

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0927.01 Yelana Love x2295

HOUSE BILL 20-1227

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HOUSE SPONSORSHIP

Melton,

SENATE SPONSORSHIP

Foote,

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**House Committees**  
Business Affairs & Labor

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE AVAILABILITY OF NETWORK-LEVEL MOBILE PHONE  
102 DISTRACTED DRIVING PREVENTION TECHNOLOGY.

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**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 provider of commercial mobile radio service in Colorado to make network-level distraction control technology available to the provider's customers so that, at the customer's request, the provider can limit distracting content on an authorized user's mobile electronic device from the network level while the authorized user is driving.

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.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 40-15-114 as  
3 follows:

4           **40-15-114. Providers of commercial mobile radio service -**  
5 **network-level distraction control technologies - definitions.** (1) A  
6 PROVIDER SHALL MAKE AVAILABLE TO ITS CUSTOMERS NETWORK-LEVEL  
7 DISTRACTION CONTROL TECHNOLOGY, INCLUDING AN INTERFACE THAT  
8 ALLOWS A THIRD PARTY TO NOTIFY THE PROVIDER THAT AN AUTHORIZED  
9 USER IS DRIVING A MOTOR VEHICLE, SO THAT THE PROVIDER CAN LIMIT  
10 DISTRACTING CONTENT ON THE AUTHORIZED USER'S MOBILE ELECTRONIC  
11 DEVICE FROM THE NETWORK LEVEL WHILE THE AUTHORIZED USER IS  
12 DRIVING. THE INTERFACE MUST BE MADE AVAILABLE TO ANY THIRD PARTY  
13 THAT MEETS THE PROVIDER'S STANDARDS REGARDING SYSTEM  
14 REDUNDANCY, TECHNOLOGY CAPABILITY FAILURE DETECTION, PRIVACY  
15 PROTECTIONS, OVERALL PROVIDER NETWORK-LEVEL SECURITY, AND  
16 RELATED TECHNOLOGICAL MAINTENANCE ACTIVITIES. THE STANDARDS  
17 MUST BE REASONABLE AND CONSISTENT WITH THE PROVIDER'S STANDARDS  
18 FOR EXISTING THIRD-PARTY PARTNERS INTEGRATED WITH EXISTING  
19 PROVIDER NETWORK TECHNOLOGY PARTNERS OR INTERFACES.

20           (2) A PROVIDER SHALL:

21           (a) PROVIDE REASONABLE NOTICE TO THE PROVIDER'S CUSTOMERS  
22 THAT NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY IS  
23 AVAILABLE; AND

24           (b) MAKE THE TECHNOLOGY AVAILABLE AS A SERVICE TO THE  
25 PROVIDER'S CUSTOMERS SO THAT A CUSTOMER MAY DECIDE TO PURCHASE  
26 THIS TYPE OF THIRD-PARTY TECHNOLOGY.

1           (3) A PROVIDER THAT MAKES NETWORK-LEVEL DISTRACTION  
2 CONTROL TECHNOLOGY AVAILABLE PURSUANT TO THIS SECTION SHALL  
3 ENSURE THAT THE TECHNOLOGY PROVIDED BY THE THIRD PARTY, IN  
4 CONCERT WITH THE PROVIDER'S ACCESS TO ITS NETWORK, ALLOWS THE  
5 CUSTOMER TO OVERRIDE THE TECHNOLOGY ON AN AUTHORIZED USER'S  
6 MOBILE ELECTRONIC DEVICE WHEN DRIVING A MOTOR VEHICLE IN SPECIAL  
7 SITUATIONS, SUCH AS AN EMERGENCY. IN SUCH CASES, THE CUSTOMER  
8 MUST HAVE THE OPTION TO BE AUTOMATICALLY NOTIFIED BY ELECTRONIC  
9 MEANS WHEN THE TECHNOLOGY IS OVERRIDDEN.

10           (4) THE PROVIDER SHALL ENGAGE THE NETWORK-LEVEL  
11 DISTRACTION CONTROL TECHNOLOGY WHEN THE PROVIDER IS NOTIFIED, BY  
12 ELECTRONIC MEANS, THAT AN AUTHORIZED USER IS DRIVING A MOTOR  
13 VEHICLE AND SHALL DISENGAGE THE TECHNOLOGY WHEN NOTIFIED THAT  
14 AN AUTHORIZED USER IS NO LONGER DRIVING, EITHER BY THIRD-PARTY  
15 TECHNOLOGY APPROVED OF, OR CERTIFIED BY, THE PROVIDER OR  
16 THROUGH THE PROVIDER'S OWN TECHNOLOGY.

