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Int. No. 30-B

By Council Members Feliz, Powers, Abreu, Joseph, Brewer, Louis, Rivera, Restler, Stevens, Ung, Hudson, Bottcher, Schulman, De La Rosa and Dinowitz

A Local Law to amend the administrative code of the city of New York, in relation to safe delivery device access for contracted delivery workers

Be it enacted by the Council as follows:

Section 1. Section 20-1501 of the administrative code of the city of New York is amended by adding new definitions of "compliant delivery device," "contracted delivery worker," "deactivation," "delivery service," "eligible device," "powered mobility device" and "retained" in alphabetical order to read as follows:

Compliant delivery device. The term "compliant delivery device" means a delivery device that is in compliance with applicable law, rules and regulations, including a powered mobility device that meets the standards for distribution, sale, lease or rental pursuant to section 20-610.

Contracted delivery worker. The term "contracted delivery worker" means any natural person or any organization composed of no more than 1 natural person, whether or not incorporated or employing a trade name, who is retained by a delivery service to deliver goods in exchange for compensation, including, but not limited to, a food delivery worker, provided that the term "contracted delivery worker" does not include any natural person or any organization composed of no more than 1 natural person, whether or not incorporated or employing a trade name, who delivers goods solely using a vehicle required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.

Deactivation. The term "deactivation" means any indefinite or permanent discharge, termination or layoff of a contracted delivery worker or any revocation or restriction of a contracted delivery worker's access

to the delivery platform or authorization to accept deliveries on the delivery platform.

Delivery service. The term "delivery service" means a person that facilitates, offers, or arranges for the delivery of goods to or from a location in the city, including, but not limited to, a third-party food delivery service and a third-party courier service, provided that the term "delivery service" does not include any such person that facilitates, offers or arranges fewer than 50 trips each week, or any person that facilitates, offers or arranges for the delivery of goods solely by vehicles required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.

Eligible device. The term "eligible device" means a powered mobility device or lithium-ion battery that does not meet the requirements for sale contained in section 20-610, a motorized scooter as defined in subdivision a section 19-176.2, or a limited use motorcycle as defined in section 121-b of the vehicle and traffic law.

Powered mobility device. The term "powered mobility device" means a powered bicycle or a powered mobility device, as such terms are defined in subchapter 2 of chapter 4 of title 20.

Retained. The term "retained" means hired, or retained or engaged, as an independent contractor.

§ 2. Subchapter 2 of chapter 15 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1526 to read as follows:

§ 20-1526 Powered mobility devices. a. Any powered mobility device operated by a contracted delivery worker on behalf of a delivery service shall meet the requirements for a compliant delivery device. Any such powered mobility device shall be provided at the expense of such delivery service, provided such delivery service may permit a contracted delivery worker to make deliveries using a personal compliant delivery device, and provided further that such delivery service shall not require, as a term of employment or as a term of any contract, any of its contracted delivery workers to provide such a device at the expense of such worker. Failure by a contracted delivery worker to obtain a compliant delivery device at the expense of such worker shall not be the basis for the deactivation of such worker.

b. Subdivision a of this section shall not apply to a delivery service that participates in a program to provide new powered mobility devices that meet the requirements for a compliant delivery device and are capable of performing contracted delivery work assigned by the delivery service, at reduced cost or no cost, to a contracted delivery worker who trades in an eligible device. Participation in such program shall include an annual contribution of 1,600 such powered mobility devices for any delivery service that retains at least 5,000 delivery workers, or it shall include an annual contribution of 500 such powered mobility devices for any delivery service that retains less than 5,000 delivery workers. Participation in such program shall also include targeted communications and dissemination of information regarding such program to contracted delivery workers retained by such service. Participation is deemed complete and the provisions of this subdivision are satisfied upon the provision of at least 8,000 such powered mobility devices for any delivery service that retains at least 5,000 delivery workers, or the provision of at least 2,500 such powered mobility devices for any delivery service that retains less than 5,000 delivery workers. A participating delivery service may include their contribution of such powered mobility devices to such program up to one year prior to the effective date of this local law toward the total number of such powered mobility devices contributed to such program for purposes of satisfying the provisions of this subdivision.

c. Subdivision a of this section shall also not apply to a delivery service that participates in a subscription program or service that allows contracted delivery workers retained by such delivery service to have access to a compliant delivery device at reduced cost or no cost while delivering for such service. Participation by a delivery service is deemed complete and the provisions of this subdivision are satisfied upon the provision of at least 52 weeks of access to such subscription program or service for at least half of all contracted delivery workers retained by such service.

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

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