

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 23-0508.01 Jennifer Berman x3286

SENATE BILL 23-098

SENATE SPONSORSHIP

Rodriguez,

HOUSE SPONSORSHIP

Bacon and Vigil,

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING TRANSPARENCY FOR DRIVERS WHO CONNECT WITH**
102 **CONSUMERS THROUGH THE USE OF A DIGITAL PLATFORM.**

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>.)

The bill requires a delivery network company (DNC) or a transportation network company (TNC) operating in the state to provide various disclosures to their drivers and to consumers of the DNC or TNC regarding payments that a consumer makes to the DNC or TNC and the amount that the DNC or TNC then pays to a driver.

The bill also requires transparency with regard to the procedures

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

that govern a determination by a DNC or TNC to terminate a driver from, or rehire a driver on, the DNC's or TNC's digital platform and authorizes a driver who has been terminated to seek administrative review of the termination.

The division of labor standards and statistics (division) in the department of labor and employment may impose fines against DNCs and TNCs for violations of the bill or require a DNC or TNC to rehire a wrongly terminated driver, and a consumer or driver aggrieved by a violation may file a civil suit against the DNC or TNC that committed the violation.

The director of the division is required to adopt rules regarding the disclosures related to payments made to drivers and driver termination and rehire policies.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 8-4-126 as
3 follows:

4 **8-4-126. Cost and wage transparency for delivery network**
5 **companies and transportation network companies - notice**
6 **requirements - enforcement - penalties - definitions - rules - repeal.**

7 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "CONSUMER" MEANS AN INDIVIDUAL WHO USES A DIGITAL
10 PLATFORM TO ORDER DELIVERY SERVICES FROM A DELIVERY NETWORK
11 COMPANY OR TRANSPORTATION SERVICES FROM A TRANSPORTATION
12 NETWORK COMPANY.

13 (b) (I) "DELIVERY NETWORK COMPANY" OR "DNC" MEANS ANY
14 PERSON THAT SELLS DELIVERED GOODS OR SERVICES IN THE STATE AND
15 THAT CONNECTS CONSUMERS WITH DELIVERY WORKERS THROUGH A
16 DIGITAL PLATFORM.

17 (II) "DELIVERY NETWORK COMPANY" OR "DNC" DOES NOT
18 INCLUDE A MOTOR CARRIER OF TOWED MOTOR VEHICLES REGULATED BY

1 THE PUBLIC UTILITIES COMMISSION PURSUANT TO PART 4 OF ARTICLE 10.1
2 OF TITLE 40 OR A MOTOR CARRIER OF HOUSEHOLD GOODS REGULATED BY
3 THE COMMISSION PURSUANT TO PART 5 OF ARTICLE 10.1 OF TITLE 40.

4 (c) "DIGITAL PLATFORM" MEANS AN ONLINE APPLICATION,
5 INTERNET SITE, OR SYSTEM THAT A DELIVERY NETWORK COMPANY OR
6 TRANSPORTATION NETWORK COMPANY USES TO FACILITATE, MANAGE, OR
7 FACILITATE AND MANAGE DELIVERY SERVICES OR TRANSPORTATION
8 SERVICES.

9 (d) "DRIVER" MEANS:

10 (I) A DRIVER PROVIDING DELIVERY SERVICES FOR A DELIVERY
11 NETWORK COMPANY; OR

12 (II) A TRANSPORTATION NETWORK COMPANY DRIVER AS DEFINED
13 IN SECTION 40-10.1-602 (4).

14 (e) "DRIVER PAY BEFORE EXPENSES" MEANS THE TOTAL WEEKLY
15 AMOUNT THAT A DNC OR TNC PAYS A DRIVER.

16 (f) "DRIVER TIPS BEFORE EXPENSES" MEANS THE TOTAL WEEKLY
17 AMOUNT OF TIPS THAT CONSUMERS PAY TO A DNC OR TNC, WHICH TIPS
18 THE CONSUMERS INTENDED TO PAY TO THE DRIVER.

19 (g) "ESTIMATE OF EXPENSES" MEANS THE FEDERAL INTERNAL
20 REVENUE SERVICE'S PREVAILING MILEAGE REIMBURSEMENT RATE FOR
21 BUSINESS USE DURING A WEEK IN WHICH A DRIVER ACTIVATES OR LOGS
22 INTO A DNC'S OR TNC'S DIGITAL PLATFORM MULTIPLIED BY THE NUMBER
23 OF MILES THAT A DRIVER HAS DRIVEN WHILE THE DIGITAL PLATFORM WAS
24 ACTIVATED OR LOGGED INTO DURING THAT WEEK.

