

CHAPTER 409

LABOR AND INDUSTRY

SENATE BILL 24-075

BY SENATOR(S) Priola and Rodriguez, Bridges, Cutter, Gonzales, Hinrichsen, Jaquez Lewis, Marchman, Michaelson Jenet, Sullivan;
 also REPRESENTATIVE(S) Bacon and Ricks, Amabile, Bird, Boesenecker, Brown, Clifford, Daugherty, Duran, Epps, Froelich, Hamrick, Hernandez, Herod, Jodeh, Kipp, Lieder, Lindsay, Lukens, Mabrey, Marvin, Ortiz, Rutinel, Sirota, Story, Titone, Valdez, Velasco, Vigil, Weissman, McCluskie.

AN ACT

CONCERNING REQUIREMENTS FOR TRANSPORTATION NETWORK COMPANIES, AND, IN CONNECTION THEREWITH, REQUIRING TRANSPORTATION NETWORK COMPANIES TO COMPLY WITH TRANSPARENCY REQUIREMENTS AND DEACTIVATION AND SUSPENSION PROCEDURES AND MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 8-4-127 as follows:

8-4-127. Transportation network companies - disclosures to drivers - deactivation and suspension policies - disclosures to division - definitions - enforcement - rules. (1) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "AVAILABLE PLATFORM TIME" MEANS THE PERIOD WHEN A DRIVER IS ACTIVE ON A TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM WHILE AWAITING A TRANSPORTATION SERVICES REQUEST TO COME THROUGH THE DIGITAL PLATFORM.

(b) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

(c) "CONSUMER" MEANS AN INDIVIDUAL WHO USES A DIGITAL PLATFORM TO ORDER TRANSPORTATION SERVICES FROM A TNC.

(d)(I) "CONSUMER PLATFORM TIME" MEANS THE PERIOD OF TIME WHEN A DRIVER IS TRANSPORTING ONE OR MORE CONSUMERS OR RIDERS ON A RIDE.

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(II) "CONSUMER PLATFORM TIME", FOR SHARED RIDES, MEANS THE PERIOD OF TIME COMMENCING WHEN THE FIRST CONSUMER OR RIDER ENTERS A DRIVER'S VEHICLE AND ENDING WHEN THE LAST CONSUMER OR RIDER EXITS THE DRIVER'S VEHICLE.

(e) (I) "DEACTIVATE" OR "DEACTIVATION" MEANS CONDUCT THAT A TNC ENGAGES IN TO RESTRICT A DRIVER'S ACCESS TO THE TNC'S DIGITAL PLATFORM FOR SEVENTY-TWO HOURS OR MORE.

(II) "DEACTIVATE" OR "DEACTIVATION" INCLUDES BLOCKING A DRIVER'S ACCESS TO A DIGITAL PLATFORM, SUSPENDING A DRIVER, OR CHANGING A DRIVER'S STATUS FROM ELIGIBLE TO INELIGIBLE TO PROVIDE TRANSPORTATION SERVICES FOR A TNC FOR SEVENTY-TWO HOURS OR MORE.

(f) "DIGITAL PLATFORM" MEANS AN ONLINE APPLICATION, AN INTERNET SITE, OR A SYSTEM, EITHER OF WHICH A TNC USES TO FACILITATE, MANAGE, OR FACILITATE AND MANAGE TRANSPORTATION SERVICES.

(g) (I) "DISPATCH PLATFORM TIME" MEANS THE PERIOD OF TIME BETWEEN A DRIVER'S RECEIPT OF A REQUEST FOR A TRANSPORTATION TASK THROUGH THE TNC'S DIGITAL PLATFORM AND THE TIME WHEN EITHER THE DRIVER PICKS UP A CONSUMER OR RIDER OR WHEN A CONSUMER OR THE DRIVER CANCELS THE RIDE.

(II) "DISPATCH PLATFORM TIME", FOR SHARED RIDES, MEANS THE PERIOD OF TIME BETWEEN A DRIVER'S RECEIPT OF THE FIRST REQUEST FOR A TRANSPORTATION TASK AND THE FIRST CONSUMER OR RIDER PICKUP.

(h) "DRIVER" MEANS A TRANSPORTATION NETWORK COMPANY DRIVER AS DEFINED IN SECTION 40-10.1-602 (4).

(i) "DRIVER PAY BEFORE EXPENSES" MEANS THE TOTAL MONTHLY AMOUNT THAT A TNC REMITS TO A DRIVER, DISAGGREGATED TO SHOW:

(I) PAY FOR TRANSPORTATION TASKS;

(II) PASS-THROUGHS;

(III) BONUS OR INCENTIVE PAY; AND

(IV) TIPS.

(j) (I) "DRIVER SUPPORT ORGANIZATION" OR "ORGANIZATION" MEANS A MEMBERSHIP-BASED AND MEMBER-LED NONPROFIT OR LABOR ORGANIZATION:

(A) WITH A PRINCIPAL PURPOSE TO SUPPORT DRIVERS AND THAT HAS

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CONSISTENTLY OPERATED IN COLORADO FOR AT LEAST FOUR YEARS WITH THAT PURPOSE;

(B) THAT IS NOT FUNDED, DIRECTLY OR INDIRECTLY, EXCESSIVELY INFLUENCED, OR CONTROLLED BY A TNC; AND

(C) THAT IS NOT AFFILIATED WITH ANY OTHER ENTITY THAT IS FUNDED, DIRECTLY OR INDIRECTLY, EXCESSIVELY INFLUENCED, OR CONTROLLED BY A TNC.

(II) AS USED IN THIS SUBSECTION (1)(j):

(A) "EXCESSIVE INFLUENCE" INCLUDES RECEIVING THE IDENTITIES OR CONTACT INFORMATION OF DRIVERS FROM A TNC.

(B) "FUNDED, DIRECTLY OR INDIRECTLY" DOES NOT INCLUDE RECEIVING FUNDS PURSUANT TO SUBSECTION (6) OF THIS SECTION OR A DUES DEDUCTION AS DESCRIBED IN SUBSECTION (7) OF THIS SECTION.

(k) "DRIVER TIPS BEFORE EXPENSES" MEANS THE TOTAL MONTHLY AMOUNT OF TIPS THAT CONSUMERS PAY A TNC, THAT ARE INTENDED AS PAYMENT TO THE DRIVER, AND THAT THE TNC REMITS TO THE DRIVER.

(l) "IRS BUSINESS MILEAGE DEDUCTION RATE" MEANS THE FEDERAL INTERNAL REVENUE SERVICE'S PREVAILING MILEAGE COST-DEDUCTION RATE FOR BUSINESS USE.

(m) "PASS-THROUGH" MEANS A SUM THAT A TNC PAYS A DRIVER TO COVER COSTS, SUCH AS TOLLS, THAT THE DRIVER INCURS WHILE PERFORMING WORK THROUGH A TNC'S DIGITAL PLATFORM.

(n) "RIDER" HAS THE SAME MEANING AS "TRANSPORTATION NETWORK COMPANY RIDER" AS DEFINED IN SECTION 40-10.1-602 (5).

