

HOUSE No. 1339

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

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 DNC workers, consumers, and communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/17/2025</i>
<i>Erika Uyterhoeven</i>	<i>27th Middlesex</i>	<i>2/6/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/12/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/12/2025</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/20/2025</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/20/2025</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/20/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/3/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>3/11/2025</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/11/2025</i>

HOUSE No. 1339

By Representative Vargas of Haverhill, a petition (accompanied by bill, House, No. 1339) of Andres X. Vargas and others relative to protections and accountability for transportation network and delivery network companies workers, consumers, and communities. Financial Services.

The Commonwealth of Massachusetts

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

An Act establishing protections and accountability for DNC workers, consumers, and communities.

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. The General Laws are hereby further amended by inserting after section
2 148D of chapter 149 the following section:-

3 Section 148E. Application-based delivery workers.

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

6 “Application-based delivery worker”, a person who works as a delivery network
7 company courier by logging onto a digital network through an on-line enabled application or
8 platform of a delivery network company using any form of transportation approved by the
9 Delivery Network Company for use on its platform; provided, however, that an “application-
10 based delivery worker” shall be presumed an employee of the network company, consistent with
11 M.G.L. c. 149 § 148B, for all intents and purposes; and provided, however, that

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

15 “Assigned time”, all time between the acceptance of a delivery network company
16 dispatched assignment until that assignment is completed and the application-based delivery
17 worker: (i) has returned to the worker’s base location utilizing the route designated by the
18 delivery network company; (ii) is dispatched to a new assignment, which shall initiate a new
19 period of productive time; or (iii) turns the platform off, whichever occurs first. Assigned time
20 includes any time spent performing tasks required for a delivery, including product selection,
21 packaging, and/or loading a delivery for transportation, as well as any time spent transporting a
22 delivery from its original location to the designated delivery location.

23 An application-based delivery worker may not be required to turn off the platform so
24 long as they return to the DNC’s base location as prescribed by the DNC without an intentional
25 delay or detour after completing an assigned delivery. The Department of Labor Standards shall
26 develop regulations addressing the parameters for when a DNC may require an application-based
27 worker to turn off the platform.

28 “Base location”, the geographic location set as a reporting hub by each Application-
29 Based Delivery Worker at upon commencing work by turning on the application and certifying
30 that that they are ready, able and willing to accept an assignment and commence work
31 immediately. As part of certification, each application-based delivery worker shall set
32 his/her/their base location. Nothing herein shall prohibit a municipality from establishing
33 additional regulations for reporting hubs within their municipal limits.

34 “Basic minimum wage”, the minimum wage established pursuant to section 1 of chapter
35 151.

36 “Delivery Assignment”, all tasks and duties required to complete an assignment by a
37 delivery network company, including product selection, packaging, and/or loading a delivery for
38 transportation, as well as transportation from the site of pick-up to the location assigned for drop
39 off.

40 “Delivery network company”, a corporation, partnership, sole proprietorship or other
41 entity that utilizes a digital network to assign application-based delivery workers to provide pre-
42 arranged delivery services within the Commonwealth.

43 “Deactivation”, the partial or complete rescission, suspension or revocation of an
44 application-based driver’s access to, and or utilization of, the Delivery Network Company’s
45 platform, disallowing him/her/they from receiving assignments from the Company for any period
46 of time.

47 “Failure to activate”, the refusal to activate the account of a application-based delivery
48 worker seeking to provide labor and services on the DNC platform.

49 “Standby time”, any time, other than assigned time, in which an application-based
50 delivery worker is on a delivery network company application or platform and is ready, able and
51 willing to accept assignments, including operating in a vehicle or other mode of transportation
52 approved by the delivery network company, to render service and from their designated base
53 location.

54 “Vehicle”, an automobile or motorcycle as defined by General Laws Chapter 90, Section
55 1, and a motorized bicycle, an electric bicycle, a motorized standing scooter, an electric standing
56 scooter, or an unmotorized bicycle or standing scooter used by an app-based delivery worker to
57 make deliveries.

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

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

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

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

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

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

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

92 (d) Delivery network companies may elect to pay at least basic minimum wage for all
93 working time or to adopt the premium rate established under subsection (b) for assigned time so
94 long as on average each application-based delivery worker makes at least the basic minimum
95 wage for all working time under 40 hours within a workweek and at least the wage under section
96 1A of chapter 151 for all hours worked within a workweek in excess of 40 hours.

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

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

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

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

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

116 (h) Delivery network companies shall provide accidental liability coverage to each
117 application-based delivery worker during their working time of not less than \$1,000,000 per

118 occurrence and \$3,000,000 in aggregate consistent with SECTION 3Section 5(a)] and SECTION
119 15 [amended c. 175 s. 228] of this Act.

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

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

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

139 SECTION 2. SECTION 1 shall take effect on 01/01/2026.

140 SECTION 3. The General Laws are hereby amended by adding Chapter 159 ³/₄ after
141 Chapter 159A¹/₂:

142 Section 1. Definitions.

143 “Application-based delivery worker”, a person who works as a delivery network
144 company courier by logging onto a digital network through an on-line enabled application or
145 platform of a delivery network company using any form of vehicle approved, but not owned or
146 leased by, by the Delivery Network Company for use on its platform; provided, however, that an
147 “application-based transportation worker” shall be presumed an employee of the network
148 company, consistent with M.G.L. c. 149 § 148B, for all intents and purposes.

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

152 “Assigned time”, all time between the acceptance of a delivery network company
153 dispatched assignment until that assignment is completed and the application-based delivery
154 worker: (i) has returned to the worker’s base location utilizing the route designated by the
155 delivery network company; (ii) is dispatched to a new assignment, which shall initiate a new
156 period of productive time; or (iii) turns the platform off, whichever occurs first. Assigned time
157 includes any time spent performing tasks required for a delivery, including product selection,
158 packaging, and/or loading a delivery for transportation, as well as any time spent transporting a
159 delivery from its original location to the designated delivery location.

160 An application-based delivery worker may not be required to turn off the platform so
161 long as they return to the DNC’s base location as prescribed by the DNC without an intentional

162 delay or detour after completing an assigned delivery. The Department of Labor Standards shall
163 develop regulations addressing the parameters for when a DNC may require an application-based
164 worker to turn off the platform.

165 “Base location”, the geographic location set as a reporting hub by each Application-
166 Based Delivery Worker at upon commencing work by turning on the application and certifying
167 that that they are ready, able and willing to accept an assignment and commence work
168 immediately. As part of certifying availability, each application-based delivery worker shall set
169 his/her/their base location. Nothing herein shall prohibit a municipality from establishing
170 additional regulations for reporting hubs within their municipal limits.

171 “Basic minimum wage”, the minimum wage established pursuant to section 1 of chapter
172 151.

173 “Delivery Assignment”, all tasks and duties required to complete an assignment by a
174 delivery network company, including product selection, packaging, and/or loading a delivery for
175 transportation, as well as transportation from the site of pick-up to the location assigned for drop
176 off.

177 “Delivery network company”, a corporation, partnership, sole proprietorship or other
178 entity that utilizes a digital network to assign application-based delivery workers to provide pre-
179 arranged delivery services within the Commonwealth.

180 “Deactivation”, the partial or complete recission, suspension, restriction, or revocation of
181 an application-based driver’s access to, and or utilization of, the Delivery Network Company’s
182 platform, disallowing him/her/they from receiving assignments from the Company for any period
183 of time.

184 “Department”, the Department of Public Utilities.

185 “Division”, the Delivery Network Company and Transportation Network Company
186 Division, formerly the “Transportation Network Company Division” established pursuant to
187 G.L. c. 25 s. 23 [and amended pursuant to SECTION 17 of this legislation], within the
188 Department of Public Utilities.

189 “Failure to activate”, the refusal to activate the account of a application-based delivery
190 worker seeking to provide labor and services on the DNC platform.

191 “Standby time”, any time, other than assigned time, in which an application-based
192 delivery worker is on a delivery network company application or platform and is ready, able and
193 willing to accept assignments, including operating in a vehicle or other mode of transportation
194 approved by the delivery network company, to render service and from their designated base
195 location.

196 “Vehicle”, an automobile, motorcycle, or scooter as defined by General Laws Chapter 90,
197 Section 1, and a motorized bicycle, an electric bicycle, a motorized standing scooter, an electric
198 standing scooter, or an unmotorized bicycle or standing scooter used by an app-based delivery
199 worker to make deliveries.

