

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 18-0472.02 Yelana Love x2295

HOUSE BILL 18-1272

HOUSE SPONSORSHIP

Foote and Melton, Ginal, Hansen, Hooton, McLachlan, Pettersen, Roberts, Singer

SENATE SPONSORSHIP

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House Committees
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A BILL FOR AN ACT

101 **CONCERNING THE AVAILABILITY OF NETWORK-LEVEL MOBILE PHONE**
102 **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.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
April 16, 2018

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 15.5 to
3 title 40 as follows:

4 **ARTICLE 15.5**

5 **Network-level Distraction Control Technologies**

6 **40-15.5-101. Providers of commercial mobile radio service -**
7 **network-level distraction control technologies - definitions.** (1) A
8 PROVIDER SHALL MAKE NETWORK-LEVEL DISTRACTION CONTROL
9 TECHNOLOGY AVAILABLE TO THE PROVIDER'S CUSTOMERS, INCLUDING AN
10 INTERFACE THAT ALLOWS A THIRD PARTY TO NOTIFY THE PROVIDER THAT
11 AN AUTHORIZED USER IS DRIVING A MOTOR VEHICLE, SO THAT THE
12 PROVIDER CAN LIMIT DISTRACTING CONTENT ON THE AUTHORIZED USER'S
13 MOBILE ELECTRONIC DEVICE FROM THE NETWORK LEVEL WHILE THE
14 AUTHORIZED USER IS DRIVING. THE INTERFACE MUST BE MADE AVAILABLE
15 TO ANY THIRD PARTY THAT MEETS THE PROVIDER'S STANDARDS
16 REGARDING SYSTEM REDUNDANCY, TECHNOLOGY CAPABILITY FAILURE
17 DETECTION, PRIVACY PROTECTIONS, OVERALL PROVIDER NETWORK-LEVEL
18 SECURITY, AND RELATED TECHNOLOGICAL MAINTENANCE ACTIVITIES. THE
19 STANDARDS MUST BE REASONABLE AND CONSISTENT WITH THE PROVIDER'S
20 STANDARDS OF EXISTING THIRD-PARTY PARTNERS INTEGRATED WITH
21 EXISTING PROVIDER NETWORK TECHNOLOGY PARTNERS OR INTERFACES.

22 (2) A PROVIDER SHALL:

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

26 (b) MAKE TECHNOLOGY AVAILABLE AS A SERVICE TO THE

1 PROVIDER'S CUSTOMERS AT THE CUSTOMERS' REQUEST.

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

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

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

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

27 (7) NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGIES MUST

1 COMPLY WITH ALL STATE AND FEDERAL LAWS RELATED TO:

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

5 (b) PARTICIPATION IN THE WIRELESS EMERGENCY ALERT SYSTEM;
6 AND

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

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

12 (9) FOR PURPOSES OF THIS SECTION:

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

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

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

1 (d) "PROVIDER" MEANS A PROVIDER OF CELLULAR OR WIRELESS
2 SERVICE, PERSONAL COMMUNICATIONS SERVICE, PAGING SERVICE, RADIO
3 COMMON CARRIER SERVICE, RADIO MOBILE SERVICE, OR ENHANCED
4 SPECIALIZED MOBILE RADIO SERVICE IN COLORADO.

5 **40-15.5-102. Limitation on application of other statutes in title**
6 **40.** NOTHING IN ARTICLES 1 TO 7 OR 15 OF THIS TITLE 40 APPLY TO THIS
7 ARTICLE 15.5. THE PUBLIC UTILITIES COMMISSION CREATED IN ARTICLE 2
8 OF THIS TITLE 40 SHALL NOT REGULATE, ENFORCE, OR PROMULGATE RULES
9 REGARDING THIS SECTION.

10 **SECTION 2. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2018 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.