25 (h) "FACILITY" MEANS ANY THIRD PARTY THAT SELLS GOODS OR
26 SERVICES TO CONSUMERS THROUGH A DELIVERY NETWORK COMPANY.

27 (i) "HOURLY NET PAY" MEANS DRIVER PAY BEFORE EXPENSES

1 MINUS AN ESTIMATE OF EXPENSES FOR THAT DRIVER DIVIDED BY THE
2 TOTAL NUMBER OF HOURS DURING WHICH THE DRIVER WAS ACTIVE OR
3 LOGGED INTO THE DNC'S OR TNC'S DIGITAL PLATFORM DURING THE
4 WEEK.

5 (j) (I) "NONLINEAR COMPENSATION SYSTEM" MEANS AN OFFER OF
6 COMPENSATION THAT:

7 (A) FEATURES HIDDEN ALGORITHMS RATHER THAN A
8 TRANSPARENT PER-MILE, PER-MINUTE, OR PER-TRIP PAY SYSTEM; AND

9 (B) A DELIVERY NETWORK COMPANY OR A TRANSPORTATION
10 NETWORK COMPANY MAKES TO A DRIVER BASED ON THE NUMBER OR TYPE
11 OF DELIVERY OR TRANSPORTATION TASKS THAT THE DRIVER PERFORMS
12 WITHIN A CERTAIN PERIOD OF TIME OR IN A CONSECUTIVE MANNER.

13 (II) "NONLINEAR COMPENSATION SYSTEM" INCLUDES A BONUS, A
14 PAYMENT SCHEME DESCRIBED AS A "QUEST" OR "RIDE CHALLENGE", OR
15 OTHER TEMPORARY PAYMENT SCHEME.

16 (k) "PUBLIC UTILITIES COMMISSION" MEANS THE PUBLIC UTILITIES
17 COMMISSION CREATED IN SECTION 40-2-101 (1).

18 (l) (I) "TAKE AMOUNT" MEANS, AFTER MAKING A PAYMENT TO A
19 DRIVER, THE TOTAL AMOUNT OF MONEY THAT THE DNC OR TNC RETAINS
20 FOR ITSELF FROM THE MONEY THAT A CONSUMER PAYS FOR THE TASK
21 PERFORMED BY THE DRIVER.

22 (II) "TAKE AMOUNT" INCLUDES ANY AMOUNT OF MONEY RETAINED
23 BY THE DNC OR TNC FOR THE PURPOSE OF PAYING FEES, TAXES,
24 CHARGES, OR OTHER COSTS THAT THE DNC OR TNC IS REQUIRED TO PAY
25 IN CONNECTION WITH THE TRANSACTION OR FOR THE GENERAL
26 OPERATIONAL COSTS OF THE DNC OR TNC.

27 (III) "TAKE AMOUNT" DOES NOT INCLUDE:

1 (A) ANY AMOUNT OF MONEY FROM A TRANSACTION BETWEEN A
2 DRIVER AND A CONSUMER THAT THE DNC OR TNC PAYS TO THE DRIVER;

3 OR

4 (B) ANY AMOUNT OF MONEY FROM A TRANSACTION BETWEEN A
5 DNC DRIVER AND A CONSUMER THAT A DNC PAYS TO A FACILITY THAT
6 IS RELATED TO THE TRANSACTION.

7 (m) "TAKE RATE" MEANS THE PERCENTAGE OF THE MONEY THAT
8 A CONSUMER PAYS IN CONNECTION WITH A TRANSACTION WITH A DRIVER
9 AND THAT A TNC RETAINS FOR ITSELF, INCLUDING ANY MONEY THAT THE
10 TNC RETAINS FOR PURPOSES OF PAYING FEES, TAXES, CHARGES, OR OTHER
11 COSTS THAT THE TNC IS REQUIRED TO PAY IN CONNECTION WITH THE
12 TRANSACTION OR FOR THE GENERAL OPERATIONAL COSTS OF THE TNC.

13 (n) "TERMINATE" OR "TERMINATION" MEANS CONDUCT THAT A
14 DNC OR TNC ENGAGES IN TO MATERIALLY RESTRICT A DRIVER'S ACCESS
15 TO THE DIGITAL PLATFORM, INCLUDING BLOCKING A DRIVER'S ACCESS TO
16 THE DIGITAL PLATFORM, SUSPENDING A DRIVER, OR CHANGING A DRIVER'S
17 STATUS FROM ELIGIBLE TO INELIGIBLE TO PROVIDE DELIVERY OR
18 TRANSPORTATION SERVICES FOR THE DNC OR TNC.