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

201 Section 2. Name Change, Expanded Jurisdiction and Authority of Transportation
202 Network Company Division Over Delivery Network Companies and Application-Based
203 Delivery Workers.

204 Section 2. (a) The Delivery Network Company and Transportation Network Company
205 Division and have the following additional jurisdiction and authority over Delivery Network
206 Companies and their Application-Based Delivery Workers.

207 The division shall have jurisdiction over delivery network companies to ensure the safety,
208 accessibility and convenience of the public, the cost effectiveness and reliability of service and
209 accountability of these companies to the commonwealth and to consumers as expressly set forth
210 in this chapter.

211 The division shall implement and enforce this section and establish regulations, service
212 quality metrics and guidance necessary for enforcement.

213 (b) In consultation with the registry of motor vehicles, the division shall provide for the
214 establishment of removable decals to be issued delivery network companies, in a form and
215 manner prescribed by the division, to delivery network drivers to designate a vehicle as a
216 delivery network vehicle for law enforcement and public safety purposes. The decal shall be
217 applied to both the front and back panels of a vehicle at all times while the vehicle is providing
218 delivery network services. A delivery network driver who provides delivery network services
219 using the digital network of more than 1 delivery network company shall display the respective
220 decals for each delivery network company while the vehicle is providing delivery network
221 services. A delivery network driver who ceases to be certified to provide delivery network
222 services for any reason shall return the decal within 14 days of that cessation to the respective
223 delivery network company in the manner and form prescribed by the division.

224 (c) In consultation with the commissioner of insurance, the division shall implement the
225 insurance policy requirements established in section 228 of chapter 175 [as amended by

226 SECTION 15] of this Act and Section 5(a) below for application-based delivery workers, as
227 defined by SECTION 3 of this Act.

228 (d)(1) A delivery network company shall provide clear and conspicuous delivery cost
229 estimates to customers and to application-based delivery workers, respectively, at all times,
230 including any premium charges, for high volume and high demand times. Estimates shall include
231 a clear rate estimate, any differential pay for shopping, packaging, loading, or delivery functions
232 and the amount of any increase in delivery charges resulting from surge pricing or increased
233 demand.

234 (2) At the termination of each delivery, a delivery network company shall provide notices
235 of payment to application-based delivery workers and receipts to customers, respectively, which
236 shall contain detailed, itemized information pursuant to this section. Such information shall be
237 available electronically through the delivery network company's digital application and on its
238 website platform and shall remain available to the customer and application-based delivery
239 workers so long as such customers and workers maintain an account on the application or site,
240 even where an application-based delivery worker is deactivated from the application or where a
241 customer is partially restricted or prohibited from further use. Failure to provide an accurate
242 receipt or notice of payment may be the subject of a consumer or application-based delivery
243 worker complaint to the division.

244 (3) Information required to be provided to delivery network companies' customers shall
245 include: (i) the total payment made to the delivery network company by the customer for the
246 delivery; (ii) the total labor cost for the delivery charged to the customer; (iii) the number of
247 miles driven for the delivery; (iv) any surge pricing, additional charges, fees, taxes and tips, in

248 addition to the delivery network company's base rate charged for the ride; and (v) the start
249 location and the end location.

250 (4) Information required to be provided to application-based delivery workers shall
251 receive: (i) the geographic start and end date of the delivery; (ii) the number of miles driven for
252 the delivery; (iii) the total payment made to the delivery network company by the customer for
253 the delivery; (iv) the base payment received by the application-based delivery worker per the
254 delivery; (v) any additional differential paid for any phase of services rendered such as shopping,
255 packing and delivery— to the application-based delivery worker; (vi) mileage reimbursements
256 received by the application-based delivery worker for the delivery; (vii) any surge payment
257 received by the application-based delivery worker for the delivery; (viii) any bonus payment
258 received by the application-based delivery worker for the delivery; (ix) any tip remitted by the
259 customer to the by the application-based delivery worker; (x) any deductions from compensation
260 to the application-based delivery worker; (xi) any credits received toward multi-ride or aggregate
261 bonuses or loyalty programs for the delivery; and (xii) the gross base payment received by the
262 delivery network company per the delivery.

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

267 (f) Delivery network companies shall provide, on a quarterly basis, data pertaining to
268 their delivery network company on the following:

269 (1) the number of application-based delivery workers working in the commonwealth
270 organized by municipality in which the base location is located ;

271 (2)The number and percentage of application-based delivery workers whose average
272 weekly working time as defined by SECTION 3 of this Act exceeds: (A) 0-15 hours; (B) 15
273 hours; (C) 30 hours; (D) 40 or more hours organized by base location.

274 (3)The number of vehicles utilized for delivery network company work in the
275 commonwealth aggregated by the municipality in which the base location for each delivery
276 worker are located (hereinafter “by municipality”) as defined by SECTION 3 of this Act ;

277 (4) The number of application-based delivery workers making deliveries in the
278 commonwealth aggregated by municipality ;

279 (5)The number of automobiles and motorcycles utilized for delivery network company
280 work in the commonwealth aggregated by municipality;

281 (6) The number of battery- and electric bicycles and standing scooters utilized for
282 delivery network company work in the commonwealth aggregated by municipality;

283 (7) The number of non-motorized bicycles and other non-motorized transportation
284 utilized for delivery network company work in the commonwealth aggregated by municipality;

285 (8) The number of trips taken in the commonwealth by application-based delivery
286 workers organized aggregated by municipality ;

287 (9) The average number of miles per delivery organized aggregated by municipality;

288 (10) The average cost per delivery for the delivery network company by municipality;
289 and

290 (11) The number of hours a day surge or heightened pricing was in effect by
291 municipality.

292 (12) The total miles(i) driven by automobiles and motorcycles aggregated by
293 municipality; (ii) driven by battery powered- and electric-bicycles and standing scooters, and (iii)
294 driven by non-motorized bicycles and other non-motorized transportation organized by
295 municipality in which base location is situated.

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

303 Section 2A. The division shall inquire into the rates, charges, policies, practices, safety
304 protocols, equipment and services of delivery network companies operating in the
305 commonwealth subject to its jurisdiction.

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

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

314 Unless the division otherwise orders, no change shall be made in any rate or charge, or in
315 any rule or regulation or form of contract or agreement in any manner affecting the same as
316 shown upon the schedules filed in accordance with this chapter, except after 30 days from the
317 date of filing a statement with the division setting forth the changes proposed to be made in the
318 schedule then in force and the time when such changes shall take effect, and such notice to the
319 public as the division orders, to be given prior to the time fixed in such statement to the division
320 for the changes to take effect.

321 The division, for good cause, may allow changes before the expiration of said 30 days,
322 under such conditions as it may prescribe, and may suspend the taking effect of changes under
323 the circumstances and in the manner provided in the following section. As soon as any such
324 changes take effect they shall be plainly identified as amendments and added to existing
325 schedules. Amended and new schedules shall be printed and filed with the division and posted on
326 the department's main website, the division's website, and elsewhere as the division may order.

327 (b) Whenever the division receives notice of any changes proposed to be made in any
328 schedule filed by any delivery network company, it shall notify the attorney general and
329 appropriate stakeholders, including but not limited to, labor organizations and other non-profit
330 corporations who advocate on behalf of application-based delivery workers, provide work-
331 related benefits to application-based delivery workers, represent workers in the commonwealth's

332 delivery industries or engage in advocacy to improve the working conditions of low income,
333 contingent workers in the commonwealth, including but not limited to application-based delivery
334 workers. The division, either upon motion by the attorney general or applicable stakeholders, or
335 in its own discretion and after notice, hold a public hearing and make investigation as to the
336 propriety of such proposed changes.

337 Notice of such hearing shall be published on both the department's and the division's
338 website, newspapers and on social media websites as the division may select at least twenty-one
339 days before such hearing.

340 Pending any such investigation and the decision thereon, the division may, by order
341 served upon the delivery network company affected, suspend, from time to time, the taking
342 effect of such changes, but not for more than 10 months in the aggregate beyond the time when
343 the same would otherwise take effect. After such hearing and investigation, the division may
344 make, in reference to any new rates, charges, rule, regulation or form of contract or agreement
345 proposed, an order consistent with its determinations based on the evidentiary record. At any
346 such hearing, the burden of proof to show that such change is necessary to obtain a reasonable
347 compensation for the service rendered shall be upon the delivery network company.
348 Additionally, during the investigation, the delivery network company must provide the methods
349 and calculations for setting proposed rates and evidence supporting such a change, including, but
350 not limited to, advancing safety, accessibility, and convenience of the public, cost effectiveness,
351 reliability of service, and accountability to the commonwealth and to consumers.

