

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0385.01 Jennifer Berman x3286

HOUSE BILL 26-1043

HOUSE SPONSORSHIP

Rydin,

SENATE SPONSORSHIP

(None),

House Committees

Business Affairs & Labor
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ADDRESS DISCRIMINATORY CONDUCT**
102 **ENGAGED IN BY TRANSPORTATION NETWORK COMPANY DRIVERS**
103 **IN PROVIDING SERVICES TO RIDERS.**

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>.)

Under current law, the public utilities commission (commission) may assess a civil penalty in an amount up to \$550 against a transportation network company (TNC) if the TNC had written notice of a TNC driver's violation of certain prohibitions against discriminating against riders and the TNC failed to reasonably address the violation.

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.

Additionally, a driver is required to report to the TNC any refusal by the driver to provide services to a rider, and the TNC is required to annually report all such refusals to the commission.

The bill removes the condition that a TNC first have written notice of a driver's violation of the discriminatory prohibitions before a civil penalty may be assessed against the TNC and increases the maximum civil penalty to \$5,000. The bill also requires:

- A TNC to provide monthly, rather than annual, reporting to the commission regarding drivers' refusal to provide services;
- A TNC to provide a mechanism to allow a consumer to report a driver's refusal to provide transport to the consumer directly on the TNC's digital platform, which information must be included in the TNC's monthly report; and
- The commission to anonymize the TNCs' monthly reports and make the anonymized reports available to the public.

The commission may assess a civil penalty in an amount up to \$5,000 for a TNC's failure to comply with the reporting requirements.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-605, **amend**
3 **(7) and (9); and add (6)(e) as follows:**

4 **40-10.1-605. Operational requirements - rules.**

5 **(6) (e) EXCEPT FOR TRANSPORTATION NETWORK COMPANIES THAT**
6 **PROVIDE A MAJORITY OF SERVICES FOR SCHOOL DISTRICTS OR SCHOOLS**
7 **PURSUANT TO A CONTRACT REQUIRED BY SUBSECTION (1)(p) OF THIS**
8 **SECTION:**

9 **(I) A TRANSPORTATION NETWORK COMPANY SHALL MANDATE AND**
10 **PROVIDE EDUCATION TO DRIVERS CONCERNING THE TRANSPORTATION OF**
11 **RIDERS WITH SERVICE ANIMALS, INCLUDING EDUCATION ON THE**
12 **PROHIBITION AGAINST DENYING A SERVICE ANIMAL FROM ACCOMPANYING**
13 **A RIDER PURSUANT TO SUBSECTION (6)(c) OF THIS SECTION;**

14 **(II) A DRIVER SHALL COMPLETE THE MANDATORY SERVICE ANIMAL**

1 EDUCATION NO LATER THAN SIX MONTHS AFTER THE DRIVER IS FIRST
2 ONBOARDED ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL
3 PLATFORM OR SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS
4 SUBSECTION (6)(e), WHICHEVER IS LATER;

5 (III) A TRANSPORTATION NETWORK COMPANY MAY RESTRICT OR
6 SUSPEND A DRIVER'S ACCESS TO ITS DIGITAL PLATFORM IF THE DRIVER
7 FAILS TO COMPLETE THE MANDATORY SERVICE ANIMAL EDUCATION
8 WITHIN THE SIX-MONTH PERIOD DESCRIBED IN SUBSECTION (6)(e)(II) OF
9 THIS SECTION; AND

10 (IV) AS SOON AS PRACTICABLE, A TRANSPORTATION NETWORK
11 COMPANY SHALL ADOPT A POLICY THAT PROHIBITS UNLAWFUL
12 DISCRIMINATION, AS DESCRIBED IN THIS SUBSECTION (6), AND SHALL:

13 (A) PROVIDE THE POLICY TO EACH DRIVER ON THE
14 TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK; AND

15 (B) POST THE POLICY ON THE TRANSPORTATION NETWORK
16 COMPANY'S WEBSITE.

17 ~~(7) (a) A transportation network company is not liable for a~~
18 ~~driver's violation of subsection (6) of this section unless the driver's~~
19 ~~violation has been previously reported to the transportation network~~
20 ~~company in writing, and the transportation network company has failed~~
21 ~~to reasonably address the alleged violation. The commission shall afford~~
22 ~~a transportation network company the same due process rights afforded~~
23 ~~transportation providers in defending against~~ THE COMMISSION SHALL
24 TAKE INTO CONSIDERATION A TRANSPORTATION NETWORK COMPANY'S
25 GOOD FAITH EFFORTS, INCLUDING EFFORTS DESCRIBED IN SUBSECTION (6),
26 (9)(b), OR (9)(c) OF THIS SECTION, TO REMEDIATE A DRIVER'S FIRST
27 VIOLATION OF SUBSECTION (6) OF THIS SECTION AND THE TOTAL NUMBER

1 OF VIOLATIONS BY A TRANSPORTATION NETWORK COMPANY THAT HAVE
2 OCCURRED IN THE PRECEDING TWELVE MONTHS IN DETERMINING WHETHER
3 TO ASSESS CIVIL PENALTIES AND THE AMOUNT OF THE civil penalties
4 assessed by the commission PURSUANT TO SUBSECTION (7)(b) OF THIS
5 SECTION.

6 (b) The commission may assess a civil penalty IN AN AMOUNT up
7 to ~~five hundred fifty~~ ONE THOUSAND THREE HUNDRED dollars ~~under this~~
8 ~~subsection (7)~~ FOR A TRANSPORTATION NETWORK COMPANY'S VIOLATION
9 OF SUBSECTION (6), (9)(b), OR (9)(c) OF THIS SECTION.

10 (9) (a) A driver shall immediately report to the transportation
11 network company any refusal to transport a passenger pursuant to
12 ~~paragraph (a) of subsection (6)~~ SUBSECTION (6) of this section. ~~and~~

13 (b) The transportation network company shall ~~annually~~ report ~~all~~
14 ~~such refusals~~ ANY REFUSALS TO TRANSPORT IN VIOLATION OF SUBSECTION
15 (6) OF THIS SECTION to the commission ON A MONTHLY BASIS in a form
16 and manner determined by the commission; EXCEPT THAT A
17 TRANSPORTATION NETWORK COMPANY THAT PROVIDES A MAJORITY OF
18 SERVICES FOR SCHOOL DISTRICTS OR SCHOOLS PURSUANT TO A CONTRACT
19 REQUIRED BY SUBSECTION (1)(p) OF THIS SECTION SHALL SUBMIT THE
20 REPORTS ON A QUARTERLY BASIS.

21 (c) EXCEPT FOR TRANSPORTATION NETWORK COMPANIES THAT
22 PROVIDE A MAJORITY OF SERVICES FOR SCHOOL DISTRICTS OR SCHOOLS
23 PURSUANT TO A CONTRACT REQUIRED BY SUBSECTION (1)(p) OF THIS
24 SECTION, A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE A
25 MECHANISM TO ALLOW A CONSUMER TO REPORT DIRECTLY ON THE
26 TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM A DRIVER'S
27 REFUSAL TO TRANSPORT THE CONSUMER IN VIOLATION OF SUBSECTION (6)

1 OF THIS SECTION. THE REPORTING MECHANISM MUST BE ACCESSIBLE AND
2 EASILY NAVIGABLE ON THE DIGITAL PLATFORM. THE TRANSPORTATION
3 NETWORK COMPANY SHALL INCLUDE ANY CONSUMER REPORTS RECEIVED
4 PURSUANT TO THIS SUBSECTION (9)(c) IN THE TRANSPORTATION NETWORK
5 COMPANY'S MONTHLY REPORTS SUBMITTED PURSUANT TO SUBSECTION
6 (9)(b) OF THIS SECTION.

7 (d) THE COMMISSION SHALL AGGREGATE AND ANONYMIZE THE
8 DATA INCLUDED IN THE MONTHLY REPORTS SUBMITTED PURSUANT TO
9 SUBSECTIONS (9)(b) AND (9)(c) OF THIS SECTION; INCLUDE IN THE
10 AGGREGATED, ANONYMIZED MONTHLY REPORTS INFORMATION ON THE
11 ANNUAL NUMBER OF REFUSALS TO TRANSPORT IN VIOLATION OF
12 SUBSECTION (6) OF THIS SECTION AND THIS SUBSECTION (9), INCLUDING
13 THE NUMBER OF INVESTIGATIONS AND REMEDIATIONS MADE; AND MAKE
14 THE AGGREGATED, ANONYMIZED MONTHLY REPORTS AVAILABLE TO THE
15 PUBLIC.

16 **SECTION 2. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect January 1, 2027; except that, if a
18 referendum petition is filed pursuant to section 1 (3) of article V of the
19 state constitution against this act or an item, section, or part of this act
20 within the ninety-day period after final adjournment of the general
21 assembly, then the act, item, section, or part will not take effect unless
22 approved by the people at the general election to be held in November
23 2026 and, in such case, will take effect January 1, 2027, or on the date of
24 the official declaration of the vote thereon by the governor, whichever is
25 later.

26 (2) This act applies to conduct occurring on or after the applicable
27 effective date of this act.