

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0508.01 Jennifer Berman x3286

SENATE BILL 23-098

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

Bacon and Vigil,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING TRANSPARENCY FOR DRIVERS WHO CONNECT WITH**
102 **CONSUMERS THROUGH THE USE OF A DIGITAL PLATFORM.**

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 delivery network company (DNC) or a transportation network company (TNC) operating in the state to provide various disclosures to their drivers and to consumers of the DNC or TNC regarding payments that a consumer makes to the DNC or TNC and the amount that the DNC or TNC then pays to a driver.

The bill also requires transparency with regard to the procedures

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

that govern a determination by a DNC or TNC to terminate a driver from, or rehire a driver on, the DNC's or TNC's digital platform and authorizes a driver who has been terminated to seek administrative review of the termination.

The division of labor standards and statistics (division) in the department of labor and employment may impose fines against DNCs and TNCs for violations of the bill or require a DNC or TNC to rehire a wrongly terminated driver, and a consumer or driver aggrieved by a violation may file a civil suit against the DNC or TNC that committed the violation.

The director of the division is required to adopt rules regarding the disclosures related to payments made to drivers and driver termination and rehire policies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-4-126 as
3 follows:

4 **8-4-126. Cost and wage transparency for delivery network**
5 **companies and transportation network companies - notice**
6 **requirements - enforcement - penalties - definitions - rules - repeal.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "CONSUMER" MEANS AN INDIVIDUAL WHO USES A DIGITAL
10 PLATFORM TO ORDER DELIVERY SERVICES FROM A DELIVERY NETWORK
11 COMPANY OR TRANSPORTATION SERVICES FROM A TRANSPORTATION
12 NETWORK COMPANY.

13 (b) (I) "DELIVERY NETWORK COMPANY" OR "DNC" MEANS ANY
14 PERSON THAT SELLS DELIVERED GOODS OR SERVICES IN THE STATE AND
15 THAT CONNECTS CONSUMERS WITH DELIVERY WORKERS THROUGH A
16 DIGITAL PLATFORM.

17 (II) "DELIVERY NETWORK COMPANY" OR "DNC" DOES NOT
18 INCLUDE A MOTOR CARRIER OF TOWED MOTOR VEHICLES REGULATED BY

1 THE PUBLIC UTILITIES COMMISSION PURSUANT TO PART 4 OF ARTICLE 10.1
2 OF TITLE 40 OR A MOTOR CARRIER OF HOUSEHOLD GOODS REGULATED BY
3 THE COMMISSION PURSUANT TO PART 5 OF ARTICLE 10.1 OF TITLE 40.

4 (c) "DIGITAL PLATFORM" MEANS AN ONLINE APPLICATION,
5 INTERNET SITE, OR SYSTEM THAT A DELIVERY NETWORK COMPANY OR
6 TRANSPORTATION NETWORK COMPANY USES TO FACILITATE, MANAGE, OR
7 FACILITATE AND MANAGE DELIVERY SERVICES OR TRANSPORTATION
8 SERVICES.

9 (d) "DRIVER" MEANS:

10 (I) A DRIVER PROVIDING DELIVERY SERVICES FOR A DELIVERY
11 NETWORK COMPANY; OR

12 (II) A TRANSPORTATION NETWORK COMPANY DRIVER AS DEFINED
13 IN SECTION 40-10.1-602 (4).

14 (e) "DRIVER PAY BEFORE EXPENSES" MEANS THE TOTAL WEEKLY
15 AMOUNT THAT A DNC OR TNC PAYS A DRIVER.

16 (f) "DRIVER TIPS BEFORE EXPENSES" MEANS THE TOTAL WEEKLY
17 AMOUNT OF TIPS THAT CONSUMERS PAY TO A DNC OR TNC, WHICH TIPS
18 THE CONSUMERS INTENDED TO PAY TO THE DRIVER.

