File #: Int 1133-2024, **Version:** A

Int. No. 1133-A

By Council Members Gutiérrez, Nurse, Hanif, Cabán, Ossé, Restler, Brewer, Abreu, Hudson, Avilés, Feliz, De La Rosa, Rivera, Marte, Louis and Joseph

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

Be it enacted by the Council as follows:

Section 1. Chapter 15 of title 20 of the administrative code of the city of New York, as added by local law number 114 for the year 2021, the definition of "third-party courier service" in section 20-1501 of such chapter as amended by local law number 17 for the year 2023, subdivision a of section 20-1521 of such chapter as amended by local law number 118 for the year 2021, section 20-1522 of such chapter as added by local law number 115 for the year 2021, section 20-1523 of such chapter as added by local law number 116 for the year 2021, section 20-1524 of such chapter as added by local law number 113 for the year 2021, and section 20-1525 of such chapter as added by local law number 41 for the year 2023, is amended to read as follows:

CHAPTER 15

[THIRD-PARTY SERVICE] CONTRACTED DELIVERY WORKERS

SUBCHAPTER 1

GENERAL PROVISIONS

[§ 20-1501 Definitions.
§ 20-1502 Outreach and education.
§ 20-1503 Reporting.
§ 20-1504 Retaliation.
§ 20-1505 Notice of rights.
§ 20-1506 Recordkeeping.
§ 20-1507 Administrative enforcement.
§ 20-1508 Remedies for workers.
§ 20-1509 Civil penalties.

§ 20-1510 Enforcement by the corporation counsel.
§ 20-1511 Private cause of action.
§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.]

§ 20-1501 Definitions.

As used in this chapter, the following terms have the following meanings:

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.

Customer. The term "customer" means a person that places an order for, accepts or receives goods delivered by, through or with the assistance of a delivery service.

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.

Food delivery worker. The term "food delivery worker" means any natural person or any organization composed of no more than [one] 1 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 or a third-party courier service to deliver [food, beverage, or other] goods from a business to a [consumer] customer in exchange for compensation.

Food service establishment. The term "food service establishment" means a business establishment located within the city 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.

Goods. The term "goods" means 1 or more items, parcels, packages, products, or articles of any type, including but not limited to food, beverages, groceries, or papers.

Gratuity. The term "gratuity" means a sum of money (i) paid voluntarily by a customer for an order of goods placed or delivered by, through or with the assistance of a delivery service, (ii) that is in addition to the purchase price of the goods and any mandatory charges such as taxes and fees, (iii) the amount of which the customer may choose, and (iv) that is referred to by a delivery service as a gratuity, tip or other similar term that would suggest to a reasonable person that the sum, or a substantial portion thereof, would be received by a contracted delivery worker in addition to any compensation from the delivery service.

Pay period. The term "pay period" means a fixed and regularly recurring period of 168 hours or 7 consecutive 24-hour periods.

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

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 such food service establishment or 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[; and (iii) and is not a third-party food delivery service].

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.

Toilet facility. The term "toilet facility" means a room or space on the premises of a food service establishment or other business that: (i) contains a toilet or urinal and sink or similar washing facility; and (ii) is a dedicated facility for its patrons, or that is a dedicated facility for its employees to the extent such establishment or business does not have a dedicated facility for its patrons.

Trip. The term "trip" means the time spent, distance travelled, and route followed by a contracted delivery worker to [provide delivery services to a consumer through a third-party food delivery service or third-party courier service] deliver goods, including, but not limited to, travel to [a business] 1 or more pick-up locations; selecting, preparing, assembling, waiting for, and picking up the [food, beverage, or other] goods for delivery [, and taking]; and travel to and unloading and depositing such [delivery at a different location as requested] goods at 1 or more drop-off locations, including any time spent waiting for goods to be retrieved by a customer or other person, provided that the term "trip" shall not include any time spent, distance travelled or route followed for the delivery of goods using a vehicle that is required by federal or state law, rule or regulation to be registered with the federal motor carrier safety administration.

§ 20-1502 Outreach and education.

The commissioner shall conduct outreach and education about the provisions of this chapter. Such outreach and education shall be provided to [food] contracted delivery workers[, third-party food] and delivery services[, and third-party courier services].

§ 20-1503 Reporting.