(o) (I) "SUSPEND" OR "SUSPENSION" MEANS CONDUCT THAT A TNC ENGAGES IN TO BLOCK OR RESTRICT A DRIVER'S ACCESS TO THE DIGITAL PLATFORM FOR A PERIOD OF LESS THAN SEVENTY-TWO HOURS.

(II) "SUSPEND" OR "SUSPENSION" INCLUDES:

(A) BLOCKING A DRIVER'S ACCESS TO THE DIGITAL PLATFORM;

(B) SUSPENDING A DRIVER; OR

(C) CHANGING A DRIVER'S STATUS FROM ELIGIBLE TO INELIGIBLE TO PROVIDE TRANSPORTATION SERVICES FOR THE TNC FOR LESS THAN SEVENTY-TWO HOURS.

(p) "Tip" MEANS A GRATUITY THAT A CONSUMER:

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

(II) WOULD REASONABLY EXPECT TO BE PAID IN FULL TO A DRIVER.

(q) "TRANSPORTATION NETWORK COMPANY" OR "TNC" HAS THE MEANING SET FORTH IN SECTION 40-10.1-602 (3); EXCEPT THAT THE TERM DOES NOT INCLUDE A TNC THAT:

(I) EITHER SERVES RIDERS AT LEAST SEVENTY-FIVE PERCENT OF WHOM ARE UNDER THE AGE OF EIGHTEEN OR EARNS AT LEAST NINETY PERCENT OF THE TNC'S REVENUE FROM CONTRACTS WITH A PUBLIC OR PRIVATE SCHOOL, THE FEDERAL GOVERNMENT, THE STATE, OR AN AGENCY OR A POLITICAL SUBDIVISION OF THE FEDERAL GOVERNMENT OR OF THE STATE;

(II) HAS AT LEAST NINETY PERCENT OF THE TNC'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S RULES PROMULGATED PURSUANT TO SECTION 40-10.1-608 (3)(a);

(III) ATTESTS THAT THE TNC MEETS THE REQUIREMENTS SET FORTH IN SUBSECTIONS (1)(q)(I) AND (1)(q)(II) OF THIS SECTION AND SUBMITS AN ATTESTATION TO THE COMMISSION ON OR BEFORE JANUARY 1, 2025, AND WITH EACH PERMIT RENEWAL APPLICATION SUBMITTED TO THE COMMISSION PURSUANT TO SECTION 40-10.1-606; AND

(IV) DISCLOSES TO A DRIVER THE DESTINATION AND EXPECTED COMPENSATION FOR A RIDE BEFORE THE DRIVER ACCEPTS THE RIDE FOR ALL TRANSPORTATION TASKS PROVIDED THROUGH THE TNC'S DIGITAL PLATFORM.

(r) "TRANSPORTATION SERVICES" HAS THE SAME MEANING AS "TRANSPORTATION NETWORK COMPANY SERVICES" AS DEFINED IN SECTION 40-10.1-602 (6).

(s) "TRANSPORTATION TASK" MEANS A DRIVER'S PROVISION OF TRANSPORTATION SERVICES TO A CONSUMER OR TO ONE OR MORE RIDERS FOR WHOM A CONSUMER ORDERS TRANSPORTATION SERVICES THROUGH A TNC'S DIGITAL PLATFORM.

(2) **Effective date.** (a) ON OR BEFORE MAY 1, 2025, A TRANSPORTATION NETWORK COMPANY SHALL DEVELOP A DEACTIVATION AND SUSPENSION POLICY IN ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION.

(b) ON AND AFTER JUNE 1, 2025, A TNC:

(I) SHALL COMPLY WITH THE DEACTIVATION AND SUSPENSION REQUIREMENTS SET FORTH IN SUBSECTION (3) OF THIS SECTION; AND

(II) IS SUBJECT TO ENFORCEMENT BY THE DIRECTOR PURSUANT TO THIS ARTICLE 4.

(3) Deactivation and suspension policy - disclosure - rules. (a) ON OR BEFORE MAY 1, 2025, A TRANSPORTATION NETWORK COMPANY SHALL INFORM EACH DRIVER OF THE TNC'S DEACTIVATION AND SUSPENSION POLICY AND THE TYPES OF VIOLATIONS THAT MAY WARRANT DEACTIVATION OR SUSPENSION. THE TNC'S DEACTIVATION AND SUSPENSION POLICY MUST:

(I) STATE THAT THE DEACTIVATION AND SUSPENSION POLICY IS ENFORCEABLE AS A TERM OF THE TNC'S CONTRACT WITH A DRIVER;

(II) CLEARLY LIST THE CIRCUMSTANCES THAT CONSTITUTE A VIOLATION THAT MAY WARRANT DEACTIVATION OR SUSPENSION UNDER THE DEACTIVATION AND SUSPENSION POLICY AND INDICATE THE SPECIFIC CONSEQUENCES FOR EACH LISTED VIOLATION, INCLUDING THE CONSEQUENCES RESULTING IN:

(A) DEACTIVATION OR SUSPENSION AND THE SPECIFIC NUMBER OF DAYS OR RANGE OF DAYS FOR A DEACTIVATION OR SUSPENSION; OR

(B) ANY OTHER SANCTION;

(III) DESCRIBE FAIR, OBJECTIVE, AND REASONABLE PROCEDURES FOR NOTIFYING A DRIVER OF A SUSPENSION OR A DEACTIVATION AND THE REASON FOR THE SUSPENSION OR DEACTIVATION. THE PROCEDURES NEED NOT REQUIRE THAT THE TNC PROVIDE THE DRIVER WITH A REASON FOR THE SUSPENSION OR DEACTIVATION IF THE SUSPENSION OR DEACTIVATION IS THE RESULT OF AN ALLEGATION OF ASSAULT OR OTHER EGREGIOUS MISCONDUCT, INCLUDING AN ALLEGATION OF SEXUAL MISCONDUCT.

(IV) CONSISTENT WITH SUBSECTION (5) OF THIS SECTION, DESCRIBE FAIR, OBJECTIVE, AND REASONABLE PROCEDURES FOR THE RECONSIDERATION OF A DEACTIVATION DECISION CONSISTENT WITH THE REQUIREMENTS OF SUBSECTION (4) OF THIS SECTION AND THE PROCESS BY WHICH A DRIVER MAY REQUEST A DEACTIVATION RECONSIDERATION WITH THE TNC.