352 (c) Every delivery network company shall give notice of any vehicular accident in which
353 one of its application-based delivery workers was involved during working time and which

354 resulted in property damage over \$10,000, injuries requiring medical treatment, or a loss of life,
355 to the division within twenty-four hours. For each omission to give such notice, the delivery
356 network company shall forfeit not more than \$1000 dollars.

357 A division inspector shall investigate promptly any accident which causes the death or
358 imperils the life of any person, and shall report thereon to the division, and may investigate any
359 other accident.

360 The division, through its commissioners or by employees duly authorized, may examine
361 all books, contracts, records, documents, papers and memoranda of any or delivery network
362 company, and by subpoena duces tecum compel the production thereof, or of duly verified
363 copies of the same or any of them, and compel the attendance of such witnesses as the division
364 may require to give evidence at any such examination.

365 (d)Whenever the division believes, after holding a hearing in its discretion or upon
366 complaint by an application-based delivery worker or consumer, that:

367 (1) any delivery network company rates, fares or charges for any services performed
368 within the commonwealth, or a delivery network company's policies or practices affecting such
369 rates, are unjust, unreasonable, unjustly discriminatory, unduly preferential, in any way in
370 violation of any provision of law or insufficient to yield reasonable compensation for the service
371 rendered, the division shall determine the just and reasonable rates, fares and charges to be
372 charged for the service to be performed, and shall fix the same by order to be served upon
373 delivery network companies, whichever is implicated, by whom such rates, fares and charges or
374 any of them are thereafter to be observed.

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

378 (2) If a consumer files a complaint with the division concerning any rate, fare or charge
379 demanded and collected by any delivery network company for any service performed and the
380 division finds after a hearing and investigation conducted pursuant to section 10 of chapter 30A
381 that a rate, fare or charge that is unjust, unreasonable, unjustly discriminatory, unduly
382 preferential, in any way in violation of any provision of law has been collected for any service,
383 the division may order the delivery network company which has collected or paid the same to
384 make due reparation to the aggrieved person, with interest from the date of the payment of such
385 unjustly discriminatory amount.

386 (3) If an application-based delivery worker complaint is made to the division concerning
387 any or delivery network company's payments, deductions, or other business practices regulating
388 application-based delivery workers' compensation upon which application-based delivery
389 workers reasonably rely, and the division finds after hearing and investigation conducted
390 pursuant to section 10 of chapter 30A that payments, deductions or other business practices are
391 unjust, unreasonable, unjustly discriminatory, unduly preferential, in any way in violation of any
392 provision of law, insufficient to yield reasonable compensation for the service rendered, or
393 inconsistent with the estimates provided to application-based delivery workers for specific
394 deliveries, the division may order the delivery network company which has collected or paid the
395 same to make due reparation to the aggrieved application-based delivery worker, with interest
396 from the date of the original payment.

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

402 (4) An application-based delivery worker may file a complaint with the division over the
403 failure of a delivery network company to activate the worker, assign the worker work, or
404 otherwise restrict the worker from receiving assignments if the worker otherwise meets all
405 prerequisites and certifications required by this chapter. Activation and work assignments shall
406 not be denied or restricted on an arbitrary or capricious basis. An application-based delivery
407 worker may also file a complaint with the department over a delivery network company’s
408 deactivation of the worker if the worker otherwise meets all of the prerequisites and certifications
409 required by this chapter. Deactivation shall not be implemented without good cause.

410 The division will hear the merits of the application-based transportation or delivery
411 worker’s complaint consistent with section 10 of chapter 30A. The hearing officer may order the
412 delivery network company to activate or re-activate the application-based delivery worker’s
413 account as well as any other appropriate remedy. A decision of the hearing officer may be
414 appealed under said chapter 30A. Nothing in this section shall preclude an application-based
415 delivery worker from seeking vindication under common law, other state or federal law
416 concerning a delivery network company’s deactivation of or failure to activate an account.

417 A consumer or application-based delivery worker aggrieved by a final order or decision
418 of the division pursuant to subsection (d)(1)-(4) of this Section may institute proceedings for

419 judicial review in the superior court within 30 days after receipt of such order or decision. Any
420 proceedings in the superior court shall, insofar as applicable, be governed by section 14 of
421 chapter 30A. The commencement of such proceedings shall not, unless specifically ordered by
422 the court, operate as a stay of the division's order or decision.

423 (5) Any delivery network company, agent or person, who discriminates against any
424 application-based delivery worker because such worker has made a complaint to the division or
425 any other person or assists the division in any investigation under this section or has instituted or
426 caused to be instituted any proceeding under or related to this section, or has testified or is about
427 to testify in any such proceedings, shall be deemed to have violated this section and shall be
428 punished or shall be subject to a civil citation or order prescribing restitution for all lost wages as
429 well as compensatory damages by the division.

430 Any current or former application-based delivery worker aggrieved of a violation of
431 section (d) may, within 2 years, institute a civil action in the superior court. The court may: (i)
432 issue temporary restraining orders or preliminary or permanent injunctions to restrain continued
433 violation of this section; (ii) activate or reactivate the application-based delivery worker to the
434 same or to an equivalent position; (iii) compensate the application-based delivery worker for
435 three times the lost wages, benefits and other remuneration, and interest thereon; and (iv) order
436 payment by the delivery network company of reasonable costs and attorneys' fees.

437 (e) The division shall have supervision of every affiliated company, including but not
438 limited to servicing and parent companies, joint ventures or subsidiaries of a delivery network
439 company, as hereinafter defined, with respect to all relations, transactions and dealings, direct or
440 indirect, and shall make all necessary examination and inquiries and keep itself informed as to

441 such relations, transactions and dealings as have a bearing upon the rates, financial condition and
442 practices of such delivery network company. Such relations, transactions and dealings, including
443 any payments by a delivery network company to such an affiliated company or by such an
444 affiliated company to a delivery network company for property owned, leased or used by such
445 carrier or such affiliated company for transportation purposes shall be subject to review and
446 investigation by the division in any proceeding brought under this chapter, and the division may
447 order such affiliated company to be joined as a party respondent with such carrier in such a
448 proceeding.

449 (1) Every affiliated company having such relations, transactions and dealings with the
450 delivery network company with which it is affiliated shall make such annual or periodic reports,
451 and in such form, as the division may by regulation prescribe, in order to give the division
452 effective supervision over all such relations, transactions and dealings. Such a report may
453 include, if so regulated by the division, service quality metrics, including but not limited to,
454 reliability, efficiency, safety and accessibility.

455 (2) Officers and employees of the division may be authorized by it to examine the books,
456 contracts, records, documents and memoranda or the physical property of any affiliated company
457 subject to this chapter with respect to any relations, transactions or dealings, direct or indirect,
458 between such affiliated company and any company so subject, and, for any examination so
459 authorized, shall be entitled to full access to the subject matter thereof. No such officer or
460 employee shall divulge any fact or information coming to his knowledge during the course of
461 such examination unless directed by the division or by the court, or authorized by law.

462 (3) For the purposes of this section, the term “affiliated companies” shall include any
463 corporation, society, trust, association, partnership or individual: (a) controlling a delivery
464 network company subject to this chapter either directly, by ownership of a majority of its voting
465 stock or of such minority thereof as to give it substantial control of such company, or indirectly,
466 by ownership of such majority or minority of the voting stock of another corporation, society,
467 trust or association so controlling such company; (b) so controlled by a corporation, society,
468 trust, association, partnership or individual controlling as aforesaid, directly or indirectly, the
469 company subject to such chapter; or (c) standing in such a relation to a company subject to such
470 chapter that there is an absence of equal bargaining power between the corporation, society,
471 trust, association, partnership or individual and the company so subject, in respect to their
472 dealings and transactions.

473 (4) Whenever, in any proceeding before the department under Section 2A the
474 reasonableness of any payment, charge, contract, or purchase, sale, obligation or other
475 arrangement between a delivery network company and a company related to it as an affiliated
476 company, as defined in paragraph (3), shall come into question, the burden of establishing and
477 proving the reasonableness of such payment, charge contract, purchase, sale, obligation or other
478 arrangement shall be upon such delivery network company.

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

481 (6) The division, through its duly authorized employees, may annually audit all, or any
482 portion of, accounts of any delivery network company or group of delivery network companies.

483 (7) No action or order of the division shall in any manner impair the legal duties and
484 obligations of a delivery network company or its legal liability for the consequences of its acts or
485 of the neglect or mismanagement of any of its agents or servants.

486 (8) If, in the judgment of the division, any or delivery network company violates or
487 neglects in any respect to comply with any law, and after written notice by the division,
488 continues such violation or neglect or neglects to make returns as required by law, or to amend
489 the same when lawfully required so to do, the division shall forthwith present the facts to the
490 attorney general for action.

491 (9) Whenever the division is of opinion that a delivery network company is failing or
492 omitting or about to fail or omit to do anything required of it by law or by order of the division,
493 or is doing anything or about to do anything or permitting anything or about to permit anything
494 to be done, contrary to or in violation of the law or of any order of the division, it shall direct its
495 counsel to begin, subject to the supervision of the attorney general, an action or proceeding in the
496 supreme judicial court in the name of the division for the purpose of having such violations or
497 threatened violations stopped and prevented either by mandamus or injunction.

498 (10) The division's annual report will include reporting on delivery network company
499 activities in the commonwealth, to the same extent as provided for other common carriers
500 pursuant to section 43 of chapter 159.

501 (11) The division shall calculate and the secretary of administration and finance shall
502 determine, pursuant to section 3B of chapter 7, the costs associated with the division's delivery
503 network company ratemaking, investigations, oversight and adjudications. The division may
504 charge the delivery network company a reasonable fee to cover the costs.

505 (f) A delivery network company shall not raise base delivery rates during a federal or a
506 governor-declared state of emergency.

507 (g) In consultation with state police, local law enforcement and the registry of motor
508 vehicles, the division shall ensure the safety and annual inspection of vehicles utilized by
509 application-based transportation or delivery workers working for transportation network
510 companies or delivery network companies, including vehicle inspection pursuant to section 7A
511 of chapter 90. An application-based transportation or delivery worker shall obtain a vehicle
512 inspection at the driver's next annual emissions testing or within 12 months of obtaining a
513 transportation network company or a delivery network company driver certificate, whichever
514 comes first.

515 (h) The department shall ensure the accommodation of riders with special needs. A
516 delivery network company shall not impose additional charges or increase charges when
517 providing deliveries to persons with disabilities.

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

521 (l) In consultation with the department, the Massachusetts Department of
522 Transportation's highway division shall provide for the issuance of electronic toll transponders
523 set at the commercial vehicle rate to be issued by delivery network companies to application-
524 based transportation or delivery workers. The electronic toll transponders shall be used each time
525 an application-based delivery worker provides delivery network services on a toll road, bridge or
526 tunnel; provided, however, that the issuance of an electronic toll transponder pursuant to this

527 subsection shall not prohibit an application-based delivery worker from establishing or
528 maintaining an electronic toll transponder account for personal use.

529 (m) In consultation with the division, delivery network companies shall provide their
530 delivery data to the Massachusetts Department of Transportation and the department shall cross-
531 reference that data with its toll data to ensure that tolls incurred by an application-based delivery
532 worker providing delivery services are paid at the commercial rate through the pay by plate
533 system and through the electronic transponder system.

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

538 (o) If, after the division issued a background check clearance certificate, the division is
539 notified by a delivery network company, law enforcement or government entity that an
540 application-based delivery worker is unsuitable and the division verifies the unsuitability, the
541 division shall immediately revoke or suspend the background check clearance certificate and
542 shall notify the application-based delivery worker and each delivery network company who
543 issued the application-based delivery worker a certificate that the background check clearance
544 certificate has been revoked or suspended. The division shall issue rules and regulations to
545 establish a process for an application-based delivery worker to appeal a revocation or suspension.
546 The division shall consult labor organizations which represent application-based delivery drivers
547 in developing these rules and regulations. The rules or regulations shall include an opportunity

548 for a hearing and a decision, in writing, addressing the reasons for overturning or sustaining the
549 division's findings.

550 An application-based delivery worker aggrieved by a final order or decision of the
551 division pursuant to this subsection may institute proceedings for judicial review in the superior
552 court within 30 days after receipt of such order or decision. Any proceedings in the superior
553 court shall, insofar as applicable, be governed by section 14 of chapter 30A. The commencement
554 of such proceedings shall not, unless specifically ordered by the court, operate as a stay of the
555 division's order or decision.

556 Section 2B. Delivery network companies may be subject to municipal regulation.

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

568 If any application for a license under this section is not favorably acted upon within a
569 period of sixty days after the filing thereof, the applicant may appeal to the division within five

570 days following the expiration of said period or, if notice of unfavorable action is sooner given,
571 within five days of said notice, upon a petition in writing setting forth all the material facts in the
572 case. The division shall hold a hearing on each such appeal, requiring due notice to be given to
573 all interested parties. If the division approves the action of the licensing authority, it shall issue
574 notice to that effect, but if the division disapproves of said action, it shall act as a licensing
575 authority and may issue a license which shall specify the route or routes on which a motor
576 vehicle subject to this section may be operated and the number of vehicles which may be
577 operated under such license.

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

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

588 (c) The division may, in order to provide for unusual, sudden or unforeseen delivery
589 needs, or to avoid interruption of existing delivery services, issue such temporary application-
590 based delivery licenses as it deems that public convenience and necessity to serve more than one
591 municipality. An applicant for such temporary license shall serve a copy of the application on the

592 town or city that the applicant has designated a base location. All temporary licenses issued
593 under this section shall be limited to such period as the department shall specify, not exceeding
594 120 days. No such license shall be renewed, nor shall more than one such license for
595 substantially the same route be granted to the same person because of the same emergency.

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

602 (e) The licensing authority in any city or town may, in respect of matters not treated of in
603 the provisions of law governing the operation of vehicles or mode of transportation, including
604 but not limited to, gas-fueled, motorized cars and scooters, renewable energy fueled vehicles,
605 electric or non-electric bicycles under this chapter or rules established by the department, adopt
606 rules and regulations governing such operation. After the adoption of any such rules and
607 regulations, any delivery network company operating such a vehicle as authorized by this
608 chapter, may petition the division for the alteration, amendment or revocation of any such rule or
609 regulation.

610 The division, upon such petition, after notice to the licensing authority and a hearing,
611 may alter, amend or revoke such rule or regulation and establish in place thereof rules and
612 regulations thereafter to be observed in such city or town. Thereafter, the division, upon its own
613 initiative or upon petition of the mayor of such city or the selectmen of such town, or of delivery

614 network company in such city or town, may alter, amend or revoke any rule or regulation
615 established by the division, and may adopt rules and regulations in substitution thereof.

616 Section 3. (a) All delivery network companies and application-based delivery workers
617 shall provide services in the form of a pre-arranged delivery using a digital network. An
618 application-based delivery worker providing delivery network services shall not solicit, accept,
619 arrange, or provide delivery services in another manner unless otherwise authorized by law.

620 (b) A delivery network company shall apply for a permit to be issued and annually
621 renewed by the division. No delivery network company shall operate without a permit issued to
622 it by the division.

623 (c) No application for a delivery network company permit may be granted or renewed
624 unless the division determines that the rendering of delivery network services by the applicant is
625 consistent with the public interest. At a minimum, each applicant for a permit shall verify the
626 following:

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

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

636 (iii) that the digital network used by the applicant to pre-arrange deliveries employs a
637 clear and conspicuous explanation of the total cost and pricing structure applicable to each pre-
638 arranged delivery before the delivery is purchased;

639 (iv) that delivery network companies and delivery workers do not use excessive
640 minimum or base rates;

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

646 (vi) that the applicant has an oversight process in place to ensure that the applicant and
647 delivery workers using the applicant's digital network accommodate customers with special
648 needs, including customers requiring that deliveries be placed in accessible locations, in all areas
649 served by delivery network companies, comply with all applicable laws regarding
650 nondiscrimination against customers or potential customers;

651 (vii) that the applicant has a process in place to ensure that it shall: (1) maintain and
652 update, pursuant to regulations promulgated by the division, a roster of each application-based
653 delivery worker certified by the applicant to provide pre-arranged deliveries using the delivery
654 network company's digital network; (2) upon request and with appropriate legal process, provide
655 those rosters to the division, the registry of motor vehicles and to state and local law
656 enforcement; (3) maintain and update those rosters as required by the division; (4) comply with

657 all requests for information from the division regarding the roster, including verification of
658 completion of a background check as required pursuant to clause (ii);

659 (viii) that the applicant has established a toll-free customer service hotline that shall be
660 capable of responding to delivery worker, and customer questions and complaints and that the
661 hotline number shall be conspicuously posted along with the hours of operation on the
662 applicant's website and within the applicant's digital network application; provided, however,
663 that the division shall develop metrics concerning customer, application-based delivery worker,
664 and consumer complaints, which shall be reported quarterly by delivery network companies to
665 the division and shall promulgate regulations concerning the investigation of complaints and
666 compliance with these metrics;

667 (ix) has established procedures governing the safe provision of services compliant with
668 state and federal law to disabled people, including but not limited to services provided to
669 individuals with visual impairments and individuals who use mobility devices, including but not
670 limited to wheelchairs, crutches, canes, walkers, and scooters; provided, however, that the
671 division shall develop metrics concerning the provision of services to the disabled, delivery
672 network companies shall be report quarterly to the division on compliance with the metrics;
673 provided, however, that the division shall promulgate regulations concerning the investigation of
674 complaints and compliance with these metrics;

675 (x) has established procedures, policies, protocols and practices, including but not limited
676 to trainings and the implementation of a panic-button system within the delivery network
677 company's digital platform linked to both the delivery network company and local law
678 enforcement, to promote the safety of its application-based delivery workers and customers;

679 provided, however, that the division shall develop metrics concerning customer, application-
680 based delivery worker and consumer safety-related complaints, training, and implementation and
681 utilization of the panic button system which shall be reported quarterly to the division and shall
682 promulgate regulations concerning the investigation of complaints and compliance with these
683 metrics; and

684 (xi) has an oversight process in place to ensure that application-based delivery network
685 workers with vehicles registered outside of the commonwealth meet the requirements of this
686 chapter.

687 Provided, however, that the delivery network company's rosters including the name,
688 address, phone, email contacts and base location shall not be a public record subject to disclosure
689 under chapter 66.

690 (d) After obtaining the information required under clause (ii) of subsection (c) of section
691 2A , the division shall determine whether the application-based delivery worker has committed
692 an offense that would disqualify them from providing delivery network company services,
693 according to the division's rules, orders and regulations. The division shall determine if the
694 application-based delivery worker applicant is suitable and, if determined to be suitable, shall
695 provide the delivery network company and the application- delivery worker with a background
696 check clearance certificate. The division shall conduct a background check pursuant to clause (ii)
697 of subsection (c) of section 4 not less than annually . If the department finds that an application-
698 based delivery worker is not suitable under the annual background check, the division shall
699 notify the application-based transportation worker and each delivery network company that the
700 background check clearance certificate is revoked or suspended.

701 (e) The division shall calculate and the secretary of administration and finance shall
702 determine, pursuant to section 3B of chapter 7, the costs associated with the division's review of
703 an application for a delivery network company operations permit, for renewal of the permit and
704 to issue background check clearance certificates, and for oversight, investigation, compliance,
705 and enforcement of delivery network company reporting requirements and metrics. The
706 department may charge the delivery network company a reasonable fee to cover the costs.

707 Section 4. (a)

708 A application-based delivery worker who seeks to utilize the digital network of a delivery
709 network company to provide pre-arranged delivery services shall apply to a delivery network
710 company for a delivery network company worker certificate. A person shall not provide delivery
711 network company services in the commonwealth without a valid background check clearance
712 certificate and a delivery network worker certificate. The delivery network worker certificate
713 shall be in a form prescribed by the division which shall include the name, picture of the delivery
714 worker, and the license plate number of the motorized vehicle in use, if one will be utilized in the
715 course of providing delivery services, and shall post a certificate for each delivery network
716 company that has certified the worker on their person in a way that is visible to the consumer
717 while delivery services are being provided. A delivery network company shall not issue a
718 delivery network worker certificate to a worker applicant unless the delivery network company
719 has verified that the worker has received a background check clearance certificate from the
720 division.

721 (b) At a minimum, and subject to such other requirements as the division may establish
722 by regulation, a delivery network company shall only issue a delivery network worker certificate
723 to a delivery worker who:

724 (i) is at least 21 years of age;

725 (ii) if utilizing an automobile or motorcycle to make deliveries, has access to an
726 automobile or motorcycle that has been registered in the commonwealth and inspected pursuant
727 to section 7A of chapter 90 and regulations promulgated under said section 7A of said section 90
728 at a facility licensed by the registry of motor vehicles; or has access to a automobile or
729 motorcycle that has been registered in another state, and the automobile or motorcycle complies
730 with the inspection requirement of the state where the vehicle is registered; or if utilizing a
731 battery-powered or electric bicycle or standing scooter to make deliveries, complies with all
732 municipal registration and inspection requirements

733 (iii) complies with insurance requirements established in this Chapter or in section 228 of
734 chapter 175;

735 (iv) provides notice to all insurers of the vehicle that the applicant intends to use the
736 vehicle to provide delivery network services;

737 (v) is determined to be suitable to perform delivery network services pursuant to
738 subsections (c) and (d);

739 (vi) does not appear on the National Sex Offender Registry;

740 (vii) has not had a conviction in the past 7 years for: (1) a sex offense or violent crime as
741 defined in section 133E of chapter 127; (2) a crime under section 24 of chapter 90 or been

742 assigned to an alcohol or controlled substance education, treatment or rehabilitation program by
743 a court; (3) leaving the scene of property damage or personal injury caused by a motor vehicle;
744 (4) felony robbery; or (5) felony fraud; and

745 (viii) if operating an automobile or motorcycle, has a driving record that does not include
746 more than 4 traffic violations or any major traffic violation, as defined by the division of
747 insurance, in the preceding 3 year period.

748 (c) Prior to providing delivery network services, an application-based delivery worker-
749 applicant shall be subject to a 2-part background check process to determine if the delivery
750 applicant is suitable. The delivery network company shall: (i) conduct a background check and
751 disqualify applicants on the basis of a suitability standard to be determined in regulations
752 promulgated by the division; and (ii) submit identifying information regarding an applicant to the
753 division, which shall refer that information to the department of criminal justice information
754 services, which shall obtain all available criminal offender record information, as defined in
755 section 167 of chapter 6, and pursuant to section 172 of said chapter 6 and sex offender registry
756 information.

757 (d) Not less than 2 times per year, the delivery network company shall conduct a
758 background check pursuant to clause (i) of subsection (c) and shall immediately remove an
759 application-based delivery worker from its digital network if the worker is found not suitable
760 pursuant to the suitability standards to be determined in regulations promulgated by the division.

761 (e) The delivery network company shall immediately suspend a delivery network driver's
762 certificate, and notify the division of the suspension, upon learning of and verifying a driver's
763 arrest for a crime or a driver's citation for a driving infraction that would render the driver

764 unsuitable to provide delivery network services. A delivery network company shall report such
765 suspension, in a form and manner prescribed by the division, to the division, which shall ensure
766 all delivery network companies that certified that delivery worker take appropriate action. Any
767 such suspension may be limited to the period of time necessary to determine whether continued
768 provision of delivery network services by the driver is consistent with the public interest.

769 (f) In accordance with this section, the division shall quarterly audit the delivery worker
770 certification and criminal background check processes of a delivery network company. Non-
771 compliance with this section shall constitute cause for the division to suspend or revoke a
772 delivery network company permit pursuant to section 6.

773 Section 5. (a) Each transportation network and delivery network company shall carry
774 adequate insurance, as required by this herein and section 228 of chapter 175 [as amended by
775 SECTION 15 of this Act], for each motorized vehicle being used to provide delivery services
776 through a delivery network company's digital network.

777 (b) A delivery network company shall carry adequate insurance for each automobile or
778 motorcycle being used to provide delivery network services in association with an application-
779 based delivery worker's certificate. An application-based delivery worker shall carry proof of
780 adequate insurance provided by a delivery network company for which they provide services, as
781 required by section 228 of chapter 175 [as amended by SECTION 15 of this Act], at all times
782 while delivery services on behalf of a delivery network company. In the event of an incident
783 giving rise to personal injury or property damage, an application-based delivery worker shall
784 provide insurance coverage information to directly interested parties, vehicle insurers and law
785 enforcement. Upon request, a delivery network worker shall disclose to directly interested

786 parties, including vehicle drivers, insurers and law enforcement whether the delivery worker was
787 providing delivery network services at the time of the incident. Nothing in this Section exempts
788 an application-based delivery worker from the commonwealth's minimum vehicle insurance
789 requirements while driving a vehicle at any time they are not providing services on behalf of a
790 delivery network company.

791 (c) Motor vehicle liability insurance providers offering coverage to a delivery network
792 company to comply with subsection (a) or (b) shall cover all application-based delivery workers
793 providing delivery services for compensation on behalf of the delivery network company; their
794 insurance policies will cover all times when an application-based delivery worker is driving an
795 automobile or motorcycle, logged on to the delivery network company digital network, and are
796 available for a delivery assignment, or are utilizing an automobile or motorcycle to transport a
797 delivery on behalf of a delivery network company.

798 (d) A delivery network company shall disclose, in writing, to a prospective application-
799 based delivery worker, before certifying the application-based delivery worker to provide
800 delivery services through the delivery network company digital network: (i) the insurance
801 coverage, including the types of coverage and the limits for each coverage, that the delivery
802 network company provides while the application-based delivery worker provides delivery
803 network services; and (ii) a statement that the application-based delivery worker's own
804 automobile insurance policy does not provide coverage while the driver is providing delivery
805 network services.

806 (e) In a claims coverage investigation, a delivery network company, an application-based
807 delivery worker and an insurer responding to a claim involving a delivery network company

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

814 Section 6. (a) The division shall require a delivery network company to maintain certain
815 records, in addition to the records required by clause (vii) of subsection (a) of section 3
816 including, but not limited to, records pertaining to incidents reported to the delivery network
817 company relative to a application-based delivery worker, customer, or other impacted individual,
818 records pertaining to accessibility, and records pertaining to pricing. The division shall issue
819 guidelines on the content, maintenance, and disclosure of incident reports, accessibility data and
820 complaints, and pricing. A delivery network company shall retain the incident reports for not less
821 than 7 years. Each delivery network company or applicant to operate as delivery network
822 company shall furnish all information and documents related to the condition, management and
823 operation of the company upon the division's request; provided, however, that any such request
824 shall be reasonably related to the requirements set forth in this chapter and the rules and
825 regulations promulgated under this chapter. The failure to maintain or furnish information to the
826 division within a timeline to be determined by the division shall, barring a showing of good
827 cause, constitute cause to not issue, suspend or revoke a delivery network company permit
828 pursuant to section 6.

829 (b) A delivery network company shall provide to the division a detailed monthly
830 accounting of application-based delivery worker and customer complaints received under clause

831 (viii) of subsection (a) of section 3 and the actions the company has taken, if any, to resolve said
832 complaints.

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

837 Delivery network companies shall, after being served with appropriate legal process,
838 cooperate with law enforcement and provide information related to an alleged criminal incident
839 including, but not limited to, delivery-specific details regarding origin and destination, length of
840 trip, GPS coordinates of route, delivery worker and/or customer identification and, if applicable,
841 information reported to the delivery network company regarding the alleged criminal activity by
842 an application-based delivery worker or customer, to the appropriate law enforcement agency
843 upon receipt of a specific complaint alleging criminal conduct against any application-based
844 delivery worker or customer.

845 (d) Any record furnished to the department shall exclude information identifying
846 application-based delivery workers or customers, unless the division explains, in writing, to the
847 delivery network company why the information is necessary for the enforcement processes
848 established in this chapter.

849 (e) Any record furnished to the department or other state agency by a delivery network
850 company pursuant to this chapter including, but not limited to, the roster of permitted
851 application-based delivery workers, shall not be considered a public record as defined in clause
852 Twenty-sixth of section 7 of chapter 4 or chapter 66. An application for a delivery network

853 company permit submitted pursuant to this chapter shall be a public record as defined in said
854 clause Twenty-sixth of said section 7 of said chapter 4 or said chapter 66.

855 Section 7. Nothing in this chapter shall require a delivery network company to issue a
856 delivery worker certificate to an application-based delivery worker applicant who fails to meet
857 the requirements of this chapter or prevent the delivery network company from suspending,
858 revoking or otherwise terminating an application-based delivery worker from its digital network
859 for failure to meet the requirements of this chapter.

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

864 Section 8. On the first day of each month, each delivery network company shall submit to
865 the division, in a format approved by the division, data related to each pre-arranged delivery
866 provided in the month prior to the previous month and shall include for each pre-arranged
867 delivery: (i) the latitude and longitude for the points of the origination and termination,
868 calculated to 0.001 decimal degrees; (ii) the date and time of the origination and termination,
869 calculated to the nearest minute; (iii) the total cost paid by the customer for the delivery services;
870 (iv) the universally-unique identifier associated with the application-based delivery worker; (v)
871 the application-based delivery worker's city or town of residence as appearing on the driver's
872 license; (vi) whether the application-based delivery worker engaged in selection of products,
873 packing and transportation or any portion of the service; (vii) whether the customer requested
874 any accommodations for special needs; (viii) whether the application-based delivery worker

875 provided the accommodation; (ix) whether there were any application-based delivery worker or
876 customer-initiated cancellations; (x) the total time that the application-based delivery worker
877 spent selecting, packing or on the way to pick up the items for delivery; (xi) the total time that
878 the application-based delivery worker spent providing the pre-arranged delivery services; (xii)
879 the geographic position of the vehicle during the entire duration of the pre-arranged delivery,
880 provided at intervals of not less than every 60 seconds of the pre-arranged delivery; (xiii) the
881 total mileage driven by the application-based delivery worker while on the way to pick up the
882 delivery; (xiv) the total mileage driven by the application-based transportation worker while
883 providing the pre-arranged delivery service; (xv) the application-based delivery worker's vehicle
884 license plate; (xvi) whether the pre-arranged delivery was advertised by the delivery network
885 company as providing expedited or other premium service; and (xv) the type of vehicle utilized
886 by the application-based transportation worker for the delivery.

887 (b) The division may obtain additional delivery data from a delivery network company
888 for the purposes of congestion management, which may include, but shall not be limited to: (i)
889 the total number of application-based delivery workers that utilized the delivery network
890 company digital network within specified geographic areas and time periods as determined by
891 the division; and (ii) the total time spent and total miles driven by application-based delivery
892 workers in such geographic areas or time periods as determined by the Department while (A) on
893 the way to pick up a delivery or (B) engaged in a delivery. The Department shall promulgate
894 regulations relative to data collection pursuant to this subsection prior to obtaining the data.

895 (c) Annually, not later than June 30, the division shall post on its website, in aggregate
896 form, the total number of all deliveries provided by all delivery network companies that that
897 originated in each city or town, each city or town where the deliveries originating in each city or

898 town terminated and the average miles and minutes of the deliveries that originated in each city
899 or town and terminated in each other respective city or town.

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

914 The division shall prescribe the form and content of a data-sharing agreement under this
915 subsection, the manner of transmitting the information and the information security measures
916 that shall be employed by an entity receiving the data under any such data sharing agreement. A
917 data-sharing agreement shall specify that the information provided by the division shall be
918 aggregated and de-identified and may be used only for the purposes set forth in the agreement.
919 Any data received by an entity from the division through a data-sharing agreement under this

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

922 Section 9. (a) The division shall establish a program to reduce greenhouse gas emissions
923 from delivery network companies. To the extent permitted under federal law, the program shall
924 establish requirements for delivery network companies including, but not limited to, vehicle
925 electrification and greenhouse gas emissions requirements. Such requirements shall include, but
926 not be limited to, a requirement for said companies to submit biennial plans to gradually increase
927 zero-emission delivery network vehicles and reduce greenhouse gas emissions to meet goals set
928 by the executive office of energy and environmental affairs. If the division determines that
929 vehicle electrification requirements alone would be sufficient to achieve the greenhouse gas
930 emissions goals set by the executive office of energy and environmental affairs, then it may
931 establish requirements for vehicle electrification without establishing separate requirements for
932 greenhouse gas emissions. The division shall, to the extent practicable, minimize any negative
933 impacts of the program on application-based delivery workers from neighborhoods and
934 municipalities that have an annual median household income of not more than 65 per cent of the
935 statewide annual median household income.

