



# HB0323 compared with HB0323S01

~~{ provides for the division to collect a registration fee and installation fee from a solar panel installer; }~~

- 14       ▶ imposes an assessment on renewable energy parent entities to be deposited into the Solar Panel Waste Restricted Account;
- 16       ▶ imposes a distributed generation fee on small-scale solar entities;
- 19       ▶ provides for the ~~{division}~~ Division of Waste Management and Radiation Control (division) to require an owner or operator of a solar panel, beginning on July 1, ~~{2027}~~ 2028, to:
  - 21             • complete a hazardous waste analysis on the solar panel before disposal; and
  - 22             • dispose of hazardous solar panel waste at a solar panel waste disposal site or solar panel waste recycling facility;
- 24       ▶ allows an operator of a landfill to submit an application to register with the division as a solar panel waste disposal site;
- 26       ▶ establishes that the director of the division may enforce the solar panel waste requirements by bringing a civil action in a court;
- 28       ▶ requires the division to report annually to two legislative committees; ~~{and}~~
- 27       ▶ requires the division to complete a study on solar panel recycling in the state and report the findings and recommendations to two legislative committees; and
- 29       ▶ makes technical and conforming changes.

## Money Appropriated in this Bill:

31       None

## Other Special Clauses:

33       None

## Utah Code Sections Affected:

### AMENDS:

36       **13-52-202** , as last amended by Laws of Utah 2025, Chapter 181

37       **19-1-105** , as last amended by Laws of Utah 2025, Chapter 14

38       **63I-2-279** , as last amended by Laws of Utah 2025, Chapter 258

39       **79-6-1403** , as enacted by Laws of Utah 2025, Chapters 146, 258

### ENACTS:

41       **19-6-1301** , Utah Code Annotated 1953

42       **19-6-1302** , Utah Code Annotated 1953

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43 **19-6-1303** , Utah Code Annotated 1953

44 **19-6-1304** , Utah Code Annotated 1953

45 **19-6-1305** , Utah Code Annotated 1953

46 **19-6-1306** , Utah Code Annotated 1953

47 **19-6-1307** , Utah Code Annotated 1953

48 **19-6-1308** , Utah Code Annotated 1953

49 **19-6-1309** , Utah Code Annotated 1953

50 **79-6-1402.5** , Utah Code Annotated 1953

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52 *Be it enacted by the Legislature of the state of Utah:*

53 Section 1. Section **13-52-202** is amended to read:

54 **13-52-202. Contents of disclosure statement for any solar agreement.**

If a solar retailer is proposing to enter any solar agreement with a potential customer, the disclosure statement required in Subsection 13-52-201(1) shall include:

- 53 (1) a statement indicating that operations or maintenance services are not included as part of the solar agreement, if those services are not included as part of the solar agreement;
- 55 (2) if the solar retailer provides any written estimate of the savings the potential customer is projected to realize from the residential solar energy system:
- 57 (a)
- (i) the estimated projected savings over the life of the solar agreement; and
- 58 (ii) at the discretion of the solar retailer, the estimated projected savings over any longer period not to exceed the anticipated 20-year useful life of the residential solar energy system;
- 61 (b) any material assumptions used to calculate estimated projected savings and the source of those assumptions, including:
- 63 (i) if an annual electricity rate increase is assumed, the rate of the assumed increase, which may not be greater than 3%, and the solar retailer's basis for the assumption of the rate increase;
- 66 (ii) the potential customer's eligibility for or receipt of tax credits or other governmental or utility incentives;
- 68 (iii) residential solar energy system production data, including production degradation;
- 70 (iv) the residential solar energy system's eligibility for interconnection under any net metering or similar program;

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- 72 (v) electrical usage and the residential solar energy system's designed offset of the electrical usage;  
74 (vi) historical utility costs paid by the potential customer;  
75 (vii) any rate escalation affecting a payment between the potential customer and the solar retailer; and  
77 (viii) the costs associated with replacing equipment making up part of the residential solar energy  
system or, if those costs are not assumed, a statement indicating that those costs are not assumed;  
and  
80 (c) three separate statements in capital letters in close proximity to any written estimate of projected  
savings, with substantially the following form and content:  
82 (i) "THIS IS AN ESTIMATE. UTILITY RATES MAY GO UP OR DOWN AND ACTUAL  
SAVINGS, IF ANY, MAY VARY. HISTORICAL DATA ARE NOT NECESSARILY  
REPRESENTATIVE OF FUTURE RESULTS. FOR FURTHER INFORMATION REGARDING  
RATES, CONTACT YOUR LOCAL UTILITY OR THE STATE PUBLIC SERVICE  
COMMISSION.";  
87 (ii) "ESTIMATES OF ENERGY PRODUCTION GENERATED BY A RESIDENTIAL SOLAR  
ENERGY SYSTEM MAY VARY. THE RESIDENTIAL SOLAR ENERGY SYSTEM MAY  
PRODUCE MORE OR LESS THAN THE ESTIMATED ENERGY PRODUCTION."; and  
91 (iii) "TAX AND OTHER FEDERAL, STATE, AND LOCAL INCENTIVES VARY AS TO  
REFUNDABILITY AND ARE SUBJECT TO CHANGE OR TERMINATION BY LEGISLATIVE  
OR REGULATORY ACTION, WHICH MAY IMPACT SAVINGS ESTIMATES. CONSULT A  
TAX PROFESSIONAL FOR MORE INFORMATION.";  
96 (3) a notice stating: "Legislative or regulatory action may affect or eliminate your ability to sell or get  
credit for any excess power generated by the solar energy system, and may affect the price or value  
of that power.";  
99 (4) the notice described in Subsection 13-11-4(2)(m) or Subsection 13-26-5(2)(a), if applicable;  
101 (5) a statement describing the solar energy system and indicating the solar energy system design  
assumptions, including the make and model of the solar panels and inverters, solar energy system  
size, positioning of the panels on the customer's property, estimated first-year energy production,  
and estimated annual energy production degradation, including the overall percentage degradation  
over the term of the solar agreement or, at the solar retailer's option, over the estimated useful life of  
the solar energy system;

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- (6) a description of any warranty, representation, or guarantee of energy production of the solar energy system;
- 109 (7) the approximate start and completion dates for the installation of the solar energy system;
- 111 (8) the statement: "The solar retailer may not begin installation of the system until at least four business days after the day on which the solar retailer and customer enter into a contract.";
- 114 (9)
- (a) a statement indicating whether the solar retailer may transfer any warranty or maintenance obligations related to the solar energy system to a third party; and
- 116 (b) if the solar retailer may transfer any warranty or maintenance obligations related to the solar energy system, the statement: "The maintenance and repair obligations under your contract may be assigned or transferred without your consent to a third party who will be bound to all the terms of the contract. If a transfer occurs, you will be notified of any change to the address, email address, or phone number to use for questions or payments or to request solar energy system maintenance or repair.";
- 122 (10) if the solar retailer will not obtain customer approval to connect the solar energy system to the customer's utility, a statement to that effect and a description of what the customer [~~must~~] shall do to interconnect the solar energy system to the utility;
- 125 (11) a description of any roof penetration warranty or other warranty that the solar retailer provides the customer or a statement, in bold capital letters, that the solar retailer does not provide any warranty;
- 128 (12) a statement indicating whether the solar retailer will make a fixture filing or other notice in the county real property records covering the solar energy system, including a Notice of Independently Owned Solar Energy System, and any fees or other costs associated with the filing that the solar retailer may charge the customer;
- 132 (13) a statement in capital letters with the following form and content: "NO EMPLOYEE OR REPRESENTATIVE OF [name of solar retailer] IS AUTHORIZED TO MAKE ANY PROMISE TO YOU THAT IS NOT CONTAINED IN THIS DISCLOSURE STATEMENT CONCERNING COST SAVINGS, TAX BENEFITS, OR GOVERNMENT OR UTILITY INCENTIVES. YOU SHOULD NOT RELY UPON ANY PROMISE OR ESTIMATE THAT IS NOT INCLUDED IN THIS DISCLOSURE STATEMENT.";
- 139 (14) a statement in capital letters with substantially the following form and content: "[name of solar retailer] IS NOT AFFILIATED WITH ANY UTILITY COMPANY OR GOVERNMENT

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AGENCY. NO EMPLOYEE OR REPRESENTATIVE OF [name of solar retailer] IS AUTHORIZED TO CLAIM AFFILIATION WITH A UTILITY COMPANY OR GOVERNMENT AGENCY.";

- 144 (15) a statement with the name and contact information of the person that will perform the installation;
- 146 (16) a statement that the state may require the potential customer, at full cost to the potential customer,  
to:
- 148 (a) test a residential solar energy system for a hazardous substance before disposal; and
- 149 (b) dispose of a residential solar energy system in accordance with state law or risk a civil penalty up to  
\$10,000 per day for each day of violation;
- 151 [~~16~~] (17) a notice that the solar retailer may not sell the contract to another solar company without  
express customer approval;
- 153 [~~17~~] (18) a conspicuous list of:
- 154 (a) finance fees, including those not charged directly to the customer; and
- 155 (b) solar energy system operation and maintenance that the customer is obligated to perform to comply  
with the terms of the guarantee of the minimum energy production; and
- 158 [~~18~~] (19) any additional information, statement, or disclosure the solar retailer considers appropriate,  
as long as the additional information, statement, or disclosure does not have the purpose or effect of  
obscuring the disclosures required under this part.

165 Section 2. Section **19-1-105** is amended to read:

166 **19-1-105. Divisions of department -- Control by division directors.**

- 163 (1) The following divisions are created within the department:
- 164 (a) the Division of Air Quality, to administer Chapter 2, Air Conservation Act;
- 165 (b) the Division of Drinking Water, to administer Chapter 4, Safe Drinking Water Act;
- 166 (c) the Division of Environmental Response and Remediation, to administer:
- 167 (i) Chapter 6, Part 3, Hazardous Substances Mitigation Act; and
- 168 (ii) Chapter 6, Part 4, Petroleum Storage Tank Act;
- 169 (d) the Division of Waste Management and Radiation Control, to administer:
- 170 (i) Chapter 3, Radiation Control Act;
- 171 (ii) Chapter 6, Part 1, Solid and Hazardous Waste Act;
- 172 (iii) Chapter 6, Part 2, Hazardous Waste Facility Siting Act;
- 173 (iv) Chapter 6, Part 5, Solid Waste Management Act;

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- 174 (v) Chapter 6, Part 6, Lead Acid Battery Disposal;  
175 (vi) Chapter 6, Part 7, Used Oil Management Act;  
176 (vii) Chapter 6, Part 8, Waste Tire Recycling Act;  
177 (viii) Chapter 6, Part 10, Mercury Switch Removal Act;  
178 (ix) Chapter 6, Part 11, Industrial Byproduct Reuse;[-and]  
179 (x) Chapter 6, Part 12, Disposal of Electronic Waste Program; and  
180 (xi) Chapter 6, Part 13, Testing and Disposal of Solar Panel Waste; and  
181 (e) the Division of Water Quality, to administer Chapter 5, Water Quality Act.  
182 (2) Each division is under the immediate direction and control of a division director appointed by the  
executive director.  
184 (3)  
(a) A division director shall possess the administrative skills and training necessary to perform the  
duties of division director.  
186 (b) A division director shall hold one of the following degrees from an accredited college or university:  
188 (i) a four-year degree in physical or biological science or engineering;  
189 (ii) a related degree; or  
190 (iii) a degree in law.  
191 (4) The executive director may remove a division director at will.  
192 (5) A division director shall serve as the executive secretary to the policymaking board, created in  
Section 19-1-106, that has rulemaking authority over the division director's division.  
199 Section 3. Section 3 is enacted to read:  
201 **19-6-1301. Definitions.**  
13. Testing and Disposal of Solar Panel Waste  
198 (1) As used in this part:  
199 (a){(1)} "Account" means the Solar Panel Waste Restricted Account created in Section 19-6-1303.  
201 (b){(2)} "Board" means the Waste Management and Radiation Control Board created in Section  
19-1-106.  
203 (c){(3)} "Hazardous solar panel waste" means solar panel waste that{:} is hazardous waste in  
accordance with 40 C.F.R. Sec. 261.3.  
204 {(i) {contains a hazardous substance; and} }  
205 {(ii) {is unsuitable for placement, storage, or disposal in a landfill, as determined by board rule.} }

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- 207 {~~(d) {"Hazardous substance" means the same as that term is defined in 42 U.S.C. Sec. 9601.}}~~
- 209 (e){(4)} "Hazardous waste analysis" means a test to determine whether solar panel waste is hazardous solar panel waste that is:
- 211 (i){(a)} approved by the board; and
- 212 (ii){(b)} consistent with 40 C.F.R. Part 261, Identification and Listing of Hazardous Waste.
- 213 (f){(5)} "Landfill" means a solid waste treatment, storage, or disposal facility.
- 214 (6) "Nameplate capacity" means the same as that term is defined in Section 79-6-1101.
- 215 (7) "Small-scale solar entity" means the seller of a solar energy system with a nameplate capacity of less than 20 megawatts.
- 214 (g){(8)} "Solar panel" means a device that is:
- 215 (i){(a)} rated to generate at least 200 watts of electric energy {~~through~~} from solar {~~photovoltaic technology or thermal solar technology~~} energy; and
- 217 (ii){(b)} designed for long-term residential, commercial, or utility-scale installation.
- 218 (h){(9)} "Solar panel installer" means a person that installs a solar panel for:
- 219 (i){(a)} residential use;~~or~~
- 220 (ii){(b)} commercial use~~{;or}~~.
- 221 {~~(iii) {a utility-scale commercial facility.}}~~}
- 222 (i){(10)} "Solar panel waste" means a solar panel that is discarded or rejected as being spent, useless, worthless, or in excess of the solar panel owner's or operator's needs at the time of discard or rejection.
- 225 (j){(11)} "Solar panel waste disposal site" means a landfill or other disposal site that the director has approved for hazardous solar panel waste in accordance with Section 19-6-1306.
- 228 (12) "Utility-scale solar facility" means a commercial facility that:
- 229 (a) has a capacity to generate electricity from solar energy;
- 230 (b) has not reached the end of the facility's operational life; and
- 231 (c) uses solar equipment with a nameplate capacity of at least 20 megawatts.
- 232 Section 4. Section 4 is enacted to read:
- 233 **19-6-1302. Powers and duties of board and director -- Rulemaking.**
- 230 (1) {~~Before July 1, 2027~~} Except as otherwise provided in this chapter, the board shall make rules, beginning on July 1, 2028:
- 231 (a) to provide for:

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- 232 (i) the appropriate method to perform a hazardous waste analysis of a solar panel described in Section  
19-6-1305;
- 234 (ii) identification of hazardous solar panel waste;
- 235 (iii) the disposal of hazardous solar panel waste consistent with this part;and
- 236 ~~{(iv) {certification of a solar panel installer, inspector, tester, or remover; and} }~~
- 237 (v){(iv)} registration of a solar panel waste disposal site operator; and
- 238 (b) in accordance with:
- 239 (i) an applicable federal requirement established by federal law; and
- 240 (ii) Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 241 (2)
- (a) The director shall administer the requirements for testing and disposal of solar panel waste  
established under this part.
- 243 (b) To administer the requirements of this part, the director may:
- 244 (i) hire and employ division personnel;
- 245 (ii) advise, consult, and cooperate with a state agency, federal agency, or other person;
- 246 (iii) enforce a rule made by the board and any requirement of this part by issuing notices and orders;
- 248 (iv) under the direction of the executive director, represent the state in matters pertaining to interstate  
solar panel waste management and control, including entering into interstate compacts and other  
similar agreements; and
- 251 (v) require an owner or operator of solar panel waste to:
- 252 (A) provide information or a record relating to a solar panel and solar panel equipment; and
- 254 (B) complete a hazardous waste analysis for {a} solar panel waste in accordance with Section  
19-6-1305.
- 260 Section 5. Section 5 is enacted to read:
- 261 **19-6-1303. Solar Panel Waste Restricted Account -- Sources of funding -- Fund purpose.**
- 259 (1) There is created in the General Fund a restricted account known as the {"Solar"} Solar Panel Waste  
Restricted Account{.}.
- 261 (2) The sources of money for the account include:
- 262 (a) appropriations from the Legislature;
- 263 (b) revenue from {the fees} a fee described in Section 19-6-1304;
- 268 (c) revenue from the recycling study assessment described in Section 79-6-1402.5;

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- 264 (c){(d)} a penalty or fine imposed under this part;
- 265 (d){(e)} a voluntary contribution received for the cleanup or disposal of solar panel waste; and
- 266 (e){(f)} interest earned on money in the account.
- 267 (3) The director may expend money from the account to:
- 268 (a) assist or promote a program for:
- 269 (i) recycling solar panel waste;
- 270 (ii) safely disposing of solar panel waste; or
- 271 (iii) providing a hazardous waste analysis of a solar panel consistent with Section 19-6-1305; {and}
- 273 (b) pay the division's administrative costs in enforcing this part{-} ; and
- 279 (c) reimburse the division for the costs of conducting the study on solar panel recycling described in  
Section 19-6-1309.
- 281 Section 6. Section 6 is enacted to read:
- 282 **19-6-1304. {Registration required for solar panel installer -- Registration} Distributed**  
**generation fee {- Installation fee -- Bond or liability insurance required} -- Deposit of revenue.**
- 277 {(+) }
- {(a) {Beginning on July 1, 2027, a solar panel installer may not install a solar panel in the state unless  
the solar panel installer is registered with the division.}}
- 279 {(b) {The director shall register an applicant as a solar panel installer if the applicant meets the  
requirements of this section.}}
- 281 {(c) {An applicant for registration as a solar panel installer shall:}}
- 282 {(i) {submit an application to the division in a form and manner approved by the director;}}
- 284 {(ii) {pay a registration fee as determined by the board in accordance with Section 63J-1-504;}}
- 286 {(iii) {provide the name and business address of the installer;}}
- 287 {(iv) {provide proof of financial assurance, including liability insurance, bond, or other forms of  
financial responsibility for a reasonable amount determined by board rule; and}}
- 290 {(v) {comply with an application requirement established by board rule.}}
- 291 {(d) {The director shall maintain a public list of all registered solar panel installers.}}
- 292 {(2) }
- {(a) {A fee is imposed on a solar panel installer for the installation of a solar panel in the state.}}
- 294 {(b) {Beginning on July 1, 2027, and ending on December 31, 2028, the fee is \$1 for each square foot  
of solar panel installed.}}

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- 296 (c){(1)} ~~{Beginning on January 1, 2029, the}~~ The division shall ~~{establish a reasonable}~~ impose a fee  
on ~~{the installation of}~~ a small-scale solar ~~{panel in the state}~~ entity installed on or after January 1,  
297 2026, in {accordance with Title 63J, Chapter 1, Budgetary Procedures Act.} an amount of:
- 298 ~~{(3)}~~ }
- 285 (a) for a small-scale solar entity of 2 megawatts or less, \$10 for each installed system; or
- 286 (b) for a small-scale solar entity between 2 megawatts and 20 megawatts, \$500 for each installed  
system.
- 288 (2) The division may collect the fee described in Subsection (1):
- 289 (a) no more than one time in calendar year 2026; and
- 290 (b) no more than one time in calendar year 2027.
- (a){(3)} The division shall deposit ~~{into the account described in Section 19-6-1303}~~ the revenue  
collected from the fee under this section:
- 301 (i){(a)} into the ~~{registration fee}~~ account described in ~~{Subsection (1)(c)(ii)}~~ Section 19-6-1303;  
and
- 302 (ii){(b)} for the ~~{installation fee}~~ costs of conducting the study on solar panel recycling described  
in ~~{Subsection (2)}~~ Section 19-6-1309.
- 303 (b){(4)} ~~{The}~~ In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
division may ~~{retain a portion of the revenue collected}~~ make rules for the collection of fees under  
this section ~~{to cover the administrative costs of collecting and enforcing a fee under this part}~~ .
- 297 Section 7. Section 7 is enacted to read:
- 298 **19-6-1305. Hazardous waste analysis -- Records maintained by landfills, disposal sites, and**  
**recycling facilities.**
- 308 ~~{(4)}~~ }
- (a){(1)} Beginning on July 1, ~~{2027}~~ 2028, the division may require an owner or operator of a solar  
panel to complete, or cause to be completed, a hazardous waste analysis on a representative sample  
of the solar panel~~{:}~~ , if the solar panel:
- 303 (a) is damaged beyond salvaging or repurposing; or
- 304 (b) will be disposed of in a landfill.
- 311 (b){(2)} If the results of a hazardous waste analysis indicate that a solar panel is hazardous solar panel  
waste, an owner or operator of the solar panel shall dispose of the solar panel in accordance with the  
requirements of this chapter and board rule.

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- 314 (2){(3)} A landfill, solar panel waste disposal site, or solar panel waste recycling facility shall:  
315 (a) maintain all records related to solar panel waste treated, stored, or disposed of at the landfill, solar  
panel waste disposal site, or solar panel waste recycling facility; and  
317 (b) provide to the division a record related to solar panel waste upon request by the division.

313 Section 8. Section 8 is enacted to read:

314 **19-6-1306. Solar panel waste disposal site -- Solar panel waste recycling facility -- Operator  
registration.**

322 (1) Beginning on July 1, {2027} 2028, a person may not place, discard, or otherwise dispose of solar  
panel waste in a landfill operated by a municipality, county, political subdivision of the state, or  
other entity unless:

- 325 (a) the landfill is registered with the division as a solar panel waste disposal site in accordance with  
Subsection (2); or  
327 (b) the person can demonstrate to the landfill operator that the solar panel waste is not hazardous solar  
panel waste.

329 (2)

(a) An operator of a landfill may submit an application to register with the division as a solar panel  
waste disposal site.

331 (b) An applicant for registration as a solar panel waste disposal site shall:

332 (i) submit an application to the division in a form and manner prescribed by the director;

334 (ii) provide the name and business address of the applicant;

335 (iii) submit a plan to the director for handling and safely treating, storing, or disposing of hazardous  
solar panel waste; and

337 (iv) comply with an application requirement established by board rule.

338 (3)

(a) An applicant may submit an application to register with the division as a solar panel waste recycling  
facility.

340 (b) An applicant for registration as a solar panel waste recycling facility shall:

341 (i) submit an application to the division in a form and manner prescribed by the director;

343 (ii) provide the name and business address of the applicant;

344 (iii) submit a plan to the director for handling and safely treating, storing, or recycling hazardous solar  
panel waste; and

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346 (iv) comply with an application requirement established by board rule.

341 Section 9. Section **9** is enacted to read:

342 **19-6-1307. Violations -- Civil penalty.**

349 (1) Any person that violates a requirement of this part or any order issued or rule made under the authority of this part is subject to a civil penalty of not more than \$10,000 per day for each day of violation.

352 (2)

(a) The director may enforce a requirement, rule, agreement, or order issued under this part by bringing an action in a court under Title 78A, Judiciary and Judicial Administration.

355 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall bring an action in a court in the county where the solar panel waste is located.

357 (3) The division shall deposit a civil penalty collected under this part into the account described in Section 19-6-1303.

353 Section 10. Section **10** is enacted to read:

354 **19-6-1308. Annual report.**

361 (1) { ~~Before November 30 of each year~~ } ~~Beginning July 1, 2028,~~ the division shall submit a report ~~{ to } ,~~ before November 30 of each year, to the:

362 (a) { ~~the~~ } Public Utilities, Energy, and Technology Interim Committee; and

363 (b) { ~~the~~ } Natural Resources, Agriculture, and Environment Interim Committee.

364 (2) The report described in Subsection (1) shall include:

365 (a) the ~~fees and~~ fee amounts set by the board under { ~~Section 19-6-1304~~ } ~~this part~~;

366 (b) the fee revenue generated under { ~~Section 19-6-1304~~ } ~~this part~~;

367 (c) information on the amount of solar panel waste entering landfills in the state;

368 (d) { ~~programs~~ } ~~any program~~ for solar panel waste disposal and recycling that the division has implemented or assisted in; and

370 (e) any recommendation by the division for legislative action regarding solar panel waste disposal.

367 Section 11. Section **11** is enacted to read:

368 **19-6-1309. Solar panel recycling study -- Industry involvement -- Report.**

369 (1) As used in this section, "legislative committees" means:

370 (a) the Public Utilities, Energy, and Technology Interim Committee; and

371 (b) the Natural Resources, Agriculture, and Environment Interim Committee.

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- 372 (2) The division shall conduct a study on solar panel recycling in the state.
- 373 (3) The study described in Subsection (2) shall include:
- 374 (a) findings for:
- 375 (i) the available methods and resources for solar panel recycling;
- 376 (ii) minimizing the amount of hazardous waste generated by solar panel waste; and
- 377 (iii) the recovery of commercially valuable materials from solar panel waste; and
- 378 (b) recommendations for:
- 379 (i) a convenient, safe, and environmentally responsible system to manage solar panel waste;
- 381 (ii) a sustainable funding mechanism to encourage high solar panel recycling rates and proper waste  
management practices;
- 383 (iii) a method to complete a hazardous waste analysis on solar panel waste to determine if the solar  
panel waste is hazardous;
- 385 (iv) requiring a utility scale solar project to provide a decommission plan and decommission fee to the  
division;
- 387 (v) development of a solar panel waste recycler registration system;
- 388 (vi) development of a solar panel waste disposal site registration system;
- 389 (vii) incentivizing the development of solar panel recycling in the state; and
- 390 (viii) a fee to fund the implementation of the findings and recommendations described in this  
Subsection (3).
- 392 (4) In conducting the study described in Subsection (2), the division shall consult with representatives  
from the following industries:
- 394 (a) utility-scale solar facilities;
- 395 (b) small-scale solar entities; and
- 396 (c) recycling and waste management.
- 397 (5) The division shall report to the legislative committees:
- 398 (a) before November 30, 2026, a progress report of the study findings and recommendations described  
in Subsection (3); and
- 400 (b) before July 1, 2027, a complete report of the study findings and recommendations described in  
Subsection (3).

402 Section 12. Section 63I-2-279 is amended to read:

403 **63I-2-279. Repeal dates: Title 79.**

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- 404 (1) Section 79-2-407, Study of funding for water infrastructure costs, is repealed July 1, 2025.
- 406 (2) Subsection 79-4-1002(2), regarding a pilot program for veteran free admission to state parks, is repealed July 1, 2025.
- 408 (3) Title 79, Chapter 6, Part 14, Energy Project Assessment, is repealed [~~January 1~~] December 31, 2028.
- 410 Section 13. Section 13 is enacted to read:
- 411 **79-6-1402.5. Recycling study assessment.**
- 412 (1) Beginning January 1, 2027, and ending December 31, 2028, each renewable energy parent entity with an eligible facility that is commercially operational in the state shall pay an annual recycling study assessment to the tax commission before March 1 of each year.
- 416 (2) The amount of the recycling study assessment described in Subsection (1) is based on the total number of generating alternating current nameplate capacity megawatts of wind or solar electric generation facilities that are commercially operational in the state at the beginning of the calendar year, and controlled by the renewable energy parent entity, as follows:
- 421 (a) for 500 or greater megawatts of operational generating alternating current nameplate capacity, the assessment is \$20,000;
- 423 (b) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 200 megawatts, but less than 500 megawatts, the assessment is \$17,500;
- 426 (c) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 100 megawatts, but less than 200 megawatts, the assessment is \$12,500;
- 429 (d) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 50 megawatts, but less than 100 megawatts, the assessment is \$5,000; and
- 432 (e) for megawatts of operational generating alternating current nameplate capacity equal to or greater than 20 megawatts, but less than 50 megawatts, the assessment is \$2,500.
- 434 (3) The office shall:
- 435 (a) annually determine the amount of recycling study assessment each renewable energy parent entity owes under this section; and
- 437 (b) report the amount described in Subsection (3)(a) to the tax commission to be collected in accordance with Section 79-6-1403.
- 439 (4) The office may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to create procedures for assessing and reporting the amounts to be collected under this section.

## HB0323 compared with HB0323S01

442 Section 14. Section 79-6-1403 is amended to read:

443 **79-6-1403. Administration of the assessment -- Deposit of revenue.**

444 (1) The tax commission shall administer, collect, and enforce the energy project assessment and  
recycling study assessment collected under this part in accordance with Title 59, Chapter 1, General  
Taxation Policies.

447 (2)

(a) A renewable energy parent entity shall electronically file with the tax commission, on or before  
March 1 of each year, a statement containing the information required by Subsection (2)(b) in a  
form and manner prescribed by the tax commission.

450 (b) The statement required in Subsection (2)(a) shall include:

451 (i) the name of the renewable energy parent entity;

452 (ii) the nameplate capacity in megawatts of wind or solar electric generation facilities that are  
generating alternating current, commercially operational in the state at the beginning of the calendar  
year, and controlled by the renewable energy parent entity; and

456 (iii) any other reasonable and necessary information required by the tax commission.

457 (c) A statement required to be filed with the tax commission shall be signed and sworn to by the chief  
executive officer of the renewable energy parent entity or the chief executive officer's designee.

460 (3) The tax commission shall deposit revenue collected from the energy project assessment described in  
Section 79-6-1402 into the Species Protection Account.

462 (4) The tax commission shall deposit revenue collected from the recycling study assessment described  
in Section 79-6-1402.5 into the Solar Panel Waste Restricted Account created in Section 19-6-1303.

465 **Section 15. Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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