

Solar Panel Disposal Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

Senate Sponsor: Scott D. Sandall

LONG TITLE**General Description:**

This bill creates a program for the testing and disposal of solar panel waste.

Highlighted Provisions:

This bill:

- defines terms;
- mandates additional disclosure language by a solar retailer related to testing and disposal requirements of a solar panel;
- authorizes the Waste Management and Radiation Control Board to make rules for:
 - testing solar panel waste; and
 - disposing of solar panel waste;
- creates the Solar Panel Waste Restricted Account;
- requires a solar panel installer to register with the Division of Waste Management and Radiation Control (division);
- provides for the division to collect a registration fee and installation fee from a solar panel installer;
- provides for the division to require an owner or operator of a solar panel, beginning on July 1, 2027, to:
 - complete a hazardous waste analysis on the solar panel before disposal; and
 - dispose of hazardous solar panel waste at a solar panel waste disposal site or solar panel waste recycling facility;
- allows an operator of a landfill to submit an application to register with the division as a solar panel waste disposal site;
- establishes that the director of the division may enforce the solar panel waste requirements by bringing a civil action in a court;
- requires the division to report annually to two legislative committees; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

ENACTS:

19-6-1301, Utah Code Annotated 1953

19-6-1302, Utah Code Annotated 1953

19-6-1303, Utah Code Annotated 1953

19-6-1304, Utah Code Annotated 1953

19-6-1305, Utah Code Annotated 1953

19-6-1306, Utah Code Annotated 1953

19-6-1307, Utah Code Annotated 1953

19-6-1308, Utah Code Annotated 1953

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

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

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:

- (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;
- (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:
 - (a)(i) the estimated projected savings over the life of the solar agreement; and
 - (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;
 - (b) any material assumptions used to calculate estimated projected savings and the source of those assumptions, including:
 - (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

- 65 of the rate increase;
- 66 (ii) the potential customer's eligibility for or receipt of tax credits or other
67 governmental or utility incentives;
- 68 (iii) residential solar energy system production data, including production
69 degradation;
- 70 (iv) the residential solar energy system's eligibility for interconnection under any net
71 metering or similar program;
- 72 (v) electrical usage and the residential solar energy system's designed offset of the
73 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
76 solar retailer; and
- 77 (viii) the costs associated with replacing equipment making up part of the residential
78 solar energy system or, if those costs are not assumed, a statement indicating that
79 those costs are not assumed; and
- 80 (c) three separate statements in capital letters in close proximity to any written estimate
81 of projected savings, with substantially the following form and content:
- 82 (i) "THIS IS AN ESTIMATE. UTILITY RATES MAY GO UP OR DOWN AND
83 ACTUAL SAVINGS, IF ANY, MAY VARY. HISTORICAL DATA ARE NOT
84 NECESSARILY REPRESENTATIVE OF FUTURE RESULTS. FOR
85 FURTHER INFORMATION REGARDING RATES, CONTACT YOUR
86 LOCAL UTILITY OR THE STATE PUBLIC SERVICE COMMISSION.";
- 87 (ii) "ESTIMATES OF ENERGY PRODUCTION GENERATED BY A
88 RESIDENTIAL SOLAR ENERGY SYSTEM MAY VARY. THE
89 RESIDENTIAL SOLAR ENERGY SYSTEM MAY PRODUCE MORE OR
90 LESS THAN THE ESTIMATED ENERGY PRODUCTION."; and
- 91 (iii) "TAX AND OTHER FEDERAL, STATE, AND LOCAL INCENTIVES VARY
92 AS TO REFUNDABILITY AND ARE SUBJECT TO CHANGE OR
93 TERMINATION BY LEGISLATIVE OR REGULATORY ACTION, WHICH
94 MAY IMPACT SAVINGS ESTIMATES. CONSULT A TAX PROFESSIONAL
95 FOR MORE INFORMATION.";
- 96 (3) a notice stating: "Legislative or regulatory action may affect or eliminate your ability to
97 sell or get credit for any excess power generated by the solar energy system, and may
98 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
100 applicable;
- 101 (5) a statement describing the solar energy system and indicating the solar energy system
102 design assumptions, including the make and model of the solar panels and inverters,
103 solar energy system size, positioning of the panels on the customer's property, estimated
104 first-year energy production, and estimated annual energy production degradation,
105 including the overall percentage degradation over the term of the solar agreement or, at
106 the solar retailer's option, over the estimated useful life of the solar energy system;
- 107 (6) a description of any warranty, representation, or guarantee of energy production of the
108 solar energy system;
- 109 (7) the approximate start and completion dates for the installation of the solar energy
110 system;
- 111 (8) the statement: "The solar retailer may not begin installation of the system until at least
112 four business days after the day on which the solar retailer and customer enter into a
113 contract.";
- 114 (9)(a) a statement indicating whether the solar retailer may transfer any warranty or
115 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
117 the solar energy system, the statement: "The maintenance and repair obligations
118 under your contract may be assigned or transferred without your consent to a third
119 party who will be bound to all the terms of the contract. If a transfer occurs, you will
120 be notified of any change to the address, email address, or phone number to use for
121 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
123 system to the customer's utility, a statement to that effect and a description of what the
124 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
126 provides the customer or a statement, in bold capital letters, that the solar retailer does
127 not provide any warranty;
- 128 (12) a statement indicating whether the solar retailer will make a fixture filing or other
129 notice in the county real property records covering the solar energy system, including a
130 Notice of Independently Owned Solar Energy System, and any fees or other costs
131 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.";

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

(15) a statement with the name and contact information of the person that will perform the installation;

(16) a statement that the state may require the potential customer, at full cost to the potential customer, to:

(a) test a residential solar energy system for a hazardous substance before disposal; and

(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;

~~[(16)]~~ (17) a notice that the solar retailer may not sell the contract to another solar company without express customer approval;

~~[(17)]~~ (18) a conspicuous list of:

(a) finance fees, including those not charged directly to the customer; and

(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

~~[(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.

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

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

(1) The following divisions are created within the department:

(a) the Division of Air Quality, to administer Chapter 2, Air Conservation Act;

(b) the Division of Drinking Water, to administer Chapter 4, Safe Drinking Water Act;

(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;
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
183 appointed by the executive director.
184 (3)(a) A division director shall possess the administrative skills and training necessary to
185 perform the duties of division director.
186 (b) A division director shall hold one of the following degrees from an accredited
187 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,
193 created in Section 19-1-106, that has rulemaking authority over the division director's
194 division.

195 Section 3. Section **19-6-1301** is enacted to read:

196 **Part 13. Testing and Disposal of Solar Panel Waste**

197 **19-6-1301 . Definitions.**

198 (1) As used in this part:

- 199 (a) "Account" means the Solar Panel Waste Restricted Account created in Section
200 19-6-1303.

- (b) "Board" means the Waste Management and Radiation Control Board created in Section 19-1-106.
- (c) "Hazardous solar panel waste" means solar panel waste that:
- (i) contains a hazardous substance; and
 - (ii) is unsuitable for placement, storage, or disposal in a landfill, as determined by board rule.
- (d) "Hazardous substance" means the same as that term is defined in 42 U.S.C. Sec. 9601.
- (e) "Hazardous waste analysis" means a test to determine whether solar panel waste is hazardous solar panel waste that is:
- (i) approved by the board; and
 - (ii) consistent with 40 C.F.R. Part 261, Identification and Listing of Hazardous Waste.
- (f) "Landfill" means a solid waste treatment, storage, or disposal facility.
- (g) "Solar panel" means a device that is:
- (i) rated to generate at least 200 watts of electric energy through solar photovoltaic technology or thermal solar technology; and
 - (ii) designed for long-term residential, commercial, or utility-scale installation.
- (h) "Solar panel installer" means a person that installs a solar panel for:
- (i) residential use;
 - (ii) commercial use; or
 - (iii) a utility-scale commercial facility.
- (i) "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.
- (j) "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.

Section 4. Section **19-6-1302** is enacted to read:

19-6-1302 . Powers and duties of board and director -- Rulemaking.

- (1) Before July 1, 2027, the board shall make rules:

- (a) to provide for:
- (i) the appropriate method to perform a hazardous waste analysis of a solar panel described in Section 19-6-1305;
 - (ii) identification of hazardous solar panel waste;

- 235 (iii) the disposal of hazardous solar panel waste consistent with this part;
236 (iv) certification of a solar panel installer, inspector, tester, or remover; and
237 (v) 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
242 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
247 notices and orders;
248 (iv) under the direction of the executive director, represent the state in matters
249 pertaining to interstate solar panel waste management and control, including
250 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
253 equipment; and
254 (B) complete a hazardous waste analysis for a solar panel in accordance with
255 Section 19-6-1305.

