

**HOUSE . . . . . No. 4260**

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*The Commonwealth of Massachusetts*

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INITIATIVE PETITION OF CHARLES DEWEY ELLISON, III AND  
OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 16, 2024.

Steven T. James  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: — I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution an initiative petition for “A Law Establishing that App-Based Drivers are not Employees, and Network Companies are not Employers, for Certain Purposes of the General Laws,” signed by ten qualified voters and filed with this department on or before December 6, 2023, together with additional signatures of qualified voters in the number of 90,112, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN  
*Secretary of the Commonwealth.*

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

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**The Commonwealth of Massachusetts**

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

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An Act Establishing that App-Based Drivers Are Not Employees, and Network Companies Are Not Employers, for Certain Purposes of the General Laws.

*Be it enacted by the People, and by their authority, as follows:*

1           SECTION 1. The purpose of this Act is to clarify that app-based drivers are not employees, and network  
2 companies are not employers, for certain purposes of the General Laws, guaranteeing app-based drivers the freedom  
3 and flexibility to choose when, where, how, and for whom they work.

4           SECTION 2. Section 148B of chapter 149 of the General Laws is hereby amended by inserting after  
5 subsection (e) the following subsection:

6           (f) Notwithstanding subsection (a), for the purpose of this chapter and chapter 151, an app-based driver, as  
7 defined in chapter 159AA, shall not be an employee under those chapters.

8           SECTION 3. Section 6 of chapter 151A of the General Laws is hereby amended by inserting after  
9 subsection (x) the following subsection: (y) Service performed by an app-based driver, as defined in chapter 159AA.

10          SECTION 4. Subsection (4) of section 1 of chapter 152 of the General Laws is hereby amended by striking  
11 out the words "and (g)" and inserting in place thereof the following words:- (g) a person who is an app-based driver,  
12 as defined in chapter 159AA, and (h)

13          SECTION 5. The General Laws are hereby amended by inserting after chapter 159AI/2 the following  
14 chapter:

15          Chapter 159AA

16          Section 1. Title. This chapter shall be known as the "App-Based Drivers Classification Act."

17          Section 2. Definitions. For the purposes of this chapter, the following words shall have the following  
18 meanings:

Corrected line numbers

19 "App-based driver" a person who is a DNC courier, a TNC driver, or both, who has a contract with a  
20 network company, and for whom the following requirements are met

21 (a) the network company does not unilaterally prescribe specific dates, times of day, or a minimum number  
22 of hours during which the app-based driver must be logged into the network company's online-enabled application or  
23 platform;

24 (b) the network company may not terminate the contract of the app-based driver for not accepting a  
25 specific transportation service or delivery service request except where refusal constitutes a violation of governing  
26 federal, state, or local laws or regulations;

27 (c) the network company does not restrict the app-based driver from performing services through  
28 other network companies except while performing services through the network company's online-enabled  
29 application or platform; and

30 (d) the network company does not contractually restrict the app-based driver from working in any  
31 other lawful occupation or business.

32 "Contract", a written agreement, which may be electronic, between an app-based driver and a network  
33 company.

34 "Delivery network company" or "DNC", a business entity that maintains an online-enabled application or  
35 platform used to facilitate delivery services within the Commonwealth.

36 "Delivery network company courier" or "DNC courier", a person who provides delivery services through a  
37 DNC's online-enabled application or platform.

38 "Delivery services", the fulfillment of a delivery request, meaning the pickup from any location in the  
39 Commonwealth of any item or items and the delivery of the items using a private passenger motor vehicle, bicycle,  
40 electric bicycle, motorized bicycle, scooter, motorized scooter, walking, public transportation, or other similar means  
41 of transportation, to a location selected by the customer located within 50 miles of the pickup location. A delivery  
42 request may include more than 1, but not more than 30, distinct orders placed by different customers. Delivery  
43 services may include the selection, collection, or purchase of items by a DNC courier, as well as other tasks incident  
44 to a delivery. Delivery services do not include assistance with residential moving services.

45 "Network company", a business entity operating as:

46 (a) a delivery network company;

Corrected line numbers

47 (b) a transportation network company; or

48 (c) both.

49 "Person", shall have the same definition as provided in clause twenty-third of section 7 of chapter 4 of the  
50 Massachusetts General Laws.

51 "Private passenger motor vehicle", any passenger vehicle which has a vehicle weight rating or curb weight  
52 of 6,000 lbs. or less as per manufacturer's description of said vehicle or is a sport utility vehicle, passenger van, or  
53 pickup truck.

54 "Transportation network company" or "TNC", shall have the same meaning as provided in section 1 of  
55 chapter 159A1/2 of the Massachusetts General Laws.

56 "Transportation network company driver" or "TNC driver", a Transportation network driver, as defined in  
57 section 1 of chapter 159A1/2 of the Massachusetts General Laws, that provides transportation services, or a person  
58 operating a livery vehicle as defined in 540 CMR 2.00 on a TNC's digital network, as defined in section 1 of chapter  
59 159A1/2.

60 "Transportation services", the provision of transportation facilitated by the digital network, as defined in  
61 section 1 of chapter 159A1/2 of the Massachusetts General Laws, of a TNC for which the pickup of the passenger  
62 occurs in the Commonwealth.

63 SECTION 6. This act shall take effect as provided in Article 48 of the Amendments to the Massachusetts  
64 Constitution, as amended.

Corrected line numbers

FIRST TEN SIGNERS

<u>NAME</u>	<u>RESIDENCE</u>	<u>CITY OR TOWN</u>
Charles Dewey Ellison, III	195 West Canton Street, # 2	Boston
Abigail Kennedy Horrigan	114 Eastern Avenue	Woburn
Brian Gitschier	58 East Springfield Street, # 2	Boston
Daniel A. Svirsky	248 School Street	Watertown
Sean A. Rogers	9 Atkins Street, # 1	Boston
Caitlin Donovan	16 Fox Run Road	Dover
Brendan M. Joyce	79 Breakneck Road	Sturbridge
Troy B. McHenry	402 Ashmont Street, # 1	Boston
Kimberly Ann Ahern	15 Pond Street	Boston
Christina M. Ellis-Hibbett	563 Ashmont Street	Boston

Corrected line numbers

CERTIFICATE OF THE ATTORNEY GENERAL.

Honorable William Francis Galvin  
Secretary of the Commonwealth  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

RE: Initiative Petition No. 23-32: Initiative Petition for A Law Establishing that App-Based Drivers are not Employees, and Network Companies are not Employees, for Certain Purposes of the General Laws – Version I

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

Andrea Joy Campbell

Enclosure

Summary of 23-32.

This proposed law would specify that rideshare and delivery drivers who accept requests through an online-enabled application are not “employees” for purposes of certain Massachusetts laws regarding workplace conditions, minimum wages, unemployment insurance, and workers’ compensation. This proposed law would also specify that rideshare and delivery companies are not “employers” for purposes of those laws.

The proposed law would apply to drivers for rideshare and delivery companies who use digital applications and who are (1) not required to work specific days or hours; (2) not required to accept specific requests; (3) not restricted from working with multiple rideshare or delivery companies; and (4) not restricted from working in any other lawful occupation or business.