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HOUSE BILL 26-1043

BY REPRESENTATIVE(S) Rydin and Paschal, Bacon, Boesenecker, Brown, Clifford, Duran, English, Froelich, Jackson, Marshall, Nguyen, Ricks, Rutinel, Sirota, Story, Willford, Zokaie, McCluskie;
also SENATOR(S) Kipp, Benavidez, Cutter, Exum, Gonzales J., Hinrichsen, Jodeh, Kolker, Marchman, Sullivan, Wallace, Coleman.

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

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

SECTION 1. In Colorado Revised Statutes, 40-10.1-605, **amend** (7) and (9); and **add** (6)(e) and (11) as follows:

40-10.1-605. Operational requirements - rules.

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(II) A DRIVER SHALL COMPLETE THE MANDATORY SERVICE ANIMAL EDUCATION NO LATER THAN SIX MONTHS AFTER THE DRIVER IS FIRST ONBOARDED ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM OR SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (6)(e), WHICHEVER IS LATER;

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

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

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

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

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

MONTHS IN DETERMINING WHETHER TO ASSESS CIVIL PENALTIES AND THE AMOUNT OF THE civil penalties assessed by the commission PURSUANT TO SUBSECTION (7)(b) OF THIS SECTION.

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

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

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

(c) EXCEPT FOR TRANSPORTATION NETWORK COMPANIES THAT PROVIDE A MAJORITY OF SERVICES FOR SCHOOL DISTRICTS OR SCHOOLS PURSUANT TO A CONTRACT REQUIRED BY SUBSECTION (1)(p) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE A MECHANISM TO ALLOW A CONSUMER TO REPORT DIRECTLY ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM A DRIVER'S REFUSAL TO TRANSPORT THE CONSUMER IN VIOLATION OF SUBSECTION (6) OF THIS SECTION. THE REPORTING MECHANISM MUST BE ACCESSIBLE AND EASILY NAVIGABLE ON THE DIGITAL PLATFORM. THE TRANSPORTATION NETWORK COMPANY SHALL INCLUDE ANY CONSUMER REPORTS RECEIVED PURSUANT TO THIS SUBSECTION (9)(c) IN THE TRANSPORTATION NETWORK COMPANY'S MONTHLY REPORTS SUBMITTED PURSUANT TO SUBSECTION (9)(b) OF THIS SECTION.

(d) THE COMMISSION SHALL AGGREGATE AND ANONYMIZE THE DATA INCLUDED IN THE MONTHLY REPORTS SUBMITTED PURSUANT TO SUBSECTIONS (9)(b) AND (9)(c) OF THIS SECTION; INCLUDE IN THE AGGREGATED, ANONYMIZED MONTHLY REPORTS INFORMATION ON THE

ANNUAL NUMBER OF REFUSALS TO TRANSPORT IN VIOLATION OF SUBSECTION (6) OF THIS SECTION AND THIS SUBSECTION (9), INCLUDING THE NUMBER OF INVESTIGATIONS AND REMEDIATIONS MADE; AND MAKE THE AGGREGATED, ANONYMIZED MONTHLY REPORTS AVAILABLE TO THE PUBLIC.

(11) (a) EXCEPT AS PROVIDED IN SUBSECTIONS (11)(b) AND (11)(c) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY THAT PROVIDES SERVICES PURSUANT TO SUBSECTION (1)(p) OF THIS SECTION IS GOVERNED EXCLUSIVELY BY THE TERMS OF THE CONTRACT; THIS PART 6, EXCEPT WHEREIN A TRANSPORTATION NETWORK COMPANY THAT PROVIDES SERVICES PURSUANT TO SUBSECTION (1)(p) OF THIS SECTION IS EXPLICITLY EXEMPTED FROM A PROVISION OF THIS PART 6; AND RULES THAT THE COMMISSION ADOPTS PURSUANT TO THIS PART 6.

(b) SUBSECTION (7) OF THIS SECTION DOES NOT APPLY TO TRANSPORTATION NETWORK COMPANY SERVICES PROVIDED PURSUANT TO SUBSECTION (1)(p) OF THIS SECTION, BUT APPLIES TO ALL OTHER TRANSPORTATION NETWORK COMPANY SERVICES.

(c) THIS SUBSECTION (11) DOES NOT LIMIT A TRANSPORTATION NETWORK COMPANY'S OR A DRIVER'S OBLIGATIONS UNDER APPLICABLE STATE OR FEDERAL NONDISCRIMINATION OR PUBLIC ACCOMMODATION LAWS, INCLUDING PUBLIC ACCOMMODATION LIABILITY LAWS UNDER PART 6 OF ARTICLE 34 OF TITLE 24, FOR DENIAL OF SERVICES OR OTHER PROHIBITED DISCRIMINATORY BEHAVIOR.

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect January 1, 2027; 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 the ninety-day period after final adjournment of the general assembly, 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 2026 and, in such case, will take effect January 1, 2027, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

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

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO