



Legislation Text

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Int. No. 1000

By Council Members Schulman, Yeger, Marte and Feliz

A Local Law to amend the administrative code of the city of New York, in relation to requiring food delivery companies to be responsible for the safe operation of electric food delivery bicycles

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-563.14 to read as follows:

§ 20-563.14 Safe operation of electric food delivery bicycles.

a. Definition. For purposes of this section, the term “electric food delivery bicycle” means any two or three wheeled electric device, used in the pick-up and delivery of food and beverage items by food delivery workers, that is motor assisted, not propelled exclusively by human power and not eligible for registration by the New York state department of motor vehicles. This definition includes bicycles having an electric motor that provides assistance only when the person operating such bicycle is pedaling, and which ceases to provide assistance when such bicycle reaches a pre-determined speed.

b. Any third-party food delivery service licensee shall ensure that any food delivery worker operating an electric food delivery bicycle under its license does not violate any provision of section 19-176 or 19-195.1 or any rule promulgated pursuant thereto. Any civil penalties incurred as a result of a food delivery worker’s violation of either such section or any rule promulgated thereto while engaged in the pick-up and delivery of food and beverage items shall be paid by the third-party food delivery service licensee under which the food delivery worker was operating at the time such fine was issued.

c. Any food delivery worker issued a civil penalty for a violation of any and provision of section 19-176

or 19-195.1, or any rule promulgated pursuant thereto, shall notify the third-party food delivery service within ten days of the issuance of such fine.

§ 2. Section 20-563.10 of the administrative code of the city of New York, as added by local law number 100 for the year 2021, is amended to read as follows:

§ 20-563.10 Enforcement, civil penalties and restitution. a. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant thereto, shall be subject to a civil penalty that shall not exceed \$500 for each violation, except that a person that violates any provision of section 20-563.3 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 for each violation. Violations by third-party food delivery services under this subchapter shall accrue on a daily basis for each day and for each food service establishment with respect to which a violation of this subchapter or any rule promulgated pursuant to this subchapter was committed. The department may also recover restitution on behalf of any food service establishment or food delivery worker harmed by a violation of this subchapter or any rules promulgated pursuant to this subchapter by a third-party food delivery service. A proceeding to recover any civil penalty or restitution 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.

b. In any proceeding against a third-party food delivery service for a violation of section 20-563.14, it is an affirmative defense that such third-party food delivery service lacked notice of a fine incurred by a food delivery worker operating under its license.

§ 3. This local law takes effect 180 days after it becomes law.