The department shall annually report on its website the number and nature of the complaints received pursuant to this chapter, the results of investigations undertaken pursuant to this chapter, including the number of complaints not substantiated and the number of notices of violations issued, the number and nature of adjudications held to resolve notices of violation issued pursuant to this chapter, and the average time for a complaint to be resolved pursuant to this chapter.

§ 20-1504 Retaliation.

No person shall take any adverse action against a [food] contracted delivery worker that penalizes such worker for, or is reasonably likely to deter such worker from, exercising or attempting to exercise any right protected under this chapter. Adverse actions include threats, intimidation, harassment, discipline, denial of work opportunities to or discrimination against a [food] contracted delivery worker, reduction in hours or pay, reduction or downgrade of a worker's public or internal rating, and other negative consequences imposed on a [food] contracted delivery worker, including actions related to perceived immigration status or work authorization. A [food] contracted delivery worker need not explicitly refer to this chapter or the rights enumerated herein to be protected from retaliation.

§ 20-1505 Notice of rights.

a. The commissioner shall publish and make available a notice for a [third-party food] delivery service [or third-party courier service] to provide to [food] contracted delivery workers informing them of their rights protected under this chapter. Such notice shall be made available [in a downloadable format] on the city's website and shall be updated if any changes are made to the requirements of this chapter or as otherwise deemed appropriate by the commissioner.

b. A [third-party food] delivery service [or third-party courier service] shall provide such notice electronically to [a food] each contracted delivery worker retained by such service. Such notice shall be in English and [any] the preferred language [spoken as a primary language by at least five percent] of the [food] contracted delivery [workers hired, retained, or engaged by such service] worker, provided that the commissioner has made the notice available in such language, and further provided that such contracted delivery worker has communicated their preferred language to the delivery service.

§ 20-1506 Recordkeeping.

a. A [third-party food] delivery service [or third-party courier service] shall retain records documenting its compliance with the applicable requirements of this chapter for a period of [three] 3 years and shall allow

the department to access such records and other information, consistent with applicable law and in accordance with rules of the department and with appropriate notice, in furtherance of an investigation conducted pursuant to this chapter. A [third-party food] delivery service [or third-party courier service] must maintain records in their original format and provide such records to the department in their original format or a machine-readable electronic format as set forth in rules of the department. The department also may establish by rule, and require [third-party food] delivery services [and third-party courier services] to adhere to, a uniform system of records, and require submission of such records and other reports as the department may determine, in accordance with applicable law and rules and with appropriate notice.

b. The failure of a [third-party food] delivery service [or third-party courier service] to maintain, retain, or produce a record or other information required to be maintained by this chapter and requested by the department in furtherance of an investigation conducted pursuant to this chapter that is relevant to a material fact alleged by the department in a notice of violation issued pursuant to this subchapter creates a rebuttable presumption that such fact is true.

c. To implement or enforce the provisions of this chapter or to promulgate any rule necessary and appropriate to the administration of this chapter, the department may issue orders or subpoenas for the production of data, documents, testimony, or other information from a delivery service, a food service establishment, or any person that sells or provides goods delivered by, through or with the assistance of a delivery service. Such data, documents, testimony, or other information may include, but is not limited to, identifying and contact information of contracted delivery workers; information about the times that contracted delivery workers are available to work for delivery services; work schedules of contracted delivery workers; the mode of transportation contracted delivery workers use, including the makes and models of vehicles or devices; information about trips or other work opportunities that are offered, assigned, or performed by contracted delivery workers; contracted delivery workers' pay, gratuities, and benefits; agreements with or internal policies covering contracted delivery workers; insurance policies covering contracted delivery workers; charges

imposed by delivery services on customers, food service establishments or any person who sells or provides goods delivered by, through or with the assistance of a delivery service; and any other information deemed relevant by the department. In accordance with applicable law and rules and upon reasonable notice of no less than 14 days, a person who receives a request or subpoena for data, documents, or other information pursuant to this section shall produce such data, documents or information to the department in its original format or a machine-readable electronic format as set forth in rules of the department.

§ 20-1507 Administrative enforcement.

a. The commissioner shall enforce the provisions of this chapter.

b. 1. Any person alleging a violation of this chapter may file a complaint with the department within [two] 2 years of the date the person knew or should have known of the alleged violation.

2. Upon receiving such a complaint, the department shall investigate it.

3. The department may open an investigation on its own initiative.

4. A person or entity under investigation shall, in accordance with applicable law, provide the department with information or evidence that the department requests pursuant to the investigation. The department may attempt to resolve an investigation concerning a violation of this chapter through any action authorized by chapter 64 of the charter. Adjudicatory powers pursuant to this subchapter may be exercised by the commissioner or by the office of administrative trials and hearings pursuant to chapter 64 of the charter, in accordance with any delegation of such adjudicatory powers by the department to such office pursuant to paragraph (1) of subdivision (h) of section 2203 of the charter.

5. The department shall keep the identity of any complainant confidential unless disclosure is necessary to resolve the investigation or is otherwise required by law. The department shall, to the extent practicable, notify such complainant that the department will be disclosing the complainant's identity before such disclosure.

c. The commissioner may promulgate rules necessary and appropriate to the administration of this

chapter.

§ 20-1508 Remedies for workers.

a. For violations of their rights under this chapter, a [food] contracted delivery worker shall be entitled to the following relief:

1. all compensatory damages and other relief required to make the worker or former worker whole;

2. an order directing compliance with the requirements set forth in this chapter; and

3. for each violation of:

(a) section 20-1504,

(1) $500 for each violation not involving denial of future work opportunities;

(2) $2,500 for each violation involving denial of future work opportunities; and

(3) any equitable relief appropriate under the circumstances, including but not limited to payment of any lost earnings resulting from such retaliation.

(b) section 20-1521, $200;

(c) section 20-1522, including any minimum payment established by rule pursuant to section 20-1522, [three] 3 times the amount of any payment that should have been made and was not timely made;

(d) section 20-1523, $200; [and]

(e) section 20-1524, $200; and

(f) section 20-1527, $200.

b. The relief authorized by this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1509 Civil penalties.

a. For each violation of this chapter, [a third-party food delivery service or third-party courier service] any person is liable for a penalty of $500 for the first violation and, for subsequent violations that occur within [two] 2 years of any previous violation of this chapter, up to $750 for the second violation and up to $1,000 for

each succeeding violation.

b. The penalties imposed pursuant to this section shall be imposed on a per worker and per instance basis for each violation.

§ 20-1510 Enforcement by the corporation counsel.

The corporation counsel or such other persons designated by the corporation counsel on behalf of the department may initiate in any court of competent jurisdiction any action or proceeding that may be appropriate or necessary for correction of any violation issued pursuant to sections 20-1507 through 20-1509, including actions to secure permanent injunctions, enjoining any acts or practices that constitute such violation, mandating compliance with the provisions of this chapter, or such other relief as may be appropriate.

§ 20-1511 Private cause of action.

a. Any person alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. section 20-1504;

2. section 20-1521;

3. section 20-1522, including any minimum payment established by rule pursuant to section 20-1522;

4. section 20-1523; and

5. section 20-1524.

b. Such court may order compensatory, injunctive and declaratory relief, including the remedies set forth in section 20-1508, and reasonable attorney's fees and costs.

c. A civil action under this section shall be commenced within [two] 2 years of the date the person knew or should have known of the alleged violation.

d. 1. Any person filing a civil action shall simultaneously serve notice of such action and a copy of the complaint upon the department. Failure to so serve a notice does not adversely affect any person's cause of action.

2. A worker need not file a complaint with the department pursuant to subdivision b of section 20-1507 before bringing a civil action; however, no person shall file a civil action [after filing] based on the same facts as a complaint filed with the department pursuant to subdivision b of section 20-1507 unless such complaint has been withdrawn or dismissed without prejudice to further action.

3. No person shall file a complaint with the department [after filing] pursuant to subdivision b of section 20-1507 based on the same facts as a civil action filed pursuant to this section unless such action has been withdrawn or dismissed without prejudice to further action.

4. The commencement or pendency of a civil action by a worker does not preclude the department from investigating a [third-party food] delivery service [or third-party courier service] or commencing, prosecuting or settling a case against a [third-party food] delivery service [or third-party courier service] based on some or all of the same violations.

§ 20-1512 Civil action by corporation counsel for pattern or practice of violations.

a. 1. Where reasonable cause exists to believe that a [third-party food] delivery service [or third-party courier service] is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, relief for [food] contracted delivery workers set forth in section 20-1508, civil penalties set forth in section 20-1509, and any other appropriate relief.

3. Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.

4. Nothing in this section prohibits (i) the department from exercising its authority under [section] sections 20-1507 through 20-1509 or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1507 or a civil action pursuant to section 20-1511 based on the same facts pertaining to

such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

b. Investigation. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to subdivision a of this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.

Subchapter 2

[FOOD] PROTECTIONS FOR CONTRACTED DELIVERY WORKERS

[§ 20-1521 Delivery distance and route.
§ 20-1522 Reserved.
§ 20-1523 Reserved.
§ 20-1524 Insulated food delivery bags.]

§ 20-1521 Delivery [distance and route] offers or assignments.

a. Each third-party food delivery service, and each third-party courier service that maintains a website, mobile application, or other internet service through which such service offers or assigns a trip to a food delivery worker retained by such third-party courier service, shall provide each food delivery worker retained by such third-party food delivery service or third-party courier service with the ability to specify, in such form and manner as the department may specify by rule:

1. the maximum distance [per trip, from a food service establishment where such worker will pick up food, beverages, or other goods], in increments of not greater than 1 mile, between (i) the first pick-up location of a trip, and (ii) the drop-off location of such trip that is farthest from such pick-up location, for any trip that such worker will [travel on trips] accept;

2. that such worker will not accept trips that require travel [over any bridge or] over particular bridges chosen by such worker, provided the department shall determine by rule any such bridge that a worker may so choose; and

3. that such worker will not accept trips that require travel [through any tunnel or] through particular tunnels chosen by such worker, provided the department shall determine by rule any such tunnel that a worker may so choose.

b. Each third-party food delivery service, and each third-party courier service that maintains a website, mobile application, or other internet service through which such service offers or assigns a trip to a food delivery worker retained by such third-party courier service, shall allow each food delivery worker retained by such third-party food delivery service or third-party courier service to change the parameters established by such worker pursuant to subdivision a at any time.

c. A third-party food delivery service, or a third-party courier service that maintains a website, mobile application, or other internet service through which such service offers or assigns a trip to a food delivery worker retained by such third-party courier service, shall not offer or assign any food delivery worker any trip that is inconsistent with the parameters established by such worker pursuant to subdivision a and shall not penalize a food delivery worker for selecting or changing such parameters.

d. Each time a [third-party food] delivery service [or third-party courier service] offers or assigns a trip to a [food] contracted delivery worker, before such worker accepts such trip, such [third-party food] delivery service [or third-party courier service] shall disclose to such worker, in such form and manner as the department may specify by rule, the following information:

1. [the] any address where the [food, beverage or other] goods must be picked up during such trip;

2. the estimated time and distance [for] from the first pick-up location of the trip to the final drop-off location of such trip;

3. the amount of any gratuity, if specified by [the consumer] any customer; [and]

4. the amount of compensation to be paid to the [food] contracted delivery worker, excluding any gratuity; and

5. any other information that the department determines would aid a contracted delivery worker in

deciding whether to accept an offer or assignment for a trip from a delivery service, as determined by the department by rule.

[e. The requirements of this section shall apply to trips that originate in the city, end in the city or involve picking up food from a food service establishment located in the city.]

§ 20-1522 Minimum payment.

a. 1. The department 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. In conducting such study, the department shall not be required to consider the business model or operations of any third-party food delivery service or third-party courier service, any differences between or among the business models or operations of third-party food delivery services and third-party courier services, or the potential impact on any third-party food delivery service or third-party courier service of establishing any minimum payment requirement pursuant to this section.

2. In furtherance of such study, the department may [request or] issue orders or 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. 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 in its original format or a machine-readable electronic format as set forth in rules of the department.

3. Based on the results of the study conducted pursuant to paragraph a of this subdivision, and no later than January 1, 2023, the department shall by rule establish a method for determining the minimum payments that must be made to a food delivery worker by a third-party food delivery service or third-party courier service. In establishing such method, the department shall, at minimum, consider the duration and distance of trips, the expenses of operation associated with the typical modes of transportation such workers use, the types of trips, including the number of deliveries made during a trip, the on-call and work hours of food delivery workers, the adequacy of food delivery worker income considered in relation to trip-related expenses, and any other relevant factors, as determined by the department. In establishing such method, the department shall not be required to consider the business model or operations of any third-party food delivery service or third-party courier service, any differences between or among the business models or operations of third-party food delivery services and third-party courier services, or the potential impact on any third-party food delivery service or third-party courier service of establishing such a method. Any rules promulgated by the department pursuant to this subdivision shall not prevent payments to food delivery workers from being calculated on an hourly or weekly basis, or by any other method, provided that the actual payments made to such workers comply with the minimum payment requirements determined by the department. The department may establish a single method for determining minimum payments to food delivery workers by any third-party food delivery service or third-party courier service. Nothing in this section shall be construed as requiring the department to establish a method for determining minimum payments to a food delivery worker retained by any third-party food delivery service or any third-party courier service that is tailored to the circumstances of a particular

service or is different than the method for determining minimum payments to a food delivery worker retained by any other third-party food delivery service or third-party courier service.

b. 1. Any minimum payment determined by the department pursuant to this section shall not include gratuities. A [third-party food] delivery service [or third-party courier service] shall not retain any portion of any gratuity or use gratuities to offset or cover any portion of minimum payments required by this section.

2. A [third-party food] delivery service shall clearly and conspicuously disclose to [food] contracted delivery workers retained by such service which payments constitute gratuities from [consumers] customers and which payments constitute compensation paid by [the third-party food] such delivery service.

3. Reserved.

4. Reserved.

5. Reserved.

c. Beginning February 1, 2024 and no later than February 1 of each year thereafter, the department shall announce any update to [the] any minimum payment method established pursuant to this section if it determines an update is warranted or necessary. Any such update shall become effective the following April 1 after it has been announced. If the department determines that an amendment to [the] any minimum payment standard is warranted or necessary, it is hereby authorized to promulgate such amendment by rule.

d. The department shall, no later than September 30, 2024, and [two] 2 years thereafter, submit to the council and the mayor a report on [the] any minimum payment standard, any amendment to any such standard, and the effect of any such minimum payment standard on [food delivery] contracted delivery workers and the [food] delivery industry.

e. Reserved.

f. No later than 18 months after the effective date of the local law that added this subdivision, the department shall by rule establish 1 or more methods for determining the minimum payments a delivery service shall make to a contracted delivery worker retained by such service. Any minimum payment determined

pursuant to any such method shall include:

1. A labor component, which shall be no less than the minimum wage required pursuant to paragraph a of subdivision 1-a or paragraph a of subdivision 1-b of section 652 of the labor law, or its successor provisions;

2. A benefit component, which shall be no less than an amount equal to the value of benefits required to be provided by employers to employees in the city pursuant to city, state, or federal law, as determined by the department;

3. An expense component, which shall be sufficient to cover ordinary and necessary expenses of a contracted delivery worker, as determined by the department.

g. In establishing any method pursuant to subdivision f, the department shall consider factors including, but not limited to, the minimum pay and benefits that are required to be provided by employers to employees in the city pursuant to city, state, or federal law; the pay and benefits received by employees or independent contractors in the city performing work similar to the work performed by contracted delivery workers or working in similar industries as contracted delivery workers; ordinary and necessary expenses of contracted delivery workers; and any other relevant factor, as determined by the department. In establishing such method, the department may, but is not required, to consider variations among the business models or operations of delivery services, including potential impacts on any delivery service of establishing such a method, and variations among the working conditions of contracted delivery workers, including variations in compensation of contracted delivery workers, the total income different contracted delivery workers earn, the expenses of such workers, the equipment used by such workers, the hours of such workers, whether any such worker reports to a designated location prior to commencing work for a delivery service, and such other topics as the department deems appropriate. The department may establish a single method for determining minimum payments to contracted delivery workers by any delivery service, or may establish 1 or more methods for determining minimum payments to such workers by any such service. Any method established pursuant to subdivision f may include individual criteria for determining the minimum payments a delivery service shall

make to each contracted delivery worker retained by such service, or aggregate criteria for determining the total amount of minimum payments a delivery service shall make to all contracted delivery workers retained by such delivery service, or both such individual criteria and aggregate criteria. Nothing in this subdivision shall be construed as requiring the department to establish a method for determining minimum payments to a contracted delivery worker retained by a delivery service that is tailored to the circumstances of such service.

§ 20-1523 Payments to workers.

a. A [third-party food] delivery service [or third-party courier service] shall not charge or impose any fee on a [food] contracted delivery worker for the use of any form of payment selected by such service to pay such worker for work performed.

b. A [third-party food] delivery service [or third-party courier service] shall pay a [food] contracted delivery worker for work performed no less frequently than once a week.

§ 20-1524 Insulated food delivery bags.

a. 1. A [third-party food] delivery service [or third-party courier service] shall provide at its own expense, or ensure the availability of, an insulated food delivery bag to each [food] contracted delivery worker retained by such service, provided that such worker has completed at least [six] 6 deliveries of goods that are customarily transported in an insulated food delivery bag for such service. Such service may not require any [food] such contracted delivery worker to provide an insulated food delivery bag at such worker's expense. Such an insulated food delivery bag provided to a contracted delivery worker that uses a bicycle to deliver goods must be designed for use in accordance with section 1235 of the vehicle and traffic law. The department, in consultation with the department of transportation, may establish requirements for an insulated food delivery bag provided to a contracted delivery worker that uses a vehicle or device other than a bicycle.

2. Nothing in this section shall be construed to require the use of insulated delivery bags by [food] contracted delivery workers.

3. The department may promulgate rules as necessary to implement this section, including defining, for

purposes of this section, goods that are customarily transported in an insulated food delivery bag, and establishing requirements for an insulated food delivery bag for a contracted delivery worker that use a vehicle or device other than a bicycle.

§ 20-1525 Fire safety materials.

a. The department, in consultation with the fire department, shall identify materials developed pursuant to section 15-147, regarding the fire risks posed by powered mobility devices and safety measures that mitigate such risks, for dissemination to [food] contracted delivery workers. The department shall publish such materials on the city's website.

b. A [third-party food] delivery service [or third-party courier service] shall provide the materials identified by the department pursuant to subdivision a of this section to [a food] each contracted delivery worker [hired,] retained[, or engaged] by [any] such service. A [third-party food] delivery service [or third-party courier service] shall provide such materials by email and as a link within a text message sent to a [food] contracted delivery worker no later than [sixty] 60 days after the [department publishes such materials pursuant to subdivision a of this section. Such materials shall be provided] first date such service retains such worker to deliver goods. A delivery service shall provide such materials to a contracted delivery worker in English[, the designated citywide languages as defined in section 23-1101,] and [any additional languages as determined by the commissioner] the preferred language of such contracted delivery worker, provided that the department has published the materials in such [additional languages] language, and further provided that such contracted delivery worker has communicated the preferred language of such worker to the delivery service.

§ 20-1527 Toilet facility access.

a. A food service establishment or other business with a premises located in the city that sells or provides goods delivered by a contracted delivery worker shall provide access to a toilet facility located on such premises to a contracted delivery worker that picks up such goods from such premises, including selecting, assembling, or packing such goods on such premises.

b. Notwithstanding subdivision a, such an establishment or business is not required to provide access to a toilet facility to a contracted delivery worker where:

1. Accessing a toilet facility would require a contracted delivery worker to walk through a kitchen, food preparation or storage area, or utensil washing area of a food service establishment;

2. Accessing the toilet facility would create an obvious health or safety risk to the contracted delivery worker or to the food service establishment or business; or

3. The commissioner has promulgated by rule an applicable exception to the requirement to provide access to a toilet facility as set forth in subdivision a.

§ 2. The definitions of "contracted delivery worker," "delivery service," and "retained" in section 20-1501 of the administrative code of the city of New York, as added by a local law for the year 2025 amending the administrative code of the city of New York, relating to safe delivery device access for contracted delivery workers, as proposed in introduction number 30-B, are REPEALED.

§ 3. This local law takes effect immediately, except that sections 20-1521, 20-1523, 20-1524, 20-1525, and subdivision b of section 20-1522, of the administrative code of the city of New York, as amended by, and section 20-1527 of such code, as added by, section one of this local law, and section two of this local law, take effect on the same date that a local law for the year 2025 amending the administrative code of the city of New York, relating to safe delivery device access for contracted delivery workers, as proposed in introduction number 30-B, takes effect, and provided that subdivision a of section 20-1522, as amended by section one of this local law, shall be deemed to apply to any study conducted or method established pursuant to such subdivision prior to the effective date of such amendments.

LS #17449(A)
7/3/25