19 (o) "TIP" MEANS A TIP, GRATUITY, OR OTHER PAYMENT AMOUNT
20 THAT A CONSUMER:

21 (I) INDICATES THROUGH A DIGITAL PLATFORM AS INTENDED FOR
22 DIRECT PAYMENT TO THE DRIVER; OR

23 (II) WOULD REASONABLY EXPECT TO BE PAID IN FULL TO THE
24 DRIVER.

25 (p) "TRANSPORTATION NETWORK COMPANY" OR "TNC" HAS THE
26 MEANING SET FORTH IN SECTION 40-10.1-602 (3).

27 (2) **Effective date.** ON AND AFTER JANUARY 1, 2024, A DELIVERY

1 NETWORK COMPANY OR A TRANSPORTATION NETWORK COMPANY:

2 (a) SHALL MAKE THE DISCLOSURES REQUIRED IN SUBSECTIONS (3)
3 TO (7) OF THIS SECTION;

4 (b) SHALL COMPLY WITH THE TERMINATION PROCESS SET FORTH
5 IN SUBSECTION (8) OF THIS SECTION; AND

6 (c) IS SUBJECT TO ENFORCEMENT PURSUANT TO SUBSECTION (9) OF
7 THIS SECTION FOR ANY VIOLATION OF THIS SECTION.

8 **(3) Take rate and take amount transparency for a TNC -**

9 **rules. (a) A TNC SHALL DISCLOSE TO A CONSUMER AT THE TIME OF**
10 **OFFERING THE CONSUMER TRANSPORTATION AN ESTIMATE OF THE TOTAL**
11 **FARE AND AN ESTIMATED TAKE AMOUNT FOR THE TRANSPORTATION TASK.**
12 **THE TNC SHALL MAKE THE DISCLOSURES ON THE SAME SCREEN AND IN A**
13 **MANNER THAT WOULD LEAD A REASONABLE CONSUMER TO UNDERSTAND**
14 **APPROXIMATELY HOW MUCH OF THE TOTAL ESTIMATED FARE WILL BE PAID**
15 **TO THE TNC DRIVER.**

16 **(b) (I) ON THE SAME SMARTPHONE SCREEN ON WHICH THE TNC**
17 **PROMPTS A CONSUMER TO LEAVE A TIP FOR A TNC DRIVER, THE TNC**
18 **SHALL MAKE THE FOLLOWING DISCLOSURES IN A MANNER PROMINENTLY**
19 **DISPLAYED ON THE SCREEN:**

20 **(A) THE TAKE RATE;**

21 **(B) THE TAKE AMOUNT;**

22 **(C) THE TOTAL AMOUNT OF MONEY THAT THE CUSTOMER PAID OR**
23 **WILL PAY FOR THE TRANSACTION; AND**

24 **(D) THE TOTAL AMOUNT OF MONEY THE TNC DRIVER RECEIVED**
25 **OR WILL RECEIVE FOR THE TRANSACTION.**

26 **(II) ALL ADDITIONAL AMOUNTS PAID BY THE CONSUMER IN EXCESS**
27 **OF THE AMOUNTS DISCLOSED IN THE DISCLOSURE REQUIRED UNDER THIS**

1 SUBSECTION (3)(b) ARE CONSIDERED A TIP AND SHALL NOT BE RETAINED
2 BY THE TNC.

3 (c) AFTER A TNC DRIVER'S COMPLETION OF A TRANSPORTATION
4 TASK, A TNC SHALL E-MAIL THE TNC DRIVER AND CONSUMER A
5 DISCLOSURE OF THE INFORMATION REQUIRED IN SUBSECTIONS (3)(b)(I)(A)
6 TO (3)(b)(I)(D) OF THIS SECTION. THE TNC SHALL ALSO PROVIDE THE
7 DISCLOSURE TO THE TNC DRIVER ON A FULL SMARTPHONE SCREEN. WITH
8 RESPECT TO THE DISCLOSURE REGARDING THE TOTAL AMOUNT OF MONEY
9 THE TNC DRIVER RECEIVED OR WILL RECEIVE FOR THE TRANSACTION, THE
10 TNC SHALL CLEARLY INDICATE ON THE DISCLOSURE PROVIDED TO THE
11 TNC DRIVER ON A FULL SMARTPHONE SCREEN THE AMOUNT OF THE TIP, IF
12 THE CONSUMER HAS PROVIDED A TIP.

13 (d) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM FOR THE
14 DISCLOSURES REQUIRED UNDER THIS SUBSECTION (3).

15 (4) **Take amount transparency for a DNC - rules.** (a) A DNC
16 SHALL DISCLOSE TO A CONSUMER AT THE TIME OF OFFERING THE
17 CONSUMER A DELIVERY AN ESTIMATE OF THE COST CHARGED TO THE
18 CONSUMER FOR THE DELIVERY TASK, AN ESTIMATED TAKE AMOUNT, AND,
19 IF APPLICABLE, THE AMOUNTS THAT WILL BE PAID TO A FACILITY. THE
20 DNC SHALL MAKE THE DISCLOSURES ON THE SAME SCREEN AND IN A
21 MANNER THAT WOULD LEAD A REASONABLE CONSUMER TO UNDERSTAND
22 APPROXIMATELY HOW MUCH OF THE TOTAL ESTIMATED COST CHARGED TO
23 THE CONSUMER WILL BE PAID TO THE DNC DRIVER.

24 (b) (I) ON THE SAME SMARTPHONE SCREEN ON WHICH THE DNC
25 PROMPTS A CONSUMER TO LEAVE A TIP FOR A DNC DRIVER, THE DNC
26 SHALL MAKE THE FOLLOWING DISCLOSURES IN A MANNER PROMINENTLY
27 DISPLAYED ON THE SCREEN:

1 (A) THE AMOUNT THAT WILL BE PAID TO A FACILITY FOR THE
2 TRANSACTION, IF ANY;

3 (B) THE TAKE AMOUNT;

4 (C) ANY AMOUNTS PAID BY A FACILITY TO THE DNC IN RELATION
5 TO THE TRANSACTION OR, IF THE FACILITY PAYS THE DNC A FLAT FEE
6 THAT IS NOT DIRECTLY TIED TO THE TRANSACTION, THE AMOUNT OF THE
7 FLAT FEE AND AN INDICATION HOW OFTEN THE FLAT FEE IS PAID TO THE
8 DNC;

9 (D) THE TOTAL AMOUNT OF MONEY THAT THE CUSTOMER PAID OR
10 WILL PAY FOR THE TRANSACTION; AND

11 (E) THE TOTAL AMOUNT OF MONEY THE DNC DRIVER RECEIVED
12 OR WILL RECEIVE FOR THE TRANSACTION.

13 (II) ALL ADDITIONAL AMOUNTS PAID BY THE CONSUMER IN EXCESS
14 OF THE AMOUNTS DISCLOSED IN THE DISCLOSURE REQUIRED UNDER THIS
15 SUBSECTION (4)(b) ARE CONSIDERED A TIP AND SHALL NOT BE RETAINED
16 BY THE DNC.

17 (c) AFTER A DNC DRIVER'S COMPLETION OF A DELIVERY TASK, A
18 DNC SHALL E-MAIL THE DNC DRIVER AND CONSUMER A DISCLOSURE OF
19 THE INFORMATION REQUIRED IN SUBSECTIONS (4)(b)(I)(A) TO (4)(b)(I)(E)
20 OF THIS SECTION. THE DNC SHALL ALSO PROVIDE THE DISCLOSURE TO THE
21 DNC DRIVER ON A FULL SMARTPHONE SCREEN. WITH RESPECT TO THE
22 DISCLOSURE REGARDING THE TOTAL AMOUNT OF MONEY THE DNC DRIVER
23 RECEIVED OR WILL RECEIVE FOR THE TRANSACTION, THE DNC SHALL
24 CLEARLY INDICATE ON THE DISCLOSURE PROVIDED TO THE DNC DRIVER
25 ON A FULL SMARTPHONE SCREEN THE AMOUNT OF THE TIP, IF THE
26 CONSUMER HAS PROVIDED A TIP.

27 (d) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM FOR THE

1 DISCLOSURES REQUIRED UNDER THIS SUBSECTION (4).

2 (5) Destination and fare transparency - rules. (a) WHEN
3 PRESENTING A TRANSPORTATION TASK TO A TRANSPORTATION NETWORK
4 COMPANY DRIVER FOR ACCEPTANCE, A TRANSPORTATION NETWORK
5 COMPANY SHALL DISCLOSE TO THE DRIVER THE FOLLOWING INFORMATION:

6 (I) THE CONSUMER'S LOCATION;

7 (II) THE LOCATION OF THE CONSUMER'S DESTINATION; AND

8 (III) AN ESTIMATE OF THE TOTAL FARE THAT THE CONSUMER WILL
9 BE CHARGED FOR THE TRANSPORTATION TASK AND AN ESTIMATE OF THE
10 TOTAL AMOUNT THE TNC WILL PAY THE DRIVER, BEFORE ANY TIP IS
11 ADDED, FOR THE TRANSPORTATION TASK, OR, IF THE CONSUMER HAS
12 ALREADY INDICATED A TIP AMOUNT, THE AMOUNT OF THE TIP.

