

[Third Reprint]

**SENATE, No. 3723**

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**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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INTRODUCED MARCH 13, 2023

**Sponsored by:**

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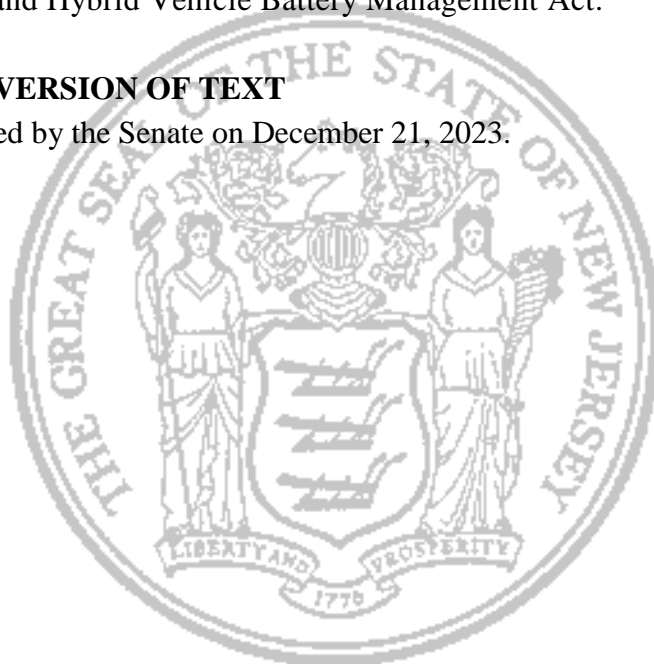
**Senator Durr and Assemblyman Conaway**

**SYNOPSIS**

"Electric and Hybrid Vehicle Battery Management Act."

**CURRENT VERSION OF TEXT**

As amended by the Senate on December 21, 2023.



**(Sponsorship Updated As Of: 12/21/2023)**

1 AN ACT concerning electric vehicle batteries and supplementing  
2 Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the "Electric  
8 and Hybrid<sup>1</sup> Vehicle Battery Management Act."

9

10 2. As used in this act:

11 <sup>2</sup>"Authorized propulsion battery recycler" means an entity or  
12 facility that is authorized by the department or an equivalent agency in  
13 another state to collect, sort, separate, and refine the elemental  
14 components of end-of-life propulsion batteries, or battery materials,  
15 and to refine the elemental components back to usable battery  
16 chemicals that include, but are not limited to, nickel sulfates, cobalt  
17 sulfate, and lithium salts. "Authorized propulsion battery recycler"  
18 does not include entities or facilities that are engaged only in the  
19 collection or logistics of moving materials for recycling.

20 "Authorized propulsion battery transporter" means a person that is  
21 authorized, under a battery management plan developed and approved  
22 pursuant to sections 6 and 7 of this act, to transport propulsion  
23 batteries for the purpose of recycling.<sup>2</sup>

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

27 <sup>1</sup>"Battery management plan" means a plan for the collection,  
28 transportation, remanufacturing, reuse, recycling and disposal, using  
29 environmentally sound management practices, of used propulsion  
30 batteries prepared pursuant to section ~~5~~<sup>2</sup> ~~6~~<sup>2</sup> of this act.<sup>1</sup>

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

33 "Commissioner" means the Commissioner of Environmental  
34 Protection.

35 "Department" means the Department of Environmental Protection.

36 <sup>1</sup>**[**"Electric vehicle" means a vehicle that derives all or part of its  
37 power from electricity supplied by the electric grid, and that has a  
38 battery or equivalent energy storage device that can be charged from  
39 an electricity supply external to the vehicle with an electric plug.  
40 "Electric vehicle" includes a plug-in hybrid vehicle.

41 "Electric vehicle battery" means a rechargeable battery that is used  
42 to power the electric motors that propel an electric vehicle. "Electric

**EXPLANATION** – Matter enclosed in bold-faced brackets **[ thus ]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined **thus** is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SEN committee amendments adopted May 15, 2023.

<sup>2</sup>Assembly floor amendments adopted December 7, 2023.

<sup>3</sup>Senate floor amendments adopted December 21, 2023.

1 vehicle battery" includes, but is not limited to, lithium-ion batteries  
2 and nickel-metal hydride batteries.】

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

11 "Producer" means a <sup>2</sup>【propulsion battery manufacturer,  
12 remanufacturer, or importer, a person who repurposes propulsion  
13 batteries, or a motor vehicle manufacturer, brand or trademark  
14 licensee, or importer, who manufactures, sells, offers for sale, or  
15 imports a propulsion battery in or into the State】 person responsible  
16 for a propulsion battery<sup>2</sup>, as provided pursuant to subsection b. of  
17 section <sup>2</sup>【5】 <sup>6</sup> of this act.

18 "Propulsion battery" means an electrical energy storage device,  
19 consisting of one or more individual battery modules or battery cells,  
20 which are used to supply power to propel an electric or hybrid road  
21 vehicle. "Propulsion battery" includes, but is not limited to, lithium-  
22 ion batteries and nickel-metal hydride batteries <sup>3</sup>, and includes  
23 batteries that have been removed from a vehicle and batteries that are  
24 still embedded in a vehicle<sup>3</sup>. "Propulsion battery" does not include a  
25 starter battery or a battery used for, or embedded in, products for  
26 industrial applications.<sup>1</sup>

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

29 <sup>1</sup>"Remanufacture" means any repair or modification to a  
30 propulsion battery that results in the complete battery, or any battery  
31 modules or battery cells thereof, being used for the same purpose or  
32 application as the one for which the battery was originally designed.

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

37 "Reuse" means the use of a propulsion battery in another vehicle of  
38 the same type, which does not require modification to the battery.<sup>1</sup>

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

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

43 "Vehicle recycler" means the same as the term is defined in section  
44 3 of P.L.2005, c.54 (C.13:1E-99.84).

45

46 3. <sup>1</sup>【An electric vehicle】 <sup>3</sup>【A】 Commencing January 1, 2027, a<sup>3</sup>  
47 propulsion<sup>1</sup> battery sold in the State <sup>2</sup>, whether embedded in a vehicle

1 or not,<sup>2</sup> shall include a permanent label providing information about  
2 the battery <sup>2</sup>]. Pursuant to P.L.2003, c.266 (C.26:2C-8.15), the label  
3 shall conform to the provisions of the California Low Emission  
4 Vehicle program.] , in accordance with rules and regulations adopted  
5 by the department. Any person who remanufactures or repurposes a  
6 propulsion battery shall relabel the remanufactured or repurposed  
7 propulsion battery pursuant to the labeling standard adopted by the  
8 department prior to selling, importing, or distributing the propulsion  
9 battery for use in the State.<sup>2</sup>

10  
11 <sup>2</sup>4. a. No later than six months after the effective date of this act,  
12 the department shall commence a needs assessment to determine the  
13 availability of authorized propulsion battery recyclers and related  
14 infrastructure, both public and private, needed to implement the  
15 provisions of this act, in addition to any other necessary  
16 information, as identified by the department.

17 b. The department may use a qualified third-party organization  
18 to perform the needs assessment required by this section.

19 c. The needs assessment shall be completed no later than 18  
20 months after the effective date of this act.

21 d. The department shall transmit a report of the completed needs  
22 assessment to the Governor and, pursuant to section 2 of P.L.1991,  
23 c.164 (C.52:14-19.1), to the Legislature no later than two months  
24 after the needs assessment is completed.

25 e. The department shall publish the completed needs assessment  
26 on its Internet website.

27 f. The department shall use the results of the needs assessment  
28 to assist in the implementation of this act.<sup>2</sup>

29  
30 <sup>2</sup>[4.] 5.<sup>2</sup> a. <sup>2</sup>[No] Commencing three years after the effective  
31 date of this act, no<sup>2</sup> person shall dispose of <sup>1</sup>[an electric vehicle] a  
32 propulsion<sup>1</sup> battery, or any battery module or battery cell thereof, as  
33 solid waste<sup>2</sup>, unless authorized to do so by the department<sup>2</sup> .

