

HOUSE No. 1158

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 establishing protections and accountability for TNC and DNC workers, consumers, and communities (EPA).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>1/26/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/6/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/6/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/6/2023</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/7/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/7/2023</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>2/7/2023</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>2/7/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/7/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/8/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/8/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/8/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/8/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/9/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/9/2023</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/9/2023</i>

<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/9/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/13/2023</i>
<i>Ryan M. Hamilton</i>	<i>15th Essex</i>	<i>2/13/2023</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>2/14/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/14/2023</i>
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>2/14/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/28/2023</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>3/10/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>3/13/2023</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/14/2023</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>3/16/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/16/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/23/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/30/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>4/3/2023</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>4/3/2023</i>
<i>Smitty Pignatelli</i>	<i>3rd Berkshire</i>	<i>4/24/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>5/25/2023</i>

HOUSE No. 1158

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 1158) of Andres X. Vargas and others relative to protections and accountability for transportation network and delivery network companies workers, consumers, and communities. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act establishing protections and accountability for TNC and DNC workers, consumers, and communities (EPA).

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

1 Whereas Transportation Network Companies (TNCs) and Delivery Network Companies
2 (DNCs) have operated in the Commonwealth for almost a decade, employing 100,000s of
3 Massachusetts residents and generate \$100,000,000s in revenue in the Commonwealth each year;

4
5 And Whereas TNC and DNC drivers and delivery workers are already entitled to the
6 same presumptions of employment as well as wage and hour and anti-discrimination protections,
7 unemployment, workers compensation, sick, family and medical leave benefits, under
8 Massachusetts law that all other workers within the Commonwealth enjoy, the legislature enacts
9 the following amendments to Chapter 149 addressing the means for calculating TNC and DNCs
10 workers' minimum compensation;

11

12 And Whereas modifications to the Commonwealth’s existing law regulating TNCs and
13 DNCs, Chapter 159A1/2, are needed to ensure that TNCs and DNCs provide safe, reliable,
14 accessible, and affordable service and are accountable to the Commonwealth, consumers, and
15 their workers in the same manner that other transportation services are regulated, the legislature
16 enacts the following amendments to Chapter 159A1/2;

17

18 The legislature hereby enacts the following legislation.

19 SECTION 1. The General Laws are hereby further amended by inserting after section
20 148D of chapter 149 the following section:-

21 Section 148E. Application-based transportation workers.

22 (a) Definitions. As used in this chapter, the following words shall have the following
23 meanings unless the context clearly requires otherwise:

24 “Application-based transportation worker”, a person who works as a delivery network
25 company courier or transportation network company driver by logging onto a digital network
26 through an on-line enabled application or platform of a delivery network company or
27 transportation network company; provided, however, that an “application-based transportation
28 worker” shall be presumed an employee of the network company, consistent with M.G.L. c. 149
29 § 148B, for all intents and purposes.

30 “Assigned time rate”, the minimum hourly wage rate owed to an application-based
31 transportation worker for all periods in which they are performing duties included in assigned
32 time as defined below.

33 “Assigned time”, all time between the acceptance of a delivery network company or
34 transportation network company dispatched assignment until that assignment is completed and
35 the application-based transportation worker: (i) has returned to the worker’s base location
36 utilizing the route designated by the delivery network company or transportation network
37 company; (ii) is dispatched to a new call, which shall initiate a new period of productive time; or
38 (iii) turns the platform off, whichever occurs first.

39 “Base location”, the 1-mile radius of a geographic location set as a reporting hub by each
40 transportation network company or delivery network company; provided, however, that as part
41 of onboarding, each application-based transportation worker shall set the worker’s base location;
42 provided further, that if no base location is selected, the transportation network company or
43 delivery network company will assign a default base location, which may be reset by the driver
44 using the application or platform.

45 “Basic minimum wage”, the minimum wage established pursuant to section 1 of chapter
46 151.

47 “Delivery network company”, a corporation, partnership, sole proprietorship or other
48 entity that utilizes a digital network to assign couriers to provide pre-arranged delivery services
49 within the Commonwealth.

50 “Standby time”, any time, other than assigned time, in which an application-based
51 transportation worker is on a delivery network company or transportation network company
52 application or platform and is ready, able and willing to accept fares, including operating in a
53 vehicle approved by the delivery network company or transportation network company, to render
54 service and within their designated base location.

55 “Transportation network company”, shall have the same meaning as in section 1 of
56 chapter 159A1/2 of the General Laws.

57 “Working time”, the combination of assigned time and standby time.

58 (b) The minimum applicable hourly wage for application-based transportation workers
59 shall be equal to the basic minimum wage for all working time or, if the application-based
60 transportation worker holds unfettered discretion to log on and off of the delivery network
61 company or transportation network company application or platform at dates, times of day and
62 hours of their choosing, then the minimum applicable hourly wage shall be a minimum hourly
63 wage rate of 150 per cent of the basic minimum wage for all assigned time. The rate established
64 pursuant to this section shall ensure that application-based transportation workers, on average,
65 earn compensation for the first 40 hours of working time in each 7-day week equal to not less
66 than the basic minimum wage, including all standby time.

67 An application-based transportation worker’s average hourly wage rate within a 7 day
68 workweek at the basic minimum wage or worker’s actual average wage, whichever is greater,
69 shall constitute the worker’s regular rate of pay for the purposes of section 1A of chapter 151.

70 (c) Each delivery network company and transportation network company operating in
71 commonwealth shall provide contemporaneous payroll data for each application-based
72 transportation worker by base location in an electronic, searchable form and any other materials,
73 requested by department of labor standards or attorney general necessary to demonstrate
74 compliance with this chapter.

75 Data provided shall include: (i) the number of hours of assigned time within a pay period;
76 (ii) the number of hours of standby time within a pay period; (iii) the number of hours working

77 time within a pay period; (iv) the assigned time rate in effect for the pay period; (iv) any
78 additional incentives or premiums rates paid to the application-based transportation worker for
79 the pay period and the number of hours the incentive was in effect during the pay period; (v) any
80 deductions permissible under chapters 149 and 151 within the pay period; (vi) the average wage
81 rate for all working time within the pay period; and (vii) other such information as directed by
82 the department or attorney general.

83 Aggregated de-identified information regarding average assigned time compensation,
84 average premium compensation, hours worked, the number of drivers or couriers employed by
85 each transportation network company or delivery network company and regional variations in
86 the quantity and length of assignments shall be published each quarter by the department. This
87 information shall include, but not be limited to, the: (i) average number of hours of working time
88 by base location; (ii) average number of hours of standby time by base location; (iii) average
89 number of hours of assigned time by base location; (iv) average hourly wage rate paid during
90 each weekly pay period for assigned time only per application-based transportation worker
91 within each month; and (v) average hourly wage rate paid to per application-based transportation
92 worker for all working time in each weekly pay period within each month.

93 (d) Transportation network companies and delivery network companies may elect to pay
94 at least basic minimum wage for all working time or to adopt the premium rate established under
95 subsection (b) for assigned time so long as on average each application-based transportation
96 worker makes at least the basic minimum wage for all working time under 40 hours within a
97 workweek and at least the wage under section 1A of chapter 151 for all hours worked within a
98 workweek in excess of 40 hours.

99 (e) The mileage reimbursement standard for application-based transportation workers
100 utilizing their own vehicles shall be: (i) the standard mileage rate established by the federal
101 Internal Revenue Service for all miles driven during an application-based transportation worker's
102 working time; or (ii) 150 per cent of said standard mileage rate for all miles driven during
103 assigned time.

104 This reimbursement rate for mileage during assigned time shall remain in effect until the
105 department of labor standards issues regulations, in consultation with attorney general, setting a
106 revised reimbursement rate at the premium rate multiplier on said standard mileage rate for all
107 miles driven during assigned time.

108 Transportation network companies and delivery network companies shall provide all data
109 sought by the department and attorney general, including, but not limited to, application-based
110 transportation mileage data and any preventative maintenance data maintained by companies
111 who lease vehicles to drivers for use. The department and attorney general may also require
112 transportation network companies and delivery network companies to provide data solicited from
113 application-based transportation workers concerning work-related expenses including, but not
114 limited to, preventative maintenance, repairs and gasoline costs. The department and attorney
115 general may rely on this data as well as other relevant sources in promulgating regulations.

116 (f) A violation of this Section shall be enforceable under section 150 of chapter 149.

117 (g) Application-based transportation workers shall be presumed to be employees under
118 the General Laws.

119 (h) Transportation network companies and delivery network companies shall provide
120 accidental liability coverage to each application-based transportation worker during their

121 working time of not less than \$1,000,000 per occurrence and \$3,000,000 in aggregate consistent
122 with SECTION 5 [c. 159A1/2, Section 5(a)] of this Act.

123 (i) A transportation network company, delivery network company, or their agent, or any
124 other person shall not penalize or otherwise retaliate against an application-based transportation
125 worker in any way, including, but not limited to, adversely impacting an application-based
126 transportation worker's terms and condition of employment, as a result of any action on the part
127 of the worker to secure their rights under this Section.

128

129 Any transportation network company or delivery network company, or their agent, or any
130 other person who deactivates or in any other way discriminates against an application-based
131 transportation worker because such worker has made a complaint to the attorney general or any
132 other person, or assists the Attorney General or any other agency in an investigation under this
133 chapter, or has instituted, or caused to be instituted, any proceeding under or related to this
134 chapter, or has testified or is about to testify in any such proceedings, shall have violated this
135 chapter and shall be subject to a civil penalty or order as provided in section 27C of chapter 149.

136 Any current or former application-based transportation worker aggrieved of a violation of
137 this section may, within 2 years of such alleged violation, institute a civil action in superior
138 court. The court may: (i) issue temporary restraining orders or preliminary or permanent
139 injunctions to restrain continued violation of this section; (ii) reinstate the employee to the same
140 position held before the retaliatory action or to an equivalent position; (iii) compensate the
141 employee for 3 times the lost wages, benefits and other remuneration, and interest thereon; and
142 (iv) order payment by the employer of reasonable costs and attorneys' fees.

143 SECTION 2. SECTION 1 shall take effect on 01/01/2024.

144 SECTION 3. Chapter 159A ½ of the General Laws is hereby amended by striking out
145 section 2, as appearing in the 2020 Official Edition, and inserting in place thereof the following
146 section:-

147 Section 2. (a) The department shall have jurisdiction over transportation network
148 companies and delivery network companies to ensure the safety, accessibility and convenience
149 of the public, the cost effectiveness and reliability of service and accountability of these
150 companies to the commonwealth and to consumers as expressly set forth in this chapter.

151 The department shall implement and enforce this section and establish regulations,
152 service quality metrics and guidance necessary for enforcement.

153 (b) In consultation with the registry of motor vehicles, the division shall provide for the
154 establishment of removable decals to be issued by transportation network companies, in a form
155 and manner prescribed by the division, to transportation network drivers to designate a vehicle as
156 a transportation network vehicle for law enforcement and public safety purposes. The decal shall
157 be applied to both the front and back panels of a vehicle at all times while the vehicle is
158 providing transportation network services. A transportation network driver who provides
159 transportation network services using the digital network of more than 1 transportation network
160 company shall display the respective decals for each transportation network company while the
161 vehicle is providing transportation network services. A transportation network driver who ceases
162 to be certified to provide transportation network services for any reason shall return the decal
163 within 14 days of that cessation to the respective transportation network company in the manner
164 and form prescribed by the division.

165 (c) In consultation with the commissioner of insurance, the department shall implement
166 the insurance policy requirements established in section 228 of chapter 175 and SECTION 5 of
167 this Act [G.L. c. 159A1/2, s. 5(a)] for application-based transportation workers, as defined by
168 SECTION 1(a) [G.L. c. 149, s. 148E(a)] of this Act.

169 (d) (1) A transportation network company shall provide clear and conspicuous
170 transportation fare estimates to customers and to application-based transportation workers,
171 respectively, at all times, including during surge pricing, high volume and high demand times.
172 Fare estimates shall include a clear rate estimate or the amount of the price increase resulting
173 from surge pricing or increased demand. Failure to provide an accurate estimate may be the
174 subject of a consumer or driver complaint to the department.

175 (2) At the termination of each ride, a transportation network company shall provide
176 notices of payment to application-based transportation workers and receipts to customers,
177 respectively, which shall contain the detailed itemized information as required under this section.
178 Such information shall be available electronically through the transportation network company's
179 digital application and on its website and shall remain available to the customers and drivers so
180 long as such customers and drivers maintain an account on the site, even where an application-
181 based transportation worker is deactivated from the application or where a customer is banned
182 from further use. Failure to provide an accurate receipt or notice of payment may be the subject
183 of a complaint to the department.

184 Information required to be provided to transportation network companies' customers
185 under this section shall include: (i) the total payment made to the transportation network
186 company by the customer for the ride; (ii) the number of miles driven for the ride; (iii) any surge

187 pricing, additional charges, fees, taxes, and tips, in addition to the transportation network
188 company base rate charged for the ride; and (iv) the start location and the end location.

189 Information required to be provided to application based transportation workers shall
190 include: (i) the geographic start and end date of the ride; (ii) the number of miles driven for the
191 ride; (iii) the total amount paid to the transportation network company for the ride; (iv) the base
192 payment amount received for the ride by the application-based transportation worker; (v)
193 mileage reimbursements received for the ride by the application-based transportation worker;
194 (vi) any surge payment received for the ride by the application-based transportation worker; (vii)
195 any bonus payment received for the ride by the application-based transportation worker; (viii)
196 any tip remitted by the customer to the application-based transportation worker for the ride; (ix)
197 any deductions from the application-based transportation worker's compensation; (x) any credits
198 received toward multi-ride or aggregate bonuses or loyalty programs for the ride; and (xi) gross
199 payment received by the transportation network company per the ride;

200 (3) At the end of each continuous 7-day work period, a transportation network company
201 shall provide clear, contemporaneous and accurate records to application-based transportation
202 workers of their gross and net earnings for each period of working time during the week,
203 consistent with chapters 149 and 151 of the General Laws.

204 (e)(1) A delivery network company shall provide clear and conspicuous delivery cost
205 estimates to customers and to application-based transportation workers, respectively, at all times,
206 including any premium charges, for high volume and high demand times. Estimates shall include
207 a clear rate estimate, any differential pay for shopping, packaging or delivery functions and the
208 amount of any increase in delivery charges resulting from surge pricing or increased demand.

209 (2) At the termination of each delivery, a delivery network company shall provide notices
210 of payment to application-based transportation workers and receipts to customers, respectively,
211 which shall contain detailed, itemized information pursuant to this section. Such information
212 shall be available electronically through the delivery network company's digital application and
213 on its website and shall remain available to the customer and application-based transportation
214 workers so long as such customers and workers maintain an account on the application or site,
215 even where an application-based transportation worker is deactivated from the application or
216 where a customer is banned from further use. Failure to provide an accurate receipt or notice of
217 payment may be the subject of a consumer or application-based transportation worker complaint
218 to the department.

219 (3) Information required to be provided to delivery network companies' customers shall
220 include: (i) the total payment made to the delivery network company by the customer for the
221 delivery; (ii) the total labor cost for the delivery charged to the customer; (iii) the number of
222 miles driven for the delivery; (iv) any surge pricing, additional charges, fees, taxes and tips, in
223 addition to the delivery network company's base rate charged for the ride; and (v) the start
224 location and the end location.

225 (4) Information required to be provided to application-based transportation workers shall
226 receive: (i) the geographic start and end date of the delivery; (ii) the number of miles driven for
227 the delivery; (iii) the total payment made to the delivery network company by the customer for
228 the delivery; (iv) the base payment received by the application-based transportation worker per
229 the delivery; (v) any additional differential paid for any phase of services rendered such as
230 shopping, packing and delivery— to the application-based transportation worker; (vi) mileage
231 reimbursements received by the application-based transportation worker for the delivery; (vii)

232 any surge payment received by the application-based transportation worker for the delivery;
233 (viii) any bonus payment received by the application-based transportation worker for the
234 delivery; (ix) any tip remitted by the customer to the by the application-based transportation
235 worker; (x) any deductions from compensation to the application-based transportation worker;
236 (xi) any credits received toward multi-ride or aggregate bonuses or loyalty programs for the
237 delivery; and (xii) the gross base payment received by the delivery network company per the
238 delivery.

239 (5) At the end of each continuous 7-day work period, a delivery network company shall
240 provide clear, contemporaneous and accurate records to application-based transportation workers
241 of their gross and net earnings for each period of working time during the week, consistent with
242 chapters 149 and 151 of the General Laws.

243 (f) transportation network companies and delivery network companies shall provide, on a
244 quarterly basis, data pertaining to their transportation network company or delivery network
245 company on the following:

246 (1) the number of application-based transportation workers working in the
247 commonwealth organized by originating base location;

248 (2) The number and percentage of application-based transportation workers whose
249 average weekly working time as defined by SECTION 1 of this Act [c. 149 s. 148E(a)] exceeds:
250 (A) 0-15 hours; (B) 15 hours; (C) 30 hours; (D) 40 or more hours organized by base location.

251 (3) The number of vehicles utilized for transportation network company or delivery
252 network company work in the commonwealth organized by originating base location as defined
253 by SECTION 1 of this Act [c. 149 s. 148E(a)];

254 (4) The number of application-based transportation workers driving or making
255 deliveries in the commonwealth organized by county and by originating base location;

256 (5) The number of vehicles utilized for transportation network company/ or delivery
257 network company work in the commonwealth organized by county and by originating base
258 location;

259 (6) The number of trips taken in the commonwealth by application-based
260 transportation workers organized by originating base location;

261 (7) The average number of miles per trip or per delivery organized by originating
262 base location by application-based transportation worker;

263 (8) The average cost per trip or delivery organized by originating base location by
264 application-based transportation workers for their transportation network company or delivery
265 network company; and

266 (9) The number of hours a day surge or heightened pricing was in effect by
267 originating base location by application-based transportation workers.

268 Transportation network companies shall also provide information on: (i) total miles
269 driven with a passenger in vehicle by originating base location; and (ii) total miles driven
270 without a passenger in the vehicle by originating base location.

271 Delivery network companies shall also provide: (i) total miles driven by cars,
272 motorcycles and vans organized by originating base location; and (ii) total miles driven by
273 bicycle or other non-motorized transportation organized by originating base location.

274 Every transportation network company and every delivery network company shall file
275 with the department and shall plainly print and keep open to public inspection schedules showing
276 all classes of rates, as well as itemized schedules of premiums, surcharges and other fees
277 included but, not limited to, surge pricing, congestion pricing, any surcharges or fees in effect for
278 any service, of every kind rendered or furnished, or to be rendered or furnished, by it within the
279 commonwealth, and all conditions and limitations for the use of the same, in such places, within
280 such time, and in such form and with such detail as the department may order.

281 Section 2A. The department shall inquire into the rates, charges, policies, practices,
282 safety protocols, equipment and services of transportation network companies and delivery
283 network companies operating in the commonwealth subject to its jurisdiction.

284 (a) No transportation network company or delivery network company shall, except as
285 otherwise provided in this chapter, charge, demand, exact, receive or collect a different rate or
286 charge for any service rendered or furnished by it, or to be rendered or furnished, from the rate or
287 charge applicable to such service as specified in its schedule filed with the department and in
288 effect at the time.

289 No transportation network company or delivery network company shall extend to any
290 person or corporation any rule, regulation, privilege or facility except such as are specified in the
291 said schedule and regularly and uniformly extended to all persons and corporations under like
292 circumstances for the like, or substantially similar service.

293 Unless the department otherwise orders, no change shall be made in any rate or charge, or
294 in any rule or regulation or form of contract or agreement in any manner affecting the same as
295 shown upon the schedules filed in accordance with this chapter, except after 30 days from the

296 date of filing a statement with the department setting forth the changes proposed to be made in
297 the schedule then in force and the time when such changes shall take effect, and such notice to
298 the public as the department orders, to be given prior to the time fixed in such statement to the
299 department for the changes to take effect.

300 The department, for good cause, may allow changes before the expiration of said 30 days,
301 under such conditions as it may prescribe, and may suspend the taking effect of changes under
302 the circumstances and in the manner provided in the following section. As soon as any such
303 changes take effect they shall be plainly identified as amendments and added to existing
304 schedules. Amended and new schedules shall be printed and filed with the department and
305 posted on the Department's website and elsewhere as the department may order.

306 (b) Whenever the department receives notice of any changes proposed to be made in any
307 schedule filed by any transportation network company or delivery network company, it shall
308 notify the attorney general and appropriate stakeholders, including but not limited to, labor
309 organizations and other non-profit corporations who advocate on behalf of application-based
310 transportation workers, provide work-related benefits to application-based transportation worker,
311 represent workers in the commonwealth's transportation and delivery industries or engage in
312 advocacy to improve the working conditions of low income, contingent workers in the
313 commonwealth, including but not limited to application-based transportation workers. The
314 department, either upon motion by the attorney general or applicable stakeholders, or in its own
315 discretion and after notice, hold a public hearing and make investigation as to the propriety of
316 such proposed changes.

317 Notice of such hearing shall be published on the department's website, newspapers and
318 on social media websites as the department may select at least twenty-one days before such
319 hearing.

320 Pending any such investigation and the decision thereon, the department may, by order
321 served upon the transportation network company or delivery network company affected,
322 suspend, from time to time, the taking effect of such changes, but not for more than 10 months in
323 the aggregate beyond the time when the same would otherwise take effect. After such hearing
324 and investigation, the department may make, in reference to any new rates, charges, rule,
325 regulation or form of contract or agreement proposed, an order consistent with its determinations
326 based on the evidentiary record. At any such hearing, the burden of proof to show that such
327 change is necessary to obtain a reasonable compensation for the service rendered shall be upon
328 the delivery network company or transportation network company. Additionally, during the
329 investigation, the transportation network company and/or delivery network company must
330 provide the methods and calculations for setting proposed rates and evidence supporting such a
331 change, including, but not limited to, advancing safety, accessibility, and convenience of the
332 public, cost effectiveness, reliability of service, and accountability to the commonwealth and to
333 consumers.

334 (c) Every transportation network company and delivery network company shall give
335 notice of any vehicular accident in which one of its application-based transportation workers was
336 involved during working time and which resulted in property damage over \$10,000, injuries
337 requiring medical treatment, or a loss of life, to the Department within twenty-four hours. For
338 each omission to give such notice, the transportation network company or delivery network
339 company shall forfeit not more than \$1000 dollars.

340 A department inspector shall investigate promptly any accident which causes the death or
341 imperils the life of any person, and shall report thereon to the department, and may investigate
342 any other accident.

343 The department, through its commissioners or by employees duly authorized, may
344 examine all books, contracts, records, documents, papers and memoranda of any transportation
345 network company or delivery network company, and by subpoena duces tecum compel the
346 production thereof, or of duly verified copies of the same or any of them, and compel the
347 attendance of such witnesses as the department may require to give evidence at any such
348 examination.

