

*The Commonwealth of Massachusetts*

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INITIATIVE PETITION OF CHARLES DEWEY ELLISON, III AND  
OTHERS.

OFFICE OF THE SECRETARY.

BOSTON, JANUARY 16, 2024.

Steven T. James  
*Clerk of the House of Representatives*  
State House  
Boston, Massachusetts 02133

Sir: — I herewith transmit to you, in accordance with the requirements of Article XLVIII of the Amendments to the Constitution an “Initiative Petition for a Law Establishing that App-Based Drivers are not Employees, and Network Companies are not Employers, for Certain Purposes of the General Laws,” signed by ten qualified voters and filed with this department on or before December 6, 2023, together with additional signatures of qualified voters in the number of 92,228, being a sufficient number to comply with the Provisions of said Article.

Sincerely,

WILLIAM FRANCIS GALVIN  
*Secretary of the Commonwealth.*

AN INITIATIVE PETITION.

Pursuant to Article XLVIII of the Amendments to the Constitution of the Commonwealth, as amended, the undersigned qualified voters of the Commonwealth, ten in number at least, hereby petition for the enactment into law of the following measure:

**HOUSE . . . . . No. 4257**

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act establishing that app-based drivers are not employees, and network companies are not employers, for certain purposes of the General Laws.

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

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

3           Chapter 159AA

4           Section 1. Title. This chapter shall be known as the "App-Based Drivers Classification  
5 Act."

6           Section 2. Purpose. The purpose of this chapter is to clarify that app-based drivers are not  
7 employees, and network companies are not employers, for purposes of chapters 149, 151, 151A  
8 or 152, guaranteeing app-based drivers the freedom and flexibility to choose when, where, how,  
9 and for whom they work.

10          Section 3. Classification of App-Based Drivers. Notwithstanding any general or special  
11 law, or any rule or regulation promulgated thereunder, for purposes of chapters 149, 151, 151A,  
12 or 152, an app-based driver, as defined in section 4 of this chapter, is not an employee with

13 respect to his or her relationship with a network company and a network company is not an  
14 employer with respect to its relationship with an app-based driver.

15 Section 4. Definitions. For the purposes of this chapter, the following words shall have  
16 the following meanings:

17 "App-based driver" a person who is a DNC courier, a TNC driver, or both, who has a  
18 contract with a network company, and for whom the following requirements are met:

19 (a) the network company does not unilaterally prescribe specific dates, times of day,  
20 or a minimum number of hours during which the app-based driver must be logged into the  
21 network company's online-enabled application or platform;

22 (b) the network company may not terminate the contract of the app-based driver for  
23 not accepting a specific transportation service or delivery service request except where refusal  
24 constitutes a violation of governing federal, state, or local laws or regulations;

25 (c) the network company does not restrict the app-based driver from performing  
26 services through other network companies except while performing services through the network  
27 company's online-enabled application or platform; and

28 (d) the network company does not contractually restrict the app-based driver from  
29 working in any other lawful occupation or business.

30 "Contract", a written agreement, which may be electronic, between an app-based driver  
31 and a network company.

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

34 "Delivery network company courier" or "DNC courier", a person who provides delivery  
35 services through a DNC' s online-enabled application or platform.

36 "Delivery services", the fulfillment of a delivery request, meaning the pickup from any  
37 location in the Commonwealth of any item or items and the delivery of the items using a private  
38 passenger motor vehicle, bicycle, electric bicycle, motorized bicycle, scooter, motorized scooter,  
39 walking, public transportation, or other similar means of transportation, to a location selected by  
40 the customer located within 50 miles of the pickup location. A delivery request may include  
41 more than I, but not more than 30, distinct orders placed by different customers. Delivery  
42 services may include the selection, collection, or purchase of items by a DNC courier, as well as  
43 other.tasks incident to a delivery. Delivery services do not include assistance with  
44 residential moving services.

45 "Network company", a business entity operating as:

- 46 (a) a delivery network company;
- 47 (b) a transportation network company; or
- 48 (c) both.

49 "Person", shall have the same definition as provided in clause twenty-third of section 7 of  
50 chapter 4 of the Massachusetts General Laws.

51 "Private passenger motor vehicle," any passenger vehicle which has a vehicle weight  
52 rating or curb weight of 6,000 lbs. or less as per manufacturer's description of said vehicle or is a  
53 sport utility vehicle, passenger van, or pickup truck.

54 "Transportation network company" or "TNC", shall have the same meaning as provided  
55 in section I of chapter 159A1/2 of the Massachusetts General Laws.

56 "Transportation network company driver" or "TNC driver", a Transportation network  
57 driver, as defined in section I of chapter 159A1/2 of the Massachusetts General Laws, that  
58 provides transportation services, or a person operating a livery vehicle as defined in 540 CMR  
59 2.00 on a TNC's digital network, as defined in section I of chapter 159A1/2.

60 "Transportation services", the provision of transportation facilitated by the digital  
61 network, as defined in section I of chapter 159A1/2 of the Massachusetts General Laws, of a  
62 TNC for which the pickup of the passenger occurs in the Commonwealth.

63 Section 5. Effective Date.

64 Chapter 159AA of the Massachusetts General Laws shall take effect as provided in  
65 Article 48 of the Amendments to the Massachusetts Constitution, as amended.

FIRST TEN SIGNERS

<u>Name</u>	<u>Residence</u>	<u>City or Town</u>
Charles Dewey Ellison, III	195 West Canton Street, # 2	Boston
Abigail Kennedy Horrigan	114 Eastern Avenue	Woburn
Brian Gitschier	58 East Springfield Street, # 2	Boston
Daniel A. Svirsky	248 School Street	Watertown
Sean A. Rogers	9 Atkins Street, # 1	Boston
Caitlin Donovan	16 Fox Run Road	Dover
Brendan M. Joyce	79 Breakneck Road	Sturbridge
Troy B. McHenry	402 Ashmont Street, # 1	Boston
Kimberly Ann Ahern	15 Pond Street	Boston
Christina M. Ellis-Hibbett	563 Ashmont Street	Boston

CERTIFICATE OF THE ATTORNEY GENERAL.

September 6, 2023.

Honorable William Francis Galvin  
*Secretary of the Commonwealth*  
One Ashburton Place, Room 1705  
Boston, Massachusetts 02108

Re: Initiative Petition No. 23-30: Initiative Petition for A Law Defining and  
Regulating the Relationship between Network Companies and App-  
Based Drivers for Certain Purposes of the General Laws – Version G

Dear Secretary Galvin:

In accordance with the provisions of Article 48 of the Amendments to the Massachusetts Constitution, I have reviewed the above-referenced initiative petition, which was submitted to me on or before the first Wednesday of August of this year.

I hereby certify that this measure is in proper form for submission to the people; that the measure is not, either affirmatively or negatively, substantially the same as any measure which has been qualified for submission or submitted to the people at either of the two preceding biennial state elections; and that it contains only subjects that are related or are mutually dependent and which are not excluded from the initiative process pursuant to Article 48, the Initiative, Part 2, Section 2.

In accordance with Article 48, I enclose a fair, concise summary of the measure.

Sincerely,

ANDREA JOY CAMPBELL,  
*Attorney General.*

Enclosure.

## SUMMARY OF 23-30.

This proposed law would specify that rideshare and delivery drivers who accept requests through an online-enabled application are not “employees” for purposes of certain Massachusetts labor and employment laws, including laws regarding workplace conditions, minimum wages, unemployment insurance, and workers’ compensation. This proposed law would also specify that rideshare and delivery companies are not “employers” for purposes of those laws.

The proposed law would apply to drivers for rideshare and delivery companies who use digital applications and who are (1) not required to work specific days or hours; (2) not required to accept specific requests; (3) not restricted from working with multiple rideshare or delivery companies; and (4) not restricted from working in any other lawful occupation or business.