

An Act

HOUSE BILL 26-1424

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also SENATOR(S) Cutter and Wallace, Bridges, Coleman, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Lindstedt, Marchman, Sullivan, Amabile, Ball, Benavidez, Danielson.

CONCERNING MEASURES TO INCREASE PROTECTIONS FOR PERSONS ENGAGED WITH TRANSPORTATION NETWORK COMPANIES.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Coloradans increasingly rely on a range of transportation modes, including transportation network companies, to travel to work, school, medical appointments, social gatherings, and more;

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.

(b) Large transportation network companies like Uber and Lyft operate through digital platforms they control that connect riders and drivers;

(c) Transportation network companies are widely used by a broad range of individuals, including vulnerable populations such as individuals with disabilities and individuals seeking alternative transportation after consuming alcohol. Reports from drivers and riders have identified safety concerns, including incidents involving fraud, sexual assault, and other harms.

(d) According to the New York Times, between 2017 and 2022, a total of 400,181 Uber trips resulted in reports of sexual assault and sexual misconduct in the United States. Previously, the company had only disclosed 12,522 accounts of serious sexual assaults for the same time period, without indicating the total number of sexual assault and sexual misconduct reports the company received. The New York Times report means that Uber received a report of sexual assault or sexual misconduct in the United States almost every eight minutes, a far more pervasive problem than what the company originally disclosed.

(e) The structure and scale of transportation network company operations present ongoing considerations regarding safety practices, accountability, and the allocation of resources for rider and driver protections.

(2) Therefore, the general assembly declares that the people of Colorado will benefit from legislation to support clear and consistent safety standards for transportation network companies and to promote a transportation system that is safe, reliable, and accessible.

SECTION 2. In Colorado Revised Statutes, 40-10.1-602, **amend** (1) and (2.6); and **add** (1.1), (1.2), (1.3), (1.4), (1.5), (1.6), (1.7), (1.9), (2.7), and (7) as follows:

40-10.1-602. Definitions.

As used in this part 6, unless the context otherwise requires:

(1) ~~"Personal vehicle" means a vehicle that is used by a~~

~~transportation network company driver in connection with providing services for a transportation network company that meets the vehicle criteria set forth in this part 6.~~ "ACCOUNT RENTING" MEANS:

(a) A PERSON THAT HAS AN AUTHORIZED PROFILE TO DRIVE FOR A TRANSPORTATION NETWORK COMPANY ALLOWING ANOTHER PERSON TO DRIVE FOR THE TRANSPORTATION NETWORK COMPANY UNDER THE AUTHORIZED PROFILE IN EXCHANGE FOR COMPENSATION; OR

(b) A PERSON COMPENSATING ANOTHER PERSON FOR USE OF THE COMPENSATED PERSON'S AUTHORIZED PROFILE TO ACCEPT A PREARRANGED RIDE FOR A TRANSPORTATION NETWORK COMPANY.

(1.1) "ACCOUNT SHARING" MEANS:

(a) A PERSON THAT HAS AN AUTHORIZED PROFILE TO DRIVE FOR A TRANSPORTATION NETWORK COMPANY ALLOWING ANOTHER PERSON TO DRIVE FOR THE TRANSPORTATION NETWORK COMPANY UNDER THE AUTHORIZED PROFILE; OR

(b) A PERSON USING ANOTHER PERSON'S AUTHORIZED PROFILE TO ACCEPT A PREARRANGED RIDE FOR A TRANSPORTATION NETWORK COMPANY.

(1.2) (a) "BIOMETRIC DATA" MEANS ONE OR MORE BIOMETRIC IDENTIFIERS THAT ARE USED OR INTENDED TO BE USED, SINGLY OR IN COMBINATION WITH EACH OTHER OR WITH OTHER PERSONAL DATA, FOR IDENTIFICATION PURPOSES.

(b) "BIOMETRIC DATA" DOES NOT INCLUDE THE FOLLOWING UNLESS THE BIOMETRIC DATA IS USED FOR IDENTIFICATION PURPOSES:

(I) A DIGITAL OR PHYSICAL PHOTOGRAPH;

(II) AN AUDIO OR VOICE RECORDING; OR

(III) ANY DATA GENERATED FROM A DIGITAL OR PHYSICAL PHOTOGRAPH OR AN AUDIO OR VIDEO RECORDING.

(1.3) "BIOMETRIC IDENTIFIER" MEANS DATA GENERATED BY THE TECHNOLOGICAL PROCESSING, MEASUREMENT, OR ANALYSIS OF A

CONSUMER'S BIOLOGICAL, PHYSICAL, OR BEHAVIORAL CHARACTERISTICS, WHICH DATA CAN BE PROCESSED FOR THE PURPOSE OF UNIQUELY IDENTIFYING AN INDIVIDUAL. "BIOMETRIC IDENTIFIER" INCLUDES:

- (a) A FINGERPRINT;
- (b) A VOICEPRINT;
- (c) A SCAN OR RECORD OF AN EYE RETINA OR IRIS;
- (d) A FACIAL MAP, FACIAL GEOMETRY, OR FACIAL TEMPLATE; OR
- (e) OTHER UNIQUE BIOLOGICAL, PHYSICAL, OR BEHAVIORAL PATTERNS OR CHARACTERISTICS.

(1.4) "CRIMINAL HISTORY RECORD CHECK" MEANS A BACKGROUND CHECK PERFORMED USING COUNTY, STATE, AND NATIONAL CRIMINAL BACKGROUND DATABASES OR OTHER SIMILAR COMMERCIAL DATABASES AND VALIDATED THROUGH A PRIMARY SOURCE SEARCH. THE BACKGROUND CHECK MUST INCLUDE A SEARCH OF THE NATIONAL SEX OFFENDER PUBLIC WEBSITE OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE AND, IN JURISDICTIONS WHERE AN APPLICANT HAS LIVED, A FEDERAL DISTRICT COURT RECORDS SEARCH, A COUNTY CRIMINAL RECORDS SEARCH, AND A MOTOR VEHICLE RECORDS SEARCH.

(1.5) "IMPOSTER DRIVER" MEANS A PERSON WHO IMPERSONATES A DRIVER THROUGH ACCOUNT SHARING OR ACCOUNT RENTING; BY DISPLAYING A SIGN, BRANDING, OR OTHER SYMBOLS IN A PERSONAL VEHICLE REPRESENTING A TRANSPORTATION NETWORK COMPANY; OR BY OTHER MEANS.

(1.6) "LARGE-SCALE TRANSPORTATION NETWORK COMPANY" MEANS A TRANSPORTATION NETWORK COMPANY WITH AT LEAST TWENTY THOUSAND RIDES OCCURRING MONTHLY ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK.

(1.7) "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OLD.

(1.9) "PERSONAL VEHICLE" MEANS A VEHICLE THAT IS USED BY A TRANSPORTATION NETWORK COMPANY DRIVER IN CONNECTION WITH

PROVIDING SERVICES FOR A TRANSPORTATION NETWORK COMPANY AND THAT MEETS THE VEHICLE CRITERIA SET FORTH IN THIS PART 6.

(2.6) ~~"Student" means an individual enrolled in a school~~
"SMALL-SCALE TRANSPORTATION NETWORK COMPANY" MEANS A TRANSPORTATION NETWORK COMPANY WITH FEWER THAN TWENTY THOUSAND RIDES OCCURRING MONTHLY ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK.

(2.7) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A SCHOOL.

(7) "YOUTH" MEANS AN INDIVIDUAL UNDER FIFTEEN YEARS OF AGE.

SECTION 3. In Colorado Revised Statutes, 40-10.1-605, **amend** (3)(b), (3)(c)(I), (3)(c)(II), and (5); and **add** (3)(b.5), (3)(b.7), (3)(c)(V), (3)(c)(VI), (3)(d), (3)(e), (7.3), (7.5), (7.7), (7.8), and (12) as follows:

40-10.1-605. Operational requirements - criminal history record check - driver verification - audio and video recording - deactivation - food or beverages - reviews and ratings - rules.

(3) (b) A ~~driver~~ TRANSPORTATION NETWORK COMPANY shall obtain a PRIVATELY ADMINISTERED criminal history record check ~~in accordance with subparagraph (I) of paragraph (a) of this subsection (3)~~ OF EACH INDIVIDUAL SERVING AS A DRIVER THROUGH USE OF THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK every ~~five years~~ SIX MONTHS while ~~servicing~~ THE INDIVIDUAL SERVES as a driver.

(b.5) A LARGE-SCALE TRANSPORTATION NETWORK COMPANY SHALL PAY THE COSTS OF A CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SUBSECTION (3).

(b.7) A TRANSPORTATION NETWORK COMPANY SHALL SHARE THE RESULTS OF EACH CRIMINAL HISTORY RECORD CHECK CONDUCTED PURSUANT TO THIS SECTION WITH THE DRIVER WHO IS THE SUBJECT OF THE BACKGROUND CHECK.

(c) (I) ~~A person~~ AN INDIVIDUAL who has been convicted of or pled guilty or nolo contendere to driving under the influence of drugs or alcohol in the previous seven years before applying to become a driver shall not

serve as a driver. If the criminal history record check PERFORMED PURSUANT TO SUBSECTION (3)(a) OR (3)(b) OF THIS SECTION reveals that the ~~person~~ INDIVIDUAL has ever been convicted of or pled guilty or nolo contendere to any of the following ~~felony~~ offenses, the ~~person~~ INDIVIDUAL shall not serve as a driver:

(A) ~~An~~ A FELONY offense involving fraud, as described in article 5 of title 18; ~~C.R.S.;~~

(B) An offense involving unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.;~~

(C) ~~An~~ A FELONY offense against property, as described in article 4 of title 18; ~~C.R.S.;~~ or

(D) A FELONY crime of violence, as ~~described~~ DEFINED in section ~~18-1.3-406, C.R.S.~~ 18-1.3-406 (2);

(E) A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1);

(F) A FELONY OFFENSE INVOLVING STALKING, AS DESCRIBED IN SECTION 18-3-602;

(G) A FELONY OFFENSE INVOLVING MENACING, AS DESCRIBED IN SECTION 18-3-206;

(H) INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302; OR

(I) PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301.

(II) ~~A person~~ AN INDIVIDUAL who has been convicted of OR PLED GUILTY OR NOLO CONTENDERE TO a comparable offense to the offenses listed in ~~subparagraph (f) of this paragraph (c)~~ SUBSECTION (3)(c)(I) OF THIS SECTION in another state or in the United States shall not serve as a driver.

(V) AN INDIVIDUAL SHALL NOT SERVE AS A DRIVER FOR A TRANSPORTATION NETWORK COMPANY IF THE INDIVIDUAL IS CONFIRMED BY A TRANSPORTATION NETWORK COMPANY OR THE COMMISSION TO HAVE BEEN DISQUALIFIED OR REMOVED FROM DRIVING FOR A TRANSPORTATION SERVICE

REGULATED UNDER THIS TITLE 40 OR DISQUALIFIED OR REMOVED FROM DRIVING UNDER A SUBSTANTIALLY SIMILAR LAW OF ANOTHER STATE FOR AN INCIDENT INVOLVING ANY OF THE FOLLOWING ACTIVITIES:

(A) A FELONY OFFENSE INVOLVING FRAUD, AS DESCRIBED IN ARTICLE 5 OF TITLE 18;

(B) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(C) A FELONY OFFENSE AGAINST PROPERTY, AS DESCRIBED IN ARTICLE 4 OF TITLE 18;

(D) A FELONY CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2);

(E) A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1);

(F) A FELONY OFFENSE INVOLVING STALKING, AS DESCRIBED IN SECTION 18-3-602;

(G) A FELONY OFFENSE INVOLVING MENACING, AS DESCRIBED IN SECTION 18-3-206;

(H) INDECENT EXPOSURE, AS DESCRIBED IN SECTION 18-7-302; OR

(I) PUBLIC INDECENCY, AS DESCRIBED IN SECTION 18-7-301.

(VI) IF A PERSON FILES A COMPLAINT WITH A TRANSPORTATION NETWORK COMPANY OR THE COMMISSION REGARDING THE ALLEGATIONS DESCRIBED IN SECTION 8-4-127 (3)(b)(V) AGAINST A DRIVER THROUGH USE OF THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE TRANSPORTATION NETWORK COMPANY SHALL PROCURE AND PAY FOR A PRIVATELY ADMINISTERED CRIMINAL HISTORY RECORD CHECK FOR THE DRIVER AND INITIATE A REVIEW OF THE DRIVER FOR DEACTIVATION AS DESCRIBED IN SECTION 8-4-127 (3)(b)(V).

(d) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL CREATE A PROCESS BY RULE FOR SHARING INFORMATION, BOTH PUNITIVE AND

EXONERATIVE, BETWEEN TRANSPORTATION NETWORK COMPANIES REGARDING THE DEACTIVATION OF DRIVERS.

(e)(I) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT AN INTERNAL DEACTIVATION RECONSIDERATION OF A CHALLENGED DEACTIVATION IN ACCORDANCE WITH SECTION 8-4-127 (5)(b).

(II) THE TRANSPORTATION NETWORK COMPANY'S RESOLUTION OF A DRIVER'S CHALLENGE TO A DEACTIVATION MUST INCLUDE THE OPTION FOR THE PARTY THAT FILED A COMPLAINT DESCRIBED IN SUBSECTION (3)(c)(VI) OF THIS SECTION TO OPT IN TO RECEIVE UPDATES THAT THE TRANSPORTATION NETWORK COMPANY SENDS THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM AND VIA EMAIL DETAILING THE DISPOSITION OF THE DRIVER'S CHALLENGE.

(5)(a) If ~~any~~ A person files a complaint with the commission against a transportation network company or driver, the commission may inspect the transportation network company's records as reasonably necessary to ~~investigate and resolve the complaint~~ PERFORM THE COMMISSION'S REGULATORY FUNCTIONS.

(b) IF A PERSON FILES A COMPLAINT AGAINST A TRANSPORTATION NETWORK COMPANY OR DRIVER, THE TRANSPORTATION NETWORK COMPANY SHALL RESPOND TO A SUBPOENA OR SEARCH WARRANT FOR INFORMATION RELATED TO THE COMPLAINT FROM A COURT, THE OFFICE OF THE ATTORNEY GENERAL, A DISTRICT ATTORNEY'S OFFICE, THE COMMISSION, OR A LAW ENFORCEMENT AGENCY NO LATER THAN SEVENTY-TWO HOURS AFTER THE REQUEST IS MADE, UNLESS OTHERWISE AGREED UPON BY THE SUBPOENAING PARTY.

(7.3)(a) A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE REGULAR SAFETY TRAINING TO EACH DRIVER AND EACH RIDER.

(b) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL ADOPT RULES ESTABLISHING REQUIREMENTS AND PROCEDURES FOR DRIVER AND RIDER SAFETY TRAINING CONDUCTED PURSUANT TO SUBSECTION (7.3)(a) OF THIS SECTION, INCLUDING THE REQUIRED FREQUENCY OF TRAINING.

(7.5)(a) A LARGE-SCALE TRANSPORTATION NETWORK COMPANY SHALL NOT CHARGE A FEE OR INCREASE THE COST OF A PREARRANGED RIDE

FOR A RIDER SOLELY ON THE BASIS OF THE RIDER OPTING IN TO AUDIO AND VIDEO RECORDING OF A PREARRANGED RIDE.

(b) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL ADOPT RULES FOR LARGE-SCALE TRANSPORTATION NETWORK COMPANIES:

(I) ESTABLISHING REQUIREMENTS AND PROCEDURES FOR AUDIO AND VIDEO RECORDING OF EACH PREARRANGED RIDE, INCLUDING RULES REGARDING:

(A) THE DEADLINES FOR IMPLEMENTATION OF AUDIO AND VIDEO RECORDING;

(B) THE ABILITY FOR DRIVERS TO OPT IN TO AUDIO AND VIDEO RECORDING FOR EACH PREARRANGED RIDE AND THE CADENCE FOR AUTOMATICALLY OPTING IN DRIVERS;

(C) THE ABILITY FOR RIDERS TO OPT IN TO AUDIO AND VIDEO RECORDING FOR EACH PREARRANGED RIDE;

(D) ON-DEVICE RECORDING DELETION CAPABILITIES AND RESTRICTIONS;

