

P.L. 2023, CHAPTER 222, *approved January 8, 2024*
Senate, No. 3723 (*Third Reprint*)

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 ¹and Hybrid¹ Vehicle Battery Management Act."
9
10 2. As used in this act:
11 ²"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.²
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 ¹"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 ²**[5]** ⁶**6** of this act.¹
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 ¹**[**"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

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:
¹Senate SEN committee amendments adopted May 15, 2023.
²Assembly floor amendments adopted December 7, 2023.
³Senate floor amendments adopted December 21, 2023.

1 battery or equivalent energy storage device that can be charged from
2 an electricity supply external to the vehicle with an electric plug.
3 "Electric vehicle" includes a plug-in hybrid vehicle.

4 "Electric vehicle battery" means a rechargeable battery that is used
5 to power the electric motors that propel an electric vehicle. "Electric
6 vehicle battery" includes, but is not limited to, lithium-ion batteries
7 and nickel-metal hydride batteries.】

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

16 "Producer" means a ²【propulsion battery manufacturer,
17 remanufacturer, or importer, a person who repurposes propulsion
18 batteries, or a motor vehicle manufacturer, brand or trademark
19 licensee, or importer, who manufactures, sells, offers for sale, or
20 imports a propulsion battery in or into the State】 person responsible
21 for a propulsion battery², as provided pursuant to subsection b. of
22 section ²【5】 6² of this act.

23 "Propulsion battery" means an electrical energy storage device,
24 consisting of one or more individual battery modules or battery cells,
25 which are used to supply power to propel an electric or hybrid road
26 vehicle. "Propulsion battery" includes, but is not limited to, lithium-
27 ion batteries and nickel-metal hydride batteries ³, and includes
28 batteries that have been removed from a vehicle and batteries that are
29 still embedded in a vehicle³. "Propulsion battery" does not include a
30 starter battery or a battery used for, or embedded in, products for
31 industrial applications.¹

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

34 ¹"Remanufacture" means any repair or modification to a
35 propulsion battery that results in the complete battery, or any battery
36 modules or battery cells thereof, being used for the same purpose or
37 application as the one for which the battery was originally designed.

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

42 "Reuse" means the use of a propulsion battery in another vehicle of
43 the same type, which does not require modification to the battery.¹

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

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

1 "Vehicle recycler" means the same as the term is defined in section
2 3 of P.L.2005, c.54 (C.13:1E-99.84).

3
4 3. ¹~~["An electric vehicle"]~~ ³~~["A"]~~ Commencing January 1, 2027, a³
5 propulsion¹ battery sold in the State ², whether embedded in a vehicle
6 or not,² shall include a permanent label providing information about
7 the battery ²[". Pursuant to P.L.2003, c.266 (C.26:2C-8.15), the label
8 shall conform to the provisions of the California Low Emission
9 Vehicle program."], in accordance with rules and regulations adopted
10 by the department. Any person who remanufactures or repurposes a
11 propulsion battery shall relabel the remanufactured or repurposed
12 propulsion battery pursuant to the labeling standard adopted by the
13 department prior to selling, importing, or distributing the propulsion
14 battery for use in the State.²
15

16 ²4. a. No later than six months after the effective date of this act,
17 the department shall commence a needs assessment to determine the
18 availability of authorized propulsion battery recyclers and related
19 infrastructure, both public and private, needed to implement the
20 provisions of this act, in addition to any other necessary
21 information, as identified by the department.

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

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

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

30 e. The department shall publish the completed needs assessment
31 on its Internet website.

32 f. The department shall use the results of the needs assessment
33 to assist in the implementation of this act.²
34

35 ²~~["4."] 5.²~~ a. ²~~["No"]~~ Commencing three years after the effective
36 date of this act, no² person shall dispose of ¹["an electric vehicle"] a
37 propulsion¹ battery, or any battery module or battery cell thereof, as
38 solid waste ², unless authorized to do so by the department².

39 b. ²~~["No"]~~ Commencing three years after the effective date of
40 this act, no² solid waste collector registered pursuant to sections 4
41 and 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and holding a
42 certificate of public convenience and necessity pursuant to sections
43 7 and 10 of P.L.1970, c.40 (C.48:13A-6 and C.48:13A-9) shall
44 knowingly collect ¹["an electric vehicle"] a propulsion¹ battery, or
45 any module or cell thereof, placed for collection and disposal as
46 solid waste ², unless authorized to do so by the department². A

1 solid waste collector may refuse to collect a solid waste container
2 containing ¹[an electric vehicle] a propulsion¹ battery, or any
3 module or cell thereof.

4 c. ²[No] Commencing three years after the effective date of
5 this act, no² solid waste facility in this State shall knowingly accept
6 for disposal ¹[an electric vehicle] a propulsion¹ battery, or any
7 module or cell thereof, or a truckload or roll-off container of solid
8 waste containing ¹[an electric vehicle] a propulsion¹ battery, or any
9 module or cell thereof ², unless authorized to do so by the
10 department². The owner or operator of a solid waste facility may
11 refuse to accept for disposal ¹[an electric vehicle] a propulsion¹
12 battery, or any module or cell thereof, or any truckload or roll-off
13 container of solid waste containing ¹[an electric vehicle] a
14 propulsion¹ battery, or any module or cell thereof.

15
16 ¹[5. a. If an electric vehicle's battery, or any battery module or
17 battery cell thereof, is replaced, and the vehicle remains in service,
18 the person performing the replacement shall provide for the proper
19 reuse, repurposing, or recycling of the battery, module, or cell. The
20 person performing the replacement shall use a core deposit
21 program, or other similar system, to ensure that electric vehicle
22 batteries, battery modules, and battery cells are properly managed
23 and tracked.

24 b. For an electric vehicle that is taken out of service, a vehicle
25 recycler who takes ownership of the end-of-life vehicle shall
26 provide for the proper reuse, repurposing, or recycling of the
27 battery. In the event that the electric vehicle is not transferred to a
28 vehicle recycler, the person who assumes ownership of vehicle after
29 it has been taken out of service shall provide for the proper reuse,
30 repurposing, or recycling of the battery.]]¹

31
32 ²[¹5.] 6.² a. ³No later than 18 months after the completion of the
33 needs assessment required pursuant to section 4 of this act, the
34 department shall adopt rules and regulations establishing standards and
35 criteria for battery management plans submitted pursuant to this
36 section.³ No later than 180 days after²[the effective date of this act,]
37 ³[the department completes the needs assessment required under
38 section 4 of this act,²] the adoption of rules and regulations pursuant
39 to this section,³ each producer of propulsion batteries sold within the
40 State, either individually or as a part of a group of producers, shall, in
41 consultation with the department, develop and submit a battery
42 management plan to the department for review and approval pursuant
43 to section²[6] 7² of this act. The plan shall provide for producers to
44 be responsible for the collection and management of the producer's
45 used propulsion batteries that are offered to the producer for take-back
46 by the current battery owner. ³The plan may include a complete

1 vehicle take-back program, a battery take-back program, or any other
2 such program approved by the department.³

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

5 (1) for a propulsion battery embedded in a vehicle that is sold in
6 the State, or sold or distributed in or into the State via remote sale or
7 distribution:

8 (a) if the battery is sold in a vehicle under the vehicle
9 manufacturer's own brand, the vehicle manufacturer shall be
10 responsible for the battery;

11 (b) if the battery is sold in a vehicle under a different brand than
12 that of the vehicle manufacturer, the person that is the licensee of the
13 brand or trademark under which the vehicle is sold, offered for sale, or
14 distributed in or into the State, whether or not the trademark is
15 registered in the State, shall be responsible for the battery; and

16 (c) if there is no person described by subparagraphs (a) or (b) of
17 this paragraph within the United States, the person that imports the
18 battery-containing vehicle into the United States for sale, offering for
19 sale, or distribution in the State shall be responsible for the battery;
20 and

21 (2) for a propulsion battery that is sold in the State, or sold or
22 distributed in or into the State via remote sale or distribution, and
23 which is not embedded in a vehicle:

24 (a) if the battery was manufactured in the United States, and has
25 not been remanufactured or repurposed, the battery manufacturer shall
26 be responsible for the battery.

27 (b) if the battery has been remanufactured or repurposed in the
28 United States, the person that remanufactures or repurposes the battery
29 shall be responsible for the battery, except as provided in subsection c.
30 of this section; and

31 (c) if there is no person described by subparagraphs (a) or (b) of
32 this paragraph within the United States, ²~~the producer is~~² the person
33 that imports the battery into the United States for sale, offering for
34 sale, or distribution in the State shall be responsible for the battery.

35 c. Notwithstanding the provisions of subsection b. of this section
36 to the contrary, the original producer of a propulsion battery shall not
37 be responsible for the management of a battery that a secondary
38 producer has remanufactured or repurposed, unless:

39 (1) the secondary producer is in a contractual relationship with the
40 original producer, which provides for the retention of responsibility for
41 the end-of-life management of the battery by the primary producer;
42 and

43 (2) the contract has been provided to the department as part of a
44 battery management plan or through another means approved by the
45 department.

46 d. A battery management plan prepared and submitted pursuant to
47 this section shall include, at a minimum:

(1) methods that will be used to ³collect and store accept and transport³ the used propulsion batteries ³returned or complete vehicles offered³ to the producer, including proposed collection services ², and the role of vehicle recyclers and authorized propulsion battery recyclers² :

(2) ³methods that will be utilized to transport used propulsion batteries to authorized recycling facilities, including ²methods used by both vehicle recyclers and authorized propulsion battery recyclers and a delineation of the roles of each in the recycling chain, as well as² the name and location of all authorized ²propulsion battery² recyclers ², authorized propulsion battery transporters, and vehicle recyclers² to be directly utilized pursuant to the plan;

(3) 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, ³if necessary, as applicable, the identity of authorized propulsion battery recyclers to be utilized pursuant to the plan and³ a plan for final disposal of such batteries, in accordance with environmentally sound management practices;

³(4) (3)³ a strategy for informing ³consumers, electric vehicle owners,³ 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;

³(5) (4)³ the means that will be used to implement and finance the battery management plan; and

³(6) (5)³ any other information, policies, or procedures that the department deems appropriate.

e. ²A battery management plan shall, to the extent practicable, utilize existing recycling infrastructure. Where existing recycling infrastructure is not utilized, the electric vehicle battery management plan shall include the reasons for establishing a separate infrastructure.

f. ²A propulsion battery management plan shall provide for the financing of the collection, transportation, remanufacturing, reuse, recycling, or disposal of used propulsion batteries. When a producer is required to provide for the management of used propulsion batteries, the costs of such financing shall be borne by the producer of that propulsion battery.

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

²h. g.² A battery management plan shall be reviewed and updated, as necessary, at least once every five years.¹

1 ²h. Each person or entity ³[that manages] authorized to manage³
2 a used propulsion battery ³as part of a battery management plan³ ,
3 including, but not limited to, a vehicle repair facility, vehicle
4 dismantler, ³authorized propulsion battery recycler,³ scrap yard,
5 dealership, showroom, or used car lot, shall be required to manage the
6 battery pursuant to an approved battery management plan.

7 i. ³[Any] If an³ organization ³is³ formed for the purposes of
8 allowing a group of producers to submit a combined battery
9 management plan pursuant to this act ³, the organization³ shall:

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

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

13 (3) submit an annual audit report and annual budget to the
14 department.²

15
16 ²[¹6.] 7.² a. No later than ²[120 days] one year² after receipt
17 by the department of a complete battery management plan, the
18 department shall approve, approve in part, or disapprove of the
19 plan. In making a determination pursuant to this section, the
20 department may solicit information from producers or other
21 stakeholders as the department deems appropriate. The department
22 may assess a producer a reasonable fee to cover the department's
23 costs for plan review, program implementation, and enforcement
24 costs pursuant to this act.

25 b. If the department approves the battery management plan, the
26 producer shall implement the plan within 90 days after receipt of
27 approval from the department or as otherwise agreed to by the
28 department.

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

42 d. If the battery management plan is disapproved, the
43 department shall inform the producer of the reasons for the
44 disapproval. The producer shall have 30 days thereafter to submit a
45 revised battery management plan to the department.

46 e. If, at the conclusion of the time period ending ²[120 days]
47 one year² after receipt by the department of a complete battery

1 management plan, the department has not approved, approved in
 2 part, or disapproved the battery management plan pursuant to
 3 subsections b. through d. of this section, the battery management
 4 plan shall be deemed to be conditionally approved. A producer,
 5 subject to any modifications required by the department, shall
 6 implement a conditionally approved battery management plan
 7 within 90 days after the plan has been deemed conditionally
 8 approved by the department.

9 f. The department may impose additional plan requirements ²[,
 10 at the conclusion of the time period ending 240 days after the
 11 effective date of this act]² for any portion of a battery management
 12 plan that does not comply with the requirements of this act, and any
 13 rules and regulations adopted pursuant thereto, for a plan
 14 component that has not been approved pursuant to this section.

15 g. The department may review a battery management plan
 16 approved pursuant to this section and recommend modifications
 17 thereto at any time upon a finding that the approved battery
 18 management plan, as implemented, is deficient.

19 h. Within 90 days after the department's approval of a battery
 20 management plan submitted in accordance with section 5 of this act,
 21 or any revisions thereto, the department shall post, at a publicly
 22 accessible location on its Internet website, each battery management
 23 plan and a list identifying each of the producers participating in a
 24 battery management plan.¹ ²A producer may provide a redacted
 25 version of its battery management plan to the department for the
 26 purposes of its posting on the department's Internet website, which
 27 removes any proprietary or confidential information.²
 28

29 ¹[6.] ²[7.¹] 8.² a. A person seeking to discard ¹[an electric
 30 vehicle] ³[a] an unwanted³ propulsion¹ battery may deliver the
 31 ¹battery or the vehicle that contains the¹ battery ³, or may otherwise
 32 arrange for the collection and delivery of the battery or vehicle as
 33 provided in the producer's battery management plan,³ to:

34 (1) a ¹[retailer of electric vehicles or electric vehicle batteries]
 35 location designated by the producer of the battery, as specified in the
 36 producer's battery management plan¹ ; ³[or]³

37 (2) ³a vehicle recycler that has been authorized by the department
 38 to handle, transport, and properly manage used propulsion batteries,
 39 provided that the authorized vehicle recycler adheres to the battery
 40 management plan approved by the department for that propulsion
 41 battery; or

42 (3)³ ²[a Class D recycling center authorized to recycle electric
 43 vehicle batteries by the department] an authorized propulsion battery
 44 recycler, provided that the employees of the authorized propulsion
 45 battery recycler undergo mandatory safety training to ensure the
 46 proper management and recycling of such batteries. The department
 47 may require, develop, or select appropriate training modules for this

1 purpose² ³or may allow a recycler to submit its own safety training
 2 plan for approval³ .

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

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

12 d. ¹ No ¹["manufacturer"] producer¹ of ¹["electric vehicles or
 13 electric vehicle"] propulsion¹ batteries may refuse to ¹["accept any
 14 electric vehicle battery,"] recover a used propulsion battery that it has
 15 manufactured, branded, imported, or imbedded into a product in New
 16 Jersey, if the battery is¹ collected from a ¹["distributor pursuant to this
 17 section, from a distributor of the manufacturer's products"] location or
 18 using a mechanism designated by the producer in its battery
 19 management plan¹ . The ¹["manufacturer"] producer¹ shall provide for
 20 the proper reuse, ¹remanufacturing¹, repurposing, or recycling of ¹["an
 21 electric vehicle"] a propulsion¹ battery returned pursuant to this
 22 subsection. ¹The provisions of this subsection shall not apply to the
 23 original producer of a propulsion battery that has been remanufactured,
 24 repurposed, branded, imported, retailed, or embedded into a product
 25 application by a secondary producer, unless the secondary producer is
 26 in a contractual relationship with the original producer pursuant to
 27 subsection c. of section 5 of this act.¹

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

37
 38 ²["8.] 9.² a. ¹["The department shall develop and promulgate
 39 training materials or courses for persons who handle electric vehicle
 40 batteries before or at end-of-life of the battery. The materials shall
 41 include clear, detailed guidelines on occupational safety and
 42 storage, as well as shipping protocols and requirements."] In
 43 implementing a battery management plan approved pursuant this
 44 act, a producer shall provide consumers with educational materials
 45 related to the producer's approved battery management plan and the
 46 collection services that are available. The educational materials

1 shall include, but need not be limited to, information identifying the
2 end-of-life management options that are available for propulsion
3 batteries through the battery management plan, and a notice that, in
4 New Jersey, the costs of the services will be covered by the
5 producer.¹

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

10
11 ²~~9.~~ 10.² a. A violation of the provisions of this act shall be
12 considered a violation of the "Solid Waste Management Act,"
13 P.L.1970, c.39 (C.13:1E-1 et seq.), and the commissioner shall have
14 recourse to any of the actions ¹~~or penalties~~¹ provided for in section
15 9 of P.L.1970, c.39 (C.13:1E-9), in order to ¹~~remedy~~¹ address¹ the
16 violation.

17 b. The department shall have the right to enter, at any time
18 during normal business hours and upon presentation of appropriate
19 credentials, the premises of a recycling center, vehicle recycler, or
20 ¹~~retailer, distributor, or manufacturer of electric vehicles or~~
21 ~~electric vehicle~~ producer of propulsion¹ batteries in order to
22 determine compliance with the provisions of this act.

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

30
31 ²12. a. Commencing 24 months after the effective date of this
32 act, and each year thereafter, each producer shall report to the
33 department, in a form and manner prescribed by the department, the
34 number of propulsion batteries sold, offered for sale, or distributed
35 in or into the State by the producer.

36 b. The annual report may include additional information, as
37 required by the department.

38 c. The department shall maintain a public non-compliance list of
39 producers that do not comply with the provisions of this section.²

40
41 ²~~10.~~ 13.² The Commissioner of Environmental Protection
42 shall adopt, pursuant to the provisions of the "Administrative
43 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
44 regulations necessary to implement the provisions of this act.

45
46 ²~~11. Section 10 of this~~ 14. This² act shall take effect
47 immediately ²~~],~~ and the remainder of the act shall take effect on the

1 first day of the twelfth month following enactment, except that the
2 department may take such administrative measures as may be
3 necessary to prepare for its timely implementation².

4

5

6

7

8 "Electric and Hybrid Vehicle Battery Management Act."