17           (5) THE PROVIDER SHALL PROVIDE A REASONABLE AND SIMPLE  
18 MEANS BY WHICH THE CUSTOMER CAN SELECT THE TYPE OF DISTRACTING  
19 CONTENT TO BE BLOCKED WHILE DRIVING.

20           (6) ANY VEHICULAR INFORMATION OR OTHER PERSONAL DATA  
21 COLLECTED AS PART OF THE DELIVERY OF NETWORK-LEVEL DISTRACTION  
22 CONTROL TECHNOLOGY SHALL NOT BE RETAINED, UTILIZED, OR  
23 DISSEMINATED WITHOUT PRIOR AUTHORIZATION BY THE CUSTOMER  
24 EXCEPT FOR BILLING PURPOSES OR AS PART OF AN OPT-IN PROGRAM  
25 OFFERED TO CUSTOMERS.

26           (7) A PROVIDER THAT MAKES THIRD-PARTY NETWORK-LEVEL  
27 DISTRACTION CONTROL TECHNOLOGY AVAILABLE PURSUANT TO THIS

1 SECTION IS NEITHER CIVILLY NOR CRIMINALLY LIABLE FOR ACTS  
2 RESULTING FROM ANY FAILURE OF THE THIRD-PARTY NETWORK-LEVEL  
3 DISTRACTION CONTROL TECHNOLOGY.

4 (8) NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY MUST  
5 COMPLY WITH ALL STATE AND FEDERAL LAWS RELATED TO:

6 (a) THE PROVISION OF EMERGENCY SERVICES THROUGH THE 911  
7 SYSTEM, INCLUDING TEXT-TO-911, BOUNCE-BACK MESSAGES, AND  
8 LOCATION ACCURACY REQUIREMENTS;

9 (b) PARTICIPATION IN THE WIRELESS EMERGENCY ALERT SYSTEM;  
10 AND

11 (c) PARTICIPATION IN STATE AND LOCAL EMERGENCY ALERT AND  
12 PUBLIC SAFETY WARNING SYSTEMS.

13 (9) NOTHING IN THIS SECTION REQUIRES A NETWORK-LEVEL  
14 DISTRACTION CONTROL TECHNOLOGY THAT IS INCOMPATIBLE WITH, OR  
15 RENDERS IT IMPOSSIBLE TO COMPLY WITH, STATE OR FEDERAL LAW.

16 (10) FOR PURPOSES OF THIS SECTION:

17 (a) "AUTHORIZED USER" MEANS A PERSON AUTHORIZED TO DRIVE  
18 A MOTOR VEHICLE BY A CUSTOMER WHO PURCHASED SERVICES FROM A  
19 PROVIDER.

20 (b) "ELECTRONIC MEANS" MEANS REAL-TIME NOTIFICATIONS  
21 THROUGH THE INTERNET OR OTHER MEANS OF NOTIFICATION THAT ARE  
22 SATISFACTORY TO, AND APPROVED BY, A PROVIDER.

23 (c) "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" OR  
24 "TECHNOLOGY" MEANS TECHNOLOGY INTEGRATED WITHIN THE  
25 PROVIDER'S NETWORK THAT IS INTENDED TO LIMIT THE DISTRACTING  
26 CAPABILITIES OF A MOBILE ELECTRONIC DEVICE AT THE NETWORK LEVEL  
27 WITHOUT THE NEED FOR SOFTWARE RESIDENT ON THE MOBILE ELECTRONIC

1 DEVICE AND THAT CAN CONTROL DISTRACTIONS IN ANY MOBILE  
2 ELECTRONIC DEVICE INDEPENDENT OF MAKE, MODEL, OR OPERATING  
3 SYSTEM. "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" MAY  
4 CONSIST OF SOFTWARE, HARDWARE, OR BOTH.

5 (d) "PROVIDER" MEANS A PROVIDER OF COMMERCIAL MOBILE  
6 RADIO SERVICE IN COLORADO.

7 **SECTION 2. Act subject to petition - effective date.** This act  
8 takes effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part will not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2020 and, in such case, will take effect on the date of the  
16 official declaration of the vote thereon by the governor.