(E) ACCESS TO, OWNERSHIP OF, STORAGE OF, ENCRYPTION OF, AND RETENTION PERIODS FOR AUDIO AND VIDEO RECORDINGS, CONSIDERING THE CAPABILITIES AND LIMITATIONS OF IN-USE TECHNOLOGY AND INCLUDING MEASURES TO PROMOTE VICTIM-SURVIVOR PRIVACY AND CHOICE;

(F) NOTIFICATIONS TO DRIVERS AND RIDERS OF AUDIO AND VIDEO RECORDING AND INFORMATION REGARDING HOW TO REJECT A TRIP;

(G) INTEGRATION OF AUDIO AND VIDEO RECORDING INTO A TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM; AND

(H) PROHIBITIONS ON CHARGING A FEE OR INCREASING THE COST OF A PREARRANGED RIDE FOR A RIDER SOLELY ON THE BASIS OF THE RIDER OPTING IN TO AUDIO AND VIDEO RECORDING;

(II) GOVERNING TECHNOLOGY FAILURES RELATED TO AUDIO AND VIDEO RECORDING OF EACH PREARRANGED RIDE, INCLUDING RULES THAT

HOLD HARMLESS A TRANSPORTATION NETWORK COMPANY FOR A TECHNOLOGICAL FAILURE OUTSIDE OF THE CONTROL OF THE TRANSPORTATION NETWORK COMPANY IF THE TRANSPORTATION NETWORK COMPANY IS OTHERWISE ACTING IN GOOD FAITH TO CONDUCT AUDIO AND VIDEO RECORDING OF A PREARRANGED RIDE;

(III) DETERMINING IF AND WHEN A TRANSPORTATION NETWORK COMPANY SHALL REIMBURSE A DRIVER FOR TECHNOLOGY TO ENABLE AUDIO AND VIDEO RECORDING OF A PREARRANGED RIDE; AND

(IV) ESTABLISHING APPROPRIATE TIMELINES FOR LARGE-SCALE TRANSPORTATION NETWORK COMPANIES TO COMPLY WITH THIS SECTION AND RULES ADOPTED PURSUANT TO THIS SECTION.

(c) (I) UNTIL THE COMMISSION ADOPTS RULES PURSUANT TO SUBSECTION (7.5)(b) OF THIS SECTION, A LARGE-SCALE TRANSPORTATION NETWORK COMPANY SHALL:

(A) MAKE BEST EFFORTS TO OBTAIN ALL AUDIO AND VIDEO RECORDINGS FROM A DRIVER'S OR RIDER'S DEVICE RELATED TO A REPORTED SAFETY INCIDENT DURING A PREARRANGED RIDE AND RETAIN THE RECORDING FOR AT LEAST THIRTY DAYS AFTER RECEIPT UNLESS OTHERWISE DETERMINED BY THE COMMISSION BY RULE;

(B) NOTWITHSTANDING SUBSECTION (7.5)(c)(I) OF THIS SECTION, IF A PERSON FILES A COMPLAINT AGAINST A TRANSPORTATION NETWORK COMPANY WITH THE TRANSPORTATION NETWORK COMPANY OR THE COMMISSION AND THE TRANSPORTATION NETWORK COMPANY RECEIVES NOTICE OF THE COMPLAINT WITHIN THIRTY DAYS AFTER THE PREARRANGED RIDE, UNLESS OTHERWISE DETERMINED BY THE COMMISSION BY RULE, OR A PREARRANGED RIDE IS THE SUBJECT OF AN ACTIVE LAW ENFORCEMENT INVESTIGATION AND THE TRANSPORTATION NETWORK COMPANY RECEIVES NOTICE OF THE INVESTIGATION WITHIN THIRTY DAYS AFTER THE PREARRANGED RIDE, THE TRANSPORTATION NETWORK COMPANY SHALL RETAIN ANY RECEIVED AUDIO AND VIDEO RECORDINGS RELATED TO THE COMPLAINT OR INVESTIGATION FOR ONE YEAR AFTER THE PREARRANGED RIDE OR UNTIL THE INVESTIGATION IS COMPLETED, WHICHEVER IS LONGER.

(II) A TRANSPORTATION NETWORK COMPANY MAY RETAIN SAFETY-RELATED AUDIO AND VIDEO RECORDINGS FOR AS LONG AS

NECESSARY TO ADDRESS POTENTIAL LITIGATION REQUIREMENTS.

(d) (I) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL ADOPT RULES ESTABLISHING REQUIREMENTS AND PROCEDURES FOR AUDIO AND VIDEO RECORDING FOR SMALL-SCALE TRANSPORTATION NETWORK COMPANIES, INCLUDING RULES REGARDING:

(A) THE ABILITY FOR DRIVERS AND RIDERS TO OPT IN TO AUDIO AND VIDEO RECORDING, CONSIDERING THE CAPABILITIES, RESOURCES, AND UNIQUE BUSINESS MODEL OF SMALL-SCALE TRANSPORTATION NETWORK COMPANIES AND IMPACTS TO DRIVERS' CANCELLATION RATE METRICS;

(B) ACCESS TO, OWNERSHIP OF, STORAGE OF, ENCRYPTION OF, AND RETENTION PERIODS FOR AUDIO AND VIDEO RECORDINGS;

(C) NOTIFICATIONS TO DRIVERS AND RIDERS OF AUDIO AND VIDEO RECORDING AND INFORMATION REGARDING HOW TO REJECT A TRIP; AND

(D) ESTABLISHING APPROPRIATE TIMELINES FOR SMALL-SCALE TRANSPORTATION NETWORK COMPANIES TO COMPLY WITH THIS SECTION AND RULES ADOPTED PURSUANT TO THIS SECTION.

(II) RULES ADOPTED PURSUANT TO THIS SUBSECTION (7.5)(d) DO NOT APPLY TO A TRANSPORTATION NETWORK COMPANY THAT IS DESCRIBED IN SUBSECTION (12) OF THIS SECTION.

(7.7) A TRANSPORTATION NETWORK COMPANY SHALL MAINTAIN CLEAR POLICIES PROHIBITING DRIVERS OR RIDERS FROM OFFERING, SELLING, OR PROVIDING FOOD OR BEVERAGES TO ANOTHER DRIVER OR RIDER UNLESS:

(a) THE FOOD OR BEVERAGES ARE FACTORY-SEALED;

(b) A RIDER IS OFFERING FOOD OR BEVERAGES TO ANOTHER RIDER WHO IS IN THE SAME PARTY; OR

(c) THE FOOD OR BEVERAGES ARE NECESSARY DUE TO AN EMERGENCY.

(7.8) (a) A TRANSPORTATION NETWORK COMPANY THAT MAINTAINS A RATING SYSTEM SHALL NOT:

(I) ALTER THE RATING A RIDER ASSIGNED A DRIVER OR THE RATING A DRIVER ASSIGNED A RIDER ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM;

(II) ASSIGN AN AUTOMATIC OR DEFAULT DRIVER RATING THAT THE RIDER DID NOT ASSIGN; OR

(III) ASSIGN AN AUTOMATIC OR DEFAULT RIDER RATING THAT THE DRIVER DID NOT ASSIGN.

(b) A TRANSPORTATION NETWORK COMPANY MAY DELETE RATINGS OR REVIEWS THAT ARE PLAUSIBLY MOTIVATED BY FRAUD OR BIAS. A TRANSPORTATION NETWORK COMPANY SHALL NOT CONSIDER NEGATIVE RATINGS OR REVIEWS THAT ARE MOTIVATED BY FRAUD OR BIAS IN A REVIEW OF A DRIVER FOR DEACTIVATION CONDUCTED PURSUANT TO SUBSECTION (3)(c)(VI) OF THIS SECTION OR AN INTERNAL DEACTIVATION RECONSIDERATION CONDUCTED PURSUANT TO SUBSECTION (3)(e) OF THIS SECTION OR SECTION 8-4-127 (5).

(12) SUBSECTIONS (3)(e), (7.5), (7.7), AND (7.8) OF THIS SECTION DO NOT APPLY TO A TRANSPORTATION NETWORK COMPANY THAT:

(a) EITHER SERVES RIDERS, AT LEAST SEVENTY-FIVE PERCENT OF WHOM ARE MINORS, OR EARNS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'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; AND

(b) HAS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S RULES ADOPTED PURSUANT TO SECTION 40-10.1-608 (3)(a).

SECTION 4. In Colorado Revised Statutes, 40-10.1-609, add (3) and (4) as follows:

40-10.1-609. Reporting requirements - report - crash registry - rules.

(3) (a) ON OR BEFORE FEBRUARY 1, 2027, AND ON OR BEFORE

FEBRUARY 1 EACH YEAR THEREAFTER, A TRANSPORTATION NETWORK COMPANY SHALL SUBMIT A REPORT THAT INCLUDES THE FOLLOWING DATA TO THE COMMISSION, THE ATTORNEY GENERAL, AND EACH MEMBER OF THE GENERAL ASSEMBLY:

(I) THE NUMBER OF REPORTED SAFETY INCIDENTS INVOLVING A DRIVER WHO PROVIDED SERVICES FOR OR A RIDER WHO RECEIVED SERVICES FROM THE TRANSPORTATION NETWORK COMPANY IN THE PRECEDING CALENDAR YEAR. THE REPORT MUST INCLUDE THE NUMBER OF REPORTED INSTANCES OF:

(A) PHYSICAL ASSAULT;

(B) SEXUAL ASSAULT;

(C) VERBAL THREATS;

(D) STALKING;

(E) HARASSMENT;

(F) THEFT;

(G) A MOTOR VEHICLE CRASH;

(H) HOMICIDE; OR

(I) A MOTOR VEHICLE CRASH THAT RESULTED IN MORE THAN FIVE THOUSAND DOLLARS OF DAMAGE TO PROPERTY;

(II) THE NUMBER OF REPORTED INCIDENTS OF DISCRIMINATORY SPEECH OR DISCRIMINATORY CONDUCT INVOLVING A DRIVER WHO PROVIDED SERVICES FOR OR A RIDER WHO RECEIVED SERVICES FROM THE TRANSPORTATION NETWORK COMPANY;

(III) ALL REPORTS OF SAFETY-RELATED INCIDENTS MADE TO OR CREATED BY THE TRANSPORTATION NETWORK COMPANY IN THE PRECEDING CALENDAR YEAR. THE TRANSPORTATION NETWORK COMPANY SHALL REDACT ALL PERSONAL IDENTIFYING INFORMATION OF A DRIVER OR RIDER IN A REPORT SUBMITTED PURSUANT TO THIS SUBSECTION (3)(a)(III).

(IV) THE NUMBER OF MOTOR VEHICLE CRASHES INVOLVING A PREARRANGED RIDE THAT RESULTED IN BODILY INJURY TO AN INDIVIDUAL.

(b) THE COMMISSION SHALL MAKE THE REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (3) AVAILABLE TO THE PUBLIC.

(c) A TRANSPORTATION NETWORK COMPANY SHALL MAINTAIN A REGISTRY OF CRASHES REQUIRED TO BE REPORTED PURSUANT TO SUBSECTION (3)(a)(IV) OF THIS SECTION FOR A PERIOD OF THREE YEARS AFTER THE CRASH OCCURS. THE REGISTRY MUST CONTAIN THE DATE OF THE CRASH; THE CITY AND STATE WHERE THE CRASH OCCURRED; THE DRIVER'S NAME; WHETHER THERE WERE ANY, AND, IF SO, THE NUMBER OF, INJURIES OR FATALITIES; AND ANY POLICE REPORT NUMBER ASSOCIATED WITH THE CRASH.

(d) NO LATER THAN THIRTY DAYS AFTER A CRASH REQUIRED TO BE REPORTED PURSUANT TO SUBSECTION (3)(a)(IV) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL REPORT THE CRASH, INCLUDING THE INFORMATION REQUIRED BY SUBSECTION (3)(c) OF THIS SECTION, TO THE COMMISSION.

(e) THE COMMISSION SHALL REVIEW THE REPORTS SUBMITTED PURSUANT TO THIS SUBSECTION (3) FOR TRENDS IN INCIDENT TYPE OR FREQUENCY.

(f) THE COMMISSION MAY ADOPT RULES TO IMPLEMENT AND ENFORCE THIS SUBSECTION (3).

(4) SUBSECTION (3) OF THIS SECTION DOES NOT APPLY TO A TRANSPORTATION NETWORK COMPANY THAT:

(a) EITHER SERVES RIDERS, AT LEAST SEVENTY-FIVE PERCENT OF WHOM ARE MINORS, OR EARNS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'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; AND

(b) HAS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S

RULES ADOPTED PURSUANT TO SECTION 40-10.1-608 (3)(a).

SECTION 5. In Colorado Revised Statutes, add 40-10.1-610 as follows:

40-10.1-610. Consumer protection - waiver of rights void - biometric data and biometric identifiers - safety policies - training - data retention - rules.

(1) (a) A PROVISION IN A CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND A DRIVER OR RIDER IS VOID AS AGAINST PUBLIC POLICY IF THE PROVISION:

(I) ATTEMPTS TO WAIVE OR WAIVES A RIGHT SPECIFIED IN THIS PART 6; OR

(II) ATTEMPTS TO WAIVE OR WAIVES A RIGHT TO BRING A CAUSE OF ACTION PROVIDED BY THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, EXCEPT TO THE EXTENT THE WAIVER IS PREEMPTED BY FEDERAL LAW.

(b) A PROVISION IN A CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND A DRIVER OR RIDER MUST COMPLY WITH THE FEDERAL "ENDING FORCED ARBITRATION OF SEXUAL ASSAULT AND SEXUAL HARASSMENT ACT OF 2021", 9 U.S.C. SEC. 401 ET SEQ., AS AMENDED.

(c) TO THE EXTENT REQUIRED BY FEDERAL LAW, A PREDISPUTE ARBITRATION AGREEMENT OR PREDISPUTE JOINT-ACTION WAIVER, AS THOSE TERMS ARE DEFINED IN 9 U.S.C. SEC. 401, IS NOT ENFORCEABLE WITH RESPECT TO A CLAIM THAT CONSTITUTES A SEXUAL ASSAULT DISPUTE OR A SEXUAL HARASSMENT DISPUTE, AS THOSE TERMS ARE DEFINED IN 9 U.S.C. SEC. 401.

(2) (a) WITHIN THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION FOR A LARGE-SCALE TRANSPORTATION NETWORK COMPANY AND WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION FOR A SMALL-SCALE TRANSPORTATION NETWORK COMPANY, A TRANSPORTATION NETWORK COMPANY SHALL:

(I) DEVELOP AND ENFORCE A POLICY TO PREVENT IMPOSTER

DRIVERS, ACCOUNT SHARING, AND ACCOUNT RENTING;

(II) DEVELOP AND ENFORCE A POLICY TO PREVENT SEXUAL ASSAULT, PHYSICAL ASSAULT, AND HOMICIDE AGAINST OR COMMITTED BY THE TRANSPORTATION NETWORK COMPANY'S DRIVERS;

(III) DEVELOP AND ENFORCE A POLICY PROHIBITING THE TRANSPORT OF AN UNACCOMPANIED YOUTH UNLESS THE YOUTH IS PART OF A DULY AUTHORIZED FAMILY ACCOUNT, IN WHICH A PARENT OR GUARDIAN MUST BE PRESENT WHEN THE YOUTH ENTERS THE VEHICLE OR CONFIRMS AUTHORIZATION FOR THE PREARRANGED RIDE;

(IV) EXCEPT AS AUTHORIZED IN A POLICY DEVELOPED PURSUANT TO SUBSECTION (2)(a)(III) OF THIS SECTION, DEVELOP AND IMPLEMENT A POLICY THAT ALLOWS A DRIVER TO REFUSE A PREARRANGED RIDE TO AN INDIVIDUAL WHOM THE DRIVER BELIEVES IS NOT AUTHORIZED TO USE THE ACCOUNT REQUESTING THE PREARRANGED RIDE. THE POLICY MUST ENSURE THAT THE DRIVER IS NOT PENALIZED BY THE TRANSPORTATION NETWORK COMPANY FOR REFUSING A PREARRANGED RIDE TO AN INDIVIDUAL WHOM THE DRIVER BELIEVES IS NOT AN AUTHORIZED RIDER ON THE ACCOUNT REQUESTING THE PREARRANGED RIDE.

(V) DEVELOP AND IMPLEMENT A POLICY ESTABLISHING PROCEDURES FOR THE DEACTIVATION OF A DRIVER IF THE TRANSPORTATION NETWORK COMPANY IS NOTIFIED OF AN ALLEGATION AGAINST A DRIVER AS DESCRIBED IN SECTION 40-10.1-605 (3)(c)(VI);

(VI) DEVELOP AND IMPLEMENT A POLICY TO NOTIFY DRIVERS AND RIDERS OF AND TRAIN DRIVERS AND RIDERS ABOUT ANY UPDATES TO TRANSPORTATION NETWORK COMPANY SAFETY POLICIES;

(VII) DEVELOP AND IMPLEMENT A POLICY TO PREVENT CRIMES COMMITTED AGAINST DRIVERS BY RIDERS;

(VIII) DEVELOP AND IMPLEMENT A POLICY TO PROHIBIT DRIVERS FROM OFFERING OR SELLING FOOD OR BEVERAGES THAT ARE NOT FACTORY-SEALED TO RIDERS AS DESCRIBED IN SECTION 40-10.1-605 (7.7)(a);

(IX) PROVIDE COPIES OF THE POLICIES CREATED PURSUANT TO THIS SUBSECTION (2) TO THE ATTORNEY GENERAL AND TO THE COMMISSION; AND

(X) PROVIDE COPIES OF THE POLICIES CREATED PURSUANT TO THIS SUBSECTION (2) TO EVERY DRIVER WHO PROVIDES SERVICES FOR THE TRANSPORTATION NETWORK COMPANY.

(b) WITHIN TEN BUSINESS DAYS AFTER AN UPDATE TO A POLICY CREATED PURSUANT TO THIS SUBSECTION (2), A TRANSPORTATION NETWORK COMPANY SHALL PROVIDE A COPY OF THE UPDATED POLICY TO THE ATTORNEY GENERAL, THE COMMISSION, AND EVERY DRIVER WHO PROVIDES SERVICES FOR THE TRANSPORTATION NETWORK COMPANY.

(c) A TRANSPORTATION NETWORK COMPANY SHALL MAKE EACH POLICY CREATED PURSUANT TO THIS SUBSECTION (2) AVAILABLE TO A DRIVER ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK IN THE LANGUAGE THE DRIVER USES ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK.

(3)(a) A TRANSPORTATION NETWORK COMPANY SHALL NOT COLLECT BIOMETRIC DATA OR BIOMETRIC IDENTIFIERS FROM A DRIVER OR RIDER WITHOUT FIRST OBTAINING THE CONSENT OF THE DRIVER OR RIDER.

(b) IF A TRANSPORTATION NETWORK COMPANY COLLECTS BIOMETRIC DATA OR BIOMETRIC IDENTIFIERS FROM A DRIVER OR RIDER, THE TRANSPORTATION NETWORK COMPANY SHALL COMPLY WITH SECTION 6-1-1314.

(4) (a) A TRANSPORTATION NETWORK COMPANY SHALL PROCESS DATA IN COMPLIANCE WITH THE "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF TITLE 6.

(b) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL ADOPT RULES GOVERNING THE RETENTION, STORAGE, AND USE OF AND ACCESS TO THE DATA COLLECTED BY A TRANSPORTATION NETWORK COMPANY.

(c) UNTIL THE COMMISSION ADOPTS RULES GOVERNING THE COLLECTION OF DATA PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL RETAIN ALL AUDIO AND VIDEO RECORDINGS RECEIVED FROM A PREARRANGED RIDE FOR THIRTY DAYS AFTER THE PREARRANGED RIDE; EXCEPT THAT, IF A PERSON FILES A COMPLAINT AGAINST A TRANSPORTATION NETWORK COMPANY WITH THE COMMISSION OR A PREARRANGED RIDE IS THE SUBJECT OF AN ACTIVE LAW ENFORCEMENT

INVESTIGATION, THE TRANSPORTATION NETWORK COMPANY SHALL RETAIN THE AUDIO AND VIDEO RECORDING FOR ONE YEAR OR UNTIL THE INVESTIGATION IS COMPLETED, WHICHEVER IS LONGER.

(d) ON OR BEFORE JUNE 1, 2028, THE COMMISSION SHALL ADOPT RULES GOVERNING A COMPLAINANT'S ACCESS TO THE DATA COLLECTED BY A TRANSPORTATION NETWORK COMPANY RELATED TO A COMPLAINT DESCRIBED IN SECTION 40-10.1-605 (3)(c)(VI).

(5) THIS SECTION DOES NOT APPLY TO A TRANSPORTATION NETWORK COMPANY THAT:

(a) EITHER SERVES RIDERS, AT LEAST SEVENTY-FIVE PERCENT OF WHOM ARE MINORS, OR EARNS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'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; AND

(b) HAS AT LEAST NINETY PERCENT OF THE TRANSPORTATION NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S RULES ADOPTED PURSUANT TO SECTION 40-10.1-608 (3)(a).

SECTION 6. In Colorado Revised Statutes, 40-7-113, **amend** (1) introductory portion and (1)(g); and **add** (1)(b.5) as follows:

40-7-113. Civil penalties - fines.

(1) In addition to any other penalty otherwise authorized by law and except as otherwise provided in subsections (3) and (4) of this section, any A person ~~who~~ THAT violates article 10.1 or 10.5 of this title 40 or ~~any~~ A rule ~~promulgated~~ ADOPTED by the commission pursuant to article 10.1 or 10.5 OF THIS TITLE 40, which article or rule is applicable to the person, may be subject to fines as ~~specified in the following paragraphs~~ FOLLOWS:

(b.5) (I) THE COMMISSION MAY ASSESS A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND FIVE HUNDRED DOLLARS PER VIOLATION AGAINST A TRANSPORTATION NETWORK COMPANY THAT VIOLATES PART 6 OF ARTICLE 10.1 OF THIS TITLE 40.

(II) THE COMMISSION SHALL CONSIDER THE SIZE OF THE TRANSPORTATION NETWORK COMPANY WHEN ASSESSING A CIVIL PENALTY PURSUANT TO THIS SUBSECTION (1)(b.5).

(III) THE ASSESSMENT OF A CIVIL PENALTY PURSUANT TO THIS SUBSECTION (1)(b.5) DOES NOT PRECLUDE A PARTY FROM INITIATING A CIVIL ACTION OR ANY OTHER LEGAL RECOURSE AGAINST A TRANSPORTATION NETWORK COMPANY.

(g) A person ~~who~~ THAT violates ~~any~~ A provision of article 10.1 or 10.5 of this title 40 not enumerated in subsection (1)(a), (1)(b), **(1)(b.5)**, or (1)(e) of this section, ~~any~~ A rule ~~promulgated~~ ADOPTED by the commission pursuant to this title 40, or ~~any~~ A safety rule adopted by the department of public safety relating to motor carriers as defined in section 40-10.1-101 may be assessed a civil penalty of not more than one thousand one hundred dollars; except that ~~any~~ A person ~~who~~ THAT violates a safety rule ~~promulgated~~ ADOPTED by the commission is subject to the civil penalties authorized pursuant to 49 CFR 386, subpart G, and associated appendices to ~~part 386~~ 49 CFR 386, as the subpart existed on January 1, 2017.

SECTION 7. In Colorado Revised Statutes, 8-4-127, **amend** (3)(b)(III); and **add** (3)(b)(V) and (3)(b)(VI) as follows:

8-4-127. Transportation network companies - disclosures to drivers - deactivation and suspension policies - disclosures to division - definitions - enforcement - rules.

(3) Deactivation and suspension policy - disclosure - rules.

(b) In addition to the requirements set forth in subsection (3)(a) of this section, a TNC's deactivation and suspension policy must be:

(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**

(V) SET UP TO INCLUDE A PROCEDURE FOR INITIATING A REVIEW OF A DRIVER FOR DEACTIVATION WITHIN SEVEN BUSINESS DAYS AFTER A TRANSPORTATION NETWORK COMPANY IS NOTIFIED THROUGH A COMPLAINT FILED WITH THE TRANSPORTATION NETWORK COMPANY OR THE PUBLIC

UTILITIES COMMISSION OR THROUGH CONTACT BY THE OFFICE OF THE ATTORNEY GENERAL, A DISTRICT ATTORNEY'S OFFICE, OR A LAW ENFORCEMENT AGENCY REGARDING AN ALLEGATION AGAINST THE DRIVER OF:

(A) A FELONY OFFENSE INVOLVING FRAUD, AS DESCRIBED IN ARTICLE 5 OF TITLE 18;

(B) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(C) A FELONY OFFENSE AGAINST PROPERTY, AS DESCRIBED IN ARTICLE 4 OF TITLE 18;

(D) A FELONY CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2);

(E) A FELONY OFFENSE INVOLVING DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1);

(F) A FELONY OFFENSE INVOLVING STALKING, AS DESCRIBED IN SECTION 18-3-602; OR

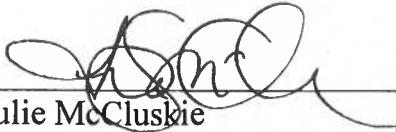
(G) A FELONY OFFENSE INVOLVING MENACING, AS DESCRIBED IN SECTION 18-3-206; AND

(VI) SET UP TO INCLUDE MEANINGFUL HUMAN REVIEW OF THE PERMANENT DEACTIVATION OF A DRIVER CONDUCTED PURSUANT TO SUBSECTION (3)(b)(V) OF THIS SECTION.

SECTION 8. Act subject to petition - effective date - applicability. (1) Section 40-10.1-605 (3)(b), (3)(b.5), (3)(b.7), (3)(c)(I), (3)(c)(II), (3)(c)(V), (3)(c)(VI), (3)(e), (7.5), (7.7), and (7.8), Colorado Revised Statutes, as amended or enacted in section 3 of this act; section 40-10.1-609, Colorado Revised Statutes, as amended in section 4 of this act; section 40-10.1-610 (1), (2), (3), (4)(a), and (5), Colorado Revised Statutes, as enacted in section 5 of this act; and section 40-7-113, Colorado Revised Statutes, as amended in section 6 of this act, take effect January 1, 2027, and the remainder of 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor; except that section 40-10.1-605 (3)(b), (3)(b.5), (3)(b.7), (3)(c)(I), (3)(c)(II), (3)(c)(V), (3)(c)(VI), (3)(e), (7.5), (7.7), and (7.8), Colorado Revised Statutes, as amended or enacted in section 3 of this act; section 40-10.1-609, Colorado Revised Statutes, as amended in section 4 of this act; section 40-10.1-610 (1), (2), (3), (4)(a), and (5), Colorado Revised Statutes, as enacted in section 5 of this act; and section 40-7-113, Colorado Revised Statutes, as amended in section 6 of this act, 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 offenses committed 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

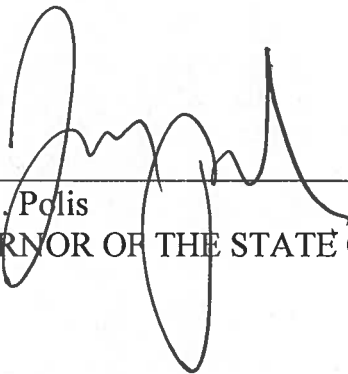


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Tuesday June 2nd 2026 at 1:15 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO