



Legislation Text

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Int. No. 1898-A

By Council Members Gjonaj, Moya, Constantinides, Brannan, Rosenthal, Gibson, Perkins, Louis, Ayala, Lander, Chin, Koslowitz, Rivera, Ampry-Samuel, Vallone, Lancman, Holden, Kallos and Menchaca

A Local Law to amend the administrative code of the city of New York, in relation to telephone order charges by third-party food delivery services during, and for 90 days after, a declared emergency that prohibits on-premises dining

Be it enacted by the Council as follows:

Section 1. Section 20-845 of the administrative code of the city of New York, as added by a local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, is amended by adding a new definition of “telephone order” in alphabetical order to read as follows:

Telephone order. The term “telephone order” means an order placed by a customer to a food service establishment through a telephone call forwarded by a call system provided by a third-party food delivery service.

§ 2. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847 to read as follows:

§ 20-847 Telephone orders. a. No third-party food delivery service may charge any fee from a food service establishment for a telephone order if a telephone call between such establishment and a customer does not result in an actual transaction during such telephone call.

b. The requirements of this section apply only during a declared emergency and for a period of 90 days after the end of a declared emergency.

§ 3. Subdivision a of section 20-848 of the administrative code of the city of New York, as added by a

local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, is amended to read as follows:

a. Any person that violates any provision of [this subchapter] section 20-846 or any rule promulgated pursuant [to this subchapter] thereto shall be subject to a civil penalty that shall not exceed \$1,000 per violation. Any person that violates any provision of section 20-847 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$500 per violation. Violations under this subchapter shall accrue on a daily basis for each day and for each food service establishment charged a fee in violation of this subchapter or any rule promulgated pursuant to this subchapter. A proceeding to recover any civil penalty 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.

§ 4. This local law takes effect on the same date that a local law for the year 2020 amending the administrative code of the city of New York, relating to fees charged by third-party food delivery services, as proposed in introduction number 1908-B for the year 2020, takes effect.

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