19 (g) "ESTIMATE OF EXPENSES" MEANS THE FEDERAL INTERNAL
20 REVENUE SERVICE'S PREVAILING MILEAGE REIMBURSEMENT RATE FOR
21 BUSINESS USE DURING A WEEK IN WHICH A DRIVER ACTIVATES OR LOGS
22 INTO A DNC'S OR TNC'S DIGITAL PLATFORM MULTIPLIED BY THE NUMBER
23 OF MILES THAT A DRIVER HAS DRIVEN WHILE THE DIGITAL PLATFORM WAS
24 ACTIVATED OR LOGGED INTO DURING THAT WEEK.

25 (h) "HOURLY NET PAY" MEANS DRIVER PAY BEFORE EXPENSES
26 MINUS AN ESTIMATE OF EXPENSES FOR THAT DRIVER DIVIDED BY THE
27 TOTAL NUMBER OF HOURS DURING WHICH THE DRIVER WAS ACTIVE OR

1 LOGGED INTO THE DNC'S OR TNC'S DIGITAL PLATFORM DURING THE
2 WEEK.

3 (i) (I) "NONLINEAR COMPENSATION SYSTEM" MEANS AN OFFER OF
4 COMPENSATION THAT:

5 (A) FEATURES HIDDEN ALGORITHMS RATHER THAN A
6 TRANSPARENT PER-MILE, PER-MINUTE, OR PER-TRIP PAY SYSTEM; AND

7 (B) A DELIVERY NETWORK COMPANY OR A TRANSPORTATION
8 NETWORK COMPANY MAKES TO A DRIVER BASED ON THE NUMBER OR TYPE
9 OF DELIVERY OR TRANSPORTATION TASKS THAT THE DRIVER PERFORMS
10 WITHIN A CERTAIN PERIOD OF TIME OR IN A CONSECUTIVE MANNER.

11 (II) "NONLINEAR COMPENSATION SYSTEM" INCLUDES A BONUS, A
12 PAYMENT SCHEME DESCRIBED AS A "QUEST" OR "RIDE CHALLENGE", OR
13 OTHER TEMPORARY PAYMENT SCHEME.

14 (j) "PUBLIC UTILITIES COMMISSION" MEANS THE PUBLIC UTILITIES
15 COMMISSION CREATED IN SECTION 40-2-101 (1).

16 (k) (I) "TAKE AMOUNT" MEANS, AFTER MAKING A PAYMENT TO A
17 DRIVER, THE TOTAL AMOUNT OF MONEY THAT THE DNC OR TNC RETAINS
18 FOR ITSELF FROM THE MONEY THAT A CONSUMER PAYS FOR THE TASK
19 PERFORMED BY THE DRIVER.

20 (II) "TAKE AMOUNT" INCLUDES ANY AMOUNT OF MONEY RETAINED
21 BY THE DNC OR TNC FOR THE PURPOSE OF PAYING FEES, TAXES,
22 CHARGES, OR OTHER COSTS THAT THE DNC OR TNC IS REQUIRED TO PAY
23 IN CONNECTION WITH THE TRANSACTION OR FOR THE GENERAL
24 OPERATIONAL COSTS OF THE DNC OR TNC.

25 (III) "TAKE AMOUNT" DOES NOT INCLUDE ANY AMOUNT OF MONEY
26 FROM A TRANSACTION BETWEEN A DRIVER AND A CONSUMER THAT THE
27 DNC OR TNC PAYS TO THE DRIVER.

1 (l) "TAKE RATE" MEANS THE PERCENTAGE OF THE MONEY THAT A
2 CONSUMER PAYS IN CONNECTION WITH A TRANSACTION WITH A DRIVER
3 AND THAT A DNC OR TNC RETAINS FOR ITSELF, INCLUDING ANY MONEY
4 THAT THE DNC OR TNC RETAINS FOR PURPOSES OF PAYING FEES, TAXES,
5 CHARGES, OR OTHER COSTS THAT THE DNC OR TNC IS REQUIRED TO PAY
6 IN CONNECTION WITH THE TRANSACTION OR FOR THE GENERAL
7 OPERATIONAL COSTS OF THE DNC OR TNC.

