HOUSE . . . . No. 3732

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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

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

An Act relative to third party delivery data reporting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	*8th Suffolk*	*1/16/2025*
Russell E. Holmes	*6th Suffolk*	*5/22/2025*
James B. Eldridge	*Middlesex and Worcester*	*6/11/2025*

HOUSE . . . . No. 3732

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 3732) of Jay D. Livingstone relative to third party delivery data reporting. Transportation.

The Commonwealth of Massachusetts

_____

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

_____

An Act relative to third party delivery data reporting.

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

1   SECTION 1. Section 1 of Mass General Laws Chapter 159B is amended by adding the

2   following definitions:

3   "Third Party Delivery Provider", a delivery service on which a customer can view items

4   for sale and place an online order for the delivery or same-day pick-up of food or eligible retail

5   goods, operated by a party that does not own the food service establishment.

6   "Third Party Delivery Driver", any person contracted by a third party delivery provider,

7   for compensation, to deliver goods over irregular routes, to and from various points within the

8   commonwealth, not based upon a predetermined schedule, and from different establishments.

9   "Third Party Delivery Identification Number" - a unique identification number assigned

10   by the division to each third-party delivery driver that is physically located on the driver's

11   vehicle, in public view. The third party delivery identification number shall be used for the

12   purposes of driver identification, data reporting and enforcement of fines on the third-party

13   delivery provider that the driver was completing at the time of the violation by municipal

14   authorities and the division.

15   "Delivery Order" - the process by which a customer places an order for food or other

16   items through a service provider, which coordinates for the food or other items to be picked up

17   from a restaurant or store by a third party delivery driver who delivers the order to the

18   customer's specified address.

19   SECTION 2. Said chapter 159B is hereby further amended by adding the following

20   section:-

21   Section 13. (a) On the first day of each month, each third party delivery provider shall

22   submit to the division, in a format approved by the division, data related to each delivery

23   provided in the month prior to the previous month and shall include:

24   (i) (A) the mode of transportation for each delivery order, including but not limited to,

25   motorcycle, electric motorcycle, moped, electric moped, bicycle, electric bicycle, micro-

26   mobility, or other internal combustion, battery-sourced electricity or a hybrid vehicle. If the

27   delivery order is completed by a vehicle, they shall include whether the vehicle is propelled by

28   internal combustion, battery-sourced electricity or a hybrid; (B) the latitude and longitude for the

29   points of the delivery order origination and delivery order termination, calculated to 0.001

30   decimal degrees; (C) the date and time of the origination and termination, calculated to the

31   nearest minute; (D) the total cost paid by the buyer for the delivery order; (E) the total cost paid

32   by the restaurant or retail establishment for the delivery order; (F) the third party delivery

33   identification number (one per third party delivery driver to be used for all deliveries for all

34   companies for which the driver makes deliveries (G) the third party delivery driver's city or town

35   of residence as appearing on the driver's license; (H) whether there were any driver or buyer-

36   initiated cancellations; (I) the total time that the third party delivery driver spent on the way to

37   pick up the delivery order by increments of 60 seconds; (J) the total time that the third party

38   delivery driver spent stopped to pick up the delivery order by increments of 60 seconds; (K) the

39   total time that the third party delivery driver spent driving to deliver the order by increments of

40   60 seconds; (L) the total time that the third party delivery driver spent delivering the order by

41   increments of 60 seconds;

42   (ii) for all vehicles, including but not limited to, motorcycle, electric motorcycle, moped,

43   electric moped, bicycle, electric bicycle, micro-mobility, or other internal combustion, battery-

44   sourced electricity or a hybrid vehicle, third party delivery providers shall include (A) the vehicle

45   license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle

46   identification number; (D) the third party delivery identification number; (E) the total number of

47   minutes and miles while the vehicle was driving to pick up third party delivery orders; (F) the

48   total number of minutes parked while picking up third party delivery orders; (G) the total number

49   of minutes and miles while the vehicle was engaged in third party deliveries; (H) the total

50   number of minutes while parked delivering third party delivery orders; (I) the total number of

51   minutes and miles while the vehicle was logged into the third party delivery provider's digital

52   network for purposes of accepting a delivery order; (J) the geographic position of the vehicle

53   while logged into the third party delivery network, provided at intervals of not less than every 60

54   seconds;

