

Senate Transportation & Energy

05/11/2026

HB26-1424 Transportation Network Company Consumer Protection

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Bennett Rutledge Against themselves	Vice Chair Ball, members of the committee, good morning, Bill HB26-1424 - Transportation Network Company Consumer Protection will allegedly cost the government nothing, which means that all of it is an unfunded mandate, which the Transportation Network Company will need to pass on to the customers ... including the expenses of the audio and video technology. This constitutes offloading the law enforcement duties to the TNC as well. I am not sure I want to be handed the choice of being "live" during my entire trip, or having to hike the whole way. Vote NO on HB26-1424 - Transportation Network Company Consumer Protection



May 11, 2026
Hon. Chair Lisa Cutter
200 E Colfax Avenue
Denver, CO 80203

Re: HB26-1424

Dear Chair Cutter and distinguished members of the Committee,

Uber Technologies, Inc. ("Uber") appreciates the opportunity to submit testimony regarding HB26-1424. At Uber, safety is foundational to everything we do. Over the past year, we have heavily invested in features like Women Preferences and worked closely with the Colorado Department of Regulatory Agencies (DORA) and the Public Utilities Commission (PUC) to enhance rideshare safety standards. Further, we have been in ongoing conversations with the bill's sponsors to find a path that strengthens safety while preserving access to reliable rides for people across Colorado. While we share the sponsors' goals of protecting the public, we have significant concerns laid out below regarding the current draft of HB26-1424.

Deactivation Requirements

The bill currently requires TNCs to initiate a review for deactivation of any driver that receives a complaint with "allegations" of "fraud." As written, this is far too broad. One rider complaint containing an allegation of a minor fraudulent offense, like forgery— regardless of whether that allegation is legitimate or verified – should not require driver deactivation. Instead, the trigger for deactivation review should focus on complaints of actual convictions or charges filed against a driver.

Second, we have strong data privacy and retaliation concerns regarding the requirement that (1) TNCs provide consumers with the ability to "opt-in" to receive updates on a driver's challenge to a deactivation based on a safety incident; and (2) the PUC adopt rules regarding a complainant's "access to the data collected" in response to a safety investigation. As written, these requirements could force TNCs to share personal statements from the driver and/or rider related to the incident, police reports, or even medical tests.

Third, recent amendments have introduced a new requirement that TNCs set up a process to include "meaningful human review of the permanent deactivation of a driver," but under existing state statute, such a requirement is completely unworkable. Under C.R.S. 8-4-127 (created by SB24-075, the "TNC Transparency Act"), a "deactivation" is broadly defined as any restriction in driver access to the platform for 72 hours or more, without any distinction in the definition as to whether the restriction in access is due to a serious safety incident or merely a short disruption in access due to compliance reasons (e.g., expired driver's license, lapsed insurance, etc). This means the current bill would require "human review" for any

such restriction of access – even routine administrative holds, like expired documentation. The fact is, many restrictions of access and administrative holds can be accurately and efficiently resolved by automated technology. Further, because this language is written so broadly (i.e., it is unclear what “meaningful” human review is meant to convey) and tied into the TNC Transparency Act which holds a private right of action for anyone aggrieved by a violation, it will directly result in TNCs facing a flood of litigation from plaintiffs’ attorneys on whether or not human review was truly “meaningful” every time a driver’s access is restricted for 72 hours or longer.

Finally, the new requirement that TNCs share with others in the industry “both punitive and exonerative” information about driver deactivations creates a new, ambiguous obligation on TNCs. Directly sharing information provided by drivers or other sources with other TNCs may raise issues about transmitting personal information or other private details. Currently, TNCs share information regarding account access decisions, not details of investigations. Notwithstanding this fact, it is unclear who makes the determination as to what is “exonerative” information.

Without significant narrowing of these deactivation protocols, the bill threatens to compromise both user privacy and the platform's basic operational scalability.

Audio Visual Requirements

Today, riders and drivers in Colorado are able to opt-in to audio recording (and drivers, who generally have their phone mounted, can opt in to video recording as well). The current recording process uses in-app recording, which is a convenient, cost-effective, and privacy-conscious tool for both riders and drivers using their personal devices. It gives both parties the ability to record, empowers both to use the features to help protect their own safety, and also aligns with how Colorado regulates recording. Uber provides notice to the recorded party prior to the beginning of the trip, allowing users the opportunity to cancel if they’re not comfortable.

Riders and drivers alike have told us how important our recording features are to them, but the proposed legislation may remove their ability to use them at their discretion, directing the PUC to issue rulemaking in 2028 “establishing requirements for audio video recording of *each* prearranged ride.” While it’s unclear the intent of this language, read literally this would require mandatory audio video recording on *each* ride. The bill then goes on to require that PUC develop rules regarding the ability for both riders and drivers to “opt in” to A/V recording for each ride - but this is directly at odds with the preceding requirement for mandatory recording, thus leaving the industry and the PUC to guess at whether the legislature is asking for mandatory recording rules or opt-in ones.

