



Legislation Text

File #: Int 2399-2021, **Version:** *

Preconsidered Int. No. 2399

By Council Members Brannan and Kallos

A Local Law to amend the administrative code of the city of New York, in relation to limitations on distance and route for food delivery workers; to amend three local laws for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspend, revoking or refusing to renew a license for a third party delivery service, minimum per trip payments to third-party food delivery service and courier service workers, and standards for payment of food delivery workers, respectively, as proposed in introduction numbers 2288-A, 2294-A, and 2296-A, respectively; and in relation to requiring a study of the working conditions for food delivery workers

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-1521 of the administrative code of the city of New York, as added by a local law for the year 2021 amending the administrative code of the city of New York, relating to working conditions for third-party service workers, as proposed in introduction number 2289-A, is amended to read as follows:

§ 20-1521 Delivery distance and route. a. Each third-party food delivery service and third-party courier service shall provide each food delivery worker with the ability to specify:

1. the maximum distance per trip, from [a location selected by a food delivery worker] a food service establishment where such worker will pick up food, beverages, or other goods, that such worker will travel on trips;
2. that such worker will not accept trips that require travel over any bridge or over particular bridges chosen by such worker; and
3. that such worker will not accept trips that require travel through any tunnel or through particular tunnels chosen by such worker.

§ 2. Section 3 of a local law for the year 2021 amending the administrative code of the city of New York, relating to providing food delivery workers with insulated food delivery bags and denying, suspending, revoking or refusing to renew a license for a third party food delivery service, as proposed in introduction number 2288-A, is amended to read as follows:

§ 3. This local law takes effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to [the licensing of third-party food delivery services, and repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897 for the year 2020] establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 3. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to minimum per trip payments to third-party food delivery service and courier service workers, as proposed in introduction number 2294-A, is amended as follows:

§ 2. This local law takes effect [immediately] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 4. Section 2 of a local law for the year 2021 amending the administrative code of the city of New York, relating to standards for payment of food delivery workers, as proposed in introduction number 2296-A,

is amended as follows:

§ 2. This local law takes effect [180 days after it becomes law] on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A, takes effect, provided that the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

§ 5. a. The department of consumer and worker protection shall study the working conditions for food delivery workers. In conducting such study, the department may coordinate with any other agency, organization, or office that can assist in such study. Such study shall include, at minimum, consideration of the pay food delivery workers receive and the methods by which such pay is determined, the total income food delivery workers earn, the expenses of such workers, the equipment required to perform their work, the hours of such workers, the average mileage of a trip, the mode of travel used by such workers, the safety conditions of such workers, and such other topics as the department deems appropriate.

b. In furtherance of such study, the department of consumer and worker protection may request or issue subpoenas for the production of data, documents, and other information from a third-party food delivery service or third-party courier service relating to food delivery workers that include, but are not limited to, worker identifiers, information about the times that such workers are available to work for such third-party food delivery service or third-party courier service, the mode of transportation such workers use, how trips are offered or assigned to food delivery workers, the data such service maintains relating to the trips of such workers, the compensation such workers receive from such third-party food delivery service or third-party courier service, any gratuities such workers receive, information relating to both completed and cancelled trips, agreements with or policies covering such workers, contact information of such workers, information relating

to the setting of fees paid by food service establishments and consumers, and any other information deemed relevant by the department of consumer and worker protection. In accordance with applicable law and rules and with appropriate notice, a third-party food delivery service or third-party courier service must produce such information to the department of consumer and worker protection in its original format or a machine-readable electronic format as set forth in rules of such department.

c. Definitions. As used in this section, the following terms have the following meanings:

Food delivery worker. The term “food delivery worker” means any natural person or any organization composed of no more than one natural person, whether or not incorporated or employing a trade name, who is hired, retained, or engaged as an independent contractor by a third-party food delivery service required to be licensed pursuant to section 20-563.1 of the administrative code of the city of New York, or a third-party courier service to deliver food, beverage, or other goods from a business to a consumer in exchange for compensation.

Food service establishment. The term “food service establishment” means a business establishment located within the city of New York where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Third-party courier service. The term “third-party courier service” means a service that (i) facilitates the same-day delivery or same-day pickup of food, beverages, or other goods from a food service establishment on behalf of a third-party food delivery service and (ii) that is owned and operated by a person other than the person who owns such food service establishment.

Third-party food delivery service. The term “third-party food delivery service” means any website, mobile application, or other internet service that: (i) 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, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food

service establishment.

Trip. The term “trip” means the time spent, distance travelled, and route followed by a worker to provide delivery services to a consumer through a third-party food delivery service or third-party courier service, including travel to a business, picking up the food, beverage, or other goods for delivery, and taking and depositing such delivery at a different location as requested.

§ 6. This local law takes effect on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect, except that section five of this local law takes effect immediately and such section five expires and is deemed repealed on such date that such local law for the year 2021 amending the administrative code of the city of New York, relating to establishing general provisions related to working conditions for third-party service workers and requiring that third-party food delivery services permit delivery workers to set limitations on distance and route for deliveries, as proposed in introduction number 2289-A for the year 2021, takes effect.

9/22/21 7:07PM