(b) IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBSECTION (3)(a) OF THIS SECTION, A TNC'S DEACTIVATION AND SUSPENSION POLICY MUST BE:

(I) SPECIFIC ENOUGH FOR A DRIVER TO UNDERSTAND WHAT CONSTITUTES A VIOLATION OF THE POLICY AND HOW TO AVOID VIOLATING THE POLICY;

(II) MADE AVAILABLE TO A DRIVER IN AN ELECTRONIC FORMAT THAT IS READILY ACCESSIBLE BY:

(A) PROMINENTLY DISPLAYING THE POLICY AND E-MAILING THE POLICY TO A NEW DRIVER AT THE TIME THAT THE DRIVER APPLIES TO WORK AS A DRIVER FOR THE TNC;

(B) E-MAILING THE POLICY TO ALL DRIVERS ENGAGED ON THE DIGITAL PLATFORM AT LEAST FOURTEEN DAYS BEFORE THE POLICY BECOMES ENFORCEABLE; AND

(C) POSTING THE POLICY ONLINE, IN THE DIGITAL PLATFORM, OR IN ANOTHER LOCATION THAT IS AVAILABLE TO THE PUBLIC ON AN ONGOING BASIS FOR AT LEAST FOURTEEN DAYS BEFORE THE POLICY BECOMES ENFORCEABLE;

(III) MADE AVAILABLE IN ENGLISH, SPANISH, ARABIC, AND UP TO THREE ADDITIONAL LANGUAGES COMMONLY SPOKEN BY TNC DRIVERS IN THE STATE, AS DETERMINED BY THE DIRECTOR BY RULE; AND

(IV) SENT TO THE DIVISION IN EACH REQUIRED LANGUAGE AND MADE PUBLICLY AVAILABLE ON THE INTERNET FOR AT LEAST FOURTEEN DAYS BEFORE THE POLICY BECOMES ENFORCEABLE. FOR ANY AMENDMENTS MADE TO A TNC'S DEACTIVATION AND SUSPENSION POLICY, THE TNC SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION (3).

(c) A TNC SHALL NOT DEACTIVATE OR SUSPEND A DRIVER UNLESS THE DEACTIVATION OR SUSPENSION IS CONSISTENT WITH THE TNC'S DEACTIVATION AND SUSPENSION POLICY, OR AMENDED DEACTIVATION AND SUSPENSION POLICY, AS WRITTEN AND DISTRIBUTED IN ACCORDANCE WITH THIS SUBSECTION (3).

(4) **Deactivation - notice.** (a) WITHIN TWENTY-FOUR HOURS AFTER A TNC SUSPENDS A DRIVER, THE TNC SHALL PROVIDE A WRITTEN DISCLOSURE TO THE DRIVER IN THE DEFAULT LANGUAGE THAT THE DRIVER HAS SELECTED IN THE TNC'S DIGITAL PLATFORM. THE WRITTEN DISCLOSURE MUST DESCRIBE THE BASIS FOR THE SUSPENSION AND PROVIDE:

(I) SUFFICIENT INFORMATION FOR THE DRIVER TO REASONABLY UNDERSTAND THE REASONS FOR THE SUSPENSION; AND

(II) A DESCRIPTION OF THE STEPS THAT THE DRIVER MAY TAKE, IF ANY, TO REMEDY THE ALLEGED VIOLATION OF THE TNC'S DEACTIVATION AND SUSPENSION POLICY.

(b) WITHIN TWENTY-FOUR HOURS AFTER A TNC DEACTIVATES A DRIVER, THE TNC SHALL PROVIDE A WRITTEN DISCLOSURE TO THE DRIVER IN THE DEFAULT LANGUAGE THAT THE DRIVER HAS SELECTED IN THE TNC'S DIGITAL PLATFORM. THE WRITTEN DISCLOSURE MUST DESCRIBE THE BASIS FOR THE DEACTIVATION AND PROVIDE:

(I) SUFFICIENT INFORMATION FOR THE DRIVER TO REASONABLY UNDERSTAND THE REASONS FOR THE DEACTIVATION;

(II) A DESCRIPTION OF THE STEPS THAT THE DRIVER MAY TAKE, IF ANY, TO

REMEDY THE ALLEGED VIOLATION OF THE TNC'S DEACTIVATION AND SUSPENSION POLICY;

(III) A STATEMENT OF THE DRIVER'S RIGHT TO CHALLENGE THE DEACTIVATION THROUGH THE TNC'S INTERNAL DEACTIVATION REVIEW PROCESS OUTLINED IN SUBSECTION (5)(a) OF THIS SECTION AND A LINK TO A DESCRIPTION OF THAT INTERNAL PROCESS; AND

(IV) THE AVAILABILITY OF DRIVER SUPPORT SERVICES AT THE DRIVER SUPPORT ORGANIZATION CERTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION, A NOTICE THAT THE CERTIFIED DRIVER SUPPORT ORGANIZATION IS INDEPENDENT OF ANY TNC, AND CONTACT INFORMATION FOR THE CERTIFIED DRIVER SUPPORT ORGANIZATION.

(c) A TNC SHALL SEND THE DISCLOSURES REQUIRED IN ACCORDANCE WITH THIS SUBSECTION (4) TO A DRIVER THROUGH THE TNC'S DIGITAL PLATFORM AND VIA E-MAIL OR OTHER MECHANISM THAT REMAINS ACCESSIBLE TO THE DRIVER FOR AT LEAST ONE YEAR.

(5) Deactivation - internal process - reconsideration - investigations - reports. (a) A DRIVER WHO HAS BEEN DEACTIVATED MAY, WITHIN THIRTY CALENDAR DAYS AFTER RECEIVING A WRITTEN NOTICE OF DEACTIVATION PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, CHALLENGE THE DEACTIVATION WITH THE TNC PURSUANT TO THE TNC'S INTERNAL DEACTIVATION REVIEW PROCESS.

(b) A TNC SHALL CONDUCT AN INTERNAL DEACTIVATION RECONSIDERATION OF A CHALLENGED DEACTIVATION WITHIN FOURTEEN CALENDAR DAYS AFTER THE DRIVER MAKES THE WRITTEN REQUEST FOR DEACTIVATION RECONSIDERATION; EXCEPT THAT THE TNC MAY NOTIFY THE DRIVER IN WRITING OF A CONTINUANCE OF THE DEACTIVATION RECONSIDERATION IF THE DRIVER HAS NOT PROVIDED SUFFICIENT EVIDENCE OR DOCUMENTATION FOR CONSIDERATION BY THE TNC OR IF CIRCUMSTANCES OUTSIDE OF THE TNC'S CONTROL REQUIRE ADDITIONAL TIME TO RECONSIDER THE CHALLENGED DEACTIVATION.

(c) A TNC'S INTERNAL DEACTIVATION REVIEW MUST:

(I) REQUIRE CONSIDERATION OF ALL RELEVANT, AVAILABLE INFORMATION;

(II) BE CONDUCTED IN GOOD FAITH; AND

(III) APPLY EVENHANDEDLY THE TNC'S DEACTIVATION POLICY, CONSISTENT WITH THE TNC'S INTEREST IN SAFE AND EFFICIENT OPERATIONS.

