File #: Int 0994-2026, **Version:** *

Int. No. 994

By Council Members Brewer, Abreu, Epstein, Hudson, Restler and Morano

A Local Law to amend the administrative code of the city of New York, in relation to requiring third-party food delivery services to maintain liability insurance

Be it enacted by the Council as follows:

Section 1. Section 20-563 of the administrative code of the city of New York is amended by adding new definitions of "delivery device," "on-call time," "trip," and "trip time" in alphabetical order to read as follows:

Delivery device. The term "delivery device" means any of the following: a bicycle with electric assist as defined in section 102-c of the vehicle and traffic law; an electric scooter as defined in section 114-e of the vehicle and traffic law; a motorized scooter as defined in section 19-176.2; or other personal mobility device powered by a lithium-ion or other storage battery. The term "delivery device" does not include a wheelchair or other mobility device designed for use by persons with disabilities, or any vehicle that is capable of being registered with the New York state department of motor vehicles.

On-call time. The term "on-call time" means the time a contracted delivery worker is connected to a third-party food delivery service's electronic system for arranging or monitoring trips in a status where the food delivery worker is available to receive or accept trip offers or assignments with a pickup or drop-off location in the city and excludes all trip time.

Trip. The term "trip" has the same meaning as set forth in section 20-1501.

Trip time. The term "trip time" means the span of time between the moment a food delivery worker accepts an offer from a third-party food delivery service to perform a trip with a pickup or drop-off location in the city, or receives an assignment to perform such a trip, through the moment such trip is completed or

cancelled.

§ 2. Subdivision b of section 20-563.1 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:

b. License application. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The address of the applicant;

2. A list of all websites, mobile applications, or other third-party food delivery platforms, with relevant uniform resource locators, that the applicant uses or plans to use to conduct the business of a third-party food delivery service;

3. An e-mail address that the department can use to send the applicant license application materials, official notifications, or other correspondence; [and]

4. If the applicant is a non-resident of the city, the name and address of a registered agent within the city upon whom process or other notifications may be served and;

5. Proof that there is in force for the full license term a policy of liability insurance that meets the requirements of section 20-563.14, if applicable.

§ 3. Subchapter 36 of 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 Insurance. a. A third-party food delivery service that engages a food delivery worker who uses a delivery device to complete trips for such third-party food delivery service shall maintain an insurance policy providing liability coverage for injury or death of any person, and damage to or destruction of any property, where liability for such injury or death of a person, or damage to or destruction of property, arises out of a food delivery worker's operation of a delivery device during trip time or on-call time for the third-party food delivery service. Such insurance policy shall provide, at minimum, the following coverage:

1. For personal injury or death to 1 person, $100,000;

2. For personal injury or death to all persons in 1 accident, $300,000, with a maximum of $100,000 for each person; and

3. For property damage, $50,000.

b. The third-party food delivery service shall notify the commissioner of any modification, amendment, cancellation, or substitution of any insurance policy required under subdivision a of this section within 14 days of the date of the notice to the third-party food delivery service of such modification, amendment, cancellation, or substitution.

c. If the policy of insurance required by this section lapses for any reason, the license issued pursuant to section 20-563.1 shall become void for such third-party food delivery service.

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

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LSR #16452/22519/23785
08/07/2026 4:16 PM

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