34 b. <sup>2</sup>[No] Commencing three years after the effective date of  
35 this act, no<sup>2</sup> solid waste collector registered pursuant to sections 4  
36 and 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and holding a  
37 certificate of public convenience and necessity pursuant to sections  
38 7 and 10 of P.L.1970, c.40 (C.48:13A-6 and C.48:13A-9) shall  
39 knowingly collect <sup>1</sup>[an electric vehicle] a propulsion<sup>1</sup> battery, or  
40 any module or cell thereof, placed for collection and disposal as  
41 solid waste<sup>2</sup>, unless authorized to do so by the department<sup>2</sup> . A  
42 solid waste collector may refuse to collect a solid waste container  
43 containing <sup>1</sup>[an electric vehicle] a propulsion<sup>1</sup> battery, or any  
44 module or cell thereof.

45 c. <sup>2</sup>[No] Commencing three years after the effective date of  
46 this act, no<sup>2</sup> solid waste facility in this State shall knowingly accept

1 for disposal <sup>1</sup>~~an electric vehicle~~ a propulsion<sup>1</sup> battery, or any  
2 module or cell thereof, or a truckload or roll-off container of solid  
3 waste containing <sup>1</sup>~~an electric vehicle~~ a propulsion<sup>1</sup> battery, or any  
4 module or cell thereof <sup>2</sup>, unless authorized to do so by the  
5 department<sup>2</sup> . The owner or operator of a solid waste facility may  
6 refuse to accept for disposal <sup>1</sup>~~an electric vehicle~~ a propulsion<sup>1</sup>  
7 battery, or any module or cell thereof, or any truckload or roll-off  
8 container of solid waste containing <sup>1</sup>~~an electric vehicle~~ a  
9 propulsion<sup>1</sup> battery, or any module or cell thereof.

10

11 <sup>1</sup>~~5.~~ a. If an electric vehicle's battery, or any battery module or  
12 battery cell thereof, is replaced, and the vehicle remains in service,  
13 the person performing the replacement shall provide for the proper  
14 reuse, repurposing, or recycling of the battery, module, or cell. The  
15 person performing the replacement shall use a core deposit  
16 program, or other similar system, to ensure that electric vehicle  
17 batteries, battery modules, and battery cells are properly managed  
18 and tracked.

19 b. For an electric vehicle that is taken out of service, a vehicle  
20 recycler who takes ownership of the end-of-life vehicle shall  
21 provide for the proper reuse, repurposing, or recycling of the  
22 battery. In the event that the electric vehicle is not transferred to a  
23 vehicle recycler, the person who assumes ownership of vehicle after  
24 it has been taken out of service shall provide for the proper reuse,  
25 repurposing, or recycling of the battery.]<sup>1</sup>

26

27 <sup>2</sup>~~15.]~~ <sup>6.</sup> <sup>2</sup> a. <sup>3</sup>No later than 18 months after the completion of the  
28 needs assessment required pursuant to section 4 of this act, the  
29 department shall adopt rules and regulations establishing standards and  
30 criteria for battery management plans submitted pursuant to this  
31 section.<sup>3</sup> No later than 180 days after <sup>2</sup>~~the effective date of this act,]~~  
32 <sup>3</sup>~~the department completes the needs assessment required under~~  
33 section 4 of this act,<sup>2</sup> the adoption of rules and regulations pursuant  
34 to this section,<sup>3</sup> each producer of propulsion batteries sold within the  
35 State, either individually or as a part of a group of producers, shall, in  
36 consultation with the department, develop and submit a battery  
37 management plan to the department for review and approval pursuant  
38 to section <sup>2</sup>~~6]~~ <sup>7</sup> of this act. The plan shall provide for producers to  
39 be responsible for the collection and management of the producer's  
40 used propulsion batteries that are offered to the producer for take-back  
41 by the current battery owner. <sup>3</sup>The plan may include a complete  
42 vehicle take-back program, a battery take-back program, or any other  
43 such program approved by the department.<sup>3</sup>

44 b. A producer shall be deemed responsible for the end-of-life  
45 management of a propulsion battery pursuant to this act as follows:

