

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0894.01 Jery Payne x2157

SENATE BILL 22-144

SENATE SPONSORSHIP

Zenzinger, Cooke, Coram, Gardner, Ginal, Hisey, Liston, Lundeen, Priola, Smallwood, Sonnenberg, Woodward

HOUSE SPONSORSHIP

Kipp and Rich,

Senate Committees

Transportation & Energy

House Committees

State, Civic, Military, & Veterans Affairs

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF TRANSPORTATION SERVICES BY A**
102 **TRANSPORTATION NETWORK COMPANY NOT IN CONNECTION**
103 **WITH A BUSINESS OPERATED FOR PROFIT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law regulates transportation network companies, which are commonly known as ridesharing companies, and the services they provide. Current law exempts services provided under a contract between a ridesharing company and a school, a school district, the federal government, a state, a political subdivision of a state, or a tax-exempt

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 3rd Reading
March 17, 2022

SENATE
Amended 2nd Reading
March 16, 2022

entity. The bill removes these exemptions, so that ridesharing companies that contract with these entities will be regulated in the same manner as other types of ridesharing companies and services.

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

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-602, **amend**
3 (6); and **add** (2.5) and (2.6) as follows:

4 **40-10.1-602. Definitions.** As used in this part 6, unless the
5 context otherwise requires:

6 (2.5) "SCHOOL" MEANS A PUBLIC SCHOOL THAT ENROLLS
7 STUDENTS IN ANY OF THE GRADES OF KINDERGARTEN THROUGH TWELFTH
8 GRADE.

9 (2.6) "STUDENT" MEANS AN INDIVIDUAL ENROLLED IN A SCHOOL.

10 (6) (a) "Transportation network company services" or "services"
11 means the provision of transportation by a driver to a rider with whom the
12 driver is matched through a transportation network company.

13 (b) ~~The term~~ "TRANSPORTATION NETWORK COMPANY SERVICES"
14 OR "SERVICES" does not include services provided ~~either directly by or~~
15 ~~under contract with~~ USING VEHICLES OWNED OR LEASED BY a political
16 subdivision or other entity exempt from federal income tax under section
17 115 of the federal "Internal Revenue Code of 1986", as amended.

18 (c) "TRANSPORTATION NETWORK COMPANY SERVICES" OR
19 "SERVICES" INCLUDES SERVICES PROVIDED UNDER A CONTRACT BETWEEN
20 A TRANSPORTATION NETWORK COMPANY AND A POLITICAL SUBDIVISION
21 OR OTHER ENTITY EXEMPT FROM FEDERAL INCOME TAX UNDER SECTION
22 115 OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED.

23 **SECTION 2.** In Colorado Revised Statutes, 40-10.1-105, **amend**
24 (1)(b) and (1)(j) as follows:

1 **40-10.1-105. Transportation not subject to regulation.** (1) The
2 following types of transportation are not subject to regulation pursuant to
3 this article 10.1:

4 (b) The transportation of children to and from school,
5 school-related activities, and school-sanctioned activities to the extent
6 that ~~such~~ THE transportation is provided by VEHICLES OWNED OR
7 DIRECTLY LEASED BY a school or school district or the school or school
8 district's transportation contractors; EXCEPT THAT THIS SUBSECTION (1)(b)
9 DOES NOT APPLY TO TRANSPORTATION NETWORK COMPANY SERVICES
10 PROVIDED UNDER A CONTRACT BETWEEN A TRANSPORTATION NETWORK
11 COMPANY AND A SCHOOL OR SCHOOL DISTRICT;

12 (j) Transportation performed by the federal government, a state,
13 or any agency or political subdivision of either, whether through an
14 intergovernmental agreement, contractual arrangement, or otherwise;
15 EXCEPT THAT THIS SUBSECTION (1)(j) DOES NOT APPLY TO
16 TRANSPORTATION NETWORK COMPANY SERVICES PROVIDED UNDER A
17 CONTRACT BETWEEN A TRANSPORTATION NETWORK COMPANY AND THE
18 FEDERAL GOVERNMENT, A STATE, OR ANY AGENCY OR POLITICAL
19 SUBDIVISION OF EITHER.

