

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Business, Labor, & Technology.

SB23-098 be amended as follows:

1 Amend printed bill, page 3, after line 24 insert:

2 "(h) "FACILITY" MEANS ANY THIRD PARTY THAT SELLS GOODS OR
3 SERVICES TO CONSUMERS THROUGH A DELIVERY NETWORK COMPANY."

4 Reletter succeeding paragraphs accordingly.

5 Page 4, strike lines 25 through 27 and substitute:

6 "(III) "TAKE AMOUNT" DOES NOT INCLUDE:

7 (A) ANY AMOUNT OF MONEY FROM A TRANSACTION BETWEEN A
8 DRIVER AND A CONSUMER THAT THE DNC OR TNC PAYS TO THE DRIVER;
9 OR

10 (B) ANY AMOUNT OF MONEY FROM A TRANSACTION BETWEEN A
11 DNC DRIVER AND A CONSUMER THAT A DNC PAYS TO A FACILITY THAT
12 IS RELATED TO THE TRANSACTION."

13 Page 5, line 25, strike "(6)" and substitute "(7)".

14 Page 5, line 27, strike "(7)" and substitute "(8)".

15 Page 6, line 1, strike "(8)" and substitute "(9)".

16 Page 6, after line 27 insert:

17 "(4) **Take amount transparency for a DNC - rules.** (a) A DNC
18 SHALL DISCLOSE TO A CONSUMER AT THE TIME OF OFFERING THE
19 CONSUMER A DELIVERY AN ESTIMATE OF THE COST CHARGED TO THE
20 CONSUMER FOR THE DELIVERY TASK, AN ESTIMATED TAKE AMOUNT, AND,
21 IF APPLICABLE, THE AMOUNTS THAT WILL BE PAID TO A FACILITY. THE
22 DNC SHALL MAKE THE DISCLOSURES ON THE SAME SCREEN AND IN A
23 MANNER THAT WOULD LEAD A REASONABLE CONSUMER TO UNDERSTAND
24 APPROXIMATELY HOW MUCH OF THE TOTAL ESTIMATED COST CHARGED TO
25 THE CONSUMER WILL BE PAID TO THE DNC DRIVER.

26 (b) (I) ON THE SAME SMARTPHONE SCREEN ON WHICH THE DNC
27 PROMPTS A CONSUMER TO LEAVE A TIP FOR A DNC DRIVER, THE DNC
28 SHALL MAKE THE FOLLOWING DISCLOSURES IN A MANNER PROMINENTLY
29 DISPLAYED ON THE SCREEN:

30 (A) THE AMOUNT THAT WILL BE PAID TO A FACILITY FOR THE
31 TRANSACTION, IF ANY;

32 (B) THE TAKE AMOUNT;

1 (C) ANY AMOUNTS PAID BY A FACILITY TO THE DNC IN RELATION
2 TO THE TRANSACTION OR, IF THE FACILITY PAYS THE DNC A FLAT FEE
3 THAT IS NOT DIRECTLY TIED TO THE TRANSACTION, THE AMOUNT OF THE
4 FLAT FEE AND AN INDICATION HOW OFTEN THE FLAT FEE IS PAID TO THE
5 DNC;
6 (D) THE TOTAL AMOUNT OF MONEY THAT THE CUSTOMER PAID OR
7 WILL PAY FOR THE TRANSACTION; AND
8 (E) THE TOTAL AMOUNT OF MONEY THE DNC DRIVER RECEIVED
9 OR WILL RECEIVE FOR THE TRANSACTION.
10 (II) ALL ADDITIONAL AMOUNTS PAID BY THE CONSUMER IN EXCESS
11 OF THE AMOUNTS DISCLOSED IN THE DISCLOSURE REQUIRED UNDER THIS
12 SUBSECTION (4)(b) ARE CONSIDERED A TIP AND SHALL NOT BE RETAINED
13 BY THE DNC.
14 (c) AFTER A DNC DRIVER'S COMPLETION OF A DELIVERY TASK, A
15 DNC SHALL E-MAIL THE DNC DRIVER AND CONSUMER A DISCLOSURE OF
16 THE INFORMATION REQUIRED IN SUBSECTIONS (4)(b)(I)(A) TO (4)(b)(I)(E)
17 OF THIS SECTION. THE DNC SHALL ALSO PROVIDE THE DISCLOSURE TO THE
18 DNC DRIVER ON A FULL SMARTPHONE SCREEN. WITH RESPECT TO THE
19 DISCLOSURE REGARDING THE TOTAL AMOUNT OF MONEY THE DNC DRIVER
20 RECEIVED OR WILL RECEIVE FOR THE TRANSACTION, THE DNC SHALL
21 CLEARLY INDICATE ON THE DISCLOSURE PROVIDED TO THE DNC DRIVER
22 ON A FULL SMARTPHONE SCREEN THE AMOUNT OF THE TIP, IF THE
23 CONSUMER HAS PROVIDED A TIP.
24 (d) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM FOR THE
25 DISCLOSURES REQUIRED UNDER THIS SUBSECTION (4).".

26 Renumber succeeding subsections accordingly.

27 Page 7, line 13, strike "(4)(a)(III)" and substitute "(5)(a)(III)".

28 Page 7, line 27, strike "(4)(b)(III)" and substitute "(5)(b)(III)".

29 Page 8, line 7, strike "(4)" and substitute "(5)".

30 Page 8, line 9, strike "(4)" and substitute "(5)".

31 Page 8, line 11, strike "(4)(c)" and substitute "(5)(c)".

32 Page 8, line 18, strike "(5)(a)" and substitute "(6)(a)".

33 Page 8, line 21, strike "(5)." and substitute "(6).".

34 Page 9, line 7, strike "(6)(a)" and substitute "(7)(a)".

35 Page 9, line 12, strike "(6)." and substitute "(7).".

- 1 Page 9, line 25, strike "(7)(b)" and substitute "(8)(b)".
- 2 Page 10, line 5, strike "(7)(e)" and substitute "(8)(e)".
- 3 Page 10, line 14, strike "(7)(c)" and substitute "(8)(c)".
- 4 Page 10, line 24, strike "(7)(c)" and substitute "(8)(c)".
- 5 Page 11, line 2, strike "(7)(f)(I)" and substitute "(8)(f)(I)".
- 6 Page 11, line 7, strike "(7)" and substitute "(8)".
- 7 Page 11, line 10, strike "(7)" and substitute "(8)".
- 8 Page 11, line 18, strike "(8)(d)" and substitute "(9)(d)".
- 9 Page 11, line 25, strike "(8)(d)(II)" and substitute "(9)(d)(II)".
- 10 Page 12, line 5, strike "(8)." and substitute "(9).".
- 11 Page 12, line 16, strike "(8)(a)(I)" and substitute "(9)(a)(I)".
- 12 Page 12, line 20, strike "(8)(d)," and substitute "(9)(d),".
- 13 Page 13, line 3, strike "(7)" and substitute "(8)".
- 14 Page 13, line 5, strike "(10)(a)" and substitute "(11)(a)".
- 15 Strike "DNC OR TNC" and substitute "TNC" on: **Page 5**; lines 3, 4, 5, and
- 16 7.

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