

STATE OF NEW YORK

10146

IN SENATE

April 30, 2026

Introduced by Sen. BOTTCHEER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer 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:

1 Section 1. This act shall be known and may be cited as the "Consider
2 Safety Act".
3 § 2. The general business law is amended by adding a new section 391-y
4 to read as follows:
5 § 391-y. Delivery service companies; assignment of workers to deliver
6 items. 1. For the purposes of this section, the following terms shall
7 have the following meanings:
8 (a) "Third-party food delivery service" shall have the same meaning as
9 in section three hundred ninety-one-v of this article.
10 (b) "Worker" shall mean a natural person who is hired or retained as
11 an independent contractor by a delivery business to make deliveries in
12 exchange for compensation, when such deliveries involve the operation by
13 such worker of a limited use motorcycle or bicycle with or without elec-
14 tric assist.
15 (c) "Delivery routes" shall mean work involving the same-day delivery
16 or same-day pickup of food and beverage from a food service establish-
17 ment located in the state.
18 (d) "Delivery route assignment algorithm" shall mean the method by
19 which third-party food delivery services assign delivery routes.
20 2. A third-party food delivery service shall ensure that, when assign-
21 ing delivery routes to workers involving the operation by a worker of a
22 bicycle with or without electric assist, such assignments of delivery
23 routes shall consider the worker's history of compliance with the
24 following provisions of law, if data that allows the third-party food
25 delivery service to determine compliance with such provisions are
26 collected by the third-party food delivery service:

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

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

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

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

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

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

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

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

34 For the purposes of this section, third-party food delivery services
35 shall, with respect to the state of New York and any counties, cities,
36 towns and villages within the state where such services operate, be
37 required to collect and utilize the following data for the purpose of
38 effectuating this section: (a) publicly available data noting a maximum
39 speed limit on a given roadway; and (b) whether a given roadway is
40 designated or signposted for one-way traffic.

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

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

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

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

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

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