STATE OF NEW YORK

6544

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. BORES -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to requiring delivery businesses to factor compliance with certain vehicle and traffic laws when assigning workers to deliver items

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "Consider Safety Act".

§ 2. The general business law is amended by adding a new section 391-x to read as follows:

§ 391-x. Delivery service companies; assignment of workers to deliver items. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Third-party food delivery service" shall have the same meaning as in section three hundred ninety-one-v of this article.

(b) "Worker" shall mean a natural person who is hired or retained as an independent contractor by a delivery business to make deliveries in exchange for compensation, when such deliveries involve the operation by such worker of a limited use motorcycle or bicycle with or without electric assist.

(c) "Delivery routes" shall mean work involving the same-day delivery or same-day pickup of food and beverage from a food service establishment located in the state.

(d) "Delivery route assignment algorithm" shall mean the method by which third-party food delivery services assign delivery routes.

2. A third-party food delivery service shall ensure that, when assigning delivery routes to workers involving the operation by a worker of a bicycle with or without electric assist, such assignments of delivery routes shall consider the worker's history of compliance with the following provisions of law, if data that allows the third-party food

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD00028-02-5

delivery service to determine compliance with such provisions are collected by the third-party food delivery service:

(a) Section eleven hundred twenty of the vehicle and traffic law, related to driving on the right side of a roadway;

(b) Section eleven hundred twenty-seven of the vehicle and traffic law, related to driving on a one-way roadway;

(c) Section eleven hundred eighty of the vehicle and traffic law, related to compliance with applicable speed limits;

(d) Section twelve hundred twenty-five-a of the vehicle and traffic law, related to driving on or across a sidewalk; and

(e) Section eleven hundred eleven of the vehicle and traffic law, related to obeying red light traffic signals.

3. In any delivery route assignment algorithm that assigns delivery routes to workers involving the operation by a worker of a bicycle with or without electric assist, the worker's compliance with the provisions of the vehicle and traffic laws cited in subdivision two of this section shall be weighted at least as much as the combined weight of all factors pertaining to speed and efficiency. In the event that there are more workers available to make deliveries than pending deliveries that need to be made, a third-party food delivery service shall make a good faith effort to assign deliveries to workers with a higher rate of compliance with the vehicle and traffic laws cited in subdivision two of this section.

4. Third-party food delivery services that do not already collect data on a worker's compliance with the vehicle and traffic laws cited in subdivision two of this section in the ordinary course of business shall not be required to begin collecting such data to comply with this section; provided, however, that if data on a worker's compliance with the vehicle and traffic laws cited in subdivision two of this section is collected by the third-party food delivery service or was being collected by the third-party food delivery service as of the effective date of this section, then the delivery business shall be subject to the provisions of subdivisions two and three of this section even if such data was not being factored into any delivery route assignment algorithms prior to the effective date of this section.

5. The attorney general may bring a civil action against any delivery business that is in violation of this section to: (a) enjoin the violation; and (b) recover a civil penalty of up to one thousand dollars per route assigned per day of non-compliance.

6. No data collected pursuant to this section shall be disclosed or otherwise made accessible except:

(a) to the worker who is the subject of such data;

(b) if necessary to comply with a lawful court order, warrant, or federal law; or

(c) to the attorney general for the purpose of determining compliance with this section.

§ 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.