



## Legislation Text

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Int. No. 492

By Council Members Moya, Hudson, Brannan, Hanif, Brewer, Nurse, Ung, Restler, Won and Riley

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to agree to reimburse third-party food delivery workers for certain costs related to vehicle crashes that happen during deliveries

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision a of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended to read as follows:

2. Any action alleging a violation of section 20-928 or 20-937 shall be brought within two years after the acts alleged to have violated this chapter occurred.

§ 2. Subdivision b of section 20-933 of the administrative code of the city of New York, as added by local law number 140 for the year 2016, is amended by adding a new paragraph 5 to read as follows:

5. Violations of section 20-937. In addition to any other damages awarded pursuant to this chapter or other law, a plaintiff who prevails on a claim alleging a violation of section 20-937 is entitled to an award of statutory damages of \$1,000.

§ 3. Chapter 10 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-937 to read as follows:

§ 20-937 Delivery workers. a. Definitions. For purposes of this section, the following terms have the following meanings:

Delivery services contract. The term “delivery services contract” means a contract or other agreement between a third-party food delivery service and a third-party food delivery worker for delivery services.

Food service establishment. The term “food service establishment” means a place 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 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 food service establishments located in the city that are owned and operated by different persons.

Third-party food delivery worker. The term “third-party food delivery worker” means a person contracted by a third-party food delivery service to make deliveries.

Vehicle. The term “vehicle” means a device by which a person or property is or may be transported or drawn upon a street.

Vehicle crash. The term “vehicle crash” means the unintentional collision of a vehicle with a person or property.

b. Delivery services contracts. A delivery services contract entered into on or after the effective date of the local law that added this section shall provide that the third-party food delivery service shall pay, or reimburse the third-party food delivery worker, for all out-of-pocket costs of medical services and property repair or replacement incurred by the third-party food delivery worker in connection with a vehicle crash that occurs during the course of delivery services. A third-party food delivery service is not required by this section to agree to cover out-of-pocket costs reimbursed by another person. For purposes of this section, the course of delivery services includes travel to a food service establishment to pick up an order and travel to a customer to deliver an order.

c. The requirements of this section do not apply to a contract or other agreement between an employer and an employee.

d. This section shall not be construed to apply to or affect the labor law in a manner that supersedes a state law.

e. In addition to any other penalty authorized by this chapter or other law, a third-party food delivery service shall be subject to a civil penalty of \$500 for each delivery services contract such service enters into that does not meet the requirements of this section.

§ 2. This local law takes effect 90 days after it becomes law.

Session 12

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Session 11

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LS #17532

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