Legislation Details (With Text)

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Attachments:	1. Summary of Int. No. 1896, 2. Int. No. 1896, 3. February 27, 2020 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 2-27-20, 5. Minutes of the Stated Meeting - February 27, 2020, 6. Committee Report 4/29/20, 7. Hearing Testimony 4/29/20, 8. Hearing Testimony 4/29/20 (Con't), 9. Hearing Transcript 4/29/20		

Date	Ver.	Action By	Action	Result
2/27/2020	*	City Council	Introduced by Council	
2/27/2020	*	City Council	Referred to Comm by Council	
4/29/2020	*	Committee on Small Business	Hearing Held by Committee	
4/29/2020	*	Committee on Small Business	Laid Over by Committee	
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4/29/2020	*	Committee on Consumer Affairs and Business Licensing	Laid Over by Committee	
12/31/2021	*	City Council	Filed (End of Session)	

Int. No. 1896

By Council Members Gjonaj, Kallos, Brannan, Gibson Perkins, Ayala, Lander, Chin, Koslowitz and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of commissions charged by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

Subchapter 22

Third Party Food Delivery Services

§ 20-845 Definitions. As used in this subchapter, the following terms have the following meanings:

Covered establishment. The term "covered establishment" means any food service establishment that offers, in a single commercial transaction over the internet, whether directly or through a third-party application, the sale and same-day delivery of food to customers from one or more retail locations within the city.

Food service establishment. The term "food service establishment" has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.

§ 20-846 Commission disclosure. a. When a final price is disclosed to a customer, and before a transaction occurs, for the purchase and delivery food from a covered establishment through a third-party delivery service, such third-party delivery service shall disclose to such customer, in plain and simple language and in a conspicuous manner, any commission, fee, or any other monetary payment imposed by the third-party delivery service on such covered establishment as a term of a contract or agreement between the parties in connection with the covered establishment utilizing the third-party delivery service.

b. Any covered establishment may decline to disclose to customers the commission charged by a third-party delivery service. If a covered establishment has declined to have such a commission disclosed to customers, the requirement of subdivision a of this section shall not apply with respect to such covered establishment.

§ 20-847 Penalties. Any person that violates any provision of this subchapter or any rule promulgated pursuant to this subchapter is liable for a civil penalty of not less than $250 nor more than $1,000 for each violation. A proceeding to recover any civil penalty authorized pursuant to this subchapter may be brought in

any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. For the purposes of this section, each calendar day during which a person is found to have violated this subchapter shall be considered a separate violation, even if such violation affects more than one customer.

§ 20-848 Injunctive relief. In addition to any other relief available by law, the commissioner may seek any relief available under article 63 of the civil practice law and rules in a proceeding against any person alleged to be in violation of any provision of this subchapter.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

JK
LS #11768
2/21/2020