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

938 SECTION 4. SECTION 3 shall take effect on 01/01/2026.

939 SECTION 5. Section 1 of chapter 150A of the General Laws is hereby amended, as
940 appearing in the 2020 Official Edition, inserting after “services.” the following paragraphs :-

941 Experience has also proven that workers are often unlawfully deprived access to their
942 fundamental rights when there is an absence of decisive agency enforcement in an industry or a
943 perceived ambiguity resulting from rapidly shifting precedent. The General Court recognizes
944 that the National Labor Relations Act protects the rights of employees in the private sector
945 whose employers meet the Act’s jurisdictional eligibility requirements and are not expressly
946 exempted by its provisions. The General Court also takes legislative notice of the National
947 Labor Relations Board’s Atlanta Opera decision, 372 NLRB No. 95 (2023), vindicating the
948 rights of certain per diem employees, hired on a flexible, short-term basis, to organize and to
949 select an exclusive bargaining representative pursuant to an NLRB election and overturning
950 Super Shuttle DFW, Inc., 367 NLRB No. 75 (2019). Nonetheless, to date, the NLRB has yet to
951 issue a decision specifically addressing the applicability of the NLRA to Delivery Network
952 Companies and their respective application-based delivery workers. For the reasons expressed
953 above, securing the rights of these, and all, employees in the Commonwealth to organize,
954 bargain, and act collectively is imperative to our state’s health and prosperity. Therefore, the
955 General Court declares that in the absence of the NLRB rendering a decision finding that the
956 NLRB holds exclusive jurisdiction over the labor-management relations of TNCs and DNCs and
957 that their workers are employees as defined by the National Labor Relations Act, and thereby
958 preempting state regulation of the same, the Commonwealth shall define DNCs as employers and
959 their delivery workers as employees to vindicate the following public policies, consistent with
960 Section 10 of this Chapter.

961 It is further declared to be the policy of the commonwealth, in the interest of allowing
962 certain employees full freedom of association and to eliminate strife and other obstructions
963 encumbering the efficient and effective development of the private on-demand transit and

964 delivery industries: (a) to promote collective bargaining between DNCs and their employees; (b)
965 to protect the right of employees of DNCs to organize and select collective bargaining
966 representatives of their own choosing; (c) to prevent lockouts, strikes, slowdowns or withholding
967 of goods or services.

968 SECTION 6. SECTION 5 shall take effect on 01/01/2026.

969 SECTION 7. Section 2 of Chapter 150A of the General Laws is hereby further amended
970 by inserting, after the word “facility”, the following words:-

971 any delivery network company, subsidiary, pay or labor agent, or vendor thereof,

972 SECTION 8. SECTION 7 shall take effect on 01/01/2026.

973 SECTION 9. Section 3 of Chapter 150A is hereby further amended by inserting, after the
974 word “subdivisions,” the following words:-

975 and shall include application-based delivery workers employed by delivery network
976 companies,

977 SECTION 10. SECTION 9 shall take effect on 01/01/2026.

978 SECTION 11. Chapter 150A of the General Laws is hereby further amended by inserting
979 after section 3A the following section:-

980 Section 3B. (1) The term “employee” in this Chapter shall include any individual
981 assigned delivery work by logging onto a digital network through an on-line enabled application
982 or platform of a Delivery Network Company as defined by SECTION 1 [establishing G.L. c. 149
983 s. 148E] but shall not include any individual who, with respect to the provision of services to a

984 delivery network company through an online-enabled application or platform, is an employee
985 within the meaning of 29 U.S.C. § 152(3).

986 The term “employer” in this Chapter shall include any delivery network company, as
987 defined in SECTION 1 [establishing c. 149 s. 148E] of this legislation and as defined in
988 SECTION 3 [establishing G.L. c. 159A ³/₄].

989 (2) In the event of a violation of Section 4 of this Chapter by a delivery network company
990 against an application-based delivery workers, the Department of Labor Relations shall have all
991 necessary and appropriate power to conduct an investigation of such violation. Discipline,
992 termination, or another adverse action within six (6) months after the employee has made a
993 report of a violation of this Chapter, shall create a rebuttable presumption that such discharge is a
994 reprisal against such employee. In such case, the employer shall be liable for damages which
995 shall not be less than any lost wages, compensatory damages, and an attorney’s reasonable costs
996 and fees.

997 (3) The appropriateness of any unit of employees under this Section shall be determined
998 pursuant to Section 5 of this Chapter and consistent with its precedents. With regard to the scope
999 of bargaining units recognized under this section, a statewide and/or industrywide bargaining
1000 unit may be considered an appropriate unit.

1001 (4) Upon an application to the department demonstrating a showing of interest of at least
1002 five percent of the petitioned for bargaining unit, the petitioning labor organization shall receive
1003 the following contact information for each bargaining unit member in the petitioned for unit: (a)
1004 full name, (b) cell phone number, (c) company and personal email addresses, if any, and (d) the
1005 worker’s home address.

1006 SECTION 12. SECTION 11 shall take effect on 01/01/2026.

1007 SECTION 13. Chapter 150A of the General Laws is hereby further amended by inserting
1008 after section 12 the following section:-

1009 Section 13. In order to ensure sufficient funding of the department of labor relations and
1010 commonwealth employee relations board and the board of conciliation and arbitration to handle
1011 petitions, charges, and other matters arising from jurisdiction over delivery network company
1012 workers, a surcharge of 10 cents shall be assessed on each delivery network company delivery
1013 and remitted to the commonwealth on a monthly basis.

1014 SECTION 14. SECTION 13 shall take effect on 01/01/2026.

1015 SECTION 15. The title of Chapter 175, Section 228 shall be amended to add “and
1016 Delivery Network Companies” and Chapter 175 by striking out section 228 and replacing it with
1017 the following section:

1018 Section 228. (a) As used in this section, the words “digital network”, “division”, “pre-
1019 arranged ride” and “transportation network company” shall have the same definitions as set forth
1020 in section 1 of chapter 159A½ and “digital network”, “division”, “delivery assignment”,
1021 “delivery network company”, and “app-based delivery worker” in Section 1 of Chapter 159A¾
1022 [SECTION 3, Sub-Section 1, herein] unless the context clearly requires otherwise.

1023 (b) The insurance requirements in this section shall constitute adequate insurance for
1024 transportation network drivers and app-based delivery workers and shall satisfy the financial
1025 responsibility requirement for a motor vehicle established by section 34A of chapter 90 and
1026 section 113L of chapter 175; provided, however, that the insurance requirements in this section

1027 shall only satisfy the financial responsibility requirements for a motor vehicle established by said
1028 section 34A of said chapter 90 and said section 113L of chapter 175 with respect to the provision
1029 of transportation network services and delivery network services in a motor vehicle operated by a
1030 transportation network driver or app-based delivery worker. Transportation network drivers and
1031 app-based delivery workers shall also comply with said section 34A of said chapter 90 and said
1032 section 113L of said chapter 175 and maintain insurance coverage for the vehicle during those
1033 periods of time when the vehicle is being operated, but is not providing transportation network
1034 services or delivery network services.

1035 (c) A transportation network driver who is logged onto the transportation network
1036 company's digital network and is available to receive transportation requests, but is not engaged
1037 in a pre-arranged ride shall have automobile liability insurance that provides per occurrence, per
1038 vehicle coverage amounting to at least \$50,000 of coverage per individual for bodily injury,
1039 \$100,000 of total coverage for bodily injury, \$30,000 of coverage for property damage,
1040 uninsured motorist coverage, to the extent required by said section 113L of said chapter 175, and
1041 personal injury protection, to the extent required by section 34A of chapter 90. The insurance
1042 may be held by the transportation network driver, the transportation network company or a
1043 combination thereof.

1044 An app-based delivery worker who is logged onto the delivery network company's digital
1045 network and is available to receive delivery requests and is operating a motor vehicle, but is not
1046 engaged in transportation using a motor vehicle for a pre-arranged delivery assignment, shall be
1047 covered by an insurance policy that, at minimum, provides per occurrence, per vehicle coverage
1048 amounting to at least \$50,000 of coverage per individual for bodily injury, \$100,000 of total
1049 coverage for bodily injury, \$30,000 of coverage for property damage, uninsured motorist

1050 coverage, to the extent required by said section 113L of said chapter 175, and personal injury
1051 protection, to the extent required by section 34A of chapter 90. The insurance shall be held,
1052 purchased, and maintained by the delivery network company.

1053 (d) When a transportation network driver is engaged in a pre-arranged ride, the driver
1054 shall have automobile liability insurance that provides at least \$1,000,000 in per occurrence, per
1055 vehicle coverage for death, bodily injury and property damage, uninsured motorist coverage, to
1056 the extent required by section 113L of said chapter 175, and personal injury protection, to the
1057 extent required by section 34A of chapter 90. The insurance may be held by the transportation
1058 network driver, the transportation network company, or a combination thereof.