13 (b) WHEN PRESENTING A DELIVERY TASK TO A DELIVERY NETWORK
14 COMPANY DRIVER FOR ACCEPTANCE, A DELIVERY NETWORK COMPANY
15 SHALL DISCLOSE TO THE DRIVER THE FOLLOWING INFORMATION:

16 (I) THE CONSUMER'S LOCATION;

17 (II) THE LOCATION OF ANY THIRD PARTY WHERE THE DRIVER IS
18 REQUIRED TO RETRIEVE GOODS FOR THE CONSUMER; AND

19 (III) AN ESTIMATE OF THE TOTAL AMOUNT THAT THE CONSUMER
20 WILL BE CHARGED FOR THE DELIVERY TASK AND AN ESTIMATE OF THE
21 TOTAL AMOUNT THAT THE DNC WILL PAY THE DRIVER, BEFORE ANY TIP IS
22 ADDED, FOR THE DELIVERY TASK, OR, IF THE CONSUMER HAS ALREADY
23 INDICATED A TIP AMOUNT, THE AMOUNT OF THE TIP.

24 (c) A DELIVERY NETWORK COMPANY OR TRANSPORTATION
25 NETWORK COMPANY SHALL NOT RETALIATE AGAINST, PUNISH, OR IN ANY
26 MANNER DISADVANTAGE, INCLUDING ANY DISADVANTAGE IN THE TERMS
27 OF FUTURE TASKS OFFERED, ANY DRIVER WHO DECLINES TO ACCEPT A

1 TASK AFTER THE DNC OR TNC MAKES THE DISCLOSURES REQUIRED BY
2 THIS SUBSECTION (5) TO THE DRIVER.

3 (d) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
4 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (5) AND
5 THE TYPES OF CONDUCT THAT CONSTITUTE A PROHIBITED ACT UNDER
6 SUBSECTION (5)(c) OF THIS SECTION.

7 **(6) Nonlinear compensation system transparency - rules.**

8 (a) EACH DELIVERY NETWORK COMPANY AND EACH TRANSPORTATION
9 NETWORK COMPANY SHALL PUBLICLY DISCLOSE ALL NONLINEAR
10 COMPENSATION SYSTEMS OFFERED TO DRIVERS IN EACH WEEK.

11 (b) WHEN PRESENTING A NONLINEAR COMPENSATION SYSTEM TO
12 A DRIVER, A DNC OR TNC SHALL EXPRESSLY MAKE AVAILABLE TO THE
13 DRIVER THE PUBLIC DISCLOSURE REQUIRED UNDER SUBSECTION (6)(a) OF
14 THIS SECTION.

15 (c) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
16 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (6).

17 **(7) Wage transparency - rules.** (a) A DELIVERY NETWORK
18 COMPANY OR TRANSPORTATION NETWORK COMPANY SHALL DISCLOSE TO
19 EACH DRIVER WHO ACTIVATED THE DNC'S OR TNC'S DIGITAL PLATFORM
20 DURING THE PREVIOUS WEEK THE FOLLOWING INFORMATION REGARDING
21 THE DRIVER FOR THE PREVIOUS WEEK:

- 22 (I) DRIVER PAY BEFORE EXPENSES;
- 23 (II) DRIVER TIPS BEFORE EXPENSES;
- 24 (III) ESTIMATE OF EXPENSES;
- 25 (IV) HOURLY NET PAY; AND
- 26 (V) HOURLY MINIMUM WAGE IN EACH OF THE JURISDICTIONS IN
27 WHICH THE DRIVER PERFORMED A TASK.

1 (b) A DNC OR TNC SHALL MAKE THE DISCLOSURES REQUIRED
2 UNDER SUBSECTION (7)(a) OF THIS SECTION:

3 (I) AT THE END OF EACH WEEK; AND

4 (II) IN A MANNER THAT REQUIRES A DRIVER TO ACKNOWLEDGE
5 RECEIPT OF THE DISCLOSURES.

6 (c) THE DIRECTOR SHALL DETERMINE BY RULE THE FORM AND
7 TIMING OF THE DISCLOSURES REQUIRED UNDER THIS SUBSECTION (7).

8 **(8) Transparent termination procedures - rules.** (a) (I) A
9 DELIVERY NETWORK COMPANY OR A TRANSPORTATION NETWORK
10 COMPANY SHALL NOT TERMINATE A DRIVER UNLESS TERMINATION IS
11 WARRANTED.

12 (II) A DNC OR TNC MAY MATERIALLY RESTRICT A DRIVER'S
13 ACCESS TO THE DNC'S OR TNC'S DIGITAL PLATFORM FOR UP TO
14 SEVENTY-TWO HOURS WITHOUT TERMINATING THE DRIVER IF:

15 (A) THE RESTRICTION IS IMPOSED FOR THE PURPOSE OF
16 INVESTIGATING ANY ALLEGATIONS OF SERIOUS MISCONDUCT THAT A
17 CONSUMER HAS MADE ABOUT THE DRIVER;

18 (B) THE DNC OR TNC PROMPTLY NOTIFIES THE DRIVER IN
19 WRITING OF THE GENERAL NATURE OF THE ALLEGATIONS IN A MANNER
20 THAT MAINTAINS AS MUCH PRIVATE INFORMATION REGARDING THE
21 CONSUMER OR CONSUMERS AS POSSIBLE AND OF THE FACT THAT THE DNC
22 OR TNC WILL MATERIALLY RESTRICT THE DRIVER'S ACCESS TO THE
23 DIGITAL PLATFORM FOR UP TO SEVENTY-TWO HOURS PENDING AN
24 INVESTIGATION.

25 (III) THE DIRECTOR, IN CONSULTATION WITH THE PUBLIC UTILITIES
26 COMMISSION, SHALL ADOPT RULES TO ESTABLISH CIRCUMSTANCES UNDER
27 WHICH TERMINATION OF A DNC OR TNC DRIVER IS WARRANTED.

1 (b) WITHIN TEN DAYS AFTER TERMINATING A DRIVER, A DNC OR
2 TNC SHALL CLEARLY DISCLOSE TO THE DRIVER IN WRITING THE BASIS FOR
3 THE TERMINATION AND INFORMATION REGARDING THE DRIVER'S RIGHT TO
4 CHALLENGE THE TERMINATION BY REQUESTING A HEARING BEFORE THE
5 DEPARTMENT OF LABOR AND EMPLOYMENT WITHIN ONE HUNDRED EIGHTY
6 DAYS AFTER THE DATE OF THE TERMINATION.

7 (c) (I) WITHIN ONE HUNDRED EIGHTY DAYS AFTER A DNC OR TNC
8 DISCLOSES THE BASIS FOR TERMINATION OF A DRIVER PURSUANT TO
9 SUBSECTION (8)(b) OF THIS SECTION, THE DRIVER MAY SEEK REVIEW OF
10 THE TERMINATION DECISION BY FILING WITH THE DIVISION A REQUEST FOR
11 A HEARING ON THE MATTER. A HEARING OFFICER OR ADMINISTRATIVE LAW
12 JUDGE SHALL PROMPTLY PROVIDE NOTICE OF THE HEARING TO THE DRIVER
13 AND THE DELIVERY NETWORK COMPANY OR TRANSPORTATION NETWORK
14 COMPANY AND HOLD THE HEARING TO DETERMINE WHETHER THE DRIVER
15 SHOULD BE REHIRED PURSUANT TO RULES THAT THE DIRECTOR ADOPTS
16 PURSUANT TO SUBSECTION (8)(e) OF THIS SECTION.

17 (II) THE DNC OR THE TNC HAS THE BURDEN TO PROVE AT THE
18 HEARING THAT THE TERMINATION WAS WARRANTED.

19 (III) IF THE BASIS FOR TERMINATION INVOLVES ONE OR MORE
20 CONSUMER COMPLAINTS OR DRIVER RATINGS, THE DRIVER SHALL BE GIVEN
21 THE OPPORTUNITY AT THE HEARING TO SUBMIT EVIDENCE TO CHALLENGE
22 THE CREDIBILITY OF ANY SUCH COMPLAINTS OR RATINGS; EXCEPT THAT,
23 IF SUCH A COMPLAINT INVOLVES AN ALLEGATION OF ASSAULT OR OTHER
24 EGREGIOUS MISCONDUCT, INCLUDING AN ALLEGATION OF SEXUAL
25 MISCONDUCT, THE HEARING OFFICER OR ADMINISTRATIVE LAW JUDGE
26 PRESIDING OVER THE MATTER SHALL ENSURE THAT THE PRIVACY
27 INTERESTS OF THE COMPLAINING PARTY ARE PROTECTED AND THAT,

1 UNDER NO CIRCUMSTANCES, SHALL THE DEPARTMENT OF LABOR AND
2 EMPLOYMENT OR DRIVER BE ALLOWED TO REQUIRE OR SEEK EVIDENCE
3 FROM THE COMPLAINING PARTY.

