

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 18-0472.02 Yelana Love x2295

**HOUSE BILL 18-1272**

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**HOUSE SPONSORSHIP**

**Foote and Melton**, Ginal, Hansen, Hooton, McLachlan, Pettersen, Roberts, Singer

**SENATE SPONSORSHIP**

**Court**,

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**House Committees**  
Transportation & Energy

**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.*

HOUSE  
Amended 2nd Reading  
April 16, 2018

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

2                   **SECTION 1.** In Colorado Revised Statutes, **add** article 15.5 to  
3 title 40 as follows:

## ARTICLE 15.5

# Network-level Distraction Control Technologies

#### **40-15.5-101. Providers of commercial mobile radio service -**

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

22 (2) A PROVIDER SHALL:

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

26 (b) MAKE TECHNOLOGY AVAILABLE AS A SERVICE TO THE

1 PROVIDER'S CUSTOMERS AT THE CUSTOMERS' REQUEST.

2 (3) A PROVIDER THAT MAKES NETWORK-LEVEL DISTRACTION  
3 CONTROL TECHNOLOGY AVAILABLE PURSUANT TO THIS SECTION SHALL  
4 ENSURE A REASONABLE AND SIMPLE MEANS BY WHICH A CUSTOMER CAN  
5 OVERRIDE THE BLOCKING OF DISTRACTING CAPABILITIES OF AN  
6 AUTHORIZED USER'S MOBILE ELECTRONIC DEVICE WHEN DRIVING A MOTOR  
7 VEHICLE IN THE CASE OF A SPECIAL SITUATION, SUCH AS AN EMERGENCY.  
8 IN SUCH CASES, THE CUSTOMER MUST HAVE THE OPTION TO BE  
9 AUTOMATICALLY NOTIFIED BY ELECTRONIC MEANS OF THE OVERRIDING OF  
10 THE TECHNOLOGY.

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

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

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

27 (7) NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGIES MUST

1 COMPLY WITH ALL STATE AND FEDERAL LAWS RELATED TO:

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

5 (b) PARTICIPATION IN THE WIRELESS EMERGENCY ALERT SYSTEM;  
6 AND

7 (c) PARTICIPATION IN STATE AND LOCAL EMERGENCY ALERT AND  
8 PUBLIC SAFETY WARNING SYSTEMS.

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

12 (9) FOR PURPOSES OF THIS SECTION:

13 (a) "AUTHORIZED USER" MEANS A PERSON AUTHORIZED TO DRIVE  
14 A MOTOR VEHICLE BY A CUSTOMER WHO PURCHASED SERVICES FROM A  
15 PROVIDER.

16 (b) "ELECTRONIC MEANS" MEANS REAL-TIME NOTIFICATIONS  
17 THROUGH THE INTERNET OR OTHER NOTIFICATION MEANS SATISFACTORY  
18 TO, AND APPROVED BY, A PROVIDER.

19 (c) "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" OR  
20 "TECHNOLOGY" MEANS TECHNOLOGY INTEGRATED WITHIN THE CARRIER'S  
21 NETWORK THAT IS INTENDED TO LIMIT THE DISTRACTING CAPABILITIES OF  
22 A MOBILE ELECTRONIC DEVICE AT THE NETWORK LEVEL WITHOUT THE  
23 NEED FOR SOFTWARE RESIDENT ON THE MOBILE ELECTRONIC DEVICE AND  
24 THAT CAN CONTROL DISTRACTIONS IN ANY MOBILE ELECTRONIC DEVICE  
25 INDEPENDENT OF MAKE, MODEL, OR OPERATING SYSTEM.  
26 "NETWORK-LEVEL DISTRACTION CONTROL TECHNOLOGY" MAY CONSIST  
27 OF SOFTWARE, HARDWARE, OR BOTH.

1 (d) "PROVIDER" MEANS A PROVIDER OF CELLULAR OR WIRELESS  
2 SERVICE, PERSONAL COMMUNICATIONS SERVICE, PAGING SERVICE, RADIO  
3 COMMON CARRIER SERVICE, RADIO MOBILE SERVICE, OR ENHANCED  
4 SPECIALIZED MOBILE RADIO SERVICE IN COLORADO.

#### **40-15.5-102. Limitation on application of other statutes in title**

6 **40.** NOTHING IN ARTICLES 1 TO 7 OR 15 OF THIS TITLE **40** APPLY TO THIS  
7 ARTICLE **15.5**. THE PUBLIC UTILITIES COMMISSION CREATED IN ARTICLE **2**  
8 OF THIS TITLE **40** SHALL NOT REGULATE, ENFORCE, OR PROMULGATE RULES  
9 REGARDING THIS SECTION.