1059 When an app-based delivery worker is transporting a delivery assignment utilizing a
1060 motor vehicle, the delivery worker shall have motor vehicle liability insurance that provides at
1061 least \$1,000,000 in per occurrence, per vehicle coverage for death, bodily injury and property
1062 damage, uninsured motorist coverage, to the extent required by section 113L of said chapter 175,
1063 and personal injury protection, to the extent required by section 34A of chapter 90. The
1064 insurance shall be held, purchased, and maintained by the delivery network company.

1065 (e) In every instance where insurance maintained by a transportation network driver to
1066 fulfill the insurance requirements in subsections (c) and (d) has lapsed, failed to provide the
1067 required coverage, denied a claim for the required coverage or otherwise ceased to exist,
1068 insurance maintained by a transportation network company shall provide the coverage required
1069 by said subsections (c) and (d), beginning with the first dollar of a claim, and shall have the duty
1070 to investigate and defend that claim.

1071 In every instance where insurance maintained on behalf of an app-based delivery worker
1072 to fulfill the insurance requirements in subsections (c) and (d) has lapsed, failed to provide the
1073 required coverage, denied a claim for the required coverage or otherwise ceased to exist,
1074 insurance maintained by a delivery network company shall provide the coverage required by said
1075 subsections (c) and (d), beginning with the first dollar of a claim, and shall have the duty to
1076 investigate and defend that claim.

1077 (f) Coverage under an automobile insurance policy maintained by the transportation
1078 network company shall not be dependent on a personal automobile insurer first denying a claim
1079 nor shall a personal automobile insurer be required to first deny a claim.

1080 Coverage under an motor vehicle insurance policy maintained by the delivery network
1081 company shall not be dependent on a personal motor vehicle insurer first denying a claim nor
1082 shall a personal motor vehicle insurer be required to first deny a claim.

1083 (g) Insurance required by this section shall be placed with an insurer authorized to do
1084 business in the commonwealth or, if such coverage is not available, from any admitted carrier,
1085 then with a surplus lines insurer eligible pursuant to section 168 of chapter 175.

1086 (h) Insurers that write motor vehicle insurance may exclude any and all coverage
1087 afforded under the policy issued to an owner or operator of a vehicle for any loss or injury that
1088 occurs while a driver is providing transportation network services or while a driver provides a
1089 pre-arranged ride or while an app-based delivery worker is utilizing a motor vehicle to fulfill a
1090 delivery assignment. This right to exclude all coverage may apply to any coverage included in an
1091 motor vehicle insurance policy including, but not limited to: (i) liability coverage for bodily
1092 injury and property damage; (ii) personal injury protection coverage as defined in section 34A of

1093 chapter 90; (iii) uninsured and underinsured motorist coverage; (iv) medical payments coverage;
1094 (v) comprehensive physical damage coverage; and (vi) collision physical damage coverage.

1095 Such exclusions shall apply notwithstanding any requirement of said section 34A of said
1096 chapter 90 and section 113L of chapter 175. Nothing in this section implies or requires that a
1097 personal motor vehicle insurance policy provide coverage while the transportation network
1098 driver is logged on to the transportation network company's digital network, while the
1099 transportation network driver is engaged in a pre-arranged ride or while the transportation
1100 network driver otherwise uses a vehicle to transport riders for compensation. Nothing in this
1101 section implies or requires that a personal motor vehicle insurance policy provide coverage while
1102 the app-based delivery worker is logged on to the delivery network company's digital network,
1103 while the app-based delivery worker is utilizing a motor vehicle to fulfill a delivery assignment.

1104 Nothing shall preclude an insurer from providing coverage for the transportation network
1105 driver's or app-based delivery worker's motor vehicle if the insurer so chooses to do so by
1106 contract or endorsement.

1107 Motor vehicle insurers that exclude the coverage described in this section shall not have a
1108 duty to defend or indemnify any claim expressly excluded by a policy.

1109 Nothing in this section shall invalidate or limit an exclusion contained in a policy,
1110 including any policy in use or approved for use in the commonwealth before the enactment of
1111 this section that excludes coverage for motor vehicles used to carry persons or property for a
1112 charge or available for hire by the public. A motor vehicle insurer that defends or indemnifies a
1113 claim against a transportation network driver or app-based delivery worker that is excluded
1114 under the terms of its policy shall have a right of contribution against other insurers that provide

1115 motor vehicle insurance to the same transportation network driver/app-based delivery worker in
1116 satisfaction of the coverage requirements of this section at the time of loss.

1117 (i) The commissioner of insurance, in consultation with the division of transportation and
1118 delivery network companies established in section 23 of chapter 25 [as amended by SECTION
1119 15], shall issue an annual report concerning the coverage minimums required for transportation
1120 network and delivery network motor vehicles during the period of time where the transportation
1121 network driver or app-based driver is logged onto the digital network but is not engaged in a pre-
1122 arranged ride or utilizing a vehicle as part of delivery assignment. The report shall include, at a
1123 minimum: (i) an examination, based on actuarial data, of whether the existing coverage
1124 requirements provide adequate protection for riders, transportation network drivers, app-based
1125 delivery workers, and the general public; (ii) whether it is presently feasible for a transportation
1126 network company or a delivery network company to obtain an insurance policy providing
1127 coverage of \$1,000,000 per occurrence, per vehicle during the relevant time period; (iii) if such a
1128 policy is available, whether the coverage minimums should be raised so that all transportation
1129 network vehicles carry \$1,000,000 of coverage per occurrence, per vehicle, at all times while
1130 operating as a transportation network company; (iv) whether a strategy can be developed to raise
1131 the coverage requirements during this period through the use of admitted motor vehicle
1132 insurance carriers, the surplus lines market and technological innovations in the insurance
1133 industry such as the use of telematics to improve risk assessment; and (v) any recommended
1134 action by the division of insurance, the division of transportation and delivery network
1135 companies established in said section 23 of said chapter 25, the legislature or other government
1136 entity that would encourage the insurance market to provide policies with higher insurance limits

1137 while transportation network companies are not engaged in a pre-arranged ride and while
1138 delivery network companies are not transporting delivery assignments utilizing a motor vehicle.

1139 The commissioner of insurance shall file an annual report detailing any recommendations
1140 together with actuarial analysis with the clerks of the senate and house of representatives, the
1141 chairs of the house and senate committees on ways and means and the chairs of the joint
1142 committee on financial services not later than February 15.

1143 SECTION 16. SECTION 15 shall be effective on January 1, 2026.

1144 SECTION 17. Section 23 of Chapter 25 of the Massachusetts General Laws shall be
1145 amended as follows:

1146

1147 (a) There shall be established within the department a division that shall be under the
1148 general supervision and control of the commission and shall be under the control of a director.
1149 The division shall promulgate rules and regulations and shall perform such functions as
1150 necessary for the administration, implementation and enforcement of chapter 159A ½ and
1151 chapter 159A¾.

1152 (b) To fund the division's activities, the division shall assess a surcharge on each
1153 transportation network company, as defined in section 1 of chapter 159A ½, and each delivery
1154 network company, as defined in section 1 of chapter 159A¾. Each transportation network
1155 company and each delivery network company shall annually report by March 31 its intrastate
1156 operating revenues for the previous calendar year to the division. The surcharge shall be
1157 apportioned according to each transportation network company's and each delivery network

1158 company's intrastate operating revenues as determined and certified annually by the division in
1159 order to reimburse the commonwealth for funds expended for the division's activities. If a
1160 transportation network company or delivery network company fails to report its intrastate
1161 operating revenues to the division by March 31, the division may estimate a transportation
1162 network company's or delivery network company's intrastate operating revenues to assess the
1163 surcharge.

1164 Each transportation network company and each delivery network company shall pay the
1165 surcharge not later than 30 days from the date of the notice of the surcharge amount from the
1166 division. Failure to pay the surcharge within 30 days may, at the discretion of the division,
1167 constitute cause to suspend or revoke a transportation network company permit pursuant to
1168 chapter 159A ¹/₂ or a delivery network company's permit pursuant to chapter 159A³/₄.

1169 Funds that are not expended in a fiscal year for the operation of the division shall be
1170 credited against the surcharge to be made the following fiscal year and the surcharge amount in
1171 the following fiscal year shall be reduced by the unexpended amount.

1172 SECTION 18. SECTION 17 shall be effective on January 1, 2026.