4 (d) A DELIVERY NETWORK COMPANY OR A TRANSPORTATION
5 NETWORK COMPANY SHALL NOT REQUIRE A DRIVER WHO SEEKS REVIEW OF
6 A TERMINATION DECISION PURSUANT TO SUBSECTION (8)(c) OF THIS
7 SECTION TO PAY ANY COSTS, FEES, OR CHARGES TO THE DNC OR TNC
8 RELATED TO THE TERMINATION REVIEW.

9 (e) (I) THE DIRECTOR, IN CONSULTATION WITH THE PUBLIC
10 UTILITIES COMMISSION, SHALL ADOPT RULES TO ESTABLISH WHEN REHIRE
11 OF A DRIVER WHO HAS BEEN TERMINATED IS WARRANTED. A DRIVER IS
12 NOT ELIGIBLE FOR REHIRE UNDER ANY CIRCUMSTANCES IN WHICH A LAW
13 ENFORCEMENT AGENCY REPORTS TO THE DEPARTMENT OF LABOR AND
14 EMPLOYMENT THAT THE DRIVER IS UNDER INVESTIGATION BY THE LAW
15 ENFORCEMENT AGENCY FOR THE CONDUCT THAT GAVE RISE TO THE
16 DRIVER'S TERMINATION.

17 (II) THE DIRECTOR SHALL ADOPT RULES REGARDING THE
18 PROTECTION OF THE INTERESTS OF A CONSUMER THAT HAS MADE A
19 COMPLAINT ABOUT A DRIVER INVOLVING AN ALLEGATION OF ASSAULT OR
20 EGREGIOUS MISCONDUCT, INCLUDING AN ALLEGATION OF SEXUAL
21 MISCONDUCT. THE RULES MUST RECOGNIZE THE STATE'S PROFOUND
22 INTEREST IN PRESERVING THE PRIVACY OF VICTIMS WHILE NOT SUBJECTING
23 VICTIMS TO ADDITIONAL TRAUMA. IN ADOPTING THE RULES, THE DIRECTOR
24 SHALL CONSULT WITH ORGANIZATIONS IN THE STATE THAT REPRESENT THE
25 INTERESTS OF SEXUAL ASSAULT VICTIMS.

26 (f) (I) THE DIVISION SHALL MAINTAIN RECORDS CONCERNING ANY
27 DELIVERY NETWORK COMPANY DRIVER OR TRANSPORTATION NETWORK

1 COMPANY DRIVER TERMINATIONS FOR AT LEAST THREE YEARS AND, FOR
2 ANY TERMINATION FOR WHICH THE DRIVER SEEKS REVIEW PURSUANT TO
3 SUBSECTION (8)(c) OF THIS SECTION, THE DIVISION SHALL MAINTAIN
4 RECORDS REGARDING THE DISPOSITION OF THE REVIEW FOR AT LEAST
5 THREE YEARS.

6 (II) UPON REQUEST, THE DIVISION SHALL PROVIDE COPIES OF A
7 DRIVER'S TERMINATION RECORDS THAT THE DIVISION MAINTAINS
8 PURSUANT TO SUBSECTION (8)(f)(I) OF THIS SECTION TO THE DRIVER AND,
9 WITH REGARD TO A TNC DRIVER, TO THE PUBLIC UTILITIES COMMISSION.
10 THE DIVISION MAY CHARGE A DRIVER A COPYING FEE THAT THE DIRECTOR
11 ESTABLISHES BY RULE IN AN AMOUNT NOT TO EXCEED THE DIVISION'S
12 DIRECT AND INDIRECT COSTS FOR PROVIDING COPIES.

13 (g) THE RIGHTS AND REMEDIES SET FORTH IN THIS SUBSECTION (8)
14 ARE NOT EXCLUSIVE OF ANY OTHER RIGHTS AND REMEDIES AVAILABLE TO
15 DRIVERS WITH REGARD TO TERMINATIONS. A DETERMINATION BY THE
16 DIVISION PURSUANT TO THIS SUBSECTION (8) THAT A DRIVER TERMINATION
17 WAS WARRANTED DOES NOT PRECLUDE ANY DETERMINATION THAT THE
18 TERMINATION VIOLATED ANOTHER PROVISION OF LAW.

