

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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

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

An Act relative to third party delivery data reporting.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>	<i>1/16/2025</i>

HOUSE No.

[Pin Slip]

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.