- 1       (1) for a propulsion battery embedded in a vehicle that is sold in  
2 the State, or sold or distributed in or into the State via remote sale or  
3 distribution:
- 4       (a) if the battery is sold in a vehicle under the vehicle  
5 manufacturer's own brand, the vehicle manufacturer shall be  
6 responsible for the battery;
- 7       (b) if the battery is sold in a vehicle under a different brand than  
8 that of the vehicle manufacturer, the person that is the licensee of the  
9 brand or trademark under which the vehicle is sold, offered for sale, or  
10 distributed in or into the State, whether or not the trademark is  
11 registered in the State, shall be responsible for the battery; and
- 12       (c) if there is no person described by subparagraphs (a) or (b) of  
13 this paragraph within the United States, the person that imports the  
14 battery-containing vehicle into the United States for sale, offering for  
15 sale, or distribution in the State shall be responsible for the battery;  
16 and
- 17       (2) for a propulsion battery that is sold in the State, or sold or  
18 distributed in or into the State via remote sale or distribution, and  
19 which is not embedded in a vehicle:
- 20       (a) if the battery was manufactured in the United States, and has  
21 not been remanufactured or repurposed, the battery manufacturer shall  
22 be responsible for the battery.
- 23       (b) if the battery has been remanufactured or repurposed in the  
24 United States, the person that remanufactures or repurposes the battery  
25 shall be responsible for the battery, except as provided in subsection c.  
26 of this section; and
- 27       (c) if there is no person described by subparagraphs (a) or (b) of  
28 this paragraph within the United States, <sup>2</sup>~~the producer is~~<sup>2</sup> the person  
29 that imports the battery into the United States for sale, offering for  
30 sale, or distribution in the State shall be responsible for the battery.
- 31       c. Notwithstanding the provisions of subsection b. of this section  
32 to the contrary, the original producer of a propulsion battery shall not  
33 be responsible for the management of a battery that a secondary  
34 producer has remanufactured or repurposed, unless:
- 35       (1) the secondary producer is in a contractual relationship with the  
36 original producer, which provides for the retention of responsibility for  
37 the end-of-life management of the battery by the primary producer;  
38 and
- 39       (2) the contract has been provided to the department as part of a  
40 battery management plan or through another means approved by the  
41 department.
- 42       d. A battery management plan prepared and submitted pursuant to  
43 this section shall include, at a minimum:
- 44       (1) methods that will be used to <sup>3</sup>~~collect and store~~ accept and  
45 transport<sup>3</sup> the used propulsion batteries <sup>3</sup>~~returned~~ or complete  
46 vehicles offered<sup>3</sup> to the producer, including proposed collection

1 services<sup>2</sup>, and the role of vehicle recyclers and authorized propulsion  
2 battery recyclers<sup>2</sup>;

3 (2) <sup>3</sup>【methods that will be utilized to transport used propulsion  
4 batteries to authorized recycling facilities, including <sup>2</sup>methods used by  
5 both vehicle recyclers and authorized propulsion battery recyclers and  
6 a delineation of the roles of each in the recycling chain, as well as<sup>2</sup> the  
7 name and location of all authorized <sup>2</sup>propulsion battery<sup>2</sup> recyclers<sup>2</sup>,  
8 authorized propulsion battery transporters, and vehicle recyclers<sup>2</sup> to be  
9 directly utilized pursuant to the plan;

10 (3) <sup>3</sup> processes and methods that will be utilized to remanufacture,  
11 repurpose, or recycle propulsion batteries that have reached the end of  
12 their service life, including, <sup>3</sup>【if necessary,】 as applicable, the identity  
13 of authorized propulsion battery recyclers to be utilized pursuant to the  
14 plan and<sup>3</sup> a plan for final disposal of such batteries, in accordance with  
15 environmentally sound management practices;

16 <sup>3</sup>【(4) (3) <sup>3</sup> a strategy for informing <sup>3</sup>【consumers,】 electric vehicle  
17 owners,<sup>3</sup> vehicle repair facilities, and vehicle dismantlers in the State  
18 about the requirement to properly manage propulsion batteries, the  
19 environmental impact of the improper handling or disposal of used  
20 propulsion batteries, and the mechanisms for the management of  
21 propulsion batteries that are available pursuant to the plan;

22 <sup>3</sup>【(5) (4) <sup>3</sup> the means that will be used to implement and finance  
23 the battery management plan; and

24 <sup>3</sup>【(6) (5) <sup>3</sup> any other information, policies, or procedures that the  
25 department deems appropriate.

26 e. <sup>2</sup>【A battery management plan shall, to the extent practicable,  
27 utilize existing recycling infrastructure. Where existing recycling  
28 infrastructure is not utilized, the electric vehicle battery management  
29 plan shall include the reasons for establishing a separate infrastructure.

30 f. <sup>2</sup> A propulsion battery management plan shall provide for the  
31 financing of the collection, transportation, remanufacturing, reuse,  
32 recycling, or disposal of used propulsion batteries. When a producer is  
33 required to provide for the management of used propulsion batteries,  
34 the costs of such financing shall be borne by the producer of that  
35 propulsion battery.

36 <sup>2</sup>【g.】 f. <sup>2</sup> Any entity that becomes a producer after the effective  
37 date of this act shall receive approval from the department of its  
38 battery management plan prior to manufacturing, selling, offering for  
39 sale, or importing a propulsion battery in or into the State, and shall  
40 otherwise comply with the provisions of this act.

41 <sup>2</sup>【h.】 g. <sup>2</sup> A battery management plan shall be reviewed and  
42 updated, as necessary, at least once every five years.<sup>1</sup>

43 <sup>2</sup>h. Each person or entity <sup>3</sup>【that manages】 authorized to manage<sup>3</sup>  
44 a used propulsion battery <sup>3</sup>as part of a battery management plan<sup>3</sup>,  
45 including, but not limited to, a vehicle repair facility, vehicle  
46 dismantler, <sup>3</sup>authorized propulsion battery recycler,<sup>3</sup> scrap yard,

1 dealership, showroom, or used car lot, shall be required to manage the  
2 battery pursuant to an approved battery management plan.

3 i. <sup>3</sup>[Any] If an<sup>3</sup> organization <sup>3</sup>is<sup>3</sup> formed for the purposes of  
4 allowing a group of producers to submit a combined battery  
5 management plan pursuant to this act <sup>3</sup>, the organization<sup>3</sup> shall:

6 (1) be a tax-exempt, nonprofit organization;

7 (2) submit a battery management plan that achieves program goals  
8 established by the department; and

9 (3) submit an annual audit report and annual budget to the  
10 department.<sup>2</sup>

11

12 <sup>2</sup>[16.] 7.<sup>2</sup> a. No later than <sup>2</sup>[120 days] one year<sup>2</sup> after receipt  
13 by the department of a complete battery management plan, the  
14 department shall approve, approve in part, or disapprove of the  
15 plan. In making a determination pursuant to this section, the  
16 department may solicit information from producers or other  
17 stakeholders as the department deems appropriate. The department  
18 may assess a producer a reasonable fee to cover the department's  
19 costs for plan review, program implementation, and enforcement  
20 costs pursuant to this act.

21 b. If the department approves the battery management plan, the  
22 producer shall implement the plan within 90 days after receipt of  
23 approval from the department or as otherwise agreed to by the  
24 department.

25 c. If the department approves in part the battery management  
26 plan, the department shall indicate those portions of the plan that do  
27 not comply with the requirements of this act and the rules and  
28 regulations adopted pursuant thereto. The producer shall implement  
29 the components of the plan, as approved, within 90 days after  
30 receipt of approval by the department or as otherwise agreed to by  
31 the department, and submit a revised battery management plan  
32 within 30 days after receipt of notification of the approval in part by  
33 the department in order to bring the entire plan into compliance  
34 with the requirements of this act and any rules and regulations  
35 adopted pursuant thereto. The department shall review and  
36 approve, conditionally approve, or disapprove a revised battery  
37 management plan within 30 days after receipt of the revised plan.

38 d. If the battery management plan is disapproved, the  
39 department shall inform the producer of the reasons for the  
40 disapproval. The producer shall have 30 days thereafter to submit a  
41 revised battery management plan to the department.

42 e. If, at the conclusion of the time period ending <sup>2</sup>[120 days]  
43 one year<sup>2</sup> after receipt by the department of a complete battery  
44 management plan, the department has not approved, approved in  
45 part, or disapproved the battery management plan pursuant to  
46 subsections b. through d. of this section, the battery management  
47 plan shall be deemed to be conditionally approved. A producer,



1 subject to any modifications required by the department, shall  
2 implement a conditionally approved battery management plan  
3 within 90 days after the plan has been deemed conditionally  
4 approved by the department.

5 f. The department may impose additional plan requirements<sup>2</sup>,  
6 at the conclusion of the time period ending 240 days after the  
7 effective date of this act<sup>2</sup> for any portion of a battery management  
8 plan that does not comply with the requirements of this act, and any  
9 rules and regulations adopted pursuant thereto, for a plan  
10 component that has not been approved pursuant to this section.

11 g. The department may review a battery management plan  
12 approved pursuant to this section and recommend modifications  
13 thereto at any time upon a finding that the approved battery  
14 management plan, as implemented, is deficient.

15 h. Within 90 days after the department's approval of a battery  
16 management plan submitted in accordance with section 5 of this act,  
17 or any revisions thereto, the department shall post, at a publicly  
18 accessible location on its Internet website, each battery management  
19 plan and a list identifying each of the producers participating in a  
20 battery management plan.<sup>1</sup> <sup>2</sup>A producer may provide a redacted  
21 version of its battery management plan to the department for the  
22 purposes of its posting on the department's Internet website, which  
23 removes any proprietary or confidential information.<sup>2</sup>

24  
25 <sup>1</sup>[6.] <sup>2</sup>[7.1] <sup>8.</sup><sup>2</sup> a. A person seeking to discard <sup>1</sup>[an electric  
26 vehicle] <sup>3</sup>[a] an unwanted<sup>3</sup> propulsion<sup>1</sup> battery may deliver the  
27 battery or the vehicle that contains the<sup>1</sup> battery<sup>3</sup>, or may otherwise  
28 arrange for the collection and delivery of the battery or vehicle as  
29 provided in the producer's battery management plan,<sup>3</sup> to:

30 (1) a <sup>1</sup>[retailer of electric vehicles or electric vehicle batteries]  
31 location designated by the producer of the battery, as specified in the  
32 producer's battery management plan<sup>1</sup>; <sup>3</sup>[or]<sup>3</sup>

33 (2) <sup>3</sup>a vehicle recycler that has been authorized by the department  
34 to handle, transport, and properly manage used propulsion batteries,  
35 provided that the authorized vehicle recycler adheres to the battery  
36 management plan approved by the department for that propulsion  
37 battery; or

38 (3)<sup>3</sup> <sup>2</sup>[a Class D recycling center authorized to recycle electric  
39 vehicle batteries by the department] an authorized propulsion battery  
40 recycler, provided that the employees of the authorized propulsion  
41 battery recycler undergo mandatory safety training to ensure the  
42 proper management and recycling of such batteries. The department  
43 may require, develop, or select appropriate training modules for this  
44 purpose<sup>2</sup> <sup>3</sup>or may allow a recycler to submit its own safety training  
45 plan for approval<sup>3</sup>.

1 b. <sup>1</sup>["A retailer of electric vehicles or electric vehicle batteries,  
2 upon presentation at any time during business hours by a member of  
3 the public, shall accept a minimum of one electric vehicle battery  
4 derived from the person's private use, at no charge.

5 c. No distributor of electric vehicles or electric vehicle batteries  
6 shall refuse to accept an electric vehicle battery, collected from a  
7 member of the public pursuant to this section, from any retailer of the  
8 distributor's products, or from any other retailer if the battery is of a  
9 type that is, or was, distributed by the distributor.

10 d.]<sup>1</sup> No <sup>1</sup>["manufacturer] producer<sup>1</sup> of <sup>1</sup>["electric vehicles or  
11 electric vehicle] propulsion<sup>1</sup> batteries may refuse to <sup>1</sup>["accept any  
12 electric vehicle battery,] recover a used propulsion battery that it has  
13 manufactured, branded, imported, or imbedded into a product in New  
14 Jersey, if the battery is<sup>1</sup> collected from a <sup>1</sup>["distributor pursuant to this  
15 section, from a distributor of the manufacturer's products] location or  
16 using a mechanism designated by the producer in its battery  
17 management plan<sup>1</sup> . The <sup>1</sup>["manufacturer] producer<sup>1</sup> shall provide for  
18 the proper reuse, <sup>1</sup>remanufacturing,<sup>1</sup> repurposing, or recycling of <sup>1</sup>["an  
19 electric vehicle] a propulsion<sup>1</sup> battery returned pursuant to this  
20 subsection. <sup>1</sup>The provisions of this subsection shall not apply to the  
21 original producer of a propulsion battery that has been remanufactured,  
22 repurposed, branded, imported, retailed, or embedded into a product  
23 application by a secondary producer, unless the secondary producer is  
24 in a contractual relationship with the original producer pursuant to  
25 subsection c. of section 5 of this act.<sup>1</sup>

26  
27 <sup>1</sup>["7. A retailer of electric vehicles or electric vehicle batteries  
28 shall conspicuously post and maintain, at or near the point of sale, a  
29 legible notice to consumers, not less than 8 1/2 inches by 11 inches  
30 in size and bearing the State recycling logo or symbol, containing  
31 the following inscription: "Electric vehicle batteries can be  
32 recycled here. It is illegal to discard an electric vehicle battery in  
33 New Jersey. State law requires us to accept and recycle any used  
34 electric vehicle battery returned to us by a member of the public.""]<sup>1</sup>

35  
36 <sup>2</sup>["8.] 9.<sup>2</sup> a. <sup>1</sup>["The department shall develop and promulgate  
37 training materials or courses for persons who handle electric vehicle  
38 batteries before or at end-of-life of the battery. The materials shall  
39 include clear, detailed guidelines on occupational safety and  
40 storage, as well as shipping protocols and requirements.] In  
41 implementing a battery management plan approved pursuant this  
42 act, a producer shall provide consumers with educational materials  
43 related to the producer's approved battery management plan and the  
44 collection services that are available. The educational materials  
45 shall include, but need not be limited to, information identifying the  
46 end-of-life management options that are available for propulsion

1 batteries through the battery management plan, and a notice that, in  
2 New Jersey, the costs of the services will be covered by the  
3 producer.<sup>1</sup>

4 b. The department shall establish a means of addressing  
5 consumer complaints and a public education program to assure the  
6 widespread dissemination of information concerning the purpose of  
7 this act.

8  
9 <sup>2</sup>[9.] 10.<sup>2</sup> a. A violation of the provisions of this act shall be  
10 considered a violation of the "Solid Waste Management Act,"  
11 P.L.1970, c.39 (C.13:1E-1 et seq.), and the commissioner shall have  
12 recourse to any of the actions <sup>1</sup>or penalties<sup>1</sup> provided for in section  
13 9 of P.L.1970, c.39 (C.13:1E-9), in order to <sup>1</sup>[remedy] address<sup>1</sup> the  
14 violation.

15 b. The department shall have the right to enter, at any time  
16 during normal business hours and upon presentation of appropriate  
17 credentials, the premises of a recycling center, vehicle recycler, or  
18 <sup>1</sup>[retailer, distributor, or manufacturer of electric vehicles or  
19 electric vehicle] producer of propulsion<sup>1</sup> batteries in order to  
20 determine compliance with the provisions of this act.

21  
22 <sup>2</sup>11. Each producer shall register with the department. A  
23 producer operating in the State on the effective date of this act shall  
24 register with the department no later than 12 months after the  
25 effective date of this act. The department shall establish an online  
26 registration program for the purposes of this section on its Internet  
27 website.<sup>2</sup>

28  
29 <sup>2</sup>12. a. Commencing 24 months after the effective date of this  
30 act, and each year thereafter, each producer shall report to the  
31 department, in a form and manner prescribed by the department, the  
32 number of propulsion batteries sold, offered for sale, or distributed  
33 in or into the State by the producer.

34 b. The annual report may include additional information, as  
35 required by the department.

36 c. The department shall maintain a public non-compliance list of  
37 producers that do not comply with the provisions of this section.<sup>2</sup>

38  
39 <sup>2</sup>[10.] 13.<sup>2</sup> The Commissioner of Environmental Protection  
40 shall adopt, pursuant to the provisions of the "Administrative  
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and  
42 regulations necessary to implement the provisions of this act.

43  
44 <sup>2</sup>[11. Section 10 of this] 14. This<sup>2</sup> act shall take effect  
45 immediately <sup>2</sup>[], and the remainder of the act shall take effect on the  
46 first day of the twelfth month following enactment, except that the

- 1 department may take such administrative measures as may be
- 2 necessary to prepare for its timely implementation<sup>2</sup> .