



General Assembly

Substitute Bill No. 6602

January Session, 2021



AN ACT CONCERNING THIRD-PARTY DELIVERY SERVICES FOR RESTAURANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2021*) (a) As used in this section:

2 (1) "Agreement" means a written contractual agreement between a
3 merchant and a third-party delivery service;

4 (2) "Customer" means a person, business or other entity that places
5 an order for merchant products through the marketplace;

6 (3) "Likeness" means identifiable symbols attributed and easily
7 identified as belonging to a specific merchant or retailer;

8 (4) "Marketplace" means a third-party's proprietary online
9 communication platform where customers may view and search the
10 menus of merchants and place an order for merchant products via such
11 third-party's Internet web site or mobile application for delivery by a
12 merchant or by the third-party delivery service, or an independent
13 contractor of the third-party delivery service, to the customer;

14 (5) "Merchant" means a food service establishment in which food is
15 stored, offered for sale, processed or prepared, and includes the
16 transportation of any food; and

17 (6) "Third-party delivery service" means a company, organization or
18 entity, outside of the operation of a merchant's business, that facilitates
19 delivery or online ordering services to customers.

20 (b) A third-party delivery service shall not use the likeness, registered
21 trademark or any intellectual property belonging to a merchant to
22 falsely suggest sponsorship or endorsement by or affiliation with a
23 merchant.

24 (c) A third-party delivery service shall not take orders or arrange for
25 delivery of merchant products through such third-party delivery
26 service's marketplace without obtaining the written consent of a
27 merchant.

28 (d) No agreement entered into between a merchant and a third-party
29 delivery service shall include a provision, clause or covenant that
30 requires a merchant to indemnify a third-party delivery service or any
31 independent contractor or agent of such third-party delivery service for
32 any damages or harm caused by such third-party delivery service or any
33 independent contractor or agent of such third-party delivery service.

34 (e) (1) Any merchant whose likeness is used by a third-party delivery
35 service or who appears on a third-party delivery service's marketplace,
36 in violation of this section, may bring an action in the Superior Court to
37 recover actual damages or five thousand dollars, whichever is greater.
38 The court may, in its discretion, award punitive damages and other
39 equitable relief it deems appropriate.

40 (2) The Commissioner of Consumer Protection, after a hearing in
41 accordance with the provisions of chapter 54 of the general statutes, may
42 impose a civil penalty of not more than one thousand dollars per day
43 for any violation of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section

CE *Joint Favorable Subst.*