

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

HOUSE BILL 25-1291

BY REPRESENTATIVE(S) Willford and Froelich, Lieder, Bacon, Bird, Boesenecker, Bradley, Brown, Camacho, Clifford, Duran, English, Espenoza, Feret, Garcia, Gilchrist, Hamrick, Jackson, Joseph, Keltie, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, Mauro, McCormick, Paschal, Phillips, Ricks, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Taggart, Titone, Valdez, Velasco, Woodrow, Zokaie, Winter T.;

also SENATOR(S) Winter F. and Danielson, Kipp, Weissman, Bridges, Cutter, Exum, Gonzales J., Jodeh, Kolker, Michaelson Jenet, Sullivan, Wallace, Coleman.

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) Unlike traditional transportation providers, transportation network companies exercise full control over their platforms while classifying drivers as independent contractors rather than employees;

(c) Transportation network companies market their services as safe and convenient for vulnerable populations, including children, individuals with disabilities, and people seeking a responsible ride home after consuming alcohol. However, transportation network company drivers and riders have reported incidents of fraud, sexual assault, physical assault, and homicide.

(d) According to the national institutes of health, drivers providing transportation network company services have an accident rate and a fatal crash incidence rate that is higher than the general population, partly due to the increased hours of driving and driver fatigue;

(e) According to a study conducted by the University of Chicago, transportation network companies account for about a 3% annual increase in traffic-related fatalities, or roughly 987 people, including pedestrians, each year. This increase is due, in part, to the large number of drivers needed to provide quick response times.

(f) Transportation network companies have failed to develop and fully implement adequate protections on their own volition, despite having direct knowledge of serious safety risks to riders and drivers;

(g) Transportation network companies have not effectively prevented the widespread problem of account sharing, where authorized drivers give unauthorized individuals access to their profiles, allowing unauthorized individuals to bypass security measures. Account sharing undermines security and puts riders and the public at risk of harm.

(h) Transportation network companies have long been aware of the systemic problem of sexual assaults committed by their drivers. Internal safety reports confirm thousands of reported sexual assaults over multiple years, yet transportation network companies have not implemented meaningful reforms. The actual number of incidents is likely far higher, as studies show that only 30% of sexual assaults are reported, meaning thousands more victims may have been harmed. Transportation network

companies have faced lawsuits from passengers and their own shareholders for failing to disclose the extent of the problem.

(i) Transportation network companies prioritize profits over rider safety, rolling back protections despite billions of dollars in revenue. The cost of a background check is negligible compared to the multibillion-dollar net worth and profit of the industry.

(2) Therefore, the general assembly declares that the people of Colorado require legislation to ensure that all transportation modes, including transportation network companies, are safe, reliable, and just and that the people of Colorado have a transportation system that prioritizes their safety.

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

40-10.1-602. Definitions. As used in this part 6, unless the context otherwise requires:

(1) (a) ~~"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~~ "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.

(1.1) "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.

(1.3) "MINOR" MEANS AN INDIVIDUAL UNDER EIGHTEEN YEARS OF AGE.

(1.5) "NAME-BASED JUDICIAL RECORD CHECK" HAS THE MEANING SET FORTH IN SECTION 22-2-119.3 (6)(d).

(1.7) "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.

(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)(c)(V), (3)(c)(VI), (3)(c)(VII), (3)(c)(VIII), (3)(c)(IX), (3)(d), (3)(e), (7)(c), (7.5), (7.7), (7.8), and (11) as follows:

40-10.1-605. Operational requirements - criminal history record check - driver verification - civil action - audio and video recording - deactivation - offering food or beverage prohibited - reviews and ratings - rules. (3) (b) A ~~driver~~ TRANSPORTATION NETWORK COMPANY shall ~~obtain~~ PROCURE a PRIVATELY ADMINISTERED criminal history record check ~~in accordance with subparagraph (I) of paragraph (a) of this subsection (3)~~ FOR EACH INDIVIDUAL SERVING AS A DRIVER THROUGH USE

OF THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK every ~~five years~~ SIX MONTHS while ~~serving~~ THE INDIVIDUAL SERVES as a driver.

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

(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~~ THREE 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) 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 crime of violence, as described in section 18-1.3-406; ~~C.R.S.~~

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

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

(G) AN OFFENSE INVOLVING HARASSMENT, AS DESCRIBED IN SECTION 18-9-111; OR

(H) AN OFFENSE INVOLVING MENACING, AS DESCRIBED IN SECTION 18-3-206.