349 (d)Whenever the department believes, after holding a hearing in its discretion or upon
350 complaint by an application-based transportation worker or consumer, that:

351 (1) any transportation network company/delivery network company rates, fares or
352 charges for any services performed within the commonwealth, or a transportation network
353 company/delivery network company's policies or practices affecting such rates, are unjust,
354 unreasonable, unjustly discriminatory, unduly preferential, in any way in violation of any
355 provision of law or insufficient to yield reasonable compensation for the service rendered, the
356 department shall determine the just and reasonable rates, fares and charges to be charged for the
357 service to be performed, and shall fix the same by order to be served upon transportation network
358 companies/delivery network companies, whichever is implicated, by whom such rates, fares and
359 charges or any of them are thereafter to be observed.

360 Every such transportation network company or delivery network company shall comply
361 with all requirements established by the department, and do everything necessary or proper in
362 order to secure absolute compliance by all its officers, agents and employees.

363 (2) If a consumer files a complaint with the department concerning any rate, fare or
364 charge demanded and collected by any transportation network company/delivery network
365 company for any service performed and the department finds after a hearing and investigation
366 conducted pursuant to section 10 of chapter 30A that a rate, fare or charge that is unjust,
367 unreasonable, unjustly discriminatory, unduly preferential, in any way in violation of any
368 provision of law has been collected for any service, the department may order the transportation
369 network company or delivery network company which has collected or paid the same to make
370 due reparation to the aggrieved person, with interest from the date of the payment of such
371 unjustly discriminatory amount.

372 (3) If an application-based transportation worker complaint is made to the department
373 concerning any transportation network company's or delivery network company's payments,
374 deductions, or other business practices regulating application-based transportation workers'
375 compensation upon which application-based transportation workers reasonably rely, and the
376 department finds after hearing and investigation conducted pursuant to section 10 of chapter 30A
377 that payments, deductions or other business practices are unjust, unreasonable, unjustly
378 discriminatory, unduly preferential, in any way in violation of any provision of law, insufficient
379 to yield reasonable compensation for the service rendered, or inconsistent with the estimates
380 provided to application-based transportation workers for specific rides or deliveries, the
381 department may order the transportation network company or delivery network company which

382 has collected or paid the same to make due reparation to the aggrieved application-based
383 transportation worker, with interest from the date of the original payment.

384 Such orders of reparation shall cover only payments made within 3 years before the date
385 of filing the petition seeking to have reparation ordered. Such order may be made without formal
386 hearing whenever the transportation network company/delivery network company affected shall
387 assent in writing thereto, or file or join in a petition therefor. Nothing provided for in this section
388 limits or amends an application-based transportation worker's right to seek redress pursuant to
389 section 151 of chapter 149.

390 (4) An application-based transportation worker may file a complaint with the department
391 over the failure of a transportation network company or delivery network company to activate
392 the worker or assign the worker work if the worker otherwise meets all prerequisites and
393 certifications required by this chapter. Activation and work assignments shall not be denied on
394 an arbitrary or capricious basis. An application-based transportation worker may also file a
395 complaint with the department over a transportation network company or delivery network
396 company's deactivation of the worker if the worker otherwise meets all of the prerequisites and
397 certifications required by this chapter. Deactivation shall not be implemented without good
398 cause.

399 The department will hear the merits of the application-based transportation worker's
400 complaint consistent with section 10 of chapter 30A. The hearing officer may order the
401 transportation network company or delivery network company to activate or re-activate the
402 application-based transportation worker's account as well as any other appropriate remedy. A
403 decision of the hearing officer may be appealed under said chapter 30A. Nothing in this section

404 shall preclude an application-based transportation worker from seeking vindication under
405 common law, other state or federal law concerning a transportation network company or delivery
406 network company's deactivation or failure to activate their account.

407 A consumer or application-based transportation worker aggrieved by a final order or
408 decision of the department pursuant to subsection (d)(1)-(4) of this Section may institute
409 proceedings for judicial review in the superior court within 30 days after receipt of such order or
410 decision. Any proceedings in the superior court shall, insofar as applicable, be governed by
411 section 14 of chapter 30A. The commencement of such proceedings shall not, unless specifically
412 ordered by the court, operate as a stay of the division's order or decision.

413 (5) Any transportation network company or delivery network company, agent or person,
414 who discriminates against any application-based transportation worker because such worker has
415 made a complaint to the department or any other person or assists the department in any
416 investigation under this section or has instituted or caused to be instituted any proceeding under
417 or related to this section, or has testified or is about to testify in any such proceedings, shall be
418 deemed to have violated this section and shall be punished or shall be subject to a civil citation or
419 order prescribing restitution for all lost wages as well as compensatory damages by the
420 department.

421 Any current or former application-based transportation worker aggrieved of a violation of
422 section (d) may, within 2 years, institute a civil action in the superior court. The court may: (i)
423 issue temporary restraining orders or preliminary or permanent injunctions to restrain continued
424 violation of this section; (ii) activate or reactivate the application-based transportation worker to
425 the same or to an equivalent position; (iii) compensate the application-based transportation work

426 for three times the lost wages, benefits and other remuneration, and interest thereon; and (iv)
427 order payment by the transportation network company/delivery network company of reasonable
428 costs and attorneys' fees.

429 (e) The department shall have supervision of every affiliated company, including but not
430 limited to servicing and parent companies, joint ventures or subsidiaries of a delivery network
431 company/transportation network company, as hereinafter defined, with respect to all relations,
432 transactions and dealings, direct or indirect, and shall make all necessary examination and
433 inquiries and keep itself informed as to such relations, transactions and dealings as have a
434 bearing upon the rates, financial condition and practices of such delivery network company or
435 transportation network company. Such relations, transactions and dealings, including any
436 payments by a delivery network company or transportation network company to such an
437 affiliated company or by such an affiliated company to a delivery network company or
438 transportation network company for property owned, leased or used by such carrier or such
439 affiliated company for transportation purposes shall be subject to review and investigation by the
440 department in any proceeding brought under this chapter, and the department may order such
441 affiliated company to be joined as a party respondent with such carrier in such a proceeding.

442 (1) Every affiliated company having such relations, transactions and dealings with the
443 delivery network company or transportation network company with which it is affiliated shall
444 make such annual or periodic reports, and in such form, as the department may by regulation
445 prescribe, in order to give the department effective supervision over all such relations,
446 transactions and dealings. Such a report may include, if so regulated by the department, service
447 quality metrics, including but not limited to, reliability, efficiency, safety and accessibility.

448 (2) Officers and employees of the department may be authorized by it to examine the
449 books, contracts, records, documents and memoranda or the physical property of any affiliated
450 company subject to this chapter with respect to any relations, transactions or dealings, direct or
451 indirect, between such affiliated company and any company so subject, and, for any examination
452 so authorized, shall be entitled to full access to the subject matter thereof. No such officer or
453 employee shall divulge any fact or information coming to his knowledge during the course of
454 such examination unless directed by the Department or by the court, or authorized by law.

455 (3) For the purposes of this section, the term “affiliated companies” shall include any
456 corporation, society, trust, association, partnership or individual: (a) controlling a delivery
457 network company or transportation network company subject to this chapter either directly, by
458 ownership of a majority of its voting stock or of such minority thereof as to give it substantial
459 control of such company, or indirectly, by ownership of such majority or minority of the voting
460 stock of another corporation, society, trust or association so controlling such company; (b) so
461 controlled by a corporation, society, trust, association, partnership or individual controlling as
462 aforesaid, directly or indirectly, the company subject to such chapter; or (c) standing in such a
463 relation to a company subject to such chapter that there is an absence of equal bargaining power
464 between the corporation, society, trust, association, partnership or individual and the company so
465 subject, in respect to their dealings and transactions.

466 (4) Whenever, in any proceeding before the department under Section 2A the
467 reasonableness of any payment, charge, contract, or purchase, sale, obligation or other
468 arrangement between a transportation network company/delivery network company and a
469 company related to it as an affiliated company, as defined in paragraph (3), shall come into
470 question, the burden of establishing and proving the reasonableness of such payment, charge

471 contract, purchase, sale, obligation or other arrangement shall be upon such delivery network
472 company or transportation network company.