19 (9) Penalties, fines, and enforcement. (a) IF A DELIVERY
20 NETWORK COMPANY OR TRANSPORTATION NETWORK COMPANY VIOLATES
21 THIS SECTION, A DNC OR TNC MAY BE SUBJECT TO:

22 (I) MONETARY DAMAGES IN THE AMOUNT OF ONE THOUSAND
23 DOLLARS, AS DETERMINED BY A COURT, IN A CIVIL ACTION BROUGHT
24 PURSUANT TO SUBSECTION (9)(d) OF THIS SECTION, ON A PER-CONSUMER
25 OR A PER-DRIVER BASIS, WHICH AMOUNT THE DNC OR TNC SHALL PAY TO
26 THE CONSUMER OR DRIVER AFFECTED BY THE VIOLATION;

27 (II) A FINE OF ONE HUNDRED DOLLARS PER VIOLATION, AS

1 DETERMINED BY THE DIRECTOR ON A PER-CONSUMER OR A PER-DRIVER
2 BASIS, WHICH AMOUNT THE DNC OR TNC SHALL PAY TO THE DIVISION;
3 AND

4 (III) INJUNCTIVE RELIEF PURSUANT TO SUBSECTION (9)(d)(II) OF
5 THIS SECTION.

6 (b) THE DIVISION MAY INVESTIGATE ALLEGED VIOLATIONS IN
7 RESPONSE TO COMPLAINTS FILED OR AT THE DIVISION'S DISCRETION.

8 (c) THE DIRECTOR SHALL ESTABLISH PROCEDURES FOR DRIVERS
9 AND CONSUMERS TO SUBMIT COMPLAINTS TO THE DIVISION AND FOR THE
10 DIVISION'S INVESTIGATIONS, HEARINGS, AND IMPOSITION OF FINES
11 PURSUANT TO THIS SUBSECTION (9).

12 (d) (I) A PERSON AGGRIEVED BY A DNC'S OR TNC'S VIOLATION OF
13 THIS SECTION MAY FILE A CIVIL ACTION AGAINST THE DNC OR TNC IN THE
14 DISTRICT COURT WHERE:

- 15 (A) THE PERSON RESIDES;
- 16 (B) THE VIOLATION OCCURRED; OR
- 17 (C) THE DNC OR TNC HAS A PHYSICAL PLACE OF BUSINESS IN THE
18 STATE.

19 (II) (A) THE PERSON FILING THE CIVIL ACTION MAY SEEK
20 INJUNCTIVE RELIEF FROM THE COURT TO COMPEL A DNC OR A TNC TO
21 COMPLY WITH THIS SECTION OR MAY SEEK MONETARY DAMAGES AS
22 SPECIFIED IN SUBSECTION (9)(a)(I) OF THIS SECTION AND ANY ACTUAL
23 DAMAGES SUSTAINED.

24 (B) IF A PERSON PREVAILS ON ANY CLAIM RAISED IN A CIVIL
25 ACTION BROUGHT AGAINST A DNC OR TNC UNDER THIS SUBSECTION
26 (9)(d), THE PERSON IS ENTITLED TO RECOVER COSTS AND REASONABLE
27 ATTORNEY FEES.

1 **(10) Public utilities commission's authority over TNCs.**

2 NOTHING IN THIS SECTION NEGATES, LIMITS, ALTERS, OR DISPLACES THE
3 PUBLIC UTILITIES COMMISSION'S AUTHORITY TO REGULATE
4 TRANSPORTATION NETWORK COMPANIES PURSUANT TO PART 6 OF ARTICLE
5 10.1 OF TITLE 40 OR PREVENTS A DRIVER OR CONSUMER FROM SEEKING
6 ENFORCEMENT BY THE COMMISSION AGAINST, OR REMEDIES IN RELATION
7 TO, ANY VIOLATIONS OF PART 6 OF ARTICLE 10.1 OF TITLE 40.

8 **(11) Rules - repeal.** (a) (I) THE DIRECTOR SHALL ADOPT THE
9 RULES REQUIRED UNDER SUBSECTIONS (3) TO (8) OF THIS SECTION ON OR
10 BEFORE DECEMBER 1, 2023.

11 (II) THIS SUBSECTION (11)(a) IS REPEALED, EFFECTIVE SEPTEMBER
12 1, 2024.

13 (b) THE DIRECTOR MAY ADOPT ADDITIONAL RULES AS NECESSARY
14 TO IMPLEMENT THIS SECTION.

15 **SECTION 2. Applicability.** This act applies to conduct occurring
16 on or after January 1, 2024.

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