20 **SECTION 3.** In Colorado Revised Statutes, 40-10.1-605, add
21 (1)(p), (1)(q), (1)(r), and (10) as follows:

22 **40-10.1-605. Operational requirements.** (1) The following
23 requirements apply to the provision of services:

24 (p) A TRANSPORTATION NETWORK COMPANY THAT, FOR
25 REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES
26 FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR
27 SCHOOL-SANCTIONED ACTIVITIES SHALL ENTER INTO A CONTRACT WITH

1 THE APPROPRIATE SCHOOL OR SCHOOL DISTRICT THAT INCLUDES SPECIFIC
2 PROVISIONS FOR THE SAFETY OF STUDENT PASSENGERS, AS DETERMINED
3 BY THE SCHOOL OR SCHOOL DISTRICT.

4 (q) A TRANSPORTATION NETWORK COMPANY THAT, FOR
5 REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES
6 FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR
7 SCHOOL-SANCTIONED ACTIVITIES SHALL USE A TECHNOLOGY-ENABLED
8 INTEGRATED SOLUTION THAT PROVIDES END-TO-END VISIBILITY INTO THE
9 RIDE FOR THE TRANSPORTATION NETWORK COMPANY AND THE PERSON
10 THAT SCHEDULED THE RIDE. THIS SOLUTION MUST ALLOW FOR GLOBAL
11 POSITIONING SYSTEM MONITORING OF THE RIDE IN REAL TIME FOR
12 SAFETY-RELATED ANOMALIES.

13 (r) A TRANSPORTATION NETWORK COMPANY THAT, FOR
14 REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, PROVIDES SERVICES
15 FOR STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITIES, OR
16 SCHOOL-SANCTIONED ACTIVITIES SHALL ENSURE THAT EACH DRIVER
17 PROVIDING THE SERVICE RECEIVES TRAINING IN MANDATORY REPORTING
18 REQUIREMENTS, SAFE DRIVING PRACTICES, FIRST AID AND
19 CARDIOPULMONARY RESUSCITATION, EDUCATION ON SPECIAL
20 CONSIDERATIONS FOR TRANSPORTING STUDENTS WITH DISABILITIES,
21 EMERGENCY PREPAREDNESS, AND SAFE PICK-UP AND DROP-OFF
22 PROCEDURES. THE TRANSPORTATION NETWORK COMPANY, NOT THE
23 DRIVER, SHALL PAY THE COST OF PROVIDING THE TRAINING. THE
24 COMMISSION SHALL PROMULGATE RULES PROVIDING FOR THE APPROVAL
25 OF THE TRAINING USED, AND THE TRANSPORTATION NETWORK COMPANY
26 MUST HAVE THE TRAINING APPROVED BY THE COMMISSION.

27 (10) (a) TO PROVIDE SERVICES FOR STUDENTS TO OR FROM A

1 SCHOOL, SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED
2 ACTIVITIES FOR REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT, A
3 DRIVER MUST HAVE A CRIMINAL HISTORY BACKGROUND CHECK IN
4 ACCORDANCE WITH SECTIONS 22-32-109.7 AND 22-32-122.

5 (b) A TRANSPORTATION NETWORK COMPANY SHALL NOT USE A
6 DRIVER TO PROVIDE SERVICES FOR STUDENTS TO OR FROM A SCHOOL,
7 SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES FOR
8 REMUNERATION FROM A SCHOOL OR SCHOOL DISTRICT IF THE DRIVER HAS:

9 (I) BEEN CONVICTED OF OR PLED GUILTY OR NOLO CONTENDERE TO
10 AN OFFENSE DESCRIBED IN SECTION 22-32-109.7 OR 22-32-109.8 (6.5); OR

11 (II) BEEN DISMISSED OR RESIGNED FROM EMPLOYMENT OR BEEN
12 SUBJECT TO DISCIPLINE FOR AN ACT DESCRIBED IN SECTION 22-32-109.7.

