



Legislation Text

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Int. No. 1897

By Council Members Gjonaj, Brannan, Gibson, Perkins, Louis, Ayala, Lander, Chin and Koslowitz

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

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 subchapter 36 to read as follows:

Subchapter 36

Third-Party Food Delivery Services

§ 20-565 Definitions. As used in this subchapter, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as provided in subdivision s of section 81.03 of the health code of the city of New York.

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 separately owned and operated food service establishments.

§ 20-565.1 License required. It shall be unlawful for any person to operate a third-party food delivery service without first having obtained a license thereof issued pursuant to this subchapter.

§ 20-565.2 Application and fees. a. 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.

b. There shall be a biennial fee for a license to operate a third-party food delivery service. Such fee shall be no less than \$500, as determined by the commissioner.

§ 20-565.3 Issuance of license. A license to operate a third-party food delivery service shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder. The commissioner may refuse to issue to an applicant any license required under this subchapter based upon a determination made after due notice and opportunity to be heard that such applicant has engaged in conduct which would constitute a basis for license suspension or revocation as set forth in section 20-565.4 of this subchapter.

§ 20-565.4 Renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may, after due notice and opportunity to be heard, refuse to renew any license required under this subchapter and may suspend or revoke such license if the person holding such license, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation, has been found to have:

- a. Repeated violation of any provision of this subchapter or any rules promulgated thereunder; or
- b. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter or have been found to have committed fraud or misrepresentation upon a customer; or
- c. Engaged in untrue, misleading or deceptive advertising, or deceptive or unconscionable trade practices as described in chapter five of title twenty of this code and any rules promulgated thereunder; or
- d. Not paid, within the time permitted by law, any civil penalty or judgment duly imposed pursuant to the provisions of this subchapter or any rule promulgated thereunder.

§ 20-565.5 Penalties and enforcement. a. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant to such subchapter, shall be guilty of an offense

punishable by fines and civil penalties imposed by the commissioner.

b. A proceeding to recover any civil penalty pursuant to this section shall be commenced by the service of a summons or notice of violation which shall be returnable to the office of administrative trials and hearings.

§ 2. This local law takes effect 1 year after it becomes law, except that the commissioner of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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