8 (m) "TERMINATE" OR "TERMINATION" MEANS CONDUCT THAT A
9 DNC OR TNC ENGAGES IN TO MATERIALLY RESTRICT A DRIVER'S ACCESS
10 TO THE DIGITAL PLATFORM, INCLUDING BLOCKING A DRIVER'S ACCESS TO
11 THE DIGITAL PLATFORM, SUSPENDING A DRIVER, OR CHANGING A DRIVER'S
12 STATUS FROM ELIGIBLE TO INELIGIBLE TO PROVIDE DELIVERY OR
13 TRANSPORTATION SERVICES FOR THE DNC OR TNC.

14 (n) "TIP" MEANS A TIP, GRATUITY, OR OTHER PAYMENT AMOUNT
15 THAT A CONSUMER:

16 (I) INDICATES THROUGH A DIGITAL PLATFORM AS INTENDED FOR
17 DIRECT PAYMENT TO THE DRIVER; OR

18 (II) WOULD REASONABLY EXPECT TO BE PAID IN FULL TO THE
19 DRIVER.

20 (o) "TRANSPORTATION NETWORK COMPANY" OR "TNC" HAS THE
21 MEANING SET FORTH IN SECTION 40-10.1-602 (3).

22 (2) **Effective date.** ON AND AFTER JANUARY 1, 2024, A DELIVERY
23 NETWORK COMPANY OR A TRANSPORTATION NETWORK COMPANY:

24 (a) SHALL MAKE THE DISCLOSURES REQUIRED IN SUBSECTIONS (3)
25 TO (6) OF THIS SECTION;

26 (b) SHALL COMPLY WITH THE TERMINATION PROCESS SET FORTH
27 IN SUBSECTION (7) OF THIS SECTION; AND

1 (c) IS SUBJECT TO ENFORCEMENT PURSUANT TO SUBSECTION (8) OF
2 THIS SECTION FOR ANY VIOLATION OF THIS SECTION.

3 (3) **Take rate and take amount transparency - rules.**

4 (a) BEFORE OR IMMEDIATELY AFTER A DRIVER COMPLETES A DELIVERY
5 FOR A DELIVERY NETWORK COMPANY OR TRANSPORTATION FOR A
6 TRANSPORTATION NETWORK COMPANY, AND BEFORE THE CONSUMER IS
7 PRESENTED WITH AN OPTION TO PAY A TIP TO THE DRIVER THROUGH THE
8 DIGITAL PLATFORM, THE DNC OR TNC SHALL DISCLOSE TO THE DRIVER
9 AND TO THE CONSUMER THE APPLICABLE TAKE AMOUNT AND TAKE RATE
10 FOR THE TRANSACTION.

11 (b) (I) A DNC OR TNC SHALL MAKE THE DISCLOSURE REQUIRED
12 UNDER SUBSECTION (3)(a) OF THIS SECTION ON A FULL SMART PHONE
13 SCREEN, WITH THE FOLLOWING DISCLOSURES PROMINENTLY DISPLAYED:

- 14 (A) THE TAKE RATE;
- 15 (B) THE TAKE AMOUNT;
- 16 (C) THE TOTAL AMOUNT OF MONEY THAT THE CONSUMER PAID OR
17 WILL PAY FOR THE TRANSACTION; AND
- 18 (D) THE TOTAL AMOUNT OF MONEY THE DRIVER RECEIVED OR WILL
19 RECEIVE FOR THE TRANSACTION.

20 (II) THE DISCLOSURE MUST REQUIRE ACKNOWLEDGMENT OF
21 RECEIPT FROM THE CONSUMER AND DRIVER. THE DIRECTOR SHALL
22 ESTABLISH BY RULE A FORM FOR THE DISCLOSURE.

23 (c) AFTER A DNC OR A TNC MAKES THE DISCLOSURE REQUIRED
24 UNDER THIS SUBSECTION (3) FOR A SPECIFIC TRANSACTION, THE DNC OR
25 TNC SHALL NOT RETAIN ANY ADDITIONAL AMOUNTS IN RELATION TO THE
26 TRANSACTION IN EXCESS OF THE TAKE AMOUNT SPECIFIED IN THE
27 DISCLOSURE.

1 **(4) Destination and fare transparency - rules.** (a) WHEN
2 PRESENTING A TRANSPORTATION TASK TO A TRANSPORTATION NETWORK
3 COMPANY DRIVER FOR ACCEPTANCE, A TRANSPORTATION NETWORK
4 COMPANY SHALL DISCLOSE TO THE DRIVER THE FOLLOWING INFORMATION:

5 (I) THE CONSUMER'S LOCATION;

6 (II) THE LOCATION OF THE CONSUMER'S DESTINATION;

7 (III) AN ESTIMATE OF THE TOTAL FARE THAT THE CONSUMER WILL
8 BE CHARGED FOR THE TRANSPORTATION TASK AND AN ESTIMATE OF THE
9 TOTAL AMOUNT THE TNC WILL PAY THE DRIVER, BEFORE ANY TIP IS
10 ADDED, FOR THE TRANSPORTATION TASK; AND

11 (IV) THE NUMBER OF OTHER DRIVERS WHO WERE ALREADY
12 PRESENTED WITH THE TRANSPORTATION TASK AND THE AMOUNTS
13 DISCLOSED TO THOSE DRIVERS PURSUANT TO SUBSECTION (4)(a)(III) OF
14 THIS SECTION WITH RESPECT TO THE TRANSPORTATION TASK.

15 (b) WHEN PRESENTING A DELIVERY TASK TO A DELIVERY NETWORK
16 COMPANY DRIVER FOR ACCEPTANCE, A DELIVERY NETWORK COMPANY
17 SHALL DISCLOSE TO THE DRIVER THE FOLLOWING INFORMATION:

18 (I) THE CONSUMER'S LOCATION;

19 (II) THE LOCATION OF ANY THIRD PARTY WHERE THE DRIVER IS
20 REQUIRED TO RETRIEVE GOODS FOR THE CONSUMER;

21 (III) AN ESTIMATE OF THE TOTAL AMOUNT THAT THE CONSUMER
22 WILL BE CHARGED FOR THE DELIVERY TASK AND AN ESTIMATE OF THE
23 TOTAL AMOUNT THAT THE DNC WILL PAY THE DRIVER, BEFORE ANY TIP IS
24 ADDED, FOR THE DELIVERY TASK; AND

25 (IV) THE NUMBER OF OTHER DRIVERS WHO WERE ALREADY
26 PRESENTED WITH THE DELIVERY TASK AND THE AMOUNTS DISCLOSED TO
27 THOSE DRIVERS PURSUANT TO SUBSECTION (4)(b)(III) OF THIS SECTION

1 WITH RESPECT TO THE DELIVERY TASK.

2 (c) A DELIVERY NETWORK COMPANY OR TRANSPORTATION
3 NETWORK COMPANY SHALL NOT RETALIATE AGAINST, PUNISH, OR IN ANY
4 MANNER DISADVANTAGE, INCLUDING ANY DISADVANTAGE IN THE TERMS
5 OF FUTURE TASKS OFFERED, ANY DRIVER WHO DECLINES TO ACCEPT A
6 TASK AFTER THE DNC OR TNC MAKES THE DISCLOSURES REQUIRED BY
7 THIS SUBSECTION (4) TO THE DRIVER.

8 (d) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
9 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (4) AND
10 THE TYPES OF CONDUCT THAT CONSTITUTE A PROHIBITED ACT UNDER
11 SUBSECTION (4)(c) OF THIS SECTION.

