

## Uber Comments on HB25-1291 for Senate

April 18, 2025

### Uber comments on HB25-1291

We recognize that the Transportation Network Company (TNC) Consumer Protection Bill is intended to protect riders from sexual assault--a goal we share. However, as written the Bill imposes unworkable requirements and unprecedented penalties on TNCs, while also missing opportunities for positive legislative impact.

Uber has taken an industry-leading approach to invest in solutions rooted in a deep commitment to supporting survivors and acknowledging the profound, lasting impact incidents of sexual assault have on their lives ([here](#) is a list of some of Uber's safety products and features). Uber is committed to enhancing the safety standards across the TNC and would welcome a focus on impactful and evidence-based provisions for rider and driver safety, namely:

- Mandatory education for drivers on safety and sexual misconduct
- Real-Time Driver ID checks every 7 days (this was cut in earlier versions of the bill)
- Requiring TNCs to establish and regularly communicate safety policies to drivers
- Making it a second degree felony to impersonate a driver

In addition to the above, we have tried to work with House legislators on provisions regarding audio and video recording. While the current proposal is unworkable, as is demonstrated below, we remain eager to work on such provisions to make them operationally feasible.

Below are our redlines on the existing bill provisions. We are confident that by incorporating these provisions, the bill will better reflect the evolving needs of both riders and drivers, while maintaining the spirit of innovation and progress in the transportation network industry.

One additional note: we would also like to understand why other motor carriers, like livery, taxi, and other TNCs (e.g. HopSkipDrive), are being excluded from this bill. For example, taxis have no audio/video recording requirements, and yet there is less of a record in terms of who is in the vehicle (both rider and driver), zero safety features like those available in Uber's app, and no ability for riders to notify loved ones or law enforcement of where they are if anything were to happen while on trip. Targeting only certain TNCs is arbitrary given the bill purports to ensure all transportation modes are safe.

### Safety Clause

Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 21, lines 13-17

~~SECTION 8. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.~~

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Uber's Comments: It is impossible for TNCs to comply with this bill immediately upon Governor's signature. For example, we would need several months to build a process to run a background check every six months; to notify a complaining party about the outcome of a driver's deactivation appeal; to stand up a framework for incident sharing across TNCs, etc.

### Audio and Video Recording Requirements

Suggested language:

Referring to [HB25-1291 reengrossed](#): Page 13, lines 6-27

(7.5) (a) (I) ON AND AFTER JANUARY 1, 2026, A TRANSPORTATION NETWORK COMPANY SHALL: (A) ENSURE THAT ~~A RIDER OR DRIVER CAN OPT IN TO HAVING CONTINUOUS AUDIO RECORDING OF THE DRIVER IS CONDUCTED~~ FOR EACH PREARRANGED RIDE FROM WHEN THE DRIVER PICKS UP THE RIDER IN A PERSONAL VEHICLE UNTIL WHEN THE RIDER DEPARTS FROM THE PERSONAL VEHICLE; (B) NOTIFY THE DRIVER IN AN ONLINE APPLICATION THAT EACH PREARRANGED RIDE ~~IS MAY BE CONTINUOUSLY~~ AUDIO RECORDED; AND (C) ENSURE THAT EACH RIDER IN A PREARRANGED RIDE IS NOTIFIED IN THE PERSONAL VEHICLE THAT THE RIDE ~~IS MAY BE CONTINUOUSLY~~ AUDIO RECORDED.

ON AND AFTER JULY 1, 2026, A TRANSPORTATION NETWORK COMPANY SHALL: (A) ENSURE THAT ~~A DRIVER CAN OPT IN TO HAVING CONTINUOUS AUDIO AND VIDEO RECORDING OF THE DRIVER IS CONDUCTED FOR~~ EACH PREARRANGED RIDE FROM WHEN THE DRIVER PICKS UP THE RIDER IN A PERSONAL VEHICLE UNTIL WHEN THE RIDER DEPARTS FROM THE PERSONAL VEHICLE; (B) NOTIFY THE DRIVER IN AN ONLINE APPLICATION THAT EACH PREARRANGED RIDE ~~IS MAY BE CONTINUOUSLY~~ AUDIO AND VIDEO RECORDED; AND (C) ENSURE THAT EACH RIDER IN A PREARRANGED RIDE IS NOTIFIED IN THE PERSONAL VEHICLE THAT THE RIDE ~~IS MAY BE CONTINUOUSLY~~ AUDIO AND VIDEO RECORDED.

Narrative: In-app recording is a seamless, economical, and privacy-oriented tool for both riders (audio only) and drivers (video and audio) – and which can be facilitated on the drivers and riders' personal devices. We believe it's critical to give both riders and drivers the choice to audio record if they want to. By empowering both to record, we solve for the very real challenge of a recording party tampering with or not wanting to share the recording with Uber.

- In-app recording is built directly into the Uber app, making it a hassle-free tool for drivers without needing additional hardware or setup.
- Most drivers in Colorado on average drive less than 4 hours per day, using their private car, and often do not want a dashcam installed in their vehicle. In-app recording represents an elegant solution to their needs.
- Leveraging the phones that drivers are already using reduces environmental impact by eliminating the need for manufacturing and disposing of additional hardware like dashcams.

There are substantial operational challenges to mandatory continuous recording of all rides via audio and video recording, under threat of penalties:

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- Continuous recording is not possible to enforce: We are not able to block a trip if the recording were to stop, especially if a trip is already ongoing. For example, a bad actor could impair the recording after a trip has begun but before they intend to do something inappropriate. Also, phones used for recording might overheat, lose LTE connection or have the camera or mic blocked. Older phones often are not able to consistently and reliably record footage without crashing.
- Dashcams face similar issues, including loss of power or network connection, and risk of tampering by a driver wishing to evade recording. *Notably, again, this is why we believe it's critical to give both riders and drivers the choice to record if they want to.*
- Based on the number of drivers currently driving in CO and their average hours spent on the platform, and assuming 30 MB per minute for footage (the observed file size in our dashcam pilots), we could be talking about multiple petabytes of data per month. Based on our preliminary diligence, this would introduce considerable net-new load on Colorado's LTE network, potentially requiring carriers to make upgrades to ensure necessary speeds and reliability, especially assuming other TNCs would also add meaningfully to that load.
- Finally, every tech system experiences at least the occasional bug or outage. We believe that the final language must acknowledge this reality, so TNCs do not face liability when these inevitably occur.

### Reimbursement for Recording Devices

#### Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 14, lines 1-9

(b) ON OR BEFORE DECEMBER 1, 2025, THE COMMISSION SHALL ADOPT RULES: (I) ESTABLISHING REQUIREMENTS FOR RETENTION OF, ACCESS TO, STORAGE OF, AND ENCRYPTION OF AUDIO AND VIDEO RECORDING CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION; ~~(II) REQUIRING A TRANSPORTATION NETWORK COMPANY TO REIMBURSE A DRIVER FOR PURCHASING TECHNOLOGY TO ENABLE AUDIO AND VIDEO RECORDING CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION;~~

Uber's Comments: Requiring TNCs to purchase recording devices, such as iPhones, for every individual who signs up to drive, even if they do not complete a single ride, is both impractical and financially burdensome. This clause opens the door to fraud (for example, a driver registering with Uber, expensing an iPhone and never taking a trip). It places an unnecessary, costly obligation on businesses, which will ultimately drive up costs for consumers.

### Private Right of Action and Consumer Protection Act/Deceptive Trade Practices

#### Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 12, lines 26-27 and Page 13, lines 1-5

(7) (c) (I) THE ATTORNEY GENERAL ~~OR A PERSON INJURED OR HARMED BY AN ALLEGED VIOLATION OF THIS SECTION~~ MAY INITIATE A CIVIL PROCEEDING IN A DISTRICT COURT AGAINST A TRANSPORTATION NETWORK COMPANY OR A DRIVER THAT VIOLATES THIS SECTION. ~~(II) A VIOLATION OF THIS SECTION BY A TRANSPORTATION NETWORK COMPANY~~

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~~THAT RESULTS IN INJURY OR DEATH TO AN INDIVIDUAL HAS A SIGNIFICANT PUBLIC IMPACT.~~

Uber's comments: We request removal of the personal private right of action. The inclusion of a private right of action (PRA) for individuals is unnecessary and will lead to a flood of enormously costly, frivolous litigation. The PUC is already equipped to monitor and enforce TNC compliance. And, importantly, a person who is injured on a TNC trip already has access to the courts and can seek compensation through the existing tort system. Given the robust existing enforcement mechanisms and access to the courts, the vague PRA – particularly when embedded in sweeping legislation like this – will only serve to give plaintiffs' lawyers uncapped opportunity to extract paydays with lawyer-driven suits alleging minor or technical violations of the statute. The flood of anticipated litigation will either be too costly to bear, or those costs will be passed down to consumers. The PRA is effectively a tax on Coloradans for the benefit of the trial bar.