55   (iv) for each accident or crash involving a third party delivery driver while logged into

56   the third party delivery vehicle's digital network: (A) the latitude and longitude of the location of

57   the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of the accident

58   or crash, calculated to the nearest minute; and (C) the third party delivery identification number

59   (b) The division shall obtain additional data from third party delivery providers for the

60   purposes of congestion management, which may include, but shall not be limited to: (i) the total

61   number of third party delivery drivers that utilized the third party delivery vehicle's digital

62   network within specified geographic areas and time periods as determined by the division; (ii)

63   the total time spent and total miles driven by third party delivery drivers in such geographic

64   areas or time periods as determined by the division: (A) while engaged in driving on the way to

65   pick up a delivery order; (B) while picking up a delivery order from a restaurant or retail

66   establishment; (C) while engaged in driving to deliver a delivery order; or (D) while delivering

67   an order to the buyer.

68   The division shall promulgate regulations relative to data collection pursuant to this

69   subsection prior to obtaining the data.

70   (c) Annually, not later than June 30, the division shall post on its website, in aggregate

71   form, the total number of deliveries provided by all third party delivery providers that originated

72   in each city or town, each city or town where the deliveries originating in each city or town

73   terminated and the average miles and minutes of the deliveries that originated in each city or

74   town and terminated in each other respective city or town.

75   (d) For the purposes of congestion management, transportation planning, or emissions

76   tracking, the division may enter into confidential data-sharing agreements to share de-identified,

77   trip-level data received by the division pursuant to this section with the executive office of

78   technology services and security, the executive office of energy and environmental affairs, the

79   Massachusetts Department of Transportation, the Massachusetts Port Authority, the

80   Massachusetts Bay Transportation Authority, the department of environmental protection, a

81   Massachusetts regional transit authority established under section 3 of chapter 161B, a

82   Massachusetts regional planning agency and a Massachusetts metropolitan planning

83   organization. The division shall prescribe the form and content of a confidential data-sharing

84   agreement, the manner of transmitting the information and the information security measures

85   that must be employed by any entity receiving the data. Any confidential data-sharing agreement

86   shall specify that the information provided by the division shall be aggregated and de-identified

87   and may be used only for the purposes set forth in the agreement. Any data received by an entity

88   from the division through a confidential data-sharing agreement under this subsection shall not

89   be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66

90   and shall not be disclosed to any person or entity other than those listed or described in the

91   confidential data-sharing agreement; provided, however, that a state or municipal government

92   agency or transportation planning entity may disclose conclusions and analyses derived from the

93   information and data received pursuant to a confidential data-sharing agreement.

94   (e) A violation of the terms of a confidential data-sharing agreement by an entity listed in

95   subsection (d) may result in the division declining to enter into future confidential data-sharing

96   agreements with the violating entity and in the termination of any existing data-sharing

97   agreement with the entity. The division shall notify each third party delivery providers whose

98   data was shared in violation of the terms of a confidential data-sharing agreement of the violating

99   entity and what data was shared. An entity listed in subsection (d) that violates the terms of a

100   confidential data-sharing agreement shall delete all data received as a result of the confidential

101   data-sharing agreement.

102   SECTION 3. Said chapter 159B is hereby further amended by adding the following

103   section:-

104   Section 24. (a) When a third party delivery driver is approved by a third party delivery

105   provider to be contracted for the delivery of goods, the third party delivery provider shall register

106   this approval with the division. The division will generate a unique third party delivery

107   identification number associated with each third party delivery driver who is contracting with

108   third party delivery providers and compile the third party delivery identification numbers in an

109   identification number registry. The format of the registry shall be determined by the division.

110   The third party identification number shall be assigned to each individual third party delivery

111   driver, this number shall be unique to that driver. If applicable, the third party identification

112   number shall be consistent across each third party delivery provider with whom the third party

113   delivery driver is in contract. The division will compile a list of each third party delivery

114   identification number in their identification number registry. Each third party delivery

115   identification number shall be:

116   (i) (A) unique so that no third party delivery identification number is duplicated within

117   the division's identification number registry; (B) associated with an individual third party

118   delivery driver contracted to deliver goods for third party delivery providers; and (C) located on

119   the third party delivery driver's vehicle in a place which is observable to the public whenever an

120   individual third party delivery driver delivery order request.