(d) THE TNC'S RESOLUTION OF A DRIVER'S CHALLENGE TO A DEACTIVATION MUST INCLUDE A WRITTEN STATEMENT THAT THE TNC SENDS THE DRIVER THROUGH THE TNC'S DIGITAL PLATFORM AND VIA E-MAIL OR OTHER MECHANISM THAT THE TNC

REASONABLY EXPECTS WILL REMAIN ACCESSIBLE TO THE DRIVER FOR AT LEAST ONE YEAR. THE WRITTEN STATEMENT MUST INCLUDE:

(I) A DETERMINATION AFFIRMING DEACTIVATION AND INCLUDING:

(A) A SUMMARY OF THE REASONS FOR THE DEACTIVATION;

(B) A DESCRIPTION OF THE STEPS THE DRIVER MAY TAKE, IF ANY, TO REMEDY THE ALLEGED VIOLATION; AND

(C) INFORMATION ABOUT THE DRIVER'S RIGHT TO SEEK SERVICES FROM THE DRIVER SUPPORT ORGANIZATION CERTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION AND SPECIFIC INSTRUCTIONS ON HOW TO CONTACT THE CERTIFIED DRIVER SUPPORT ORGANIZATION, INCLUDING E-MAIL AND TELEPHONE CONTACT INFORMATION; OR

(II) A DETERMINATION THAT THE DRIVER DID NOT VIOLATE THE TNC'S DEACTIVATION AND SUSPENSION POLICY OR THAT THE DRIVER REMEDIED ANY VIOLATION OF THE POLICY, WHICH DETERMINATION MUST BE ACCOMPANIED BY REACTIVATION OF THE DRIVER'S ACCOUNT WITHIN TWENTY-FOUR HOURS AFTER THE DETERMINATION IS MADE.

(6) Driver support organization - application - certification - budget - TNC payments - division oversight - rules. (a) **Certification of driver support organizations and quarterly budgets.** (I) BEGINNING JANUARY 1, 2025, UNTIL MARCH 31, 2025, THE DIVISION SHALL ACCEPT APPLICATIONS FOR CERTIFICATION FROM ELIGIBLE DRIVER SUPPORT ORGANIZATIONS AND SHALL CERTIFY A SINGLE DRIVER SUPPORT ORGANIZATION FOR THE THREE-YEAR PERIOD BEGINNING OCTOBER 1, 2025, THROUGH SEPTEMBER 30, 2028. THE DIVISION SHALL CERTIFY A SINGLE DRIVER SUPPORT ORGANIZATION FOR EACH SUBSEQUENT THREE-YEAR PERIOD AND SHALL BEGIN ACCEPTING APPLICATIONS FOR THE SECOND THREE-YEAR PERIOD IN JANUARY 2028.

(II) (A) A DRIVER SUPPORT ORGANIZATION APPLYING FOR CERTIFICATION FROM THE DIVISION SHALL SUBMIT FOR REVIEW BY THE DIVISION A PROPOSED ANNUAL BUDGET. THE DRIVER SUPPORT ORGANIZATION CERTIFIED BY THE DIVISION SHALL ALSO SUBMIT FOR REVIEW BY THE DIVISION A PROPOSED ANNUAL BUDGET FOR EACH YEAR OF THE ORGANIZATION'S THREE-YEAR CERTIFICATION CYCLE.

(B) A DRIVER SUPPORT ORGANIZATION'S PROPOSED ANNUAL BUDGET SUBMITTED PURSUANT TO SUBSECTION (6)(a)(II)(A) OF THIS SECTION MAY BE USED ONLY FOR EDUCATING TNC DRIVERS AND SUPPORTING DRIVERS REGARDING DEACTIVATIONS IN ACCORDANCE WITH SUCH ORGANIZATION'S AUTHORITY AND RESPONSIBILITIES SET FORTH IN SUBSECTION (6)(b) OF THIS SECTION.

(C) A DRIVER SUPPORT ORGANIZATION'S PROPOSED TOTAL ANNUAL BUDGET MUST

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NOT EXCEED SEVEN CENTS PER TRANSPORTATION TASK BASED ON THE PREVIOUS YEAR'S TOTAL TRANSPORTATION TASKS FOR ALL TNCs OPERATING IN THE STATE, AS ADJUSTED FOR INFLATION BY THE DIRECTOR.

(III) IN CONSIDERING WHETHER AN ORGANIZATION IS A DRIVER SUPPORT ORGANIZATION AS DEFINED IN SUBSECTION (1)(j) OF THIS SECTION, WHETHER THE ORGANIZATION QUALIFIES FOR CERTIFICATION, AND WHETHER TO APPROVE THE ORGANIZATION'S PROPOSED ANNUAL BUDGET, THE DIVISION:

(A) SHALL CONSIDER EVIDENCE SUBMITTED BY THE ORGANIZATION AND ANY EVIDENCE SUBMITTED BY THE PUBLIC, INCLUDING ANY EVIDENCE SUBMITTED BY OTHER DRIVER SUPPORT ORGANIZATIONS; AND

(B) MAY REQUEST FROM THE ORGANIZATION OR FROM ANY TNC THE NUMBER OF DRIVERS THAT THE ORGANIZATION SERVED IN THE STATE IN THE PREVIOUS YEAR AND WHETHER THE DRIVER SUPPORT ORGANIZATION HAS, DIRECTLY OR INDIRECTLY, RECEIVED SUPPORT FROM A TNC.

(IV) THE DIVISION MAY APPROVE, REJECT, OR REQUIRE REVISION AND RESUBMISSION OF AN APPLICATION FOR CERTIFICATION OR APPROVAL OF A PROPOSED ANNUAL BUDGET.

(V) THE DIVISION SHALL POST EACH DRIVER SUPPORT ORGANIZATION'S CERTIFICATION APPLICATION AND PROPOSED ANNUAL BUDGET ON THE DIVISION'S WEBSITE. THE DIVISION SHALL NOT CERTIFY AN ORGANIZATION OR APPROVE A PROPOSED ANNUAL BUDGET UNTIL AT LEAST THIRTY DAYS AFTER THE DIVISION HAS POSTED THE APPLICATION OR PROPOSED BUDGET.

(VI) IN CONSIDERING A DRIVER SUPPORT ORGANIZATION'S PROPOSED BUDGET SUBMITTED PURSUANT TO SUBSECTION (6)(a)(II)(A) OF THIS SECTION, THE DIVISION SHALL CONSIDER THE ORGANIZATION'S RECORD OF SERVING DEACTIVATED DRIVERS. UPON APPROVING THE CERTIFIED DRIVER SUPPORT ORGANIZATION'S PROPOSED ANNUAL BUDGET, THE DIVISION SHALL DIRECT EACH TNC TO REMIT A QUARTERLY SHARE OF THE CERTIFIED DRIVER SUPPORT ORGANIZATION'S APPROVED ANNUAL BUDGET TO THE CERTIFIED DRIVER SUPPORT ORGANIZATION WITHIN FIFTEEN DAYS AFTER THE END OF EACH CALENDAR QUARTER.

(VII) THE CERTIFIED DRIVER SUPPORT ORGANIZATION'S ANNUAL BUDGET MAY INCREASE DURING THE COURSE OF THE ORGANIZATION'S THREE-YEAR CERTIFICATION PERIOD BASED ON INCREASES IN TRANSPORTATION TASKS AND THE EXTENT OF SERVICES THAT THE DRIVER SUPPORT ORGANIZATION PROVIDED TO DRIVERS SERVED BY THE DRIVER SUPPORT ORGANIZATION.

(VIII) EACH TNC SHALL PROVIDE TO THE DIVISION THE TOTAL NUMBER OF ANNUAL TRANSPORTATION TASKS BEGINNING IN THE STATE IN THE PRECEDING YEAR

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WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND BY JANUARY 15 IN EACH FOLLOWING YEAR.

(IX) EVERY SIX MONTHS DURING A DRIVER SUPPORT ORGANIZATION'S CERTIFICATION PERIOD, THE ORGANIZATION SHALL CERTIFY TO THE DIVISION THAT THE ORGANIZATION CONTINUES TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION. TO DEMONSTRATE ITS CONTINUED COMPLIANCE, THE ORGANIZATION SHALL SUBMIT TO THE DIVISION DOCUMENTATION AND INFORMATION REGARDING THE NUMBER OF DRIVERS THAT THE ORGANIZATION SERVES AND THE EXTENT OF ITS SERVICES. THE ORGANIZATION SHALL NOT SUBMIT TO THE DIVISION A LIST OF MEMBERS OR DRIVERS SERVED.

(X) THE DIVISION MAY REVOKE A DRIVER SUPPORT ORGANIZATION'S CERTIFICATION OR ALTER OR REVOKE THE DIVISION'S APPROVAL OF THE CERTIFIED ORGANIZATION'S BUDGET AT ANY TIME IF CLEAR AND CONVINCING EVIDENCE DEMONSTRATES THAT THE ORGANIZATION:

(A) IS MISALLOCATING MONEY IT HAS RECEIVED FROM A TNC PURSUANT TO SUBSECTION (6)(a)(VI) OF THIS SECTION; OR

(B) NO LONGER QUALIFIES ASA DRIVER SUPPORT ORGANIZATION.

(XI) IF A TNC ELECTS TO DESCRIBE THE PER-TRIP AMOUNT ALLOCATED TO THE DRIVER SUPPORT ORGANIZATION ANNUAL BUDGET ON A CONSUMER RECEIPT, THE TNC MAY ONLY INDICATE THAT THE DEDUCTION WILL BE USED IN PART TO SUPPORT THE STATE'S CERTIFIED DRIVER SUPPORT ORGANIZATION.

(XII) FOLLOWING THE COMPLETION OF EACH THREE-YEAR CERTIFICATION PERIOD, THE DIVISION MAY INCREASE THE PER-TRIP AMOUNT THAT A TNC IS REQUIRED TO PAY PURSUANT TO SUBSECTION (6)(a)(II)(C) OF THIS SECTION IF THE DIVISION DETERMINES THAT THE INCREASE IS NECESSARY TO COVER THE CERTIFIED DRIVER SUPPORT ORGANIZATION'S COSTS AND THE INCREASE DOES NOT EXCEED THE RATE OF INFLATION DURING THE PREVIOUS THREE-YEAR CERTIFICATION PERIOD.

(b) Certified driver support organization - TNC notice to drivers - organization responsibilities. (I) ON OR BEFORE OCTOBER 30, 2025, EACH TNC SHALL PROVIDE NOTICE TO EACH DRIVER IN THE STATE THE NAME OF THE DRIVER SUPPORT ORGANIZATION CERTIFIED PURSUANT TO SUBSECTION (6)(a) OF THIS SECTION. AS PART OF THE NOTICE, THE TNC SHALL ALSO INFORM DRIVERS:

(A) THAT THE ORGANIZATION HAS BEEN CERTIFIED AS A DRIVER SUPPORT ORGANIZATION AND HAS MET CERTAIN CRITERIA AS APPROVED BY THE DIVISION;

(B) THAT THE ORGANIZATION IS APPROVED BY THE STATE TO REPRESENT DRIVERS IN THE DEACTIVATION PROCESS AND EDUCATE DRIVERS, BUT THAT A DRIVER IS NOT REQUIRED TO AUTHORIZE THE ORGANIZATION TO REPRESENT THE DRIVER; AND

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(C) OF THE ORGANIZATION'S CONTACT INFORMATION, INCLUDING PHONE NUMBER, E-MAIL ADDRESS, WEB ADDRESS, AND PHYSICAL ADDRESS.

(II) ON AND AFTER OCTOBER 31, 2025, EACH TNC SHALL PROVIDE THE NOTICE DESCRIBED IN SUBSECTION (6)(b)(I) OF THIS SECTION TO:

(A) EACH NEW DRIVER BEFORE THE DRIVER ENGAGES IN A TRANSPORTATION TASK FOR THE TNC; AND

(B) ANY DRIVER UPON BEING SUSPENDED OR DEACTIVATED.

(III) PURSUANT TO A WRITTEN AUTHORIZATION FROM A DRIVER WHO HAS BEEN DEACTIVATED, THE CERTIFIED DRIVER SUPPORT ORGANIZATION MAY REPRESENT OR SUPPORT THE DRIVER THROUGH THE PROCEDURES MADE AVAILABLE TO THE DEACTIVATED DRIVER THROUGH THE DRIVER'S CONTRACT WITH THE TNC OR OTHERWISE MADE AVAILABLE UNDER THE LAW. AN EMPLOYEE OF THE ORGANIZATION MAY PROVIDE SUCH REPRESENTATION OR SUPPORT TO A DRIVER REGARDLESS OF WHETHER THE EMPLOYEE IS AUTHORIZED TO PRACTICE LAW IN THE STATE.

(IV)(A) THE CERTIFIED DRIVER SUPPORT ORGANIZATION IS REQUIRED TO PROVIDE REASONABLE AND FAIR REPRESENTATION TO DRIVERS BASED ON THE ORGANIZATION'S APPROVED ANNUAL BUDGET AND ITS REASONABLE ASSESSMENT OF EACH DRIVER'S CASE.

(B) THE ORGANIZATION SHALL NOT DENY REASONABLE REPRESENTATION TO ANY DRIVER IN ANY MANNER THAT IS ARBITRARY, DISCRIMINATORY, OR IN BAD FAITH.

(C) THE ORGANIZATION SHALL NOT ADVANCE FILING FEES TO DRIVERS IN ANY DISPUTE RELATED TO A DEACTIVATION RECONSIDERATION OR AN APPEAL OR ACTION ARISING FROM A DEACTIVATION.

(D) IN DISPUTES RELATED TO A DEACTIVATION RECONSIDERATION OR AN APPEAL OR ACTION ARISING FROM A DEACTIVATION, PREVAILING DRIVERS ARE ENTITLED TO RECOVER FILING FEES.

(c) **Division rules.** THE DIVISION MAY ADOPT RULES TO INTERPRET AND IMPLEMENT THIS SUBSECTION (6) AND TO ENSURE TNCs' AND DRIVER SUPPORT ORGANIZATIONS' COMPLIANCE WITH THIS SUBSECTION (6).

(7) (a) **Driver support organization - voluntary dues deduction.** ON OR BEFORE SEPTEMBER 1, 2025, A TNC SHALL PROVIDE A DRIVER AN OPPORTUNITY TO MAKE A VOLUNTARY, PER-TRIP DEDUCTION ON THE DRIVER'S EARNINGS TO CONTRIBUTE TO THE CERTIFIED DRIVER SUPPORT ORGANIZATION IN AN AMOUNT BETWEEN ONE AND ONE HALF PERCENT OR THREE PERCENT PER RIDE IF:

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(I) THE ORGANIZATION IS IN GOOD STANDING;

(II) ONE HUNDRED OR MORE DRIVERS ON A TNC'S DIGITAL PLATFORM HAVE AUTHORIZED SUCH DEDUCTION AND CONTRIBUTION TO A SPECIFIC DRIVER SUPPORT ORGANIZATION; AND

(III) THE DRIVER HAS EXPRESSLY AUTHORIZED THE DEDUCTION IN WRITING, WHICH WRITTEN AUTHORIZATION MUST INCLUDE, AT A MINIMUM, SUFFICIENT INFORMATION TO IDENTIFY THE DRIVER AND THE DRIVER'S DESIRED PER-TRIP DEDUCTION PERCENTAGE.

(b) THE TNC MAY REQUIRE A DRIVER'S WRITTEN AUTHORIZATION PROVIDED PURSUANT TO SUBSECTION (7)(a)(III) OF THIS SECTION TO BE SUBMITTED BY THE DRIVER SUPPORT ORGANIZATION IN AN ELECTRONIC FORMAT.

(c) A TNC SHALL MAKE THE FIRST AUTHORIZED DEDUCTIONS FROM A DRIVER'S EARNINGS WITHIN THIRTY DAYS AFTER RECEIVING A DRIVER'S WRITTEN AUTHORIZATION AND SHALL REMIT THE AMOUNTS DEDUCTED TO THE DRIVER SUPPORT ORGANIZATION ON A MONTHLY BASIS AND NO LATER THAN TWENTY-EIGHT DAYS AFTER THE END OF THE PREVIOUS MONTH.

(d) A DRIVER'S WRITTEN AUTHORIZATION REMAINS IN EFFECT UNTIL THE DRIVER PROVIDES AN EXPRESS REVOCATION TO THE TNC.

(e) A TNC SHALL RELY ON INFORMATION THAT THE DRIVER SUPPORT ORGANIZATION PROVIDES THE TNC REGARDING A DRIVER'S WRITTEN AUTHORIZATION AND EXPRESS REVOCATION.

(f) UPON REQUEST BY A TNC, THE DRIVER SUPPORT ORGANIZATION SHALL REIMBURSE THE TNC FOR THE TNC'S COSTS ASSOCIATED WITH ADMINISTERING THE DEDUCTIONS AND REMITTANCE TO THE DRIVER SUPPORT ORGANIZATION.

(g) A DRIVER SUPPORT ORGANIZATION SHALL NOT REPRESENT OR IMPLY THAT THE EARNINGS DEDUCTIONS AUTHORIZED IN THIS SUBSECTION (7) ARE MANDATORY OR PROVIDE DIFFERING LEVELS OF SUPPORT FOR ANY DEACTIVATION IN ACCORDANCE WITH SUBSECTION (6)(b) OF THIS SECTION BASED ON WHETHER A DRIVER HAS OPTED INTO VOLUNTARY DEDUCTIONS PURSUANT TO THIS SUBSECTION (7).

(8) **Dispute resolution - rights.** IN ADDITION TO ANY OTHER CONSTRAINTS IMPOSED BY LAW, A TNC SHALL NOT INCLUDE IN ANY CONTRACT WITH A DRIVER IN RELATION TO ANY DEACTIVATION RECONSIDERATION OR APPEAL OR ACTION ARISING FROM A DEACTIVATION:

(a) A REQUIREMENT THAT DISPUTES BETWEEN THE DRIVER AND THE TNC BE ADJUDICATED OUT OF STATE; EXCEPT THAT THE TNC MAY CONDUCT ITS INTERNAL DEACTIVATION CHALLENGE PROCESS ESTABLISHED PURSUANT TO SUBSECTION (5)(a)

OF THIS SECTION THROUGH CORRESPONDENCE WITH OUT-OF-STATE TNC REPRESENTATIVES SO LONG AS THE DRIVER IS NOT REQUIRED TO TRAVEL TO COMPLETE THE PROCESS;

(b) A WAIVER OF RIGHTS GRANTED THROUGH FEDERAL, STATE, OR LOCAL LAW, EXCEPT WITH RESPECT TO A WAIVER OF THE RIGHT TO A JURY TRIAL THROUGH AN ARBITRATION PROVISION;

(c) A REQUIREMENT THAT THE DRIVER PAY ANY FEE EXCEEDING THE AMOUNT THAT THE DRIVER WOULD HAVE HAD TO PAY IF BRINGING THE SAME ACTION IN FEDERAL DISTRICT COURT IN THE STATE, INCLUDING ANY FEE REDUCTION THAT THE DRIVER WOULD HAVE BEEN ELIGIBLE FOR IN FEDERAL DISTRICT COURT IN THE STATE BASED ON A DETERMINATION THAT THE DRIVER IS INDIGENT;

(d) A REQUIREMENT THAT THE DRIVER PAY THE TNC'S COSTS OR ATTORNEY FEES;
OR

(e) A REQUIREMENT THAT THE DISPUTE BE ADJUDICATED, ARBITRATED, OR RESOLVED BY ANY PERSON OR ORGANIZATION THAT IS NOT A NEUTRAL THIRD PARTY.

(9) **Semiannual disclosures to the division.** ON AUGUST 1, 2026, AND ON A SEMIANNUAL BASIS THEREAFTER, A TRANSPORTATION NETWORK COMPANY SHALL MAKE THE FOLLOWING DISCLOSURES TO THE DIVISION:

(a) THE NUMBER OF DRIVER DEACTIVATIONS DURING THE REPORTING PERIOD;

(b) THE NUMBER OF DEACTIVATION RECONSIDERATIONS:

(I) REQUESTED DURING THE REPORTING PERIOD;

(II) THAT OCCURRED DURING THE REPORTING PERIOD;

(III) THAT RESULTED IN DRIVER REACTIVATION; AND

(IV) THAT RESULTED IN CONFIRMATION OF THE DEACTIVATION;

(c) FOR EACH DRIVER AFFECTED BY A DEACTIVATION EVENT LISTED IN SUBSECTION (9)(a) OR (9)(b) OF THIS SECTION, THE DRIVER'S DEMOGRAPHIC INFORMATION, WHEN AVAILABLE, INCLUDING GENDER AND GENDER IDENTITY AND THE DEFAULT LANGUAGE THE DRIVER HAS SELECTED IN THE TNC'S DIGITAL PLATFORM;

(d)(I) FOR A SAMPLE SIZE OF ONE THOUSANDTH OF THE TRANSPORTATION TASKS FOR WHICH A TNC DISPATCHES A DRIVER, OR AN AMOUNT LESS AS AUTHORIZED BY THE DIRECTOR BY RULE, AND PURSUANT TO A REPRESENTATIVE AND REPRODUCIBLE

SAMPLING METHODOLOGY DETERMINED AND DESIGNED BY THE DIRECTOR AND IN CONSULTATION WITH THE TNCs:

(A) THE DRIVER'S LICENSE NUMBER OR OTHER UNIQUE NUMERICAL IDENTIFIER ASSOCIATED WITH THE DRIVER;

(B) WHETHER THE RIDE WAS CANCELED AND, IF SO, BY WHOM;

(C) THE TOTAL MILEAGE DRIVEN DURING DISPATCH PLATFORM TIME;

(D) THE TOTAL MILEAGE DRIVEN DURING CONSUMER PLATFORM TIME;

(E) THE STARTING AND ENDING ZIP CODE FOR THE TRANSPORTATION TASK;

(F) THE TOTAL DISPATCH PLATFORM TIME;

(G) WHETHER THE RIDE CONTRIBUTED TO DRIVER COMPLETION OF A QUEST OR INCENTIVE THAT LED TO BONUS COMPENSATION NOT TIED EXCLUSIVELY TO THE INDIVIDUAL TRANSPORTATION TASK;

(H) THE TIME OF DAY OR NIGHT THAT THE TRANSPORTATION TASK BEGAN;

(I) THE TOTAL CONSUMER PLATFORM TIME;

(J) THE TOTAL AMOUNT THAT THE CONSUMER PAID FOR THE TRANSPORTATION TASK, DISAGGREGATED TO SHOW THE AMOUNT OF ANY TIP; AND

(K) THE TOTAL AMOUNT THAT THE DRIVER RECEIVED FOR THE TRANSPORTATION TASK, DISAGGREGATED TO SHOW THE AMOUNT OF THE TIP, IF ANY, AND THE AMOUNT OF ANY PASS-THROUGHS FOR TOLLS OR OTHER ITEMS SPECIFIC TO THE TRANSPORTATION TASK.

(II) TO ENSURE THE RELIABILITY OF A TNC'S SAMPLING PROCESS USED PURSUANT TO THIS SUBSECTION (9)(d) AND THE TNC'S COMPLIANCE WITH THE SAMPLING PROCESS, THE DIRECTOR MAY AUDIT THE TNC'S SAMPLING PROCESS BY REQUIRING THE TNC TO PROVIDE THE DIRECTOR THE TOTAL NUMBER OF DISPATCHED TRANSPORTATION TASKS MADE DURING THE RELEVANT SEMI-ANNUAL PERIOD.

(e) FOR EACH DRIVER WHO WAS ACTIVATED OR LOGGED IN TO THE TNC'S DIGITAL PLATFORM DURING THE REPORTING PERIOD:

(I) THE DRIVER'S LICENSE NUMBER OR OTHER UNIQUE NUMERICAL IDENTIFIER ASSOCIATED WITH THE DRIVER;

(II) THE TOTAL TIME THE DRIVER SPENT DURING THE REPORTING PERIOD ON:

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(A) DISPATCH PLATFORM TIME; AND

(B) CONSUMER PLATFORM TIME;

(III) THE TOTAL MILES DRIVEN DURING THE REPORTING PERIOD WHILE THE DRIVER WAS ON:

(A) AVAILABLE PLATFORM TIME;

(B) DISPATCH PLATFORM TIME; AND

(C) CONSUMER PLATFORM TIME; AND

(IV) THE TOTAL AMOUNT OF MONEY PAID TO THE DRIVER BY THE TNC DURING THE REPORTING PERIOD, DISAGGREGATED TO SHOW:

(A) THE AMOUNT OF TIPS;

(B) THE AMOUNT OF PASS-THROUGHS;

(C) THE AMOUNT OF BONUS OR INCENTIVE COMPENSATION;

(D) THE AMOUNT OF COMPENSATION ASSOCIATED WITH INDIVIDUAL TRANSPORTATION TASKS, EXCLUDING AMOUNTS DISCLOSED IN SUBSECTIONS (9)(e)(IV)(A) TO (9)(e)(IV)(C) OF THIS SECTION; AND

(E) ANY OTHER AMOUNTS PAID TO THE DRIVER DURING THE REPORTING PERIOD.

(10) **Public availability of TNC semiannual disclosures.** THE INFORMATION THAT A TRANSPORTATION NETWORK COMPANY PROVIDES THROUGH SEMIANNUAL DISCLOSURES IN ACCORDANCE WITH SUBSECTION (9) OF THIS SECTION TO THE DIVISION IS A PUBLIC RECORD, AS DEFINED IN SECTION 24-72-202 (6). PRIOR TO ANY DISCLOSURE OF THE INFORMATION PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24, THE DIVISION SHALL:

(a) GIVE NOTICE TO THE TNC THAT PROVIDED THE DISCLOSURE AND AFFORD THE TNC AN OPPORTUNITY TO OBJECT TO THE DISCLOSURE; AND

(b) REDACT THE INFORMATION TO PROTECT DRIVERS' IDENTITIES AND PRIVACY.

(11) **Transparency for drivers and consumers.** (a) ON AND AFTER FEBRUARY 1, 2025, AT THE TIME OF OFFERING A TRANSPORTATION TASK TO A DRIVER FOR ACCEPTANCE, A TRANSPORTATION NETWORK COMPANY SHALL ELECTRONICALLY DISCLOSE TO THE DRIVER:

(I) THE DISTANCE AND CARDINAL OR INTERCARDINAL DIRECTION FROM THE

DRIVER'S LOCATION TO THE CONSUMER'S OR RIDER'S DESTINATION. FOR SHARED RIDES, THE RELEVANT DESTINATION IS THE DESTINATION OF THE LAST CONSUMER OR RIDER THAT THE DRIVER DROPS OFF, WHEN AVAILABLE.

(II) BEFORE ANY TIP IS ADDED, THE TOTAL AMOUNT OF MONEY THAT THE TNC WILL PAY THE DRIVER FOR THE TRANSPORTATION TASK, EXCLUDING ANY PASS-THROUGHS;

(III) THE AGGREGATE ESTIMATED MILEAGE THAT THE DRIVER WILL DRIVE DURING DISPATCH PLATFORM TIME AND CONSUMER PLATFORM TIME FOR THE TRANSPORTATION TASK;

(IV) THE AGGREGATE ESTIMATED TIME THAT THE DRIVER WILL SPEND DURING DISPATCH PLATFORM TIME AND CONSUMER PLATFORM TIME DURING THE TRANSPORTATION TASK; AND

(V) IF THE CONSUMER HAS ALREADY INDICATED A TIP AMOUNT, THE AMOUNT OF THE TIP.

(b) WHEN A DRIVER RESUMES AVAILABLE PLATFORM TIME AFTER COMPLETING A TRANSPORTATION TASK, A TNC SHALL ELECTRONICALLY DISCLOSE TO THE DRIVER ON A SINGLE SCREEN ON THE DIGITAL PLATFORM:

(I) THE TOTAL AMOUNT OF MONEY THAT THE CONSUMER PAID FOR THE TRANSPORTATION TASK BEFORE ANY TIP WAS ADDED;

(II) THE TOTAL AMOUNT OF MONEY PAID TO THE DRIVER FOR THE TRANSPORTATION TASK BEFORE ANY TIP WAS ADDED, EXCLUDING PASS-THROUGHS, IF ANY; AND

(III) THE AMOUNT OF THE TIP, IF ANY.

(c) WITHIN TWENTY-FOUR HOURS AFTER DISCLOSING THE INFORMATION REQUIRED TO BE DISCLOSED IN ACCORDANCE WITH SUBSECTION (11)(b) OF THIS SECTION, THE TNC SHALL PROVIDE A COPY OF THE INFORMATION TO THE DRIVER BY E-MAIL OR OTHER MECHANISM THAT REMAINS ACCESSIBLE TO THE DRIVER FOR AT LEAST ONE YEAR.

(d) AS SOON AS THE INFORMATION IS AVAILABLE TO A TNC, AND BEFORE THE TNC OFFERS A CONSUMER THE OPTION TO TIP THE DRIVER, THE TNC SHALL ELECTRONICALLY DISCLOSE TO THE CONSUMER ON A SINGLE SCREEN ON THE DIGITAL PLATFORM:

(I) THE TOTAL AMOUNT OF MONEY THAT THE CONSUMER PAID OR WILL PAY FOR THE TRANSPORTATION TASK, EXCLUDING ANY TIP; AND

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(II) THE TOTAL AMOUNT OF MONEY THAT THE DRIVER RECEIVED OR WILL RECEIVE FOR THE TRANSPORTATION TASK BEFORE ANY TIP IS ADDED, EXCLUDING PASS-THROUGHS, IF ANY.

(e) THE INFORMATION DISCLOSED TO DRIVERS AND CONSUMERS PURSUANT TO SUBSECTIONS (11)(b) TO (11)(d) OF THIS SECTION MUST BE:

(I) PROMINENTLY DISPLAYED ON THE SINGLE SCREEN ON THE DIGITAL PLATFORM OR IN THE E-MAIL;

(II) IN A FONT THAT IS LARGER THAN THE FONT USED TO PRESENT ANY OTHER INFORMATION ON THE SCREEN OR IN THE E-MAIL; AND

(III) PRESENTED USING DESIGN TECHNIQUES INTENDED TO DRAW THE EYE TO THE INFORMATION.

(f) A TNC SHALL DISCLOSE TO EACH DRIVER WHO ACTIVATED THE TNC'S DIGITAL PLATFORM DURING THE PREVIOUS MONTH VIA E-MAIL OR OTHER MECHANISM THAT REMAINS ACCESSIBLE TO THE DRIVER FOR AT LEAST ONE YEAR THE FOLLOWING INFORMATION REGARDING THE DRIVER FOR THE PREVIOUS MONTH OR PREVIOUS REPORTING PERIOD IF THE TNC REGULARLY PROVIDES THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (11)(f) MORE FREQUENTLY THAN MONTHLY:

(I) DRIVER PAY BEFORE EXPENSES;

(II) DRIVER TIPS BEFORE EXPENSES;

(III) THE TOTAL TIME THAT THE DRIVER SPENT ON:

(A) AVAILABLE PLATFORM TIME;

(B) DISPATCH PLATFORM TIME; AND

(C) CONSUMER PLATFORM TIME;

(IV) THE TOTAL MILES THAT THE DRIVER DROVE DURING THE DRIVER'S:

(A) AVAILABLE PLATFORM TIME;

(B) DISPATCH PLATFORM TIME; AND

(C) CONSUMER PLATFORM TIME; AND

(V) THE TOTAL AMOUNT THE DRIVER MAY BE ENTITLED TO DEDUCT FROM INCOME CALCULATED USING THE IRS BUSINESS MILEAGE DEDUCTION RATE FOR ALL MILES KNOWN TO THE TNC TO HAVE BEEN DRIVEN DURING THE DRIVER'S:

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- (A) AVAILABLE PLATFORM TIME;
- (B) DISPATCH PLATFORM TIME; AND
- (C) CONSUMER PLATFORM TIME.

(12) Driver acceptance or rejection of a transportation task. ON AND AFTER FEBRUARY 1, 2025, A TRANSPORTATION NETWORK COMPANY SHALL NOT SUSPEND, DEACTIVATE, OR RETALIATE AGAINST A DRIVER BASED ON THE DRIVER'S LAWFUL ACCEPTANCE OR REJECTION OF ONE OR MORE TRANSPORTATION TASKS BY HAMPERING DRIVER ACCESS TO:

- (a) DRIVER SUPPORT;
- (b) RIDE OFFERS; OR
- (c) DESTINATION OR AREA PREFERENCES.

(13) Penalties, fines, and enforcement. (a) IF A TRANSPORTATION NETWORK COMPANY VIOLATES THIS SECTION, THE TNC MAY BE SUBJECT TO:

(I) MONETARY DAMAGES IN THE AMOUNT OF ONE THOUSAND DOLLARS, AS DETERMINED BY THE DIRECTOR OR BY A COURT IN A CIVIL ACTION BROUGHT PURSUANT TO SUBSECTION (13)(d) OF THIS SECTION, ON A PER-CONSUMER OR PER-DRIVER BASIS, WHICH AMOUNT THE TNC SHALL PAY TO THE CONSUMER OR DRIVER AFFECTED BY THE VIOLATION;

(II) A FINE OF ONE HUNDRED DOLLARS PER VIOLATION, AS DETERMINED BY THE DIRECTOR ON A PER-CONSUMER OR PER-DRIVER BASIS, WHICH AMOUNT THE TNC SHALL PAY TO THE DIVISION. THE DIVISION SHALL TRANSMIT ALL CIVIL FINES COLLECTED PURSUANT TO THIS SUBSECTION (13)(d)(II) TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE GENERAL FUND.

(III) INJUNCTIVE RELIEF PURSUANT TO SUBSECTION (13)(d)(II) OF THIS SECTION.

(b) THE DIVISION MAY INVESTIGATE ALLEGED VIOLATIONS IN RESPONSE TO COMPLAINTS FILED OR AT THE DIVISION'S DISCRETION.

(c) THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR DRIVERS AND CONSUMERS TO SUBMIT COMPLAINTS TO THE DIVISION AND FOR THE DIVISION'S INVESTIGATIONS, HEARINGS, AND IMPOSITION OF FINES PURSUANT TO THIS SUBSECTION (13).

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

- (A) THE PERSON RESIDES;

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(B) THE VIOLATION OCCURRED; OR

(C) THE TNC HAS A PHYSICAL PLACE OF BUSINESS IN THE STATE.

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

(B) IF A PERSON PREVAILS ON ANY CLAIM RAISED IN A CIVIL ACTION BROUGHT AGAINST A TNC UNDER THIS SUBSECTION (13)(d), THE PERSON IS ENTITLED TO RECOVER COSTS AND REASONABLE ATTORNEY FEES.

(14) **Rules.** THE DIRECTOR MAY ADOPT RULES AS NECESSARY TO IMPLEMENT THIS SECTION.

(15) **Public utilities commission's authority over TNCs.** NOTHING IN THIS SECTION NEGATES, LIMITS, ALTERS, OR DISPLACES THE COMMISSION'S AUTHORITY TO REGULATE TRANSPORTATION NETWORK COMPANIES PURSUANT TO PART 6 OF ARTICLE 10.1 OF TITLE 40 OR PREVENTS A DRIVER OR CONSUMER FROM SEEKING ENFORCEMENT BY THE COMMISSION AGAINST AN ALLEGED VIOLATOR OR A REMEDY FOR A VIOLATION OF PART 6 OF ARTICLE 10.1 OF TITLE 40.

SECTION 2. Appropriation. For the 2024-25 state fiscal year, \$164,741 is appropriated to the department of labor and employment for use by the division of labor standards and statistics. This appropriation is from the general fund and is based on an assumption that the division will require an additional 1.5 FTE. To implement this act, the division may use this appropriation for program costs related to labor standards.

SECTION 3. 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; 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2024