

# INITIATIVE PETITION FOR A LAW

*Be it enacted by the People, and by their authority:*

A Law Establishing that App-Based Drivers Are Not Employees, and Network Companies Are Not Employers, for Purposes of the General and Special Laws *version C*

SECTION 1. The General Laws are hereby amended by inserting after chapter 159A1/2 the following chapter:

Chapter 159AA

**Section 1. Classification of App-based Drivers.** Notwithstanding any general or special law, or rule or regulation promulgated thereunder, for purposes of the general and special laws, an app-based driver is not an employee with respect to his or her relationship with a network company and a network company is not an employer with respect to its relationship with an app-based driver.

**Section 2. Definitions.** For the purposes of this chapter, the following words shall have the following meanings:

“App-based driver” a person who provides (a) delivery services facilitated by a delivery network company’s online-enabled application or platform, (b) transportation services facilitated by a transportation network company’s digital network, as defined in section 1 of chapter 159A1/2 of the Massachusetts General Laws, or (c) both.

“Delivery network company”, a business entity that maintains an online-enabled application or platform used to facilitate delivery services within the Commonwealth.

“Delivery services”, the fulfillment of a delivery request, meaning the pickup from any location in the Commonwealth of any item or items and the delivery of the items using a passenger vehicle with vehicle weight rating or curb weight of 6,000 lbs. or less as per manufacturer’s description, sport utility vehicle, passenger van, or pickup truck, bicycle, electric bicycle, motorized bicycle, scooter, motorized scooter, walking, public transportation, or other similar means of transportation, to a location selected by the customer located within 50 miles of the pickup location. A delivery request may include more than 1, but not more than 30, distinct orders placed by different customers. Delivery services may include the selection, collection, or purchase of items by an app-based driver, as well as other tasks incident to a delivery. Delivery services do not include assistance with residential moving services.

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| 1. <u>CE</u>  | 5. <u>SL</u> | 9. _____       | 13. <u>TRK</u> | 17. <u>FD</u> |
| 2. <u>HEJ</u> | 6. <u>CD</u> | 10. _____      | 14. <u>MLF</u> | 18. <u>QW</u> |
| 3. <u>BG</u>  | 7. _____     | 11. <u>SD</u>  | 15. <u>AV</u>  | 19. _____     |
| 4. <u>DAS</u> | 8. _____     | 12. <u>EMK</u> | 16. <u>ZL</u>  | 20. _____     |

“Network company”, a business entity operating as a delivery network company, a transportation network company, or both.

“Transportation network company”, shall have the same meaning as provided in section 1 of chapter 159A1/2 of the Massachusetts General Laws.

“Transportation services”, the provision of transportation facilitated by the digital network, as defined in section 1 of chapter 159A1/2 of the Massachusetts General Laws, of a transportation network company for which the pickup of the passenger occurs in the Commonwealth.

*The undersigned qualified voters of the Commonwealth of Massachusetts have personally reviewed the final text of this initiative petition, fully subscribe to its contents, agree to be one of its original signers and have signaled that agreement by initialing each page, and hereby submit the measure for approval by the people pursuant to Article 48 of the articles of amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article 74 of said articles of amendment.*

1. Charles D. Ellison 10. \_\_\_\_\_

2. Muhammad Khan 11. Stephen Davidson

3. Brian Ditschian 12. Grant Kelly

4. Daniel Swirsky 13. Thom R. Kelly

5. Sam Rog 14. Meredith G. Gross

6. \_\_\_\_\_ 15. Alanna Kelly

7. \_\_\_\_\_ 16. Zach Laska

8. \_\_\_\_\_ 17. Zoe Perreche

9. \_\_\_\_\_ 18. Shane Welton Nagle

1. <u>CE</u>	5. <u>SR</u>	9. _____	13. <u>RR</u>	17. <u>FD</u>
2. <u>AK</u>	6. <u>CD</u>	10. _____	14. <u>MGF</u>	18. <u>AK</u>
3. <u>BG</u>	7. _____	11. <u>SD</u>	15. <u>AK</u>	19. _____
4. <u>DAS</u>	8. _____	12. <u>EMK</u>	16. <u>ZL</u>	20. _____