

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to restaurant delivery commissions during the COVID-19 state of emergency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>4/28/2020</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>4/28/2020</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>4/28/2020</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>4/29/2020</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>4/29/2020</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>4/29/2020</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>4/29/2020</i>
<i>Richard M. Haggerty</i>	<i>30th Middlesex</i>	<i>4/29/2020</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>4/29/2020</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>4/29/2020</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>4/29/2020</i>
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>4/29/2020</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>4/29/2020</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>4/29/2020</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>4/29/2020</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	<i>4/29/2020</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>4/29/2020</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/29/2020</i>

<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>4/29/2020</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>4/29/2020</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/29/2020</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>4/29/2020</i>
<i>John C. Velis</i>	<i>4th Hampden</i>	<i>4/29/2020</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/29/2020</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>4/29/2020</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>4/29/2020</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>4/29/2020</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>4/29/2020</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>4/29/2020</i>
<i>John Barrett, III</i>	<i>1st Berkshire</i>	<i>4/29/2020</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>4/29/2020</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>4/29/2020</i>
<i>Gerard J. Cassidy</i>	<i>9th Plymouth</i>	<i>4/29/2020</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>4/29/2020</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>4/29/2020</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>4/29/2020</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>4/30/2020</i>
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>4/30/2020</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>4/30/2020</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>4/30/2020</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>5/1/2020</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>5/4/2020</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>5/5/2020</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>5/5/2020</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>5/5/2020</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>5/5/2020</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>5/5/2020</i>
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>5/5/2020</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>5/5/2020</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>5/5/2020</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/5/2020</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>5/5/2020</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>5/5/2020</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>5/5/2020</i>
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>5/7/2020</i>

**HOUSE . . . . . No.**

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By Mr. Day of Stoneham, a petition (subject to Joint Rule 12) of Michael S. Day and others relative to restaurant delivery commissions during the COVID-19 state of emergency. Labor and Workforce Development.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to restaurant delivery commissions during the COVID-19 state of emergency.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a limit on the delivery charges imposed by third-party vendors on certain restaurants and other food or beverage service establishments during the governor’s COVID-19 emergency declaration, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. As used in this act, the following words shall, unless the context clearly  
2 requires otherwise, have the following meanings:-

3           “Covered establishment,” a restaurant or other food or beverage service establishment  
4 offering same-day food or drink for sale in a single commercial transaction over the internet,  
5 whether directly or through a third-party delivery service, from 1 or more retail locations within  
6 the commonwealth, except a restaurant or other establishment operating more than 4 retail  
7 locations.

8

9           “COVID-19 emergency”, the state of emergency declared by the governor on March 10,  
10 2020 relative to the outbreak of the 2019 novel coronavirus, also known as COVID-19.

11           “Online order,” an order placed by a customer through a platform provided by a third-  
12 party food delivery service for pickup or delivery in the commonwealth.

13           “Purchase price,” the menu price publicly offered by a covered establishment. Purchase  
14 price shall not include any taxes, gratuities or other fees that may make up the total cost charged  
15 to the customer for an online order.

16           “Third-party delivery service,” any website, mobile application or other internet service  
17 or platform that offers or arranges for the sale of food and beverages prepared by, and the same-  
18 day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned  
19 and operated food service or beverage service establishments.

20           SECTION 2. (a) Notwithstanding any other general or special law to the contrary, from  
21 the effective date of this act until 45 days following the termination of the COVID-19  
22 emergency, it shall be unlawful for a food-delivery service to charge a covered establishment a  
23 fee per online order for the use of its services that totals more than 10 per cent of the purchase  
24 price of such online order.

25           (b) Any third-party delivery service that violates subsection (a) shall be punished by a  
26 fine of not less than \$100 and shall reimburse the covered establishment for all charges collected  
27 in violation of subsection (a).