(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) (A) A DRIVER WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO AN OFFENSE LISTED IN SUBSECTION (3)(c)(I) OF THIS SECTION HAS A DUTY TO NOTIFY THE TRANSPORTATION NETWORK COMPANY WITHIN FORTY-EIGHT HOURS AFTER THE INDIVIDUAL'S CONVICTION WAS PRONOUNCED OR PLEA WAS ENTERED.

(B) A TRANSPORTATION NETWORK COMPANY SHALL CREATE A PROCEDURE FOR A DRIVER TO NOTIFY THE TRANSPORTATION NETWORK COMPANY OF A CONVICTION IN WRITING PURSUANT TO SUBSECTION (3)(c)(V)(A) OF THIS SECTION. THE PROCEDURE MUST INCLUDE AN ACKNOWLEDGMENT OF RECEIPT OF THE NOTIFICATION BY THE TRANSPORTATION NETWORK COMPANY THAT IS SENT TO THE DRIVER.

(VI) AN INDIVIDUAL WHO HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO DRIVING UNDER THE INFLUENCE OF DRUGS OR ALCOHOL SHALL NOT SERVE AS A DRIVER FOR THREE YEARS AFTER THE CONVICTION WAS PRONOUNCED OR THE PLEA WAS ENTERED.

(VII) AN INDIVIDUAL WHO HAS 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 SHALL NOT SERVE AS A DRIVER:

- (A) PHYSICAL ASSAULT;
- (B) SEXUAL ASSAULT;
- (C) HARASSMENT;
- (D) KIDNAPPING;
- (E) FELONY ROBBERY;
- (F) MENACING;

(G) ACCOUNT SHARING; OR

(H) IMPERSONATING A DRIVER.

(VIII) AN INDIVIDUAL SHALL NOT SERVE AS A DRIVER FOR A TRANSPORTATION NETWORK COMPANY IF THE INDIVIDUAL:

(A) HAS AN AUTHORIZED PROFILE TO DRIVE FOR A TRANSPORTATION NETWORK COMPANY; AND

(B) IS CONFIRMED BY A TRANSPORTATION NETWORK COMPANY TO HAVE ALLOWED ANOTHER INDIVIDUAL TO DRIVE FOR THE TRANSPORTATION NETWORK COMPANY UNDER THE AUTHORIZED PROFILE OR HAS USED ANOTHER INDIVIDUAL'S AUTHORIZED PROFILE TO ACCEPT A PREARRANGED RIDE FOR A TRANSPORTATION NETWORK COMPANY.

(IX) IF A PERSON FILES A COMPLAINT WITH A TRANSPORTATION NETWORK COMPANY OR THE COMMISSION REGARDING THE ALLEGATIONS DESCRIBED IN SUBSECTION (3)(d)(I) OF THIS SECTION AGAINST AN INDIVIDUAL ACTING AS A DRIVER THROUGH USE OF THE TRANSPORTATION NETWORK COMPANY'S DIGITAL NETWORK, THE TRANSPORTATION NETWORK COMPANY SHALL PROCURE A PRIVATELY ADMINISTERED CRIMINAL HISTORY RECORD CHECK FOR THE INDIVIDUAL ACTING AS A DRIVER.

(d) (I) A TRANSPORTATION NETWORK COMPANY SHALL INITIATE A REVIEW OF A DRIVER FOR DEACTIVATION PURSUANT TO SUBSECTION (3)(d)(II) OF THIS SECTION IF THE TRANSPORTATION NETWORK COMPANY IS NOTIFIED THROUGH A COMPLAINT FILED WITH THE TRANSPORTATION NETWORK COMPANY OR THE COMMISSION OR THROUGH CONTACT BY THE COMMISSION, THE OFFICE OF THE ATTORNEY GENERAL, A DISTRICT ATTORNEY'S OFFICE, OR LAW ENFORCEMENT AGENCY REGARDING AN ALLEGATION AGAINST THE DRIVER OF:

(A) PHYSICAL ASSAULT;

(B) SEXUAL ASSAULT;

(C) KIDNAPPING;

(D) FELONY ROBBERY;

(E) MENACING; OR

(F) HOMICIDE.

(II) WITHIN SEVEN BUSINESS DAYS AFTER RECEIVING NOTICE OF AN ALLEGATION AGAINST A DRIVER AS DESCRIBED IN SUBSECTION (3)(d)(I) OF THIS SECTION, THE TRANSPORTATION NETWORK COMPANY SHALL REVIEW THE AVAILABLE EVIDENCE AND, IF THE TRANSPORTATION NETWORK COMPANY DETERMINES THAT THE ALLEGATION IS MORE THAN LIKELY TO HAVE OCCURRED, THE TRANSPORTATION NETWORK COMPANY SHALL DEACTIVATE THE DRIVER FROM THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM IN ACCORDANCE WITH THE TRANSPORTATION NETWORK COMPANY'S DEACTIVATION AND SUSPENSION POLICY DEVELOPED PURSUANT TO SECTION 8-4-127.

(III) THE COMMISSION SHALL CREATE A PROCESS BY RULE FOR SHARING INFORMATION BETWEEN TRANSPORTATION NETWORK COMPANIES REGARDING DEACTIVATION OF RIDERS AND DRIVERS.

(e) (I) A DRIVER WHO HAS BEEN DEACTIVATED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION MAY, WITHIN THIRTY CALENDAR DAYS AFTER RECEIVING A WRITTEN NOTICE OF THE DEACTIVATION, CHALLENGE, IN WRITING, THE DEACTIVATION WITH THE TRANSPORTATION NETWORK COMPANY PURSUANT TO THE TRANSPORTATION NETWORK COMPANY'S INTERNAL DEACTIVATION REVIEW PROCESS ESTABLISHED PURSUANT TO SECTION 8-4-127 (5).

(II) A TRANSPORTATION NETWORK COMPANY SHALL CONDUCT AN INTERNAL DEACTIVATION RECONSIDERATION OF A CHALLENGED DEACTIVATION WITHIN FOURTEEN CALENDAR DAYS AFTER THE DRIVER MAKES THE WRITTEN REQUEST FOR DEACTIVATION RECONSIDERATION IN ACCORDANCE WITH SECTION 8-4-127 (5)(b); EXCEPT THAT THE TRANSPORTATION NETWORK COMPANY 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 TRANSPORTATION NETWORK COMPANY OR IF CIRCUMSTANCES OUTSIDE OF THE TRANSPORTATION NETWORK COMPANY'S CONTROL NECESSITATE ADDITIONAL TIME TO RECONSIDER THE CHALLENGED DEACTIVATION.

(III) A TRANSPORTATION NETWORK COMPANY'S INTERNAL DEACTIVATION REVIEW PROCESS DEVELOPED PURSUANT TO SECTION 8-4-127 (5) MUST:

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

(B) BE CONDUCTED IN GOOD FAITH; AND

(C) APPLY EVENHANDEDLY THE TRANSPORTATION NETWORK COMPANY'S DEACTIVATION POLICY, CONSISTENT WITH THE TRANSPORTATION NETWORK COMPANY'S INTEREST IN SAFE AND EFFICIENT OPERATIONS.

(IV) THE TRANSPORTATION NETWORK COMPANY'S RESOLUTION OF A DRIVER'S CHALLENGE TO A DEACTIVATION MUST INCLUDE A WRITTEN STATEMENT THAT THE TRANSPORTATION NETWORK COMPANY SENDS THE DRIVER THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM AND VIA EMAIL OR OTHER MECHANISM THAT THE TRANSPORTATION NETWORK COMPANY REASONABLY EXPECTS WILL REMAIN ACCESSIBLE TO THE DRIVER FOR AT LEAST ONE YEAR. THE WRITTEN STATEMENT MUST INCLUDE:

(A) A DETERMINATION AFFIRMING DEACTIVATION AND INCLUDING A SUMMARY OF THE REASONS FOR THE DEACTIVATION AND A DESCRIPTION OF THE STEPS THE DRIVER MAY TAKE, IF ANY, TO REMEDY THE ALLEGED VIOLATION; OR

(B) A DETERMINATION THAT THE DRIVER DID NOT VIOLATE THE TRANSPORTATION NETWORK COMPANY'S DEACTIVATION 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.

(V) 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 PURSUANT TO SUBSECTION (3)(d)(I) 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.

(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 TWO BUSINESS DAYS AFTER THE REQUEST IS MADE, UNLESS OTHERWISE AGREED UPON BY THE SUBPOENAING PARTY.

(7) (c) (I) THE ATTORNEY GENERAL OR A PERSON INJURED OR HARMED BY AN ALLEGED VIOLATION OF THIS SECTION THAT RESULTS IN INJURY OR HARM TO A MINOR MAY INITIATE A CIVIL PROCEEDING IN A DISTRICT COURT AGAINST A TRANSPORTATION NETWORK COMPANY, A DRIVER, OR A RIDER THAT VIOLATES THIS SECTION.