256 Section 5. Section **19-6-1303** is enacted to read:

257 **19-6-1303 . Solar Panel Waste Restricted Account -- Sources of funding -- Fund**
258 **purpose.**

- 259 (1) There is created in the General Fund a restricted account known as the "Solar Panel
260 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 described in Section 19-6-1304;
264 (c) a penalty or fine imposed under this part;
265 (d) a voluntary contribution received for the cleanup or disposal of solar panel waste; and
266 (e) 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:

- (i) recycling solar panel waste;
- (ii) safely disposing of solar panel waste; or
- (iii) providing a hazardous waste analysis of a solar panel consistent with Section 19-6-1305; and

(b) pay the division's administrative costs in enforcing this part.

Section 6. Section **19-6-1304** is enacted to read:

19-6-1304 . Registration required for solar panel installer -- Registration fee -- Installation fee -- Bond or liability insurance required -- Deposit of revenue.

(1)(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.

(b) The director shall register an applicant as a solar panel installer if the applicant meets the requirements of this section.

(c) An applicant for registration as a solar panel installer shall:

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

(ii) pay a registration fee as determined by the board in accordance with Section 63J-1-504;

(iii) provide the name and business address of the installer;

(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

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

(d) The director shall maintain a public list of all registered solar panel installers.

(2)(a) A fee is imposed on a solar panel installer for the installation of a solar panel in the state.

(b) Beginning on July 1, 2027, and ending on December 31, 2028, the fee is \$1 for each square foot of solar panel installed.

(c) Beginning on January 1, 2029, the division shall establish a reasonable fee on the installation of a solar panel in the state, in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

(3)(a) The division shall deposit into the account described in Section 19-6-1303 the revenue collected from:

(i) the registration fee described in Subsection (1)(c)(ii); and

(ii) the installation fee described in Subsection (2).

(b) The division may retain a portion of the revenue collected under this section to cover the administrative costs of collecting and enforcing a fee under this part.

Section 7. Section **19-6-1305** is enacted to read:

19-6-1305 . Hazardous waste analysis -- Records maintained by landfills, disposal sites, and recycling facilities.

(1)(a) Beginning on July 1, 2027, 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.

(b) 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.

(2) A landfill, solar panel waste disposal site, or solar panel waste recycling facility shall:

(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

(b) provide to the division a record related to solar panel waste upon request by the division.

Section 8. Section **19-6-1306** is enacted to read:

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

(1) Beginning on July 1, 2027, 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:

(a) the landfill is registered with the division as a solar panel waste disposal site in accordance with Subsection (2); or

(b) the person can demonstrate to the landfill operator that the solar panel waste is not hazardous solar panel waste.

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

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

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

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

(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
- 339 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
- 342 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
- 345 recycling hazardous solar panel waste; and
- 346 (iv) comply with an application requirement established by board rule.

347 Section 9. Section **19-6-1307** is enacted to read:

348 **19-6-1307 . Violations -- Civil penalty.**

- 349 (1) Any person that violates a requirement of this part or any order issued or rule made
- 350 under the authority of this part is subject to a civil penalty of not more than \$10,000 per
- 351 day for each day of violation.
- 352 (2)(a) The director may enforce a requirement, rule, agreement, or order issued under
- 353 this part by bringing an action in a court under Title 78A, Judiciary and Judicial
- 354 Administration.
- 355 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the director shall
- 356 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
- 358 described in Section 19-6-1303.

359 Section 10. Section **19-6-1308** is enacted to read:

360 **19-6-1308 . Annual report.**

- 361 (1) Before November 30 of each year, the division shall submit a report to:
- 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 fee amounts set by the board under Section 19-6-1304;
- 366 (b) the fee revenue generated under Section 19-6-1304;
- 367 (c) information on the amount of solar panel waste entering landfills in the state;
- 368 (d) programs for solar panel waste disposal and recycling that the division has
- 369 implemented or assisted in; and
- 370 (e) any recommendation by the division for legislative action regarding solar panel

371 waste disposal.

372 Section 11. **Effective Date.**

373 This bill takes effect on May 6, 2026.