A BILL FOR AN ACT

CONCERNING THE AVAILABILITY OF NETWORK-LEVEL MOBILE PHONE DISTRACTED DRIVING PREVENTION TECHNOLOGY.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

The bill requires a provider of commercial mobile radio service in Colorado to make network-level distraction control technology available to the provider's customers so that, at the customer's request, the provider can limit distracting content on an authorized user's mobile electronic device from the network level while the authorized user is driving.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add 40-15-114 as follows:

40-15-114. Providers of commercial mobile radio service - network-level distraction control technologies - definitions. (1) A PROVIDER SHALL MAKE NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY AVAILABLE TO THE PROVIDER'S CUSTOMERS, INCLUDING AN INTERFACE THAT ALLOWS A THIRD PARTY TO NOTIFY THE PROVIDER THAT AN AUTHORIZED USER IS DRIVING A MOTOR VEHICLE, SO THAT THE PROVIDER CAN LIMIT DISTRACTING CONTENT ON THE AUTHORIZED USER'S MOBILE ELECTRONIC DEVICE FROM THE NETWORK LEVEL WHILE THE AUTHORIZED USER IS DRIVING. THE INTERFACE MUST BE MADE AVAILABLE TO ANY THIRD PARTY THAT MEETS THE PROVIDER'S STANDARDS REGARDING SYSTEM REDUNDANCY, TECHNOLOGY CAPABILITY FAILURE DETECTION, PRIVACY PROTECTIONS, OVERALL PROVIDER NETWORK-LEVEL SECURITY, AND RELATED TECHNOLOGICAL MAINTENANCE ACTIVITIES. THE STANDARDS MUST BE REASONABLE AND CONSISTENT WITH THE PROVIDER'S STANDARDS OF EXISTING THIRD-PARTY PARTNERS INTEGRATED WITH EXISTING PROVIDER NETWORK TECHNOLOGY PARTNERS OR INTERFACES.

(2) A PROVIDER SHALL:

(a) PROVIDE REASONABLE NOTICE TO THE PROVIDER'S CUSTOMERS THAT NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY IS AVAILABLE; AND

(b) MAKE TECHNOLOGY AVAILABLE AS A SERVICE TO THE PROVIDER'S CUSTOMERS AT THE CUSTOMERS' REQUEST.

(3) A PROVIDER THAT MAKES NETWORK-LEVEL DISTRACTION
CONTROL TECHNOLOGY AVAILABLE PURSUANT TO THIS SECTION SHALL
ENSURE A REASONABLE AND SIMPLE MEANS BY WHICH A CUSTOMER CAN
OVERRIDE THE BLOCKING OF DISTRACTING CAPABILITIES OF AN
AUTHORIZED USER’S MOBILE ELECTRONIC DEVICE WHEN DRIVING A MOTOR
VEHICLE IN THE CASE OF A SPECIAL SITUATION, SUCH AS AN EMERGENCY.
IN SUCH CASES, THE CUSTOMER MUST HAVE THE OPTION TO BE
AUTOMATICALLY NOTIFIED BY ELECTRONIC MEANS OF THE OVERRIDING OF
THE TECHNOLOGY.

(4) THE PROVIDER SHALL ENGAGE THE NETWORK-LEVEL
DISTRACTION CONTROL TECHNOLOGY WHEN THE PROVIDER IS NOTIFIED, BY
ELECTRONIC MEANS, THAT AN AUTHORIZED USER IS DRIVING A MOTOR
VEHICLE, AND SHALL DISENGAGE THE TECHNOLOGY WHEN NOTIFIED THAT
AN AUTHORIZED USER IS NO LONGER DRIVING, EITHER BY THIRD-PARTY
TECHNOLOGY APPROVED OF, OR CERTIFIED BY, THE PROVIDER, OR
THROUGH THE PROVIDER’S OWN TECHNOLOGY.

(5) THE PROVIDER SHALL PROVIDE A REASONABLE AND SIMPLE
MEANS BY WHICH THE CUSTOMER CAN SELECT THE TYPE OF DISTRACTING
CONTENT TO BE BLOCKED WHILE DRIVING.

(6) ANY VEHICULAR INFORMATION OR OTHER PERSONAL DATA
COLLECTED AS PART OF THE DELIVERY OF NETWORK-LEVEL DISTRACTION
PREVENTION TECHNOLOGY SHALL NOT BE RETAINED, UTILIZED, OR
DISSEMINATED WITHOUT PRIOR AUTHORIZATION BY THE CUSTOMER,
EXCEPT FOR BILLING PURPOSES OR AS PART OF AN OPT-IN PROGRAM
OFFERED TO CUSTOMERS.

(7) NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGIES MUST
COMPLY WITH ALL STATE AND FEDERAL LAWS RELATED TO:

(a) THE PROVISION OF EMERGENCY SERVICES THROUGH THE 911
SYSTEM, INCLUDING TEXT-TO-911, BOUNCE-BACK MESSAGES, AND LOCATION ACCURACY REQUIREMENTS;

(b) PARTICIPATION IN THE WIRELESS EMERGENCY ALERT SYSTEM;

AND

(c) PARTICIPATION IN STATE AND LOCAL EMERGENCY ALERT AND PUBLIC SAFETY WARNING SYSTEMS.

(8) NOTHING IN THIS SECTION REQUIRES A NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY THAT IS INCOMPATIBLE WITH, OR RENDERS IT IMPOSSIBLE TO COMPLY WITH, STATE OR FEDERAL LAW.

(9) FOR PURPOSES OF THIS SECTION:

(a) "AUTHORIZED USER" MEANS A PERSON AUTHORIZED TO DRIVE A MOTOR VEHICLE BY A CUSTOMER WHO PURCHASED SERVICES FROM A PROVIDER.

(b) "ELECTRONIC MEANS" MEANS REAL-TIME NOTIFICATIONS THROUGH THE INTERNET OR OTHER NOTIFICATION MEANS SATISFACTORY TO, AND APPROVED BY, A PROVIDER.

(c) "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" OR "TECHNOLOGY" MEANS TECHNOLOGY INTEGRATED WITHIN THE CARRIER'S NETWORK THAT IS INTENDED TO LIMIT THE DISTRACTING CAPABILITIES OF A MOBILE ELECTRONIC DEVICE AT THE NETWORK LEVEL WITHOUT THE NEED FOR SOFTWARE RESIDENT ON THE MOBILE ELECTRONIC DEVICE AND THAT CAN CONTROL DISTRACTIONS IN ANY MOBILE ELECTRONIC DEVICE INDEPENDENT OF MAKE, MODEL, OR OPERATING SYSTEM. "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" MAY CONSIST OF SOFTWARE, HARDWARE, OR BOTH.

(d) "PROVIDER" MEANS A PROVIDER OF COMMERCIAL MOBILE RADIO SERVICE IN COLORADO.
SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.