



March 2025

TO: House Business Affairs & Labor Committee

RE: HB25-1291—Transportation Network Company Consumer Protection

Dear Committee Members:

The American Association of University Women (AAUW) is one of the oldest women's organizations in the country, empowering women since 1881. The mission of AAUW is to advance equity for women and girls through research, education, and advocacy. More than 700 community leaders are members of AAUW branches around the state.

Since 2014, when the first Colorado bill regulating transportation network companies was passed, there have been three more bills trying to ensure the safety of passengers. During that time, far too many women have been victims of sexual assault using these services. So, it is both good and bad news that we have yet another bill attempting to provide protections for women and others who are vulnerable to such crimes.

AAUW of Colorado hopes that HB1291 will provide the safety and security needed by requiring stricter rules around background checks, driver behavior and company responsibilities.

For these reasons AAUW is in strong support of HB1291 and urges your YES vote in committee and throughout the process of becoming law.

Respectfully submitted,

A handwritten signature in blue ink that reads "Su Ryden". The signature is written in a cursive, flowing style.

Hon. Su Ryden
AAUW Colorado Public Policy Co-Director

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American Association of University Women--AAUW is a top-rated 501(c)3 charitable organization whose mission is to advance gender equity for women and girls through research, education and advocacy.

Safe Rides for Adults, Loopholes for Kids: The HopSkipDrive Exception

While lawmakers in Colorado move to strengthen protections for riders of Transportation Network Companies (TNCs) through HB25-1291, there's a glaring loophole that could put our most vulnerable passengers — students — at risk.

HopSkipDrive markets itself as a safe, student-focused alternative to Uber or Lyft — but operates similarly by contracting with drivers through an app to transport children, often for school districts. Despite offering rides for minors, it's unclear whether HopSkipDrive will be held to the same standards as TNCs under the new legislation.

Here's what the bill does:

- Limits drivers to 10 consecutive hours to prevent fatigue.
- Requires biometric ID verification and frequent fingerprint-based background checks.
- Mandates continuous audio and video recording for every ride (with opt-outs allowed).
- Requires fast transparency when a complaint is filed.
- Holds companies accountable under the Colorado Consumer Protection Act.

All common-sense safeguards, especially when you're transporting kids.

So what's the problem?

HB25-1291 doesn't clearly spell out whether student transport companies like HopSkipDrive are included. And based on how legislation like this usually plays out, HopSkipDrive is already lobbying behind the scenes to opt out or classify themselves differently.

Why? Because compliance would cost them. Cameras, background checks, tighter oversight — all of it means less profit, more accountability. And what happens if they're allowed to opt out? Children — many with disabilities, IEPs, or mental health concerns — continue riding in cars with far fewer protections than adults using Uber.

Let that sink in:

Adults get biometric ID, continuous recording, and guaranteed complaint responses within 24 hours.

But a 9-year-old riding to school with a stranger? Maybe not.

“We Already Do That” — So Why Not Put It in Writing?

HopSkipDrive is reportedly telling lawmakers:

"We already follow all of these safety measures. There's no need to include us in the bill."

But here's the thing: If they're already doing it, there should be zero problem being legally required to. Unless, of course, they want the freedom to stop doing it at any time.

The Reality of “Voluntary” Safety Measures

HopSkipDrive is regulated by rules promulgated from SB22-144, found in 4 CCR 723-6 (starting on page 102). These rules do not require fingerprint background checks unless a school or district contract explicitly includes them. As stated in Rule 6724(d):

“... If a fingerprint background check for a driver is required, as specified in a contract with a school or school district, the criminal history record check shall be completed pursuant to the procedures set forth in § 40-10.1-110, C.R.S...”

Other current rules only require GPS monitoring for “real-time safety anomalies” — not continuous audio or video recording — and largely rely on self-regulation. Drivers are expected to self-report any new criminal convictions, and oversight from the state only happens once every three years through a review process by the Public Utilities Commission (PUC) and the Colorado Department of Education (CDE).

In contrast, HB25-1291 would:

- Mandate fingerprint-based checks before hire and every six months thereafter
- Require audio/video recording of rides (with opt-outs)
- Shift oversight from company discretion to state enforcement

The contrast is clear: what HopSkipDrive markets as safety is not enforced by law — and often left up to self-regulation, contracts, or internal policy.

What HopSkipDrive promises and what they're legally obligated to do are two very different things.

Forced Arbitration: The Hidden Danger

Companies like Uber, Lyft, and HopSkipDrive use mandatory arbitration clauses that force users and drivers to give up their right to sue in court. These agreements:

- Block class actions
- Force disputes into secretive arbitration
- Waive core consumer rights

HB25-1291 directly challenges this, declaring it void to waive certain rights. That means victims of misconduct might finally get their day in court — if the company is subject to the bill. If HopSkipDrive is carved out? The arbitration shield stays up. Even if something terrible happens.

Lawmakers should not accept vague promises of voluntary compliance. If HopSkipDrive is already doing all the right things, it should have no objection to being included in the bill. In fact, they should demand it, to raise the bar for the entire industry.

Because child safety shouldn't rely on corporate goodwill. It should be the law.

HB25-1291 must apply to all companies transporting children — without exception.

Joe Acker's Testimony: TNC Consumer Protection Bill

April 3, 2025 at 1:30pm MT

Chairwoman Ricks, Vice Chair Woodrow, and members of the Committee, thank you for the opportunity and privilege to speak with you today to express my opposition of this bill as it's currently written. My name is Joseph Acker, and I'm an Uber driver from Lakewood, Colorado. I've given close to 20,000 rides, so would consider myself an experienced driver. I'm grateful to Uber for giving me the chance to earn a flexible income—it's allowed me to support myself, and honestly, I really enjoy it. Driving gives me the chance to meet new people every day, and I have fun doing it.

First, I want to acknowledge the terrible experience that led to this bill being introduced. What happened to the sponsor and others was truly awful and should not be tolerated, and no one should ever have to go through that. I'm unsure if the measures in this bill would actually prevent something like that from happening again. From my experience with conversations I have had with decision makers at Uber, I believe, and frankly know, Uber would be more than willing to work with the sponsor and the legislature on real ways to improve rider safety.

After reading the bill, I have mixed feelings—there are parts I support, and parts I strongly disagree with. I'll start with what I do agree with: I know without a doubt there are some drivers out there who shouldn't be behind the wheel. I believe this either because of the way I have witnessed them driving or their interaction with passengers in public places. I fully support stronger safeguards to make sure only safe, qualified drivers are on the platform. I've been through 1-2 background checks per year since I started in 2016, and I can say there was one period in the winter of 2020/2021 where I was suspended from the platform because not all four parts of the background check had been cleared due to staffing issues related to COVID. I pleaded for reinstatement to no avail. After approximately 5 weeks, I was able to drive again. From what I understand, Uber also checks driving records, and I'd be on board with that being a legal requirement.

What I don't support is the requirement for constant audio and video recording during rides. That just doesn't sit right with me. It feels like a step too far—like we'd all be living in a "Big Brother" type world. I strongly believe there is a significantly high number of riders that would be uncomfortable with it. It's a big invasion of privacy, especially if there's no option to opt out of it. I say this because it has been the topic of conversation on several occasions during rides I've given.

When Uber instituted optional audio recording, I've offered it and every time it's been turned down by the passenger. A few years ago Uber instituted a Security Toolbox. One of the best features is what I call a "Panic Button" where the rider or driver can push that and request 911 assistance. Uber has also published, for riders and drivers, steps to take to insure the right rider gets in the car and the driver picks up the right person. I never deviate from them but I can say based off my experiences as a rider

and driver sometimes it's not used. I have asked people to get out of my car because they could not confirm.