(II) A PERSON INJURED OR HARMED BY AN ALLEGED VIOLATION OF THIS SECTION COMMITTED BY A TRANSPORTATION NETWORK COMPANY, A DRIVER, OR A RIDER THAT RESULTS IN DEATH, SEXUAL ASSAULT, KIDNAPPING, OR PERSONAL INJURY TO AN INDIVIDUAL WHO IS NOT A MINOR MAY INITIATE A CIVIL PROCEEDING IN A DISTRICT COURT AGAINST THE TRANSPORTATION NETWORK COMPANY, THE DRIVER, OR THE RIDER.

(III) A VIOLATION OF THIS SECTION BY A TRANSPORTATION NETWORK COMPANY THAT RESULTS IN INJURY OR DEATH TO AN INDIVIDUAL HAS A SIGNIFICANT PUBLIC IMPACT.

(7.5) (a) A TRANSPORTATION NETWORK COMPANY:

(I) SHALL ENSURE THAT A DRIVER OR RIDER MAY OPT IN TO AUDIO AND VIDEO RECORDING OF EACH PREARRANGED RIDE IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSION PURSUANT TO SUBSECTION (7.5)(b) OF THIS SECTION; AND

(II) SHALL NOT CHARGE A FEE OR INCREASE THE COST OF A PREARRANGED RIDE FOR A RIDER WHO OPTS IN TO AUDIO AND VIDEO RECORDING PURSUANT TO THIS SUBSECTION (7.5).

(b) ON OR BEFORE NOVEMBER 1, 2025, THE COMMISSION SHALL ADOPT RULES:

(I) ESTABLISHING REQUIREMENTS AND PROCEDURES FOR AUDIO AND VIDEO RECORDING OF A PREARRANGED RIDE CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION, INCLUDING RULES REGARDING:

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

(B) ACCESS TO, STORAGE OF, AND ENCRYPTION OF AUDIO AND VIDEO RECORDING, INCLUDING MEASURES TO PROMOTE VICTIM-SURVIVOR PRIVACY AND CHOICE;

(C) TRANSFERRING AUDIO AND VIDEO RECORDING AND RELATED DATA BETWEEN A TRANSPORTATION NETWORK COMPANY AND THE DRIVER OR RIDER;

(D) NOTIFICATION BY A TRANSPORTATION NETWORK COMPANY TO A DRIVER AND RIDER THAT A PREARRANGED RIDE IS CONTINUOUSLY AUDIO AND VIDEO RECORDED; AND

(E) EDUCATION PROVIDED BY A TRANSPORTATION NETWORK COMPANY TO A DRIVER AND RIDER REGARDING THE SAFETY BENEFITS OF AUDIO AND VIDEO RECORDING OF A PREARRANGED RIDE;

(II) GOVERNING TECHNOLOGY FAILURES RELATED TO AUDIO AND VIDEO RECORDING CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION, 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 PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION; AND

(III) ENSURING THAT A DRIVER DOES NOT SUFFER AN UNDUE BURDEN

FROM PURCHASING TECHNOLOGY TO ENABLE AUDIO AND VIDEO RECORDING CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION.

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

(b) THE COMMISSION MAY CONDUCT RANDOM COMPLIANCE CHECKS TO ENSURE THAT A TRANSPORTATION NETWORK COMPANY IS IN COMPLIANCE WITH SUBSECTION (7.7)(a) OF THIS SECTION.

(7.8) (a) A TRANSPORTATION NETWORK COMPANY SHALL NOT:

(I) ALTER THE RATING A RIDER ASSIGNED A DRIVER OR THE RATING A DRIVER ASSIGNED A RIDER ON A 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 MOTIVATED BY BIAS OR FRAUD. A TRANSPORTATION NETWORK COMPANY SHALL NOT CONSIDER NEGATIVE RATINGS OR REVIEWS THAT ARE MOTIVATED BY BIAS OR FRAUD IN A REVIEW OF A DRIVER FOR DEACTIVATION CONDUCTED PURSUANT TO SUBSECTION (3)(d) OF THIS SECTION OR AN INTERNAL DEACTIVATION RECONSIDERATION CONDUCTED PURSUANT TO SUBSECTION (3)(e) OF THIS SECTION OR SECTION 8-4-127 (5).

(11) SUBSECTIONS (3)(c)(VII), (3)(c)(IX), (3)(d), (3)(e), (7)(c), (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 UNDER THE AGE OF EIGHTEEN 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 PROMULGATED 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 - rules. (3) ON OR BEFORE FEBRUARY 1, 2026, 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:

(a) 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:

- (I) PHYSICAL ASSAULT;
- (II) SEXUAL ASSAULT;
- (III) VERBAL THREATS;
- (IV) STALKING;
- (V) HARASSMENT;
- (VI) THEFT;
- (VII) A MOTOR VEHICLE ACCIDENT; AND
- (VIII) HOMICIDE; AND

(b) 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.

(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 UNDER THE AGE OF EIGHTEEN 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 PROMULGATED 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 PROVISION IN A CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND A DRIVER OR RIDER IS VOID AS AGAINST PUBLIC POLICY IF THE PROVISION:

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

(b) ATTEMPTS TO WAIVE OR WAIVES A RIGHT PROVIDED BY THE "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6;

(c) ATTEMPTS TO WAIVE OR WAIVES THE RIGHT TO A JURY TRIAL FOR A CLAIM INVOLVING SEXUAL MISCONDUCT OR SEXUAL ASSAULT; OR

(d) CONTAINS A MANDATORY ARBITRATION CLAUSE THAT LIMITS THE RIGHTS OF A DRIVER OR RIDER TO SEEK JUDICIAL RELIEF FOR A CLAIM INVOLVING SEXUAL MISCONDUCT OR SEXUAL ASSAULT.

(2) (a) WITHIN THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL:

(I) DEVELOP A POLICY TO PREVENT IMPOSTER ACCOUNTS, ACCOUNT SHARING, AND ACCOUNT RENTING;

(II) DEVELOP 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 A POLICY THAT ALLOWS A DRIVER TO REFUSE A PREARRANGED RIDE TO AN INDIVIDUAL WHO 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 WHO IS NOT THE AUTHORIZED RIDER ON THE ACCOUNT REQUESTING THE PREARRANGED RIDE.

(V) DEVELOP A POLICY ESTABLISHING PROCEDURES FOR 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)(d);

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

(VII) DEVELOP A POLICY REQUIRING DRIVERS TO REPORT AND A PROCESS FOR DRIVERS TO REPORT INFORMATION REGARDING A CONVICTION OF OR A PLEA OF GUILTY OR NOLO CONTENDERE TO THE OFFENSES DESCRIBED IN SECTION 40-10.1-605 (3)(c)(I);

(VIII) DEVELOP A POLICY TO PREVENT CRIMES COMMITTED AGAINST DRIVERS BY RIDERS;

(IX) DEVELOP A POLICY TO PROHIBIT DRIVERS FROM OFFERING OR

SELLING FOOD OR A BEVERAGE TO RIDERS AS DESCRIBED IN SECTION 40-10.1-605 (7.7)(a);

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

(XI) 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.

(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 NOVEMBER 1, 2025, 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 DATA COLLECTED BY A TRANSPORTATION NETWORK COMPANY PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION, A TRANSPORTATION NETWORK COMPANY SHALL RETAIN ALL AUDIO AND VIDEO RECORDINGS 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 NOVEMBER 1, 2025, THE COMMISSION SHALL ADOPT RULES GOVERNING A COMPLAINANT'S ACCESS TO THE DATA COLLECTED BY A TRANSPORTATION NETWORK COMPANY RELATED TO A COMPLAINT FILED PURSUANT TO SECTION 40-10.1-605 (3)(d)(I).

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

(a) EITHER SERVES RIDERS AT LEAST SEVENTY-FIVE PERCENT OF WHOM ARE UNDER THE AGE OF EIGHTEEN 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 PROMULGATED 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) A TRANSPORTATION NETWORK COMPANY THAT VIOLATES PART 6 OF ARTICLE 10.1 OF THIS TITLE 40 MAY BE ASSESSED A CIVIL PENALTY AS DETERMINED BY THE COMMISSION BY RULE.

(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. Act subject to petition - effective date - applicability. (1) Sections 40-10.1-605 (7.5)(b) and 40-10.1-610 (4)(b) and (4)(d), Colorado Revised Statutes, as enacted in sections 3 and 5 of this act, respectively, take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly and the remainder of this act takes effect January 1, 2026; 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 on the date of the official declaration of the vote thereon by the governor.

(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 _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO