STATE OF NEW YORK

9089

IN SENATE

January 30, 2026

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting unsafe and punitive algorithmic practices by food delivery platforms, protecting delivery workers from coercive delivery timing requirements, and promoting traffic safety

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

Section 1. Short title. This act shall be known and may be cited as the "food delivery worker safety and fair algorithms act".

§ 2. Legislative findings and intent. The legislature finds that app-based food delivery services rely heavily on automated and algorithmic management systems to assign work, set delivery expectations, evaluate worker performance, and determine access to future work. Evidence suggests that certain algorithmic practices pressure delivery workers, including drivers, e-bike operators, and bicycle operators, to speed, disregard traffic laws, or engage in unsafe behavior in order to meet rigid delivery time windows or avoid penalties. Such practices endanger delivery workers, pedestrians, motorists, and the general public.

The legislature further finds that delivery workers are often penalized, deactivated, or denied work opportunities through opaque algorithms for circumstances beyond their control, including traffic congestion, weather conditions, restaurant delays, or compliance with traffic laws. It is the intent of the legislature to prohibit algorithmic practices that coerce unsafe conduct, punish lawful and safe behavior, or unfairly restrict a delivery worker's ability to earn a living.

§ 3. The labor law is amended by adding a new article 21-D to read as follows:

ARTICLE 21-D

FOOD DELIVERY WORKER SAFETY

Section 796. Definitions.
796-a. Prohibited practices.
796-b. Transparency and notice.
796-c. Oversight, enforcement, and coordination.

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

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796-d. Penalties and remedies.
796-e. Severability.

§ 796. Definitions. For the purposes of this article, the following terms shall have the following meanings:

1. "Food delivery platform" means any person or entity that operates a digital application or online service that arranges for the sale and delivery of prepared food or beverages from restaurants or food establishments to consumers through delivery workers.

2. "Delivery worker" means any individual who delivers food or beverages on behalf of a food delivery platform by motor vehicle, electric bicycle, bicycle, scooter, or on foot, regardless of classification as an employee or independent contractor.

3. "Algorithmic management system" means any automated, computational, or artificial intelligence-based system used by a food delivery platform to assign deliveries, estimate delivery times, evaluate performance, determine compensation, impose penalties, or control access to work opportunities.

4. "Punitive algorithmic practice" means any algorithmic rule, metric, or automated decision that penalizes, deprioritizes, limits access to work, reduces compensation, or results in suspension or deactivation of a delivery worker based on delivery speed, timing, or completion metrics that do not reasonably account for traffic laws, traffic conditions, weather, restaurant preparation time, or other factors outside the worker's control.

§ 796-a. Prohibited practices. 1. No food delivery platform shall utilize or deploy any algorithmic management system that:

(a) Requires or incentivizes delivery workers to complete deliveries within a fixed or rigid time window that cannot reasonably be met while complying with all applicable traffic laws and safety regulations;

(b) Penalizes, deactivates, suspends, deprioritizes, or otherwise limits a delivery worker's access to work opportunities for failure to meet delivery time estimates that do not account for traffic patterns, traffic congestion, weather conditions, restaurant delays, or lawful compliance with traffic signals, signage, and rules of the road;

(c) Directly or indirectly incentivizes speeding, unsafe operation of a vehicle or bicycle, or disregard of traffic control devices, signage, or pedestrian right-of-way; and

(d) Reduces pay, tips, bonuses, or access to incentives based on a delivery worker's refusal or inability to engage in unsafe or unlawful conduct.

2. Any delivery time estimates provided to consumers or workers shall be expressly identified as estimates only and shall not be used as the sole or primary basis for discipline, reduced compensation, or loss of access to work.

§ 796-b. Transparency and notice. 1. Food delivery platforms shall provide delivery workers with clear, written notice, in plain language, of:

(a) The factors considered by any algorithmic management system in assigning deliveries and evaluating performance;

(b) Any metrics that may affect a delivery worker's access to work opportunities or compensation; and

(c) The circumstances under which a worker may be suspended, deactivated, or otherwise penalized.

2. Delivery workers shall have the right to request a written explanation of any suspension, deactivation, or significant limitation of access to work imposed through an algorithmic management system.

§ 796-c. Oversight, enforcement, and coordination. 1. The commissioner shall have primary jurisdiction to enforce the labor and worker-protection provisions of this act pursuant to this chapter, including authority over retaliation, access to work, compensation impacts, and private rights of action.

2. The attorney general shall have concurrent authority to enforce this chapter, including, but not limited to, the authority to investigate unfair, deceptive, or abusive practices related to algorithmic management systems used by food delivery platforms.

3. The department of transportation shall have the authority to promulgate advisory guidance, in consultation with the department of motor vehicles, regarding delivery time practices and algorithmic incentives that implicate compliance with the vehicle and traffic law, pedestrian safety, and roadway operations.

4. The department of state, through the division of consumer protection, shall have the authority to enforce the transparency and disclosure requirements of this act as applied to representations made to consumers regarding delivery time estimates.

5. The commissioner may enter into a memoranda of understanding with the attorney general, department of transportation, department of motor vehicles, and department of state to share information, coordinate enforcement, and avoid duplicative or conflicting regulatory actions.

§ 796-d. Penalties and remedies. Anti-retaliation. No food delivery platform shall retaliate against a delivery worker for exercising rights under this act, including filing a complaint, participating in an investigation, or refusing to engage in unsafe or unlawful conduct.

§ 796-e. Severability. If any provision of this act or its application is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.