Another point of strong disagreement is the "10 hour" provision. I realize the importance but considering a strong number of drivers drive for Uber, Lyft, Taxi's and other services combined, it would be hard to regulate and those affected by this new provision would be people, like me, who drive only for one platform.

Another concern I have is the way drivers are portrayed in this bill. Honestly, it feels like we're being painted in an unbelievably negative light when we are at risk as well. There are certain weekends I refuse to drive as I have been accosted by both men and women. The majority of us are good people just trying to earn a living or make some extra money. I take pride in the work I do, and I know a lot of other drivers do too. Uber plays an important role in helping people get where they need to go, and it's part of the fabric of how transportation works in Colorado today.

Thanks again for letting me share my perspective. I hope you'll take my thoughts into consideration and vote no on this bill in its current form only. I think there's still an opportunity to work with Uber and improve it in a way that actually makes things safer—for both riders and drivers. Thank you.



March 20, 2025

Hon. Chair Naquetta Ricks
200 E Colfax Avenue
Denver, CO 80203

Re: HB25-1291

Dear Chair Ricks and distinguished members of the Committee,

Uber Technologies Inc. appreciates the opportunity to submit testimony regarding HB25-1291. While we fully support efforts to enhance rider safety, this bill raises significant concerns. The requirement for continuous audio and video recording presents serious privacy issues for both riders and drivers, turning rideshares into spaces of constant surveillance. The bill also introduces legal uncertainty through a private right of action, which could result in excessive fines for hard-to-enforce actions—such as a driver offering a bottle of water to a rider. These provisions could severely impact Uber’s ability to operate in Colorado, ultimately reducing access to affordable, reliable transportation across the state. While we are opposed to HB25-1291 in its current form, we remain committed to working with lawmakers to find solutions that strengthen safety while respecting privacy and preserving access to flexible work for thousands of Coloradans.

Uber’s Screenings Process

A robust multi-step screening process is completed before any person is able to drive with Uber in Colorado. An individual’s full name, date of birth, social security number, driver’s license number, a copy of his or her driver’s license and profile picture cross-referenced for identity validation, vehicle registration, and vehicle insurance are collected from each potential driver. We then work with third party background check providers accredited by the Professional Background Screening Association (PBSA) to compile a driving and criminal history about the driver.

Motor Vehicle Record:

Uber collects a driving history, called a Motor Vehicle Record, that includes information provided by a state’s Department of Motor Vehicles, specifically the status of the operator's driving privileges, restrictions, expiration date, license type and class, endorsements, suspensions or revocations, violations, and accidents for the state where the applicant’s license was issued. In Colorado, violations typically remain on the MVR report for twenty-four months, although convictions for serious offenses will be retained for at least seven years. If the driver has more than three moving violation convictions in the last three-years, or a conviction for a major violation such as reckless driving or eluding police in the past seven years, they will not be allowed to drive on the Uber app.

Criminal Background Check Components

All Uber criminal background checks from its PBSA accredited providers include the following searches:

- Social Security Number Trace: The SSN Trace is a credit bureau search, which includes database searches of lending institutions, utilities, schools, and credit card companies. This search gathers known names, aliases and addresses associated with the use of a particular SSN. This search is used to determine additional jurisdictions and names under which criminal records will be searched.
- Multi-Jurisdictional Database Search: The Multi-Jurisdictional Database Search (sometimes referred to as a "National Criminal Database Search" or "Widescreen Plus") is an automated search of thousands of databases that consists of both publicly available and purchased criminal records compiled from a variety of state, county, and other proprietary sources. This search is used to locate records reflecting contact with law enforcement, courts, or corrections departments. Similar to the SSN Trace, records identified in this search serve as lead sources for further investigation where our vendor's professional court researchers are dispatched to the source of the records to retrieve complete and up to date information. This national search includes, but is not limited to criminal data from various local, county and state agencies including: Administrative Office of Courts; Departments of Correction; Individual County Courts; State Specific Criminal Records Repositories; and Criminal records from multiple states.

The multi-jurisdictional database search contains important redundancies to try and ensure a contact with law enforcement is identified. While a specific individual's incarceration details may not be available in the reporting DOC databases, several other contact points throughout the criminal process may still act as a pointer for verification.

- Federal Criminal Search: The Federal Criminal Search is a search of the Public Access to Court Electronic Records (PACER) database, which houses all federal trial court level criminal records. This search covers all federal jurisdictions across the United States, including its territories.
- Sex Offender Search: Our vendors conduct searches of sex offender registration records from all 50 states, the District of Columbia, and tribal territories. Records from this search are then verified for accuracy and completeness with national and state resources, including the National Sex Offender Public Website.
- Global Watchlist Search: The Global Watchlist Search is a search of various United States and international government watchlists, including: FBI Most Wanted Lists, Interpol's Most Wanted Lists, Office of Foreign Asset Control Sanction Lists, Denied Persons Lists, Department of State Sanction Lists, Specially Designated Nationals Lists, as well as various US Drug Enforcement Administration Wanted Fugitive Lists.
- County Criminal Searches: Our vendor's network of professional researchers are dispatched to find the most accurate and complete information available at its source. Based on the results of the SSN Trace and the Multi-jurisdictional Database Search, professional court researchers will search the source of the

records (one of the 3,200 counties in the US) to retrieve complete and up to date criminal information. The search performed will retrieve records that extend back to a minimum of seven years from the date of search for convictions, but may extend back over one's entire adult life.

- Colorado State Search: In Colorado, Colorado-specific criminal history is collected and sourced in its screening process. Although Colorado law does not require the use of this data source, Uber recognized that adding it could help provide additional validation for the name-based background check process in Colorado.

Continuing Safety Screenings

New Offense Notification

New Offense Notification is a subscription service that continuously monitors real-time data sources for changes in a candidate's criminal record information. These notifications are based on numerous data sources, including proprietary information from our vendors, online criminal databases, and arrest record searches. Once a potential criminal record has been identified our vendors investigate whether the information is accurate, up-to-date, and reportable. The criminal offense is reviewed and if the driver no longer meets Colorado's standards, the driver's access to the Uber app is removed. The driver will remain blocked from the app unless and until the charge is favorably resolved or dismissed.

Annual Criminal and Motor Vehicle Eligibility Reviews

Uber collects a new criminal and driving history about every driver, every year. Colorado's TNC regulation only requires these checks every five years. If the driver fails to meet eligibility requirements to drive in Colorado, Uber removes the driver's access from the Uber app.

Identity Validation

Uber has also built processes to continue to verify the identity of the person driving - not just verify the person's identity at the point of initial contact with Uber. Uber understands safety never stops, and has implemented the following continuing screenings to help confirm the identity of the driver as they take trips

Real-Time ID Checks:

Because sharing accounts is not permitted, it's long been our policy that drivers are regularly prompted to take a selfie that we match against their verified profile photo. We avoid predictability by triggering these checks at different times—for example, sometimes when a driver goes online and other times between trips. If the photos don't match or fraud is detected, the account is temporarily blocked from going online and may be deactivated, depending on our review.

Intelligent Fraud Monitoring:

Over time we've built a smart system to identify risk signals of fraud or account sharing—like multiple devices being registered to one account—which increases the triggering of Real-Time ID Checks for that driver.

Consumer Reporting:

Passengers always see a picture of their driver and can report suspected account sharing directly in their app at any time. All reports from consumers lead to a driver needing to reverify their account.

Human Review Process:

Where our technology detects a potential fraud, trained agents conduct a multi-step review process for accuracy and fairness before any action or deactivation of the account occurs. We are committed to fairness, accuracy, and transparency. This is why drivers have the ability to request a review of an account deactivation and provide additional information to support their case.

Fingerprint Background Checks

Incomplete Arrest-Focused Information:

The FBI maintains a centralized repository—the Interstate Identification Index (“III”)—to facilitate the sharing of criminal history among states. The III houses federal criminal history information as well as state criminal history information that the individual states voluntarily report to the FBI. There are several structural flaws with the III and state repositories that make them incomplete and inaccurate sources. The federal and state repositories are often missing final disposition information (i.e., whether an arrest resulted in a conviction, acquittal, or something else). Fingerprint background check databases don’t always show whether an arrest led to a conviction or if the person was cleared. In most states, they lack final case outcomes, making them unreliable for non-law enforcement processes. **Colorado is particularly problematic, with only 28%¹ of arrests showing a final decision, meaning the majority of records are incomplete.**

African-American and Latino Men Are Arrested Most Frequently - Many Arrests Do Not Result in Conviction:

Because of this gap, the entities that use fingerprint-based background checks to evaluate for-hire drivers often rely on a record of arrests and prosecutions (RAP sheet) that show an arrest event without corresponding disposition information on whether the individual was ultimately convicted or acquitted. While licensing agencies have different processes for evaluating applicants with an incomplete criminal history report, we are aware of at least some for-hire driver licensure bodies that put the onus on the applicant with an incomplete rap sheet to obtain a certified court record or other evidence showing they were not convicted. Obtaining a record to show that an arrest did not lead to a conviction—in other words, to prove their innocence—often requires traveling to a courthouse or arresting agency in another county or state.² And if an arrest did not result in charges, there is likely no court record available; in that instance, the individual must seek the record from a prosecutor's office or police department or file a motion to expunge the entry on their rap sheet.² These additional barriers are problematic for anyone. However, they are particularly problematic for minority communities—especially the African-American community—whose members are

¹ U.S. Dep’t of Justice, Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2022*, Table 1 <https://www.ojp.gov/pdffiles1/bjs/grants/309360.pdf>

² U.S. Dept. of Justice, Bureau of Justice Statistics, *Improving Access to and Integrity of Criminal History Records* (July 2005), at 15, <https://www.bjs.gov/content/pub/pdf/iaichr.pdf>

arrested at rates far greater than their representation in the general population.³ According to former U.S. Attorney General Eric Holder, nearly 50% of black and latino men are arrested by age 23⁴. Due to this disproportionate arrest rate, fingerprint-based background checks hold young black and latino men accountable for arrests where there was not enough evidence to charge or convict them - at a much higher rate than white men.

One and Done

A second structural flaw with the repositories used for fingerprint-based background checks is that they are missing some criminal events altogether. Fingerprint background checks tend to be "one and done" and are meant for law enforcement purposes, not to consider a driver's ongoing fitness for work. Fingerprint background checks (as proposed in this bill) are not refreshed at a particular cadence and do not otherwise monitor a driver's criminal offenses, like Uber's process. Additionally, fingerprint database repositories typically only capture custodial arrest events, which are initiated with a booking and fingerprinting. Non-custodial arrests (i.e., arrests initiated through citations, summons, warrants, and indictments) often do not make it into the repositories or, if they do, not until years later.

Missing Out of State Offenses

Fingerprint repositories also focus on federal offenses and in-state crimes - often overlooking offenses committed by drivers in any other state. Fingerprint background checks as proposed here would search the III and the Colorado Bureau of Investigation arrest database. Note that these sources of information are largely duplicative of those searched by Uber for its background checks for federal and Colorado records. However, no Colorado Bureau of Investigation arrest database searches local or county records for any other state, *i.e.*, they do not specifically search for any non-federal offenses outside of Colorado. Importantly, the proposed law fails to identify how it will identify any non-federal criminal offenses outside of Colorado - despite the fact that most criminal matters (murder, sexual assault, kidnapping, driving under the influence) are heard in state, not federal court.⁵ Accordingly, fingerprint background checks would likely be missing all sexual assault, murder, and kidnapping offenses other than those in Colorado, or those limited circumstances when a federal prosecution is brought.

Privacy Concerns

In addition to the fingerprinting issue, we are concerned that the data sharing requirements in this legislative bill could compromise survivor privacy and safety by potentially disclosing sensitive information, such as photos or videos depicting incidents of sexual abuse or injuries. Such disclosure could deter survivors from reporting misconduct for fear that their

³ Brad Heath, *Racial Gap in U.S. Arrest Rates: 'Staggering Disparity'*, USA Today (Nov. 19, 2014), <https://www.usatoday.com/story/news/nation/2014/11/18/ferguson-black-arrest-rates/19043207/> (reporting on 2014 study on 70 police departments across the United States that found that African-Americans are arrested at a rate ten times higher than those who are not African-American).

⁴ Letter from Eric Holder to Alderman Anthony Beale, (June 2, 2016), <https://suntimesmedia.files.wordpress.com/2016/06/letter-to-alderman-beale-june-2-2016.pdf>.

⁵ <https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts>

personal information might be shared with someone who has caused them harm or an entity they did not directly disclose the information to. Additionally, these requirements risk exposing personal identifying information about drivers, potentially violating the Colorado Privacy Act. It is critical that any data sharing remains subject to privacy laws and relevant protections to ensure that filing a complaint does not inadvertently waive these safeguards or undermine safety.

We support in-vehicle recording, but believe it should be optional. Empowering drivers and riders alike with the choice to record protects both the safety and privacy of riders and drivers, and critically, is also technically feasible. Privacy should not be disregarded. Continuous audio and video recording raises serious issues about personal data, consent, and surveillance in what many consider a private space. And importantly, mandating constant recording comes with significant operational and technical challenges. Smartphones can overheat, run out of battery, lose service, or fail due to hardware limitations. Dashcams face similar issues, including loss of power or network connection, and both can be easily tampered with. As currently drafted, any one of these potential issues—such as a loose wire or poor connection—could lead to substantive fines per trip. Additionally, storing this volume of footage—potentially petabytes of data each month—would strain both technical infrastructure and cellular networks, requiring costly upgrades with limited proven impact on improving safety. Uber believes in empowering all riders and drivers by giving them the ability to record every trip - technology we have already made available to every Coloradan using our platform.

Food and Water Prohibition

We are concerned about the proposed prohibition on drivers offering food or beverages to riders. As written, this language—combined with a private right of action and a \$100,000 penalty per violation—could expose Uber to tens of millions of dollars in potential liability for something as simple as a driver handing out bottles of water to riders. We fully support rider safety and are committed to adopting a policy that prohibits this behavior, along with sending reminders to riders in Colorado not to accept food or drinks from drivers. However, monitoring and enforcing every individual instance of this conduct is extremely challenging in practice.

Due Process

We also have significant concerns regarding the provisions in the bill that re-write existing Colorado tort and contract law. As currently written, the bill effectively prohibits the use of arbitration agreements, this change would be preempted by the Federal Arbitration Act and contrary to well-established law under *American Express v. Italian Colors* and *Kindred Nursing*. It is important to note that Uber's arbitration agreement already includes an exemption for claims of sexual assault and sexual harassment, ensuring that survivors are not compelled into arbitration for these cases. Moreover, the creation of a private right of action and application of Colorado's Consumer Protection Act if a person "misrepresents...compliance" is vague, ill-defined, and would be an unprecedented expansion of the Consumer Protection Act to personal injury claims. Vague application of statutory remedies unintended to apply to personal injury suits is unfairly punitive and will incentivize frivolous litigation over minor or technical violations which would unnecessarily increase legal

costs, ultimately driving up the price of rides for consumers.

To close, while we fully support the intent behind this bill, we have concerns with the language, which we believe may not significantly enhance rider safety or fully achieve its intended goals. We urge the committee to consider these unintended consequences and vote no on HB25-1291 in its current form. Thank you again for your time and commitment to safety.

Stefanie Sass

Uber Technologies, Inc.