

4032--A

2009-2010 Regular Sessions

I N   S E N A T E

April 7, 2009

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Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee and committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the arts and cultural affairs law, in relation to automated ticket purchasing software

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1     Section 1. The arts and cultural affairs law is amended by adding a  
2     new section 23.25 to read as follows:  
3     S 23.25. AUTOMATED TICKET PURCHASING SOFTWARE. 1. THE TERM "AUTOMATED  
4     TICKET PURCHASING SOFTWARE" SHALL MEAN, ANY MACHINE, DEVICE, COMPUTER  
5     PROGRAM OR COMPUTER SOFTWARE THAT NAVIGATES OR RUNS AUTOMATED TASKS ON  
6     RETAIL TICKET PURCHASING WEBSITES IN ORDER TO BYPASS SECURITY MEASURES  
7     AND PURCHASE LARGE AMOUNTS OF TICKETS, IN EXCESS OF THE AMOUNTS PERMIT-  
8     TED BY THE RETAILER, ARTIST OR VENUES PER TRANSACTION, FOR PRIVATE  
9     RESALE.  
10    2. ANY PERSON WHO UTILIZES AUTOMATED TICKET PURCHASