

Amendment 1 Version 1 to CB 120379 – Cap on Delivery Service Fees

Sponsors: Councilmembers Pedersen and Strauss

Clarify scope of fee limitations and make a technical correction

Effect: This amendment would clarify the scope of the fee requirements in the definitions of “delivery services” and “food and/or beverage order” to include pick-up or delivery to any location within Seattle city limits. This amendment would make it clear that the fee limitation applies to any delivery in Seattle.

This amendment would also make a technical drafting correction to remove language prohibiting food delivery platforms from “refusing service” to restaurants that choose the 15 percent service option for delivery services, as this is a manner of penalization.

Amend Section 2 of CB 120379 as follows:

7.30.020 Definitions

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“Delivery services” means services provided by a food delivery platform that (1) list the restaurant and make the restaurant discoverable on the food delivery platform’s modalities or platforms and (2) facilitate and/or perform delivery of food and/or beverage orders to any location(~~(s)~~) within Seattle city limits. Delivery services do not include other services that may be provided by food delivery platforms to restaurants, including but not limited to advertising services, search engine optimization, business consulting, or credit card processing.

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“Food and/or beverage order” means an order for food and/or beverages from a restaurant that is placed by a consumer through a food delivery platform for pick-up or delivery to any location(~~(s)~~) within Seattle city limits.

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7.30.032 Fees and charges

A. Subject to subsection 7.30.032.B, a food delivery platform shall not charge a restaurant a fee for delivery services ~~to any location within Seattle city limits~~ that totals more than 15 percent of the purchase price of each food and/or beverage order.

B. A restaurant may opt out of the fee limitation in subsection 7.30.032.A and enter into an agreement with a food delivery platform charging higher fees for food delivery platform services contingent upon the following conditions:

1. The food delivery platform offers the restaurant a service package option that includes delivery services and meets the fee limitations in subsection 7.30.032.A;

2. The food delivery platform provides a service package option that includes delivery services and meets the fee limitations in subsection 7.30.032.A, without ~~((refusing service or otherwise))~~ penalizing the restaurant, within 30 days of receiving the restaurant's written request for this option; and

3. The food delivery platform charges fees that exceed the fee limitations in subsection 7.30.032.A only for services in addition to delivery services.