

**SENATE . . . . . No.**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Brendan P. Crighton***

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

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

An Act relative to third party delivery data reporting.

\_\_\_\_\_

PETITION OF:

NAME:

*Brendan P. Crighton*

DISTRICT/ADDRESS:

*Third Essex*

**SENATE . . . . . No.**

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 2367 OF 2023-2024.]

**The Commonwealth of Massachusetts**

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

An Act relative to third party delivery data reporting.

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

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

3 "Third-party delivery service company", a corporation, partnership, sole proprietorship or  
4 other entity qualified to do business in the commonwealth that is engaged in facilitating same-  
5 day delivery or pickup of food and beverages through a third-party delivery service platform for  
6 20 or more separately owned and operated covered establishments.

7 "Third Party Delivery Driver", any person employed by or contracted by a third party  
8 delivery service company, for compensation, to deliver goods over irregular routes, to and from  
9 various points within the commonwealth, not based upon a predetermined schedule, and from  
10 different establishments.

11 SECTION 2. Said chapter 159B is hereby further amended by adding the following  
12 section:-

13 Section 23. (a) On the first day of each month, each third party delivery provider shall  
14 submit to the division, in a format approved by the division, data related to each delivery  
15 provided in the month prior to the previous month and shall include:

16 (i) (A) the mode of transportation for each delivery order, including but not limited to,  
17 motorcycle, electric motorcycle, moped, electric moped, bicycle, electric bicycle, micro-  
18 mobility, or other vehicle. If the delivery order is completed by a vehicle, they shall include  
19 whether the vehicle is propelled by internal combustion, battery-sourced electricity or a hybrid;  
20 (B) the latitude and longitude for the points of the delivery order origination and delivery order  
21 termination, calculated to 0.001 decimal degrees; (C) the date and time of the origination and  
22 termination, calculated to the nearest minute; (D) the total cost paid by the buyer for the delivery  
23 order; (E) the total cost paid by the restaurant or retail establishment for the delivery order; (F)  
24 the customer service fee ; (G) the delivery fee; (H) the universally-unique identifier associated  
25 with the third party delivery driver; (I) the third party delivery driver's city or town of residence  
26 as appearing on the driver's license; (J) whether there were any driver or buyer-initiated  
27 cancellations; (K) the total time that the third party delivery driver spent on the way to pick up  
28 the delivery order by increments of 60 seconds; (L) the total time that the third party delivery  
29 driver spent stopped to pick up the delivery order by increments of 60 seconds; (M) the total time  
30 that the third party delivery driver spent driving to deliver the order by increments of 60 seconds;  
31 (N) the total time that the third party delivery driver spent delivering the order by increments of  
32 60 seconds;

33 (ii) for all vehicles, third party delivery providers shall include (A) the vehicle license  
34 plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle identification  
35 number; (D) the total number of minutes and miles while the vehicle was driving to pick up third  
36 party delivery orders; (D) the total number of minutes parked while picking up third party  
37 delivery orders; (E) the total number of minutes and miles while the vehicle was engaged in third  
38 party deliveries; (G) the total number of minutes while parked delivering third party delivery  
39 orders; (F) the total number of minutes and miles while the vehicle was logged into the third  
40 party delivery provider's digital network for purposes of accepting a delivery order; (G) the  
41 geographic position of the vehicle while logged into the third party delivery network, provided at  
42 intervals of not less than every 60 seconds;

43 (iv) for each accident or crash involving a third party delivery driver while logged into  
44 the third party delivery vehicle's digital network: (A) the latitude and longitude of the location of  
45 the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of the accident  
46 or crash, calculated to the nearest minute; and (C) the universally-unique identifier associated  
47 with the third party delivery driver.

48 (b) The division shall obtain additional data from third party delivery providers for the  
49 purposes of congestion management, which may include, but shall not be limited to: (i) the total  
50 number of third party delivery drivers that utilized the third party delivery vehicle's digital  
51 network within specified geographic areas and time periods as determined by the division; (ii)  
52 the total time spent and total miles driven by third party delivery drivers in such geographic  
53 areas or time periods as determined by the division: (A) while engaged in driving on the way to  
54 pick up a delivery order; (B) while picking up a delivery order from a restaurant or retail

55 establishment; (C) while engaged in driving to deliver a delivery order; or (D) while delivering  
56 an order to the buyer.

57 The division shall promulgate regulations relative to data collection pursuant to this  
58 subsection prior to obtaining the data.

59 (c) Annually, not later than June 30, the division shall post on its website, in aggregate  
60 form, the total number of deliveries provided by all third party delivery providers that originated  
61 in each city or town, each city or town where the deliveries originating in each city or town  
62 terminated and the average miles and minutes of the deliveries that originated in each city or  
63 town and terminated in each other respective city or town.

64 (d) For the purposes of congestion management, transportation planning, or emissions  
65 tracking, the division may enter into confidential data-sharing agreements to share de-identified,  
66 trip-level data received by the division pursuant to this section with the executive office of  
67 technology services and security, the executive office of energy and environmental affairs, the  
68 Massachusetts Department of Transportation, the Massachusetts Port Authority, the  
69 Massachusetts Bay Transportation Authority, the department of environmental protection, a  
70 Massachusetts regional transit authority established under section 3 of chapter 161B, a  
71 Massachusetts regional planning agency and a Massachusetts metropolitan planning  
72 organization. The division shall prescribe the form and content of a confidential data-sharing  
73 agreement, the manner of transmitting the information and the information security measures  
74 that must be employed by any entity receiving the data. Any confidential data-sharing agreement  
75 shall specify that the information provided by the division shall be aggregated and de-identified  
76 and may be used only for the purposes set forth in the agreement. Any data received by an entity

77 from the division through a confidential data-sharing agreement under this subsection shall not  
78 be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66  
79 and shall not be disclosed to any person or entity other than those listed or described in the  
80 confidential data-sharing agreement; provided, however, that a state or municipal government  
81 agency or transportation planning entity may disclose conclusions and analyses derived from the  
82 information and data received pursuant to a confidential data-sharing agreement.

83 (e) A violation of the terms of a confidential data-sharing agreement by an entity listed in  
84 subsection (d) may result in the division declining to enter into future confidential data-sharing  
85 agreements with the violating entity and in the termination of any existing data-sharing  
86 agreement with the entity. The division shall notify each third party delivery providers whose  
87 data was shared in violation of the terms of a confidential data-sharing agreement of the violating  
88 entity and what data was shared. An entity listed in subsection (d) that violates the terms of a  
89 confidential data-sharing agreement shall delete all data received as a result of the confidential  
90 data-sharing agreement.