473 (5) The supreme judicial court shall have jurisdiction in equity to enforce compliance
474 with this section and with all orders of the department made under authority thereof.

475 (6) The department, through its duly authorized employees, may annually audit all, or any
476 portion of, accounts of any delivery network company or transportation network company or
477 group of delivery network companies or transportation network companies.

478 (7) No action or order of the department shall in any manner impair the legal duties and
479 obligations of a transportation network company or delivery network company or its legal
480 liability for the consequences of its acts or of the neglect or mismanagement of any of its agents
481 or servants.

482 (8) If, in the judgment of the department, any transportation network company or delivery
483 network company violates or neglects in any respect to comply with any law, and after written
484 notice by the department, continues such violation or neglect or neglects to make returns as
485 required by law, or to amend the same when lawfully required so to do, the department shall
486 forthwith present the facts to the attorney general for action.

487 (9) Whenever the department is of opinion that a transportation network company or
488 delivery network company is failing or omitting or about to fail or omit to do anything required
489 of it by law or by order of the department, or is doing anything or about to do anything or
490 permitting anything or about to permit anything to be done, contrary to or in violation of the law
491 or of any order of the department, it shall direct its counsel to begin, subject to the supervision of
492 the attorney general, an action or proceeding in the supreme judicial court in the name of the

493 department for the purpose of having such violations or threatened violations stopped and
494 prevented either by mandamus or injunction.

495 (10) The department's annual report will include reporting on transportation network
496 company or delivery network company activities in the commonwealth, to the same extent as
497 provided for other common carriers pursuant to section 43 of chapter 159.

498 (11) The department shall calculate and the secretary of administration and finance shall
499 determine, pursuant to section 3B of chapter 7, the costs associated with the department's
500 transportation network company or delivery network company ratemaking, investigations,
501 oversight and adjudications. The department may charge the transportation network
502 company/delivery network company a reasonable fee to cover the costs.

503 (f) A transportation network company or a delivery network company shall not raise base
504 fares during a federal or a governor-declared state of emergency.

505 (g) In consultation with state police, local law enforcement and the registry of motor
506 vehicles, the department shall ensure the safety and annual inspection of vehicles utilized by
507 application-based transportation workers working for transportation network companies or
508 delivery network companies, including vehicle inspection pursuant to section 7A of chapter 90.
509 An application-based transportation worker shall obtain a vehicle inspection at the driver's next
510 annual emissions testing or within 12 months of obtaining a transportation network company or
511 delivery network company driver certificate, whichever comes first.

512 (h) The department shall ensure the accommodation of riders with special needs. A
513 transportation network company shall not impose additional charges or increase fares when
514 providing services to persons with disabilities and all transportation network companies shall

515 comply with applicable laws, rules and regulations relating to the accommodation of service
516 animals.

517 (j) A transportation network company shall provide an application-based transportation
518 worker's name, picture and the license plate number of the vehicle in use to a customer on any
519 digital network used to facilitate a pre-arranged ride.

520 (k) A delivery network company shall provide an application-based transportation
521 worker's name, picture, and license plate number of the vehicle, if any, in use to a customer on
522 any digital network used to facilitate a pre-arranged delivery.

523 (l) In consultation with the department, the Massachusetts Department of
524 Transportation's highway division shall provide for the issuance of electronic toll transponders
525 set at the commercial vehicle rate to be issued by transportation network companies and delivery
526 network companies to application-based transportation workers. The electronic toll transponders
527 shall be used each time an application-based transportation worker provides transportation
528 network services on a toll road, bridge or tunnel; provided, however, that the issuance of an
529 electronic toll transponder pursuant to this subsection shall not prohibit an application-based
530 transportation worker from establishing or maintaining an electronic toll transponder account for
531 personal use.

532 (m) In consultation with the department, transportation network companies and delivery
533 network companies shall provide their transportation/delivery data to the Massachusetts
534 Department of Transportation and the department shall cross-reference that data with its toll data
535 to ensure that tolls incurred by an application-based transportation worker providing

536 transportation/delivery services are paid at the commercial rate through the pay by plate system
537 and through the electronic transponder system.

538 (n) A transportation network company or delivery network company shall notify the
539 Department upon receipt of information that an application-based transportation worker utilizing
540 its network has violated a law or rule or regulation related to the provision of
541 transportation/delivery services or that the application-based transportation worker is not suitable
542 to provide transportation/delivery services.

543 (o) If, after the Department issues a background check clearance certificate, the
544 Department is notified by a transportation network company or delivery network company, law
545 enforcement or government entity that an application-based transportation worker is unsuitable
546 and the Department verifies the unsuitability, the Department shall immediately revoke or
547 suspend the background check clearance certificate and shall notify the application-based
548 transportation worker and each transportation network company or delivery network company
549 who issued the application-based transportation worker a certificate that the background check
550 clearance certificate has been revoked or suspended. The Department shall issue rules and
551 regulations to establish a process for an application-based transportation worker to appeal a
552 revocation or suspension. The rules or regulations shall include an opportunity for a hearing and
553 a decision, in writing, addressing the reasons for overturning or sustaining the Department's
554 findings.

555 An application-based transportation worker aggrieved by a final order or decision of the
556 department pursuant to this subsection may institute proceedings for judicial review in the
557 superior court within 30 days after receipt of such order or decision. Any proceedings in the

558 superior court shall, insofar as applicable, be governed by section 14 of chapter 30A. The
559 commencement of such proceedings shall not, unless specifically ordered by the court, operate as
560 a stay of the division's order or decision.

561 Section 2B. Transportation network companies and delivery network companies may be
562 subject to municipal regulation.

563 An application-based transportation worker assigned to a base location—as defined by
564 SECTION 1 of this Act [c. 149, s. 148E(a)]— within the limits of a city or town— shall obtain a
565 license for such operation from the city council of such city and its mayor or the selectmen of
566 such town, in this chapter called the licensing authority. The amount of the fee for any such
567 license shall be determined annually by the commissioner of administration under the provision
568 of section 3B of chapter 7 for the filing thereof and shall not be unduly burdensome. Such license
569 may limit the number of vehicles to be operated thereunder for good cause. Any application-
570 based transportation worker who is receiving a license under this section and operating a vehicle
571 or vehicles thereunder, shall, in respect to such operation, be subject to such orders, rules or
572 regulations as shall be adopted by the licensing authority under this chapter. No license,
573 certificate or permit shall be required under this chapter in respect to such carriage of passengers
574 as is exclusively interstate.

575 If any application for a license under this section is not favorably acted upon within a
576 period of sixty days after the filing thereof, the applicant may appeal to the Department within
577 five days following the expiration of said period or, if notice of unfavorable action is sooner
578 given, within five days of said notice, upon a petition in writing setting forth all the material facts
579 in the case. The Department shall hold a hearing on each such appeal, requiring due notice to be

580 given to all interested parties. If the Department approves the action of the licensing authority, it
581 shall issue notice to that effect, but if the Department disapproves of said action, it shall act as a
582 licensing authority and may issue a license which shall specify the route or routes on which a
583 motor vehicle subject to this section may be operated and the number of vehicles which may be
584 operated under such license.

585 (a) An application-based transportation worker shall obtain a concurrent license from the
586 Department. The Department shall charge a nominal fee for the issuance of an original permit
587 and for the renewal thereof, the amount of which shall be determined annually by the
588 commissioner of administration under the provision of section 3B of chapter 7 for the filing
589 thereof.

590 (b) After public notice and hearing, the department or the municipal licensing authority
591 may, for good and sufficient reasons to be stated in the order of revocation, revoke in whole or in
592 part such a license issued by such authority, but unless within thirty days after any such order of
593 revocation, except an order made by the department or licensing authority, the licensee consents
594 thereto in writing, such order shall not be valid until approved by the department after public
595 notice and hearing.

596 (c) The department may, in order to provide for unusual, sudden or unforeseen
597 transportation needs, or to avoid interruption of existing transportation facilities, issue such
598 temporary application-based transportation licenses as it deems that public convenience and
599 necessity to serve more than one municipality. An applicant for such temporary license shall
600 serve a copy of the application on the town or city that the applicant has designated a base
601 location. All temporary licenses issued under this section shall be limited to such period as the

602 department shall specify, not exceeding 120 days. No such license shall be renewed, nor shall
603 more than one such license for substantially the same route be granted to the same person
604 because of the same emergency.

605 (d) Each application-based transportation worker shall at all times, upon request, furnish
606 any information required by the department or its duly authorized employees relative to the
607 condition, management and operation of transportation network companies or delivery network
608 companies for which the worker provides transportation or delivery services, and shall comply
609 with all lawful orders of the department. Every such application-based transportation worker
610 neglecting to provide such information within the time prescribed as aforesaid, or to amend said
611 information within 15 days of the date of any notice to do so.

612 (e) The licensing authority in any city or town may, in respect of matters not treated of in
613 the provisions of law governing the operation of motor vehicles under this chapter or rules
614 established by the department, adopt rules and regulations governing such operation. After the
615 adoption of any such rules and regulations, any transportation network company or delivery
616 network company operating such a motor vehicle as authorized by this chapter, may petition the
617 department for the alteration, amendment or revocation of any such rule or regulation.

618 The department, upon such petition, after notice to the licensing authority and a hearing,
619 may alter, amend or revoke such rule or regulation and establish in place thereof rules and
620 regulations thereafter to be observed in such city or town. Thereafter, the department, upon its
621 own initiative or upon petition of the mayor of such city or the selectmen of such town, or of
622 transportation network company or delivery network company in such city or town, may alter,

623 amend or revoke any rule or regulation established by the department, and may adopt rules and
624 regulations in substitution thereof.

625 SECTION 4. Said chapter 159A1/2 is hereby further amended by striking out section 3,
626 as so appearing, and inserting in place thereof the following section:-

627 Section 3. (a) Applicants to operate a transportation network company or delivery
628 network company platform shall demonstrate that the transportation network company or
629 delivery network company:

630 (i) has an oversight process in place to ensure that the transportation network company or
631 delivery network company provides sufficient insurance coverage to all application-based
632 transportation workers using the delivery network company's/transportation network company's
633 digital network, as required by this chapter and section 228 of chapter 175, and otherwise
634 complies with all laws, rules and regulations concerning transportation network vehicles and
635 drivers;

636 (ii) has an oversight process in place to ensure that each application-based transportation
637 worker using the transportation network company's/delivery network company's digital network
638 has, pursuant to section 4, successfully completed a background check, maintains a valid
639 background check clearance certificate, is a suitable driver and has a transportation network
640 company/delivery network company certificate;

641 (iii) has a digital network to pre-arrange services employs a clear and conspicuous
642 explanation of the total cost and pricing structure, including every fair schedule, charge,
643 incentive and its applicability by region and time, applicable to each pre-arranged ride before the
644 ride begins;

645 (iv) does not use excessive minimum or base rates, surge pricing, charges or fees;

646 (v) has an oversight process in place to ensure that tolls incurred by an application-based
647 transportation worker providing transportation/delivery network services through its digital
648 network are paid at the commercial rate by the transportation network company/delivery network
649 company including the utilization of the electronic toll transponder issued pursuant to subsection
650 (j) of Section 2A and the data cross-reference pursuant to subsection (k) of said Section 2A;

651 (vi) has an oversight process in place to ensure that the company digital network
652 accommodates customers with special needs, including customers requiring wheelchair
653 accessible vehicles, in all areas served by the transportation network company/delivery network
654 company, comply with all applicable laws regarding nondiscrimination against customers or
655 potential customers and ensure the accommodation of customers with special needs including,
656 but not limited to, all applicable laws, rules and regulations relating to the accommodation of
657 service animals and application accessibility;

658 (vii) has a process in place to ensure that it shall: (1) maintain and update, pursuant to
659 regulations promulgated by the department, an electronic, searchable roster, in a technology and
660 format prescribed by the department, that includes each application-based transportation worker
661 certified by the transportation network company/delivery network company to provide pre-
662 arranged rides and/or delivery services using the transportation network company/delivery
663 network company digital network, including their current address, phone and email contacts, and
664 their base location, as defined in SECTION 1 of this Act [c. 149, s. 148E(a)]; (2) upon request
665 and with appropriate legal process, provide those rosters to the department, the registry of motor
666 vehicles and to state and local law enforcement; (3) maintain and update those rosters as required

667 by the department; (4) comply with all requests for information from the Department regarding
668 the roster, including verification of completion of a background check as required pursuant to
669 clause (ii).

670 Provided, however, that the transportation network company's or delivery network
671 company's rosters including the name, address, phone, email contacts and base location shall not
672 be a public record subject to disclosure under chapter 66. Provided further, that a labor
673 organization or other non-profit corporation who advocates on behalf of application-based
674 transportation workers, provide work-related benefits to application-based transportation
675 workers, represent workers in the transportation and delivery industries or engage in advocacy
676 to improve the working conditions of low income, contingent workers in the commonwealth,
677 including but not limited to application-based transportation workers, and whose written aims
678 and objectives on file with the department of labor relations or the secretary of the
679 commonwealth specifically address their representation and advocacy efforts on behalf of
680 application-based transportation and gig economy workers, may petition the department for an
681 roster of a transportation network company or delivery network company including application-
682 based transportation worker names, addresses, phones and email contacts by base location and
683 the department shall provide the roster in an electronic, searchable format;

684 (viii) has established a toll-free customer service hotline that shall be capable of
685 responding to public, application-based transportation worker and customer questions and
686 complaints and that the hotline number shall be conspicuously posted along with the hours of
687 operation on the applicant's website and within the applicant's digital network application;
688 provided, however, that the department shall develop metrics concerning customer, application-
689 based transportation worker, and consumer complaints, which shall be reported quarterly by

690 transportation network companies or delivery network companies to the department and shall
691 promulgate regulations concerning the investigation of complaints and compliance with these
692 metrics;

693 (ix) has established procedures governing the safe provision of services compliant with
694 state and federal law to disabled people, including but not limited to, pickup, transfer, and
695 delivery of individuals with visual impairments and individuals who use mobility devices,
696 including but not limited to wheelchairs, crutches, canes, walkers, and scooters; provided,
697 however, that the department shall develop metrics concerning the provision of services to the
698 disabled, transportation network company or delivery network companies shall be report
699 quarterly to the department on compliance with the metrics; provided, however, that the
700 department shall promulgate regulations concerning the investigation of complaints and
701 compliance with these metrics;

702 (x) has established procedures, policies, protocols and practices, including but not limited
703 to trainings and the implementation of a panic-button system linked to both the transportation
704 network company/delivery network company and local law enforcement, to promote the safety
705 of its application-based transportation workers and customers; provided, however, that the
706 department shall develop metrics concerning customer, application-based transportation worker
707 and consumer safety-related complaints, training, and implementation and utilization of the panic
708 button system which shall be reported quarterly to the department and shall promulgate
709 regulations concerning the investigation of complaints and compliance with these metrics; and

710 (xi) has an oversight process in place to ensure that application-based transportation
711 network workers with vehicles registered outside of the commonwealth meet the requirements of
712 this chapter.

