

HOUSE No. 3372

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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 third party delivery data reporting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/21/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/3/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>

HOUSE No. 3372

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 3372) of Jay D. Livingstone and others relative to third party delivery data reporting. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to third party delivery data reporting.

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. Section 1 of Mass General Laws Chapter 159B is amended by adding the
2 following definitions:

3 “Third Party Delivery Provider”, a delivery service on which a customer can view items
4 for sale and place an online order for the delivery or same-day pick-up of food or eligible retail
5 goods, operated by a party that does not own the food service establishment.

6 “Third Party Delivery Driver”, any person contracted by a third party delivery provider,
7 for compensation, to deliver goods over irregular routes, to and from various points within the
8 commonwealth, not based upon a predetermined schedule, and from different establishments.

9 SECTION 2. Said chapter 159B is hereby further amended by adding the following
10 section:-

11 Section 13. (a) On the first day of each month, each third party delivery provider shall
12 submit to the division, in a format approved by the division, data related to each delivery
13 provided in the month prior to the previous month and shall include:

14 (i) (A) the mode of transportation for each delivery order, including but not limited to,
15 motorcycle, electric motorcycle, moped, electric moped, bicycle, electric bicycle, micro-
16 mobility, or other vehicle. If the delivery order is completed by a vehicle, they shall include
17 whether the vehicle is propelled by internal combustion, battery-sourced electricity or a hybrid;
18 (B) the latitude and longitude for the points of the delivery order origination and delivery order
19 termination, calculated to 0.001 decimal degrees; (C) the date and time of the origination and
20 termination, calculated to the nearest minute; (D) the total cost paid by the buyer for the delivery
21 order; (E) the total cost paid by the restaurant or retail establishment for the delivery order; (F)
22 the customer service fee ; (G) the delivery fee; (H) the universally-unique identifier associated
23 with the third party delivery driver; (I) the third party delivery driver's city or town of residence
24 as appearing on the driver's license; (J) whether there were any driver or buyer-initiated
25 cancellations; (K) the total time that the third party delivery driver spent on the way to pick up
26 the delivery order by increments of 60 seconds; (L) the total time that the third party delivery
27 driver spent stopped to pick up the delivery order by increments of 60 seconds; (M) the total time
28 that the third party delivery driver spent driving to deliver the order by increments of 60 seconds;
29 (N) the total time that the third party delivery driver spent delivering the order by increments of
30 60 seconds;

31 (ii) for all vehicles, third party delivery providers shall include (A) the vehicle license
32 plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle identification
33 number; (D) the total number of minutes and miles while the vehicle was driving to pick up third

34 party delivery orders; (D) the total number of minutes parked while picking up third party
35 delivery orders; (E) the total number of minutes and miles while the vehicle was engaged in third
36 party deliveries; (G) the total number of minutes while parked delivering third party delivery
37 orders; (F) the total number of minutes and miles while the vehicle was logged into the third
38 party delivery provider's digital network for purposes of accepting a delivery order; (G) the
39 geographic position of the vehicle while logged into the third party delivery network, provided at
40 intervals of not less than every 60 seconds;

41 (iv) for each accident or crash involving a third party delivery driver while logged into
42 the third party delivery vehicle's digital network: (A) the latitude and longitude of the location of
43 the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of the accident
44 or crash, calculated to the nearest minute; and (C) the universally-unique identifier associated
45 with the third party delivery driver.

46 (b) The division shall obtain additional data from third party delivery providers for the
47 purposes of congestion management, which may include, but shall not be limited to: (i) the total
48 number of third party delivery drivers that utilized the third party delivery vehicle's digital
49 network within specified geographic areas and time periods as determined by the division; (ii)
50 the total time spent and total miles driven by third party delivery drivers in such geographic
51 areas or time periods as determined by the division: (A) while engaged in driving on the way to
52 pick up a delivery order; (B) while picking up a delivery order from a restaurant or retail
53 establishment; (C) while engaged in driving to deliver a delivery order; or (D) while delivering
54 an order to the buyer.

55 The division shall promulgate regulations relative to data collection pursuant to this
56 subsection prior to obtaining the data.

57 (c) Annually, not later than June 30, the division shall post on its website, in aggregate
58 form, the total number of deliveries provided by all third party delivery providers that originated
59 in each city or town, each city or town where the deliveries originating in each city or town
60 terminated and the average miles and minutes of the deliveries that originated in each city or
61 town and terminated in each other respective city or town.

62 (d) For the purposes of congestion management, transportation planning, or emissions
63 tracking, the division may enter into confidential data-sharing agreements to share de-identified,
64 trip-level data received by the division pursuant to this section with the executive office of
65 technology services and security, the executive office of energy and environmental affairs, the
66 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
67 Massachusetts Bay Transportation Authority, the department of environmental protection, a
68 Massachusetts regional transit authority established under section 3 of chapter 161B, a
69 Massachusetts regional planning agency and a Massachusetts metropolitan planning
70 organization. The division shall prescribe the form and content of a confidential data-sharing
71 agreement, the manner of transmitting the information and the information security measures
72 that must be employed by any entity receiving the data. Any confidential data-sharing agreement
73 shall specify that the information provided by the division shall be aggregated and de-identified
74 and may be used only for the purposes set forth in the agreement. Any data received by an entity
75 from the division through a confidential data-sharing agreement under this subsection shall not
76 be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66
77 and shall not be disclosed to any person or entity other than those listed or described in the

78 confidential data-sharing agreement; provided, however, that a state or municipal government
79 agency or transportation planning entity may disclose conclusions and analyses derived from the
80 information and data received pursuant to a confidential data-sharing agreement.

81 (e) A violation of the terms of a confidential data-sharing agreement by an entity listed in
82 subsection (d) may result in the division declining to enter into future confidential data-sharing
83 agreements with the violating entity and in the termination of any existing data-sharing
84 agreement with the entity. The division shall notify each third party delivery providers whose
85 data was shared in violation of the terms of a confidential data-sharing agreement of the violating
86 entity and what data was shared. An entity listed in subsection (d) that violates the terms of a
87 confidential data-sharing agreement shall delete all data received as a result of the confidential
88 data-sharing agreement.