The provision should be amended to allow the Attorney General to initiate a civil proceeding only. This ensures that there is a strong enforcement avenue for the Attorney General – who has both the resources and discretion to pursue more meritorious claims – while avoiding private litigation abuse and frivolous lawsuits.

We also request removing the "significant public impact" provision given that a single injury to a single person cannot constitute a "significant public impact" under any reasonable interpretation of that phrase. In addition, this language is no longer needed or relevant given the sponsor deleted the Consumer Protection Act section of the bill.

### Technology Failures Relating to Phones

Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 14, lines 10-12

~~(III) GOVERNING TECHNOLOGY FAILURES RELATED TO AUDIO AND VIDEO RECORDING CONDUCTED PURSUANT TO SUBSECTION (7.5)(a) OF THIS SECTION.~~

Uber's Comments: Recording technologies face a host of practical limitations that make it infeasible for companies to ensure all trips are recorded. Even construing "Technology Failures" broadly, the term would only encompass a subset of the potential challenges companies would confront; other examples include privacy-minded users covering their camera, a user restarting their device, or a driver or rider taking a call (phone mics cannot perform multiple functions at once). When factoring in the PRA, companies need assurances that they will not bear the risk of the many things that can and will prevent recording. At rideshare scale, the PRA, and the likelihood of a meaningful percentage of trips not being recorded, even if companies do everything in their power, limiting to "Technology Failures," and failing to articulate the scope of such failures, leaves companies facing considerable uncertainty.

### Prohibition of Driver Offering Food or Beverage

Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 14, lines 13-15

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(7.7) ~~TNCs SHOULD HAVE CLEAR POLICIES PROHIBITING A DRIVERS FROM OFFERING OR SELLING OR A RIDER SHALL NOT PROVIDE, OFFER TO PROVIDE, SELL, OR OFFER TO SELL TO ANOTHER DRIVER OR RIDER~~ FOOD OR A BEVERAGE TO RIDERS.

Uber's Comments: We believe it is reasonable for TNCs to have policies in place regarding this matter, and to educate drivers about these requirements. Beyond education and responding to customer reports, there is no way for a TNC to ensure this doesn't happen in a vehicle. With the PRA, we could be looking at claims for millions of dollars because a rider requests a water bottle from a driver on a hot summer afternoon.

### Rating Transparency Language

Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 14, lines 16-27 and Page 15, lines 1-3  
(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 RIDERRATING THAT THE DRIVER DID NOT ASSIGN. (b) A TRANSPORTATION NETWORK COMPANY SHALL ENSURE THAT: ~~(I) ALL RIDER SUBMITTED COMMENTS REVIEWING A DRIVER ARE VISIBLE TO ALL OTHER RIDERS ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM; AND (II) ALL DRIVER SUBMITTED COMMENTS REVIEWING A RIDER ARE VISIBLE TO ALL OTHER DRIVERS ON THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM.~~

Uber's Comments: The Uber platform does not allow for the type of commenting one might see on Amazon, Google, Yelp, or elsewhere. Instead, riders may rate their drivers, select from pre-filled "feedback tags," or contact support, including to make a safety report. While we already make drivers' ratings available, we are deeply concerned that "comments" could be construed to include all safety incident reports, which could include private and sensitive information that the reporter would reasonably expect only Uber to access.

We have long heard from safety advocacy groups that survivor privacy is paramount. Any sharing of reports -- for example, sharing personal details about an incident with other drivers on the app -- would be highly inappropriate, disregard user privacy, and ultimately result in deterring survivors from informing Uber about incidents they've experienced. This in turn could make it more difficult for Uber to identify and deactivate bad actors and to have information available to support law enforcement investigations.

### Reporting Requirements

Referring to [HB25-1291 reengrossed](#): Page 16, lines 8-9  
40-10.1-609. Reporting requirements - report - rules.

~~(VII) A MOTOR VEHICLE ACCIDENT, INCLUDING AN INDICATION OF WHETHER THE DRIVER WAS AT FAULT OR THE DRIVER WAS NOT AT FAULT;~~

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Uber Comments: Uber does not make determinations of fault. It often takes months or years for police or insurer investigations to be complete; and fault can be attributed to multiple parties. While TNCs can report the number of motor vehicle accidents reported in connection with the platform, it is not possible to report on fault determinations.

