
7 End-of-Life Management of Electric Vehicle Batteries Act or
8 fail to meet the requirements outlined in that act, in
9 alignment with those provisions of the New Mexico
10 Administrative Code required by the federal Resource
11 Conservation and Recovery Act.

12 SECTION 10. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is January 1, 2027.

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underscoring material = new
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