

SENATE No. 627

The Commonwealth of Massachusetts

PRESENTED BY:

Lydia Edwards

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:	
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>2/9/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/9/2023</i>
<i>Marc R. Pacheco</i>	<i>Third Bristol and Plymouth</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/11/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/16/2023</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>3/7/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>4/10/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>4/10/2023</i>
<i>John J. Cronin</i>	<i>Worcester and Middlesex</i>	<i>4/10/2023</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>4/10/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>4/10/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>4/27/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>5/30/2023</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>12/5/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/3/2024</i>

SENATE No. 627

By Ms. Edwards, a petition (accompanied by bill, Senate, No. 627) of Lydia Edwards, Paul W. Mark, Michael D. Brady, Marc R. Pacheco and other members of the General Court for legislation to establish protections and accountability for TNC and DNC workers consumers and communities (EPA). 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).

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to Whereas Transportation Network Companies (TNCs) and Delivery Network Companies DNCs have operated in the Commonwealth for almost a decade, employing 100,000s of Massachusetts residents and generate \$100,000,000s in revenue in the Commonwealth each year; , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

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

7

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

13

14 The legislature hereby enacts the following legislation.

15 SECTION 1. The General Laws are hereby further amended by inserting after section
16 148D of chapter 149 the following section:-

17 Section 148E. Application-based transportation workers.

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

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

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

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

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

41 “Basic minimum wage”, the minimum wage established pursuant to section 1 of chapter
42 151.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

312 Notice of such hearing shall be published on the department’s website, newspapers and
313 on social media websites as the department may select at least twenty-one days before such
314 hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

556 Section 2B. Transportation network companies and delivery network companies may be
557 subject to municipal regulation.

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

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

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

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

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

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

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

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

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

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

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

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

622 Section 3. (a) Applicants to operate a transportation network company or delivery
623 network company platform shall demonstrate that the transportation network company or
624 delivery network company:

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

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

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

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

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

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

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

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

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

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

685 transportation network companies or delivery network companies to the department and shall
686 promulgate regulations concerning the investigation of complaints and compliance with these
687 metrics;

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

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

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

708 (b) After obtaining the information required under clause (ii) of subsection (c) of section
709 4, the Department shall determine whether the application-based transportation worker has
710 committed an offense that would disqualify him/her from providing transportation network
711 company/delivery network company services, according to the Department's rules, orders and
712 regulations. The department shall determine if the application-based transportation worker
713 applicant is suitable and, if determined to be suitable, shall provide the transportation network
714 company/delivery network company and the application-based transportation worker with a
715 background check clearance certificate. The department shall conduct a background check
716 pursuant to clause (ii) of subsection (c) of section 4 not less than annually. If the department
717 finds that a application-based transportation worker is not suitable under the annual background
718 check, the department shall notify the application-based transportation worker and each relevant
719 transportation network company/delivery network company that the background check clearance
720 certificate is revoked or suspended.

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

727 charge the transportation network company/delivery network company a reasonable fee to cover
728 the costs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

930 SECTION 10. Said chapter 159A1/2 is hereby further amended by striking out section
931 12, as inserted by section 8, and inserting in place thereof the following section:-

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

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

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