### Arbitration Details

#### Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 17, lines 2-10

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 RIDER IS VOID AS AGAINST PUBLIC POLICY IF THE PROVISION ATTEMPTS TO WAIVE OR WAIVES: (a) A RIGHT SPECIFIED IN THIS PART 6; (b) A RIGHT PROVIDED BY THE "COLORADO CONSUMER Protection Act", article 1 of title 6; or ~~(c) THE RIGHT TO A JURY TRIAL.~~ (c) THE RIGHT TO A JURY TRIAL FOR INDIVIDUAL CLAIMS OF SEXUAL ASSAULT OR SEXUAL HARASSMENT.

Uber Comments: Prohibiting arbitration of *all* disputes between TNCs and riders is wrong for three reasons.

- First, it contradicts public policy. As explained by the Supreme Court of Colorado, "Arbitration as a method of alternative dispute resolution is a convenient mode of resolving disputes and is favored by the public policy of Colorado."
- Second, it does not advance the intent of this bill because Uber's [arbitration agreement](#) specifically exempts from its scope "individual claims of sexual assault or sexual harassment." This means that Uber already does not enforce arbitration against any reports of sexual assault or misconduct, regardless of how an incident is classified in the Sexual Assault & Misconduct taxonomy. Our practices here fall in line with federal law, specifically the *Ending forced arbitration of sexual assault or sexual misconduct act* passed in 2022, although Uber led the industry first with this move as part of our "turning on the lights" campaign of 2018.
- Third, as written, the blanket prohibition is preempted by federal law. The Federal Arbitration Act requires states to enforce arbitration agreements, and it prohibits states from passing laws designed to preclude enforcement of arbitration agreements—whether expressly or indirectly. The Supreme Court of the United States has been clear about this in multiple recent cases, especially cases like *American Express v. Italian Colors* and *Kindred Nursing*.

### Deactivation Language

#### • Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 12, lines 8-14

(V) The transportation network company's resolution of A DRIVER'S CHALLENGE TO A DEACTIVATION MUST INCLUDE THE OPTION TO OPT IN TO RECEIVE A WRITTEN STATEMENT THAT THE TRANSPORTATION NETWORK COMPANY SENDS THE PARTY THAT FILED A COMPLAINT PURSUANT TO SUBSECTION (3)(d)(I) OF THIS SECTION

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THROUGH THE TRANSPORTATION NETWORK COMPANY'S DIGITAL PLATFORM AND VIA EMAIL DETAILING THE DISPOSITION OF THE DRIVER'S CHALLENGE.

Uber's comments: As discussed, this language would allow the rider to **opt in** to receive updates about the outcome of a driver's challenge to their deactivation versus subjecting riders to these potentially unwanted notices that could be re-traumatizing for survivors.

- Suggested language:

Referring to [HB25-1291 reengrossed](#): Page 10, lines 5-14

(II) WITHIN ~~SEVENTY-TWO HOURS~~ **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.

Uber's comments: As soon as a safety report is received, the reported rider or driver is immediately suspended from accessing Uber while the investigation is underway. We investigate all safety incidents that are reported. Our investigation process (explained above) will determine what action may be taken, such as a warning or deactivation. Depending on the complexity of an investigation -- for example, speaking to the reporting party, the accused party, reviewing GPS data, any audio recording -- there may be times when it will take longer than 72 hours to reach a decision about account access. It can sometimes take several attempts to contact a reporting party before they are ready to speak with us. It is important to note that during that time, the accused party's account—whether a driver or rider—will remain blocked until a decision is reached.

<b>Penalty to be decided by commission rule</b>
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Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 20, lines 24-27

(b.5) A TRANSPORTATION NETWORK COMPANY THAT VIOLATES PART 6 OF ARTICLE 10.1 OF THIS TITLE 40 MAY BE ASSESSED A CIVIL PENALTY **OF UP TO \$1,100 AS DETERMINED BY THE COMMISSION BY RULE.**

Uber's comments: We propose setting the maximum penalty amount at \$1,100, in line with the rest of 40-7-113. There is no reason why TNCs should be subject to a different penalty schedule than other motor carriers. Below are some examples of other penalties that range from \$50-\$2,000.