Further adding to the confusion is the conflict between two provisions describing TNC’s retention obligations prior to the 2028 PUC rulemaking. New language in the bill requires TNCs to retain only those A/V recordings “related to a reported safety incident,” but requirements in another portion of the bill require TNCs to “retain all audio and video recordings,” not just those related to safety incidents. This seems to be an oversight, but as is, would impose two contradictory requirements on TNCs related to recording retention.

The bill also includes direction to the PUC to issue rulemaking on the "integration" of recordings into the platform. To the extent this is meant to require recordings on a driver's own dashcam or a rider's phone to somehow be integrated onto the platform, we simply cannot control or manage footage captured on any recording device a user may decide to use.

Furthermore, the bill mandates that the PUC establish rules "determining if and when a [TNC] shall reimburse a driver for technology to enable audio and video recording," which continues to leave open the possibility that TNCs could be forced to pay for private equipment like iPhones or dashcams, or for driver data plans. Such a requirement places an unnecessary, costly obligation on businesses, which will ultimately drive up costs for consumers.

We believe recording improves platform safety, and will continue to prioritize its development and use. However, as written the bill presents technical difficulties, inconsistencies and potential unintended consequences that could undermine safety impact.

Safety Reporting

We also believe the bill creates unnecessary privacy risks related to safety reporting. While we are thankful to the sponsor for working with us to narrow the previous requirement to provide "all safety-related incident reports" to instead require that we provide "all reports of safety related incidents," the requirement is still overbroad and vague. As currently written, "safety-related incidents" is undefined meaning that this requirement could potentially force public reporting of minor, subjective, and unsubstantiated claims like "rude comments." We suggest revising this language to further define and narrow what those "safety-related incidents" entail.

We are also concerned with requirements that make sensitive motor vehicle accident data reportable to the PUC and ultimately available to the public. We insist that all personally identifiable information be removed to protect the privacy of both riders and drivers.

Arbitration Clause

We are grateful to the sponsor for her continuing work on this provision, and the revised arbitration language represents a significant improvement; however, the inclusion of subsection (b) related to the Colorado Consumer Protection Act remains unnecessary under the current framework. Retaining this subsection seems to be less about substantive safety policy and more like a self-serving attempt by trial attorneys to create more lawsuits for themselves at the expense of Colorado courts and Colorado consumers and to erode arbitration clauses in TNC user terms, not specific to just CCPA claims but beyond.

TNC Carve Outs

We believe in fair play and universal safety standards. Safety should not be optional for certain companies, yet this bill creates "carve-outs" that exempt small TNCs and specific providers like HopSkipDrive from requirements like payment for background checks, audio video recordings, safety reporting and more. This leaves Colorado's most vulnerable

riders—children—less protected. Every rider deserves the same safety standard, and we urge the committee to eliminate these arbitrary exemptions that pick winners and losers while creating an unlevel playing field.

Legislative Declaration

Finally, as currently written, the legislative declaration runs afoul of Colorado drafting guidelines as it contains statements that are factually inaccurate, unsupported and blatantly false, which will inevitably be used in litigation in an attempt to establish liability against TNCs.

For example, the most recent draft of the declaration inaccurately asserts, based on a New York Times article, that Uber intentionally underreported the number of sexual assaults on its platform, thus making it a “far more pervasive problem than [] the company originally disclosed.” Not only is the inclusion of this language in a declaration improper—legislative declarations are intended to provide neutral context and objective information—but the assumptions made based on this article are simply false. In fact, Uber published a blog debunking this exact claim in response to the New York Times article, focusing on the discrepancy in data between what the NYT categorized as “sexual assault” and what Uber reported in its Safety report. (See <https://www.uber.com/us/en/newsroom/ubers-safety-record/>).

As another example, the legislative declaration mischaracterizes TNCs as having full “control” over digital platforms and the need for “accountability” which again goes to our concern they are using the declarations to drive conclusions in civil litigation from the judiciary or juries which deprive TNCs over due process and a right to a full defense. . Further, the bill completely omits any mention of the industry leading safety innovations to which TNCs have invested hundreds of millions of dollars— including anonymized communications, real-time GPS monitoring, and biometric “Real-Time ID Checks”—that far exceed the safety oversight of traditional transportation sectors. We must revise this declaration to reflect objective reality and prevent these “findings” from being improperly weaponized by trial attorneys to manufacture liability in court.

To close, while we fully support the intent behind this bill, we have concerns with the feasibility of implementing certain provisions given technical constraints, and the unintended consequences of certain requirements which may not enhance safety whatsoever. We urge the committee to consider these comments and urge sponsors to adopt our proposed changes to ensure that TNCs can comply with the bill as written. HB26-1425 in its current form. Thank you again for your time and commitment to safety.

Thank you,
Stefanie Sass

Uber Technologies, Inc.