12 (5) **Nonlinear compensation system transparency - rules.**

13 (a) EACH DELIVERY NETWORK COMPANY AND EACH TRANSPORTATION
14 NETWORK COMPANY SHALL PUBLICLY DISCLOSE ALL NONLINEAR
15 COMPENSATION SYSTEMS OFFERED TO DRIVERS IN EACH WEEK.

16 (b) WHEN PRESENTING A NONLINEAR COMPENSATION SYSTEM TO
17 A DRIVER, A DNC OR TNC SHALL EXPRESSLY MAKE AVAILABLE TO THE
18 DRIVER THE PUBLIC DISCLOSURE REQUIRED UNDER SUBSECTION (5)(a) OF
19 THIS SECTION.

20 (c) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
21 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (5).

22 (6) **Wage transparency - rules.** (a) A DELIVERY NETWORK
23 COMPANY OR TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO
24 EACH DRIVER WHO ACTIVATED THE DNC'S OR TNC'S DIGITAL PLATFORM
25 DURING THE PREVIOUS WEEK THE FOLLOWING INFORMATION REGARDING
26 THE DRIVER FOR THE PREVIOUS WEEK:

27 (I) DRIVER PAY BEFORE EXPENSES;

1 (II) DRIVER TIPS BEFORE EXPENSES;
2 (III) ESTIMATE OF EXPENSES;
3 (IV) HOURLY NET PAY; AND
4 (V) HOURLY MINIMUM WAGE IN EACH OF THE JURISDICTIONS IN
5 WHICH THE DRIVER PERFORMED A TASK.

6 (b) A DNC OR TNC SHALL MAKE THE DISCLOSURES REQUIRED
7 UNDER SUBSECTION (6)(a) OF THIS SECTION:

8 (I) AT THE END OF EACH WEEK; AND
9 (II) IN A MANNER THAT REQUIRES A DRIVER TO ACKNOWLEDGE
10 RECEIPT OF THE DISCLOSURES.

11 (c) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
12 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (6).

13 (7) **Transparent termination procedures - rules.** (a) (I) A
14 DELIVERY NETWORK COMPANY OR A TRANSPORTATION NETWORK
15 COMPANY SHALL NOT TERMINATE A DRIVER UNLESS TERMINATION IS
16 WARRANTED.

17 (II) THE DIRECTOR, IN CONSULTATION WITH THE PUBLIC UTILITIES
18 COMMISSION, SHALL ADOPT RULES TO ESTABLISH CIRCUMSTANCES UNDER
19 WHICH TERMINATION OF A DNC OR TNC DRIVER IS WARRANTED.

20 (b) WITHIN TEN DAYS AFTER TERMINATING A DRIVER, A DNC OR
21 TNC SHALL DISCLOSE TO THE DRIVER AND THE DIVISION THE BASIS FOR
22 TERMINATION.

23 (c) (I) WITHIN ONE HUNDREDEIGHTY DAYS AFTER A DNC OR TNC
24 DISCLOSES THE BASIS FOR TERMINATION OF A DRIVER PURSUANT TO
25 SUBSECTION (7)(b) OF THIS SECTION, THE DRIVER MAY SEEK REVIEW OF
26 THE TERMINATION DECISION BY FILING WITH THE DIVISION A REQUEST FOR
27 A HEARING ON THE MATTER. A HEARING OFFICER OR ADMINISTRATIVE LAW

1 JUDGE SHALL PROMPTLY PROVIDE NOTICE OF THE HEARING TO THE DRIVER
2 AND THE DELIVERY NETWORK COMPANY OR TRANSPORTATION NETWORK
3 COMPANY AND HOLD THE HEARING TO DETERMINE WHETHER THE DRIVER
4 SHOULD BE REHIRED PURSUANT TO RULES THAT THE DIRECTOR ADOPTS
5 PURSUANT TO SUBSECTION (7)(e) OF THIS SECTION.

6 (II) THE DNC OR THE TNC HAS THE BURDEN TO PROVE AT THE
7 HEARING THAT THE TERMINATION WAS WARRANTED.

8 (III) IF THE BASIS FOR TERMINATION INVOLVES ONE OR MORE
9 CONSUMER COMPLAINTS OR DRIVER RATINGS, THE DRIVER SHALL BE GIVEN
10 THE OPPORTUNITY AT THE HEARING TO SUBMIT EVIDENCE TO CHALLENGE
11 THE CREDIBILITY OF ANY SUCH COMPLAINTS OR RATINGS.

12 (d) A DELIVERY NETWORK COMPANY OR A TRANSPORTATION
13 NETWORK COMPANY SHALL NOT REQUIRE A DRIVER WHO SEEKS REVIEW OF
14 A TERMINATION DECISION PURSUANT TO SUBSECTION (7)(c) OF THIS
15 SECTION TO PAY ANY COSTS, FEES, OR CHARGES TO THE DNC OR TNC
16 RELATED TO THE TERMINATION REVIEW.

17 (e) THE DIRECTOR, IN CONSULTATION WITH THE PUBLIC UTILITIES
18 COMMISSION, SHALL ADOPT RULES TO ESTABLISH WHEN REHIRE OF A
19 DRIVER WHO HAS BEEN TERMINATED IS WARRANTED.

20 (f) (I) THE DIVISION SHALL MAINTAIN RECORDS CONCERNING ANY
21 DELIVERY NETWORK COMPANY DRIVER OR TRANSPORTATION NETWORK
22 COMPANY DRIVER TERMINATIONS FOR AT LEAST THREE YEARS AND, FOR
23 ANY TERMINATION FOR WHICH THE DRIVER SEEKS REVIEW PURSUANT TO
24 SUBSECTION (7)(c) OF THIS SECTION, THE DIVISION SHALL MAINTAIN
25 RECORDS REGARDING THE DISPOSITION OF THE REVIEW FOR AT LEAST
26 THREE YEARS.

27 (II) UPON REQUEST, THE DIVISION SHALL PROVIDE COPIES OF A

1 DRIVER'S TERMINATION RECORDS THAT THE DIVISION MAINTAINS
2 PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION TO THE DRIVER AND,
3 WITH REGARD TO A TNC DRIVER, TO THE PUBLIC UTILITIES COMMISSION.
4 THE DIVISION MAY CHARGE A DRIVER A COPYING FEE THAT THE DIRECTOR
5 ESTABLISHES BY RULE IN AN AMOUNT NOT TO EXCEED THE DIVISION'S
6 DIRECT AND INDIRECT COSTS FOR PROVIDING COPIES.

7 (g) THE RIGHTS AND REMEDIES SET FORTH IN THIS SUBSECTION (7)
8 ARE NOT EXCLUSIVE OF ANY OTHER RIGHTS AND REMEDIES AVAILABLE TO
9 DRIVERS WITH REGARD TO TERMINATIONS. A DETERMINATION BY THE
10 DIVISION PURSUANT TO THIS SUBSECTION (7) THAT A DRIVER TERMINATION
11 WAS WARRANTED DOES NOT PRECLUDE ANY DETERMINATION THAT THE
12 TERMINATION VIOLATED ANOTHER PROVISION OF LAW.

13 (8) **Penalties, fines, and enforcement.** (a) IF A DELIVERY
14 NETWORK COMPANY OR TRANSPORTATION NETWORK COMPANY VIOLATES
15 THIS SECTION, A DNC OR TNC MAY BE SUBJECT TO:

16 (I) MONETARY DAMAGES IN THE AMOUNT OF ONE THOUSAND
17 DOLLARS, AS DETERMINED BY A COURT, IN A CIVIL ACTION BROUGHT
18 PURSUANT TO SUBSECTION (8)(d) OF THIS SECTION, ON A PER-CONSUMER
19 OR A PER-DRIVER BASIS, WHICH AMOUNT THE DNC OR TNC SHALL PAY TO
20 THE CONSUMER OR DRIVER AFFECTED BY THE VIOLATION;