- Pennsylvania: For citations related to TNC requirements, we have paid \$50-\$250. Statute states that the penalty shall not exceed \$1,000 per violation.
- Seattle: Up to \$1,000 for licensing requirements
- Washington: \$1,000 or 10% of underpayments



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- Minneapolis: \$250-\$2,000
- California: Applicable penalty for TNCs is \$2,000

### ISSP Concerns

#### Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 8, lines 20-27

(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 **FATALITIES**
- (B) **SERIOUS SEXUAL ASSAULT CATEGORIES AS DEFINED BY SEXUAL ASSAULT AND MISCONDUCT TAXONOMY HARASSMENT**
- ~~(C) HARASSMENT;~~
- ~~(D) KIDNAPPING;~~
- ~~(E) FELONY ROBBERY;~~
- ~~(F) MENACING;~~
- ~~(G) ACCOUNT SHARING; OR~~
- ~~(H) IMPERSONATING A DRIVER~~

Uber's comments: Uber launched the Industry Sharing Safety Program (ISSP) with Lyft and HireRight in 2021, in order to share limited information about drivers who were deactivated for physical assault fatalities or serious sexual assault.

- Before launching Industry Sharing Safety Program (ISSP), Uber, Lyft and HireRight consulted with fairness, safety and privacy experts to align on which deactivations to share information about. We aligned on these specific categories—which align with the categories shared in safety reports— based on advice from these groups. Participants in the ISSP must agree to specific requirements including meeting data accuracy expectations, applying a shared taxonomy to consistently classify incident reports, maintaining consistent and fair handling procedures and privacy measures, and communicating data with HireRight.
- We believe strongly that categories for ISSP should be limited to physical assault fatality and the most serious forms of sexual assault because these categories have measurably high standards of data accuracy and classification.
- As a regulated consumer reporting agency, HireRight, which administers the ISSP, must follow strict procedures to ensure fairness and transparency. The decision of which data sets and issues are shared is decided by HireRight, not Uber.
- We have robust policies in place to address the other incident reports listed here, and as mentioned above these reported incidents would likely also be flagged in background checks and screenings.

### Driver Notification of Offenses

#### Suggested Language:



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Referring to [HB25-1291 reengrossed](#): Page 8, lines 5-9

(V) 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 SHALL NOTIFY THE TRANSPORTATION NETWORK COMPANY WITHIN FORTY-EIGHT HOURS AFTER THE INDIVIDUAL'S CONVICTION WAS PRONOUNCED OR PLEA WAS ENTERED. **THE TRANSPORTATION NETWORK COMPANY WILL NOT BE LIABLE FOR A DRIVER'S FAILURE TO PROVIDE THE REQUISITE NOTICE.**

Uber's comments: This is impossible to enforce as the clause relies on drivers to confirm offenses with the TNC. We suggest adding language removing liability for this requirement from TNCs.

### Data Sharing Concerns

Suggested Language:

Referring to [HB25-1291 reengrossed](#): Page 12, lines 15-18

(5) (a) If a person files a complaint with the commission against a transportation network company or driver, the commission may **inspect request copies of** the transportation network company's **non-privileged, non-confidential, non-proprietary** records as reasonably necessary to investigate and resolve the complaint.

Uber's comments: We have significant concerns about sharing sensitive rider information due to potential impacts on survivor privacy and safety. For instance, photos or videos provided by riders might include explicit imagery related to incidents of sexual abuse or injuries. Releasing such sensitive materials could discourage survivors from reporting incidents out of fear that their personal experiences could become public simply by filing a complaint. Additionally, sharing this type of information risks disclosing sensitive personal details about drivers, potentially violating Colorado's privacy laws. Any data sharing requirements must comply strictly with applicable privacy protections, such as Colorado's Address Confidentiality Program (ACP). It is essential that filing a complaint does not inadvertently waive privacy protections or compromise individual safety. Our specific reference to Colorado privacy law underscores our commitment to safeguarding survivor information and ensuring it is shared only with authorized parties.

### Data Retention Concerns

Referring to [HB25-1291 reengrossed](#): Page 19, lines 15-25

(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 **ON THE DEVICE, TO THE EXTENT SUCH RECORDINGS ARE PROVIDED BY DRIVERS OR RIDERS TO THE TRANSPORTATION NETWORK COMPANY**; 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

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AND VIDEO RECORDING FOR **AT LEAST** ONE YEAR OR UNTIL THE INVESTIGATION IS COMPLETED, WHICHEVER IS LONGER.

### Uber's Comments:

It is considered best practice for any recordings to be retained and encrypted on the device of the person who initiated the recording. This ensures that the only data accessible by Uber or a TNC is related to a safety incident. Requiring the retention and storage of all recordings is a significant overreach and does not respect user privacy.