713 (b) After obtaining the information required under clause (ii) of subsection (c) of section
714 4, the Department shall determine whether the application-based transportation worker has
715 committed an offense that would disqualify him/her from providing transportation network
716 company/delivery network company services, according to the Department's rules, orders and
717 regulations. The department shall determine if the application-based transportation worker
718 applicant is suitable and, if determined to be suitable, shall provide the transportation network
719 company/delivery network company and the application-based transportation worker with a
720 background check clearance certificate. The department shall conduct a background check
721 pursuant to clause (ii) of subsection (c) of section 4 not less than annually. If the department
722 finds that a application-based transportation worker is not suitable under the annual background
723 check, the department shall notify the application-based transportation worker and each relevant
724 transportation network company/delivery network company that the background check clearance
725 certificate is revoked or suspended.

726 (c) The department shall calculate and the secretary of administration and finance shall
727 determine, pursuant to section 3B of chapter 7, the costs associated with the Department's review
728 of an application for a transportation network company/delivery network company operations
729 permit, for renewal of the permit and to issue background check clearance certificates, and for
730 oversight, investigation, compliance, and enforcement of transportation network
731 company/delivery network company reporting requirements and metrics. The department may

732 charge the transportation network company/delivery network company a reasonable fee to cover
733 the costs.

734 SECTION 5. Said chapter 159A1/2 is hereby further amended by striking out section 5,
735 as so appearing, and inserting in place thereof the following section:-

736 Section 5. (a) Each transportation network and delivery network company shall carry
737 adequate insurance, as required by this chapter and section 228 of chapter 175, for each vehicle
738 being used to provide transportation and delivery services through a transportation network
739 company or delivery network company's digital network.

740 (b) A transportation network company/delivery network company shall carry adequate
741 insurance for each vehicle being used to provide transportation and delivery network services in
742 association with an application-based transportation worker driver's certificate. An application-
743 based transportation worker shall carry proof of adequate insurance provided by a transportation
744 network company/delivery network company for whom he/she provides services, as required by
745 section 228 of chapter 175, at all times while providing transportation and/or delivery services on
746 behalf of the transportation network company/delivery network company. In the event of an
747 incident giving rise to personal injury or property damage, an application-based transportation
748 worker shall provide insurance coverage information to directly interested parties, automobile
749 insurers and law enforcement. Upon request, a transportation network driver shall disclose to
750 directly interested parties, automobile drivers, automobile insurers and law enforcement whether
751 the driver was providing transportation network services at the time of the incident. Nothing in
752 this Section exempts an application-based transportation worker from the commonwealth's

753 minimum vehicle insurance requirements while driving a vehicle at any time he/she is not
754 providing services on behalf of a transportation network company/delivery network company.

755 (c) Automobile liability insurance providers offering coverage to a transportation network
756 company/delivery network company to comply with subsection (a) or (b) shall cover all
757 application-based transportation workers providing transportation and delivery services for
758 compensation on behalf of the transportation network company/delivery network company; their
759 insurance policies will cover all times when an application-based transportation worker is in a
760 vehicle and logged on to the transportation network company/delivery network company digital
761 network and driving on behalf of the transportation network company/delivery network
762 company.

763 (d) A transportation network company/delivery network company shall disclose, in
764 writing, to a prospective application-based transportation worker, before certifying the
765 application-based transportation worker to provide transportation and/or delivery services
766 through the transportation network company/delivery network company digital network: (i) the
767 insurance coverage, including the types of coverage and the limits for each coverage, that the
768 transportation network company/delivery network company provides while the application-based
769 transportation worker provides transportation or delivery network services; and (ii) a statement
770 that the application-based transportation worker's own automobile insurance policy does not
771 provide coverage while the driver is providing transportation and/or delivery network services.

772 (e) In a claims coverage investigation, a transportation network company/delivery
773 network company, a application-based transportation worker and an insurer responding to a
774 claim involving a transportation network company/delivery network company shall disclose to

775 each other a clear description of the coverage, exclusions and limits provided under an
776 automobile insurance policy maintained under this section and shall cooperate to facilitate the
777 exchange of relevant information with directly involved parties including, but not limited to, the
778 precise times that a application-based transportation worker logged on and off of the
779 transportation network company/delivery network company's digital network in the 12-hour
780 period immediately preceding and in the 12-hour period immediately following the accident.

781 SECTION 6. Said chapter 159A1/2 is hereby further amended by striking out section 8,
782 as so appearing, and inserting in place thereof the following section:-

783 Section 8. (a) The department shall require a transportation network company/delivery
784 network company to maintain certain records, in addition to the records required by clause (vii)
785 of subsection (a) of section 3 including, but not limited to, records pertaining to incidents
786 reported to the transportation network company/delivery network company relative to a
787 application-based transportation worker, customer, or other impacted individual, records
788 pertaining to accessibility, and records pertaining to pricing. The department shall issue
789 guidelines on the content, maintenance, and disclosure of incident reports, accessibility data and
790 complaints, and pricing. A transportation network company/delivery network company shall
791 retain the incident reports for not less than 7 years. Each transportation network company or
792 delivery network company or applicant to operate as a transportation network company or
793 delivery network company shall furnish all information and documents related to the condition,
794 management and operation of the company upon the department's request; provided, however,
795 that any such request shall be reasonably related to the requirements set forth in this chapter and
796 the rules and regulations promulgated under this chapter. The failure to maintain or furnish
797 information to the Department within a timeline to be determined by the department shall,

798 barring a showing of good cause, constitute cause to not issue, suspend or revoke a transportation
799 network company/delivery network company permit pursuant to section 6.

800 (b) A transportation network company/delivery network company shall provide to the
801 department a detailed monthly accounting of application-based transportation worker and
802 customer complaints received under clause (viii) of subsection (a) of section 3 and the actions
803 the company has taken, if any, to resolve said complaints.

804 (c) In response to a specific complaint alleging criminal conduct against any application-
805 based transportation worker or customer, a transportation network company or delivery network
806 company shall, upon request and after being served with appropriate legal process, provide
807 information to a requesting law enforcement agency necessary to investigate the complaint, as
808 determined by the law enforcement agency.

809 Transportation network company and delivery network companies shall, after being
810 served with appropriate legal process, cooperate with law enforcement and provide information
811 related to an alleged criminal incident including, but not limited to, trip specific details regarding
812 origin and destination, length of trip, GPS coordinates of route, driver identification and, if
813 applicable, information reported to the transportation network company/delivery network
814 company regarding the alleged criminal activity by a application-based transportation worker or
815 customer, to the appropriate law enforcement agency upon receipt of a specific complaint
816 alleging criminal conduct against any application-based transportation worker or customer.

817 (d) Any record furnished to the department shall exclude information identifying
818 application-based transportation workers or customers, unless the Department explains, in

819 writing, to the transportation network company/delivery network company why the information
820 is necessary for the enforcement processes established in this chapter.

821 (e) Any record furnished to the department or other state agency by a transportation
822 network company/delivery network company pursuant to this chapter including, but not limited
823 to, the roster of permitted application-based transportation workers, shall not be considered a
824 public record as defined in clause Twenty-sixth of section 7 of chapter 4 or chapter 66. An
825 application for a transportation network company/delivery network company permit submitted
826 pursuant to this chapter shall be a public record as defined in said clause Twenty-sixth of said
827 section 7 of said chapter 4 or said chapter 66.

828 SECTION 7. Said chapter 159A1/2 is hereby further amended by striking out section 9,
829 as so appearing, and inserting in place thereof the following section:-

830 Section 9. Nothing in this chapter shall require a transportation network
831 company/delivery network company to issue a driver certificate to a application-based
832 transportation worker applicant who fails to meet the requirements of this chapter or prevent the
833 transportation network company/delivery network company from suspending, revoking or
834 otherwise terminating an application-based transportation worker from its digital network for
835 failure to meet the requirements of this chapter.

836 Any application-based transportation worker whose driver certificate is suspended,
837 revoked or otherwise terminated or application-based transportation worker applicant who
838 denied a driver certificate on the grounds that they do not meet the criteria for certification under
839 this Section may appeal the same to the department under Section 2B(o) of this Chapter.

840 SECTION 8. Section 10 of said chapter 159A1/2 is hereby repealed.

841 SECTION 9. Said chapter 159A1/2 is hereby amended by striking out section 12, as
842 inserted by section 23 of chapter 176 of the acts of 2022, and inserting in place thereof the
843 following section:-

844 Section 12. (a) On the first day of each month, each transportation network company
845 shall submit to the Department, in a format approved by the Department, data related to each pre-
846 arranged ride provided in the month prior to the previous month and shall include for each pre-
847 arranged ride: (i) the latitude and longitude for the points of the origination and termination,
848 calculated to 0.001 decimal degrees; (ii) the date and time of the origination and termination,
849 calculated to the nearest minute; (iii) the total cost paid by the customer for the ride; (iv) the
850 universally-unique identifier associated with the application-based transportation worker; (v) the
851 application-based transportation worker's city or town of residence as appearing on the driver's
852 license; (vi) whether the customer requested a shared ride but was not successfully matched with
853 another customer; (vii) whether the customer requested accommodation for special needs; (viii)
854 whether the transportation service was provided by a wheelchair accessible vehicle; (ix) whether
855 there were any application-based transportation worker or customer-initiated cancellations; (x)
856 the total time that the application-based transportation worker spent on the way to pick up the
857 customer; (xi) the total time that the application-based transportation worker spent providing the
858 pre-arranged transportation service; (xii) the geographic position of the vehicle during the entire
859 duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
860 pre-arranged ride/delivery; (xiii) the total mileage driven by the application-based transportation
861 worker while on the way to pick up the customer; (xiv) the total mileage driven by the
862 application-based transportation worker while providing the pre-arranged transportation/delivery
863 service; (xv) the transportation network company vehicle license plate; (xvi) whether the

864 application-based transportation worker is a professional driver, as advertised by the
865 transportation network company; and (xvii) whether the pre-arranged transportation service was
866 advertised by the transportation network company as a luxury or premium ride, regardless of
867 whether the transportation network vehicle was registered as a livery vehicle; provided, however,
868 that if the pre-arranged ride was advertised by the transportation network company as a luxury or
869 premium ride, the factors that were considered in that designation, including, but not limited to,
870 vehicle make, model, year and, if available, trim, whether the transportation network driver was
871 a professional driver, as advertised by the transportation network company and whether the ride
872 was available by an exclusive membership option.

873 (b) On the first day of each month, each delivery network company shall submit to the
874 department, in a format approved by the department, data related to each pre-arranged delivery
875 provided in the month prior to the previous month and shall include for each pre-arranged
876 delivery: (i) the latitude and longitude for the points of the origination and termination,
877 calculated to 0.001 decimal degrees; (ii) the date and time of the origination and termination,
878 calculated to the nearest minute; (iii) the total cost paid by the customer for the delivery services;
879 (iv) the universally-unique identifier associated with the application-based transportation worker;
880 (v) the application-based transportation worker's city or town of residence as appearing on the
881 driver's license; (vi) specific to a delivery network company, whether the application-based
882 transportation worker engaged in selection of products, packing and transportation or any portion
883 of the service; (vii) whether the customer requested any accommodations for special needs;
884 (viii) specific to a delivery network company, whether the application-based transportation
885 worker provided the accommodation; (ix) whether there were any application-based
886 transportation worker or customer-initiated cancellations; (x) the total time that the application-

887 based transportation worker spent selecting, packing or on the way to pick up the items for
888 delivery; (xi) the total time that the application-based transportation worker spent providing the
889 pre-arranged delivery services; (xii) the geographic position of the vehicle during the entire
890 duration of the pre-arranged delivery, provided at intervals of not less than every 60 seconds of
891 the pre-arranged delivery; (xiii) the total mileage driven by the application-based transportation
892 worker while on the way to pick up the delivery; (xiv) the total mileage driven by the
893 application-based transportation worker while providing the pre-arranged delivery service; (xv)
894 the application-based transportation worker's vehicle license plate; and (xvi) whether the pre-
895 arranged ride was advertised by the delivery network company as providing expedited or other
896 premium service.

897 (c) The department may obtain additional ride/delivery data from a transportation
898 network company/delivery network company for the purposes of congestion management, which
899 may include, but shall not be limited to: (i) the total number of application-based transportation
900 workers that utilized the transportation network company/delivery network company digital
901 network within specified geographic areas and time periods as determined by the division; and
902 (ii) the total time spent and total miles driven by application-based transportation workers in such
903 geographic areas or time periods as determined by the Department while (A) on the way to pick
904 up a customer or (B) engaged in a pre-arranged ride/delivery. The Department shall promulgate
905 regulations relative to data collection pursuant to this subsection prior to obtaining the data.

906 (d) Annually, not later than June 30, the department shall post on its website, in
907 aggregate form, the total number of rides provided by all transportation network companies and
908 all deliveries provided by all delivery network companies that that originated in each city or
909 town, each city or town where the rides/deliveries originating in each city or town terminated and

910 the average miles and minutes of the rides/deliveries that originated in each city or town and
911 terminated in each other respective city or town.

912 (e) For the purposes of congestion management, transportation planning or emissions
913 tracking, as well as any other beneficial use in the interest of the Commonwealth, its
914 subdivisions, and/or its municipalities, the Department may enter into data-sharing agreements to
915 share electronic, de-identified trip-level data received by the Department pursuant to this section
916 with the executive office of technology services and security, the executive office of energy and
917 environmental affairs, the Massachusetts Department of Transportation, the Massachusetts Port
918 Authority, the Massachusetts Bay Transportation Authority, the department of environmental
919 protection, a regional transit authority established under section 3 of chapter 161B,
920 municipalities serviced by transportation network companies or delivery network companies, a
921 regional planning agency in the commonwealth and a metropolitan planning organization in the
922 commonwealth. The Commonwealth will provide versions of this data, redacted to address the
923 reasonable privacy concerns of both application-based transportation workers and consumers
924 only to the extent absolutely necessary to individuals and organizations within the
925 Commonwealth who are stakeholders upon request and a reasonable showing of interest in the
926 data.

927 The department shall prescribe the form and content of a data-sharing agreement under
928 this subsection, the manner of transmitting the information and the information security
929 measures that shall be employed by an entity receiving the data under any such data sharing
930 agreement. A data-sharing agreement shall specify that the information provided by the
931 Department shall be aggregated and de-identified and may be used only for the purposes set forth
932 in the agreement. Any data received by an entity from the Department through a data-sharing

933 agreement under this subsection shall be considered a public record under section 7 of chapter 4
934 and chapter 66 and shall be subject to reasonable limitations on dissemination for profit.

935 SECTION 10. Said chapter 159A1/2 is hereby further amended by striking out section
936 12, as inserted by section 8, and inserting in place thereof the following section:-

937 Section 13. (a) The department shall establish a program to reduce greenhouse gas
938 emissions from transportation network companies or delivery network companies. To the extent
939 permitted under federal law, the program shall establish requirements for transportation network
940 companies or delivery network companies including, but not limited to, vehicle electrification
941 and greenhouse gas emissions requirements. Such requirements shall include, but not be limited
942 to, a requirement for said companies to submit biennial plans to gradually increase zero-emission
943 transportation network vehicles and reduce greenhouse gas emissions to meet goals set by the
944 executive office of energy and environmental affairs. If the Department determines that vehicle
945 electrification requirements alone would be sufficient to achieve the greenhouse gas emissions
946 goals set by the executive office of energy and environmental affairs, then it may establish
947 requirements for vehicle electrification without establishing separate requirements for
948 greenhouse gas emissions. The department shall, to the extent practicable, minimize any negative
949 impacts of the program on application-based transportation workers from neighborhoods and
950 municipalities that have an annual median household income of not more than 65 per cent of the
951 statewide annual median household income.

952 (b) The department shall establish regulations to implement the program established in
953 this section.

954 SECTION 10. Section 12 shall take effect on 01/01/2024.

