



Legislation Text

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Int. No. 2337

By Council Members Gjonaj, Yeger, Perkins and Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to the estimated times of arrival used by third-party food delivery services

Be it enacted by the Council as follows:

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-847.1 to read as follows:

§ 20-847.1 Estimated times of arrival. a. A third-party food delivery service shall provide an estimated time of arrival for all deliveries, and shall, to the extent feasible, provide a window of anticipated delivery time. For purposes of this section, the anticipated delivery time shall be expressed in a range of at least five minutes before and after the estimated time of arrival. If, for any reason, the estimated time of arrival must change to a time outside the window of anticipated delivery time, the third-party food delivery service shall provide a notification to the consumer through their preferred means of notification that includes the updated estimated time of arrival, a new window of anticipated delivery time, and a reference to the original estimated time of arrival.

b. Where a third-party food delivery service employs, contracts or in any other manner engages the worker carrying out the delivery, it shall state in the receipt of order, any notification of delivery status or subsequent update pursuant to this section that the delivery worker is engaged by the third-party food delivery service.

§ 2. Section 20-848 of the administrative code of the city of New York, as added by local law number 52 for the year 2020, is amended to read as follows:

a. [Any person that violates any provision of section 20-846 or any rule promulgated pursuant 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.] The department shall impose a civil penalty against any third-party food delivery service that violates any provision of this subchapter as set forth in the table of civil penalties. Violations under this subchapter shall accrue on a daily basis.

TABLE OF CIVIL PENALTIES	
<u>Violation</u>	<u>Maximum Civil Penalty</u>
<u>20-846(a)</u>	<u>\$1,000</u>
<u>20-846(b)</u>	<u>\$1,000</u>
<u>20-847(a)</u>	<u>\$500</u>
<u>20-847.1(a)</u>	<u>\$500</u>
<u>20-847.1(b)</u>	<u>\$500</u>

b. 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.

[b.] c. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:

1. Any civil penalty authorized pursuant to this section;
2. Injunctive relief to restrain or enjoin any activity in violation of this section;
3. Restitution of an amount not to exceed the amount of fees collected by a third-party food delivery service that exceeded the maximum amounts permitted pursuant to this subchapter; or
4. [attorneys'] Attorneys' fees and costs, and such other remedies as a court may deem appropriate.

[c.] d. The corporation counsel may initiate any investigation to ascertain such facts as may be

necessary for the commencement of a civil action pursuant to 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.

§ 3. This local law takes effect 30 days after it becomes law.

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