This position was also confirmed by privacy and safety advocacy groups who advised us on the development of our safety media recordings. It's particularly important for survivors, who should maintain control over whether recordings of safety incidents should be shared with Transportation Network Companies.

To be clear, Uber is only able to retain recordings that are proactively submitted to us by the party who initiated the recording, when they are reporting a safety incident. If they share a recording with us, we may need to retain longer than the applicable 30 day and one year retention periods for litigation or other purposes.

### **Duty of Care**

#### Suggested Language:

Insert in [HB25-1291 reengrossed](#): Page 14 or 15

In any action against a transportation network company for harm to persons or property, the transportation network company shall be deemed to have satisfied its duty of care to the injured party or parties, under any theory of law, if: the transportation network company complied with its obligations under 40-10.1-605, 7.5 (a) (I) (A-C); (a)(II)(A-C), 7.8 of this Section; and there is no criminal wrongdoing under the federal or State criminal code on the part of the transportation network company.

Uber's comments: Should Uber have to take on these requirements, there needs to be a provision that provides that if Uber complies with the amended section Uber has met its Duty of Care. Will send this redline to you all today/tomorrow as well.

- These requirements are onerous and to the extent Uber is required to comply with these additional requirements which the bill and its sponsors believe will reduce safety incidents, Uber needs some protection that compliance with these requirements establishes that they met their Duty of Care owed to people who are injured.
- Essentially, this law prescribes exactly what Uber needs to do in regards to safety on the platform and in exchange for that Uber should be able to leverage compliance with its requirements in civil actions to say that it met its obligations and duty of care.

### **Teen specific requirements**

#### Bill Language:

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Referring to [HB25-1291 reengrossed](#):

(III) DEVELOP AND ENFORCE A POLICY PROHIBITING THE TRANSPORT OF AN UNACCOMPANIED MINOR UNLESS THE MINOR IS PART OF A DULY AUTHORIZED FAMILY ACCOUNT, IN WHICH A PARENT OR GUARDIAN ~~MAY MUST BE PRESENT WHEN THE MINOR ENTERS THE VEHICLE OR~~ CONFIRMS AUTHORIZATION FOR THE PREARRANGED RIDE;

Uber's Comments: Parents have told us that they appreciate the freedom this product provides to their kids aged 13+. The reality for many American families today is that teens are seeking more independence, and teen accounts offer a structured way to support that growing autonomy. We have consulted on this approach with the National PTA and Safe Kids Worldwide. Gating trips based on a parent's approval may strand teenagers, potentially in situations that could expose them to safety risk.

Uber for Teen accounts can only be created by guardians who are consenting to the use of the app for their minor. Parents are notified before a trip begins and after it is completed. They may also receive RideChecks if anything unexpected happens during the trip, such as a long stop or drop-off prior to reaching the destination. A summary of the safety features on Uber for Teens is below:

Safety is at the core of [teen accounts](#), with parental supervision and key safety features built into the experience, tailored to the unique considerations raised by extending services to 13-17 year olds:

- Live trip tracking. Parents can follow along in real-time, see the driver's details, and know exactly where their teen is going.
- PIN verification. Teens must share a unique PIN before the ride starts, ensuring they get into the right car.
- RideCheck. We monitor trips for unexpected stops or detours and check in if something seems off.
- Audio recording. Teens can securely record their trip, with encrypted files that only Uber can access if needed.
- Expanded communication. Parents can contact the driver anytime, plus access Uber's safety support line.

### HopSkipDrive Carve-outs

Bill Language:

Referring to [HB25-1291 reengrossed](#): pg 15, 16, 20,

~~(11) SUBSECTIONS (3)(c)(VII), (3)(c)(IX), (3)(d), (3)(e), (7)(c), 5 (7.5), AND (7.7) 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~~

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~~THE TRANSPORTATION NETWORK COMPANY'S DRIVERS IN COMPLIANCE WITH THE COMMISSION'S RULES PROMULGATED PURSUANT TO SECTION 40-10.1-608 (3)(a).~~

~~(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).~~

~~(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).~~

Uber's Comments: The stated intent of this bill is to ensure all transportation modes are safe. There is no justifiable reason why certain TNCs, like HopSkipDrive, should be exempt from certain requirements of this bill. Targeting only specific TNCs like Lyft and Uber is arbitrary. Indeed, TNCs like HopSkipDrive that exclusively transport minors should be subject to heightened safety standards, or at a minimum, the safety standards as all TNCs.