

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Fair
5 Food and Retail Delivery Act.

6 Section 5. Definitions. As used in this Act:

7 "Agreement" means a written agreement between a merchant
8 and a third-party delivery service.

9 "Customer" means the person, business, or other entity
10 that places an order for a merchant's products through a
11 digital network.

12 "Digital network" means a third-party delivery service's
13 Internet site or online-enabled application, software, or
14 system that allows a customer to view, search, and purchase
15 products for delivery by a third-party delivery service to a
16 customer.

17 "Likeness" means identifiable symbols attributed and
18 easily identified as belonging to a specific merchant or
19 retailer.

20 "Merchant" means a restaurant, bar, or other retail
21 entity.

22 "Third-party delivery service" means a company,
23 organization, person, or entity outside of the operation of

1 the merchant's business, not wholly owned by the merchant,
2 that provides delivery services to customers through a digital
3 network.

4 "Third-party delivery service driver" means an individual
5 that provides delivery services on behalf of a third-party
6 delivery service to customers.

7 Section 10. Third-party use of merchant likenesses and
8 delivery. A third-party delivery service may not purchase or
9 use the name, likeness, registered trademark, or intellectual
10 property belonging to a merchant, and may not take or arrange
11 for the pickup or delivery of an order from a merchant through
12 a digital network, without first obtaining written consent
13 from the merchant.

14 Section 15. Indemnity agreements void. An agreement
15 between a merchant and third-party food delivery service for
16 the provision of limited third-party delivery services entered
17 into or renewed after the effective date of this Act may not
18 include a provision that requires a merchant to indemnify a
19 third-party delivery service, an independent contractor of the
20 third-party delivery service, a third-party delivery service
21 driver, or a registered agent of the third-party delivery
22 service for any damages or harm partially or wholly caused by
23 or resulting from the third-party delivery service, an
24 independent contractor of the third-party delivery service, a

1 third-party delivery service driver, or a registered agent of
2 the third-party delivery service.

3 Section 20. Enforcement and penalties. A merchant whose
4 likeness is used, or pickup or delivery is arranged through a
5 third-party delivery service in violation of Section 10, may
6 bring an action in the circuit court in the county in which the
7 merchant conducts business to recover actual damages or up to
8 \$5,000, whichever is greater. The court may, in its
9 discretion, award punitive damages and other equitable relief
10 it deems appropriate.