13 **SECTION 4.** In Colorado Revised Statutes, 40-10.1-608, **add** (3)
14 as follows:

15 **40-10.1-608. Rules.** (3) (a) IN ADDITION TO ANY OTHER RULES
16 AUTHORIZED IN THIS PART 6, THE COMMISSION SHALL COORDINATE WITH
17 THE DEPARTMENT OF EDUCATION TO PROMULGATE RULES IMPLEMENTING
18 MINIMUM ENHANCED SAFETY STANDARDS FOR TRANSPORTATION
19 NETWORK COMPANIES, PERSONAL VEHICLES, AND TRANSPORTATION
20 NETWORK COMPANY DRIVERS WHEN ENGAGING IN SERVICES PROVIDED
21 UNDER A CONTRACT WITH A SCHOOL OR SCHOOL DISTRICT. THE
22 COMMISSION SHALL PROMULGATE THE RULES BY JULY 1, 2023.

23 (b) AT LEAST ONCE EVERY THREE YEARS, THE COMMISSION SHALL,
24 IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, REVIEW AND,
25 IF NECESSARY, UPDATE THE RULES PROMULGATED IN ACCORDANCE WITH
26 THIS SUBSECTION (3) AS REASONABLY NECESSARY TO ENSURE SAFE
27 STUDENT TRANSPORTATION.

1 (c) NOTHING IN THIS SUBSECTION (3) PROHIBITS A SCHOOL OR
2 SCHOOL DISTRICT FROM SETTING HIGHER STANDARDS FOR TRANSPORTING
3 A STUDENT TO OR FROM A SCHOOL, SCHOOL-RELATED ACTIVITY, OR
4 SCHOOL-SANCTIONED ACTIVITY.

5 **SECTION 5.** In Colorado Revised Statutes, **add 40-10.1-609** as
6 follows:

7 **40-10.1-609. Reporting requirements - rules.** (1) A
8 TRANSPORTATION NETWORK COMPANY SHALL, WITHIN A REASONABLE
9 TIME AS DETERMINED BY RULES OF THE COMMISSION, NOTIFY THE
10 COMMISSION OF ANY SAFETY OR SECURITY INCIDENTS THAT INVOLVE
11 PROVIDING SERVICES FOR STUDENTS TO OR FROM A SCHOOL,
12 SCHOOL-RELATED ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES. THE
13 TRANSPORTATION NETWORK COMPANY SHALL SEND THE SAME NOTICE TO
14 EACH SCHOOL OR SCHOOL DISTRICT WITH WHICH THE TRANSPORTATION
15 NETWORK COMPANY HAS ENTERED INTO A CONTRACT TO PROVIDE
16 SERVICES TO STUDENTS TO OR FROM A SCHOOL, SCHOOL-RELATED
17 ACTIVITIES, OR SCHOOL-SANCTIONED ACTIVITIES.

18 (2) (a) BY SEPTEMBER 1, 2022, THE COMMISSION SHALL
19 PROMULGATE RULES REQUIRING A TRANSPORTATION NETWORK COMPANY
20 TO REPORT INFORMATION RELATED TO DRIVER BACKGROUND CHECKS,
21 INSURANCE COVERAGE, AND DATA REPORTING, CONSISTENT WITH THE
22 TYPE OF SERVICE PROVIDED, AS IT RELATES TO SERVICE FOR STUDENTS. IN
23 PROMULGATING THE RULES, THE COMMISSION SHALL COORDINATE WITH
24 THE DEPARTMENT OF EDUCATION.

25 (b) AT LEAST ONCE EVERY THREE YEARS, THE COMMISSION SHALL,
26 IN CONSULTATION WITH THE DEPARTMENT OF EDUCATION, REVIEW AND,
27 IF NECESSARY, UPDATE THE RULES PROMULGATED IN ACCORDANCE WITH

1 THIS SUBSECTION (2).

2 **SECTION 6. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety.