

SENATE, No. 3723

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 13, 2023

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

SYNOPSIS

"Electric Vehicle Battery Management Act."

CURRENT VERSION OF TEXT

As introduced.



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:

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

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10 2. As used in this act:

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

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

16 "Commissioner" means the Commissioner of Environmental
17 Protection.

18 "Department" means the Department of Environmental
19 Protection.

20 "Electric vehicle" means a vehicle that derives all or part of its
21 power from electricity supplied by the electric grid, and that has a
22 battery or equivalent energy storage device that can be charged
23 from an electricity supply external to the vehicle with an electric
24 plug. "Electric vehicle" includes a plug-in hybrid vehicle.

25 "Electric vehicle battery" means a rechargeable battery that is
26 used to power the electric motors that propel an electric vehicle.
27 "Electric vehicle battery" includes, but is not limited to, lithium-ion
28 batteries and nickel-metal hydride batteries.

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

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

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

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

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38 3. An electric vehicle battery sold in the State shall include a
39 permanent label providing information about the battery. Pursuant
40 to P.L.2003, c.266 (C.26:2C-8.15), the label shall conform to the
41 provisions of the California Low Emission Vehicle program.

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43 4. a. No person shall dispose of an electric vehicle battery, or
44 any battery module or battery cell thereof, as solid waste.

45 b. No solid waste collector registered pursuant to sections 4 and
46 5 of P.L.1970, c.39 (C.13:1E-4 and C.13:1E-5) and holding a
47 certificate of public convenience and necessity pursuant to sections
48 7 and 10 of P.L.1970, c.40 (C.48:13A-6 and C.48:13A-9) shall

1 knowingly collect an electric vehicle battery, or any module or cell
2 thereof, placed for collection and disposal as solid waste. A solid
3 waste collector may refuse to collect a solid waste container
4 containing an electric vehicle battery, or any module or cell thereof.

5 c. No solid waste facility in this State shall knowingly accept for
6 disposal an electric vehicle battery, or any module or cell thereof, or
7 a truckload or roll-off container of solid waste containing an
8 electric vehicle battery, or any module or cell thereof. The owner
9 or operator of a solid waste facility may refuse to accept for
10 disposal an electric vehicle battery, or any module or cell thereof, or
11 any truckload or roll-off container of solid waste containing an
12 electric vehicle battery, or any module or cell thereof.

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

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

29

30 6. a. A person seeking to discard an electric vehicle battery
31 may deliver the battery to:

- 32 (1) a retailer of electric vehicles or electric vehicle batteries; or
33 (2) a Class D recycling center authorized to recycle electric
34 vehicle batteries by the department.

35 b. A retailer of electric vehicles or electric vehicle batteries,
36 upon presentation at any time during business hours by a member of
37 the public, shall accept a minimum of one electric vehicle battery
38 derived from the person's private use, at no charge.

39 c. No distributor of electric vehicles or electric vehicle batteries
40 shall refuse to accept an electric vehicle battery, collected from a
41 member of the public pursuant to this section, from any retailer of
42 the distributor's products, or from any other retailer if the battery is
43 of a type that is, or was, distributed by the distributor.

44 d. No manufacturer of electric vehicles or electric vehicle
45 batteries may refuse to accept any electric vehicle battery, collected
46 from a distributor pursuant to this section, from a distributor of the
47 manufacturer's products. The manufacturer shall provide for the

1 proper reuse, repurposing, or recycling of an electric vehicle battery
2 returned pursuant to this subsection.

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

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13 8. a. The department shall develop and promulgate training
14 materials or courses for persons who handle electric vehicle
15 batteries before or at end-of-life of the battery. The materials shall
16 include clear, detailed guidelines on occupational safety and
17 storage, as well as shipping protocols and requirements.

18 b. The department shall establish a means of addressing
19 consumer complaints and a public education program to assure the
20 widespread dissemination of information concerning the purpose of
21 this act.

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23 9. a. A violation of the provisions of this act shall be considered
24 a violation of the "Solid Waste Management Act," P.L.1970, c.39
25 (C.13:1E-1 et seq.), and the commissioner shall have recourse to
26 any of the actions provided for in section 9 of P.L.1970, c.39
27 (C.13:1E-9), in order to remedy the violation.

28 b. The department shall have the right to enter, at any time
29 during normal business hours and upon presentation of appropriate
30 credentials, the premises of a recycling center, vehicle recycler, or
31 retailer, distributor, or manufacturer of electric vehicles or electric
32 vehicle batteries in order to determine compliance with the
33 provisions of this act.

34

35 10. The Commissioner of Environmental Protection shall adopt,
36 pursuant to the provisions of the "Administrative Procedure Act,"
37 P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and regulations
38 necessary to implement the provisions of this act.

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40 11. Section 10 of this act shall take effect immediately, and the
41 remainder of the act shall take effect on the first day of the twelfth
42 month following enactment, except that the department may take
43 such administrative measures as may be necessary to prepare for its
44 timely implementation.

STATEMENT

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This bill would establish a framework for the proper end-of-life management of electric vehicle batteries.

The bill would require any electric vehicle battery sold in the State to contain a permanent label that provides information about the battery. Under current law, P.L.2003 c.266 (C.26:2C-8.15 et seq.), New Jersey participates in California's Low Emission Vehicle Program, and the Department of Environmental Protection (DEP) adopts rules regarding low emissions vehicles that are functionally equivalent to California's. California recently adopted rules regarding electric vehicle battery labeling, at section 1962.6 of Title 13 of the California Code of Regulations. This bill would clarify that the same requirements regarding electric vehicle battery labeling would apply in New Jersey.

The bill would explicitly prohibit persons from disposing of electric vehicle batteries, and their subcomponents, as solid waste. The bill would also authorize solid waste collectors to refuse to collect a solid waste container containing an electric vehicle battery, and it would authorize solid waste disposal facilities to refuse to accept electric vehicle batteries or truckloads and roll-off containers containing an electric vehicle battery.

In the case where an electric vehicle battery is being replaced in an operational vehicle, the bill would require the person performing the replacement be responsible for the proper reuse, repurposing, or recycling of the battery, and to ensure that both the new and the old batteries are properly managed and tracked. In the case where a vehicle is being taken out of commission, the bill would provide that the person who assumes ownership of the decommissioned vehicle, whether a vehicle recycler or another entity, would be responsible for ensuring that the battery is properly recycled.

In the case where a consumer is in possession of an unwanted electric vehicle battery, the bill would require any Class D recycling center that is authorized by the DEP to recycle electric batteries, or any retailer of electric vehicles or electric vehicle batteries to accept the battery. The bill would authorize retailers to deliver any batteries collected in this way from consumers to distributors, and distributors to deliver them to manufacturers. The bill would require manufacturers to be ultimately responsible for the proper disposal of any batteries collected from consumers in this way. The bill would require electric vehicle and electric vehicle battery retailers to post a sign informing consumers of their ability to bring unwanted batteries to the retailer to be recycled.

The bill would require the DEP to develop and promulgate training materials or courses for persons who handle electric vehicle batteries before or at end-of-life of the battery. The bill would also require the DEP to establish a means of addressing consumer

S3723 B.SMITH

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1 complaints and a public education program to assure the widespread
2 dissemination of information concerning the bill's provisions.

3 The bill would give the DEP authority to enter, at any time
4 during normal business hours and upon presentation of appropriate
5 credentials, a recycling center, vehicle recycler, or retailer,
6 distributor, or manufacturer of electric vehicles or electric vehicle
7 batteries in order to determine compliance with the bill's provisions.
8 Finally, the bill would provide that a violation of the bill's
9 provisions would be considered a violation of the "Solid Waste
10 Management Act," P.L.1970, c.39 (C.13:1E-1 et seq.). A person
11 who violates the "Solid Waste Management Act" may be assessed a
12 civil administrative penalty of up to \$50,000 for each violation.