21 (II) A FINE OF ONE HUNDRED DOLLARS PER VIOLATION, AS
22 DETERMINED BY THE DIRECTOR ON A PER-CONSUMER OR A PER-DRIVER
23 BASIS, WHICH AMOUNT THE DNC OR TNC SHALL PAY TO THE DIVISION;
24 AND

25 (III) INJUNCTIVE RELIEF PURSUANT TO SUBSECTION (8)(d)(II) OF
26 THIS SECTION.

27 (b) THE DIVISION MAY INVESTIGATE ALLEGED VIOLATIONS IN

1 RESPONSE TO COMPLAINTS FILED OR AT THE DIVISION'S DISCRETION.

2 (c) THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR DRIVERS
3 AND CONSUMERS TO SUBMIT COMPLAINTS TO THE DIVISION AND FOR THE
4 DIVISION'S INVESTIGATIONS, HEARINGS, AND IMPOSITION OF FINES
5 PURSUANT TO THIS SUBSECTION (8).

6 (d) (I) A PERSON AGGRIEVED BY A DNC'S OR TNC'S VIOLATION OF
7 THIS SECTION MAY FILE A CIVIL ACTION AGAINST THE DNC OR TNC IN THE
8 DISTRICT COURT WHERE:

9 (A) THE PERSON RESIDES;

10 (B) THE VIOLATION OCCURRED; OR

11 (C) THE DNC OR TNC HAS A PHYSICAL PLACE OF BUSINESS IN THE
12 STATE.

13 (II) (A) THE PERSON FILING THE CIVIL ACTION MAY SEEK
14 INJUNCTIVE RELIEF FROM THE COURT TO COMPEL A DNC OR A TNC TO
15 COMPLY WITH THIS SECTION OR MAY SEEK MONETARY DAMAGES AS
16 SPECIFIED IN SUBSECTION (8)(a)(I) OF THIS SECTION AND ANY ACTUAL
17 DAMAGES SUSTAINED.

18 (B) IF A PERSON PREVAILS ON ANY CLAIM RAISED IN A CIVIL
19 ACTION BROUGHT AGAINST A DNC OR TNC UNDER THIS SUBSECTION
20 (8)(d), THE PERSON IS ENTITLED TO RECOVER COSTS AND REASONABLE
21 ATTORNEY FEES.

22 (9) **Public utilities commission's authority over TNCs.**
23 NOTHING IN THIS SECTION NEGATES, LIMITS, ALTERS, OR DISPLACES THE
24 PUBLIC UTILITIES COMMISSION'S AUTHORITY TO REGULATE
25 TRANSPORTATION NETWORK COMPANIES PURSUANT TO PART 6 OF ARTICLE
26 10.1 OF TITLE 40 OR PREVENTS A DRIVER OR CONSUMER FROM SEEKING
27 ENFORCEMENT BY THE COMMISSION AGAINST, OR REMEDIES IN RELATION

1 TO, ANY VIOLATIONS OF PART 6 OF ARTICLE 10.1 OF TITLE 40.

2 (10) **Rules - repeal.** (a) (I) THE DIRECTOR SHALL ADOPT THE
3 RULES REQUIRED UNDER SUBSECTIONS (3) TO (7) OF THIS SECTION ON OR
4 BEFORE DECEMBER 1, 2023.

5 (II) THIS SUBSECTION (10)(a) IS REPEALED, EFFECTIVE SEPTEMBER
6 1, 2024.

7 (b) THE DIRECTOR MAY ADOPT ADDITIONAL RULES AS NECESSARY
8 TO IMPLEMENT THIS SECTION.

9 **SECTION 2. Applicability.** This act applies to conduct occurring
10 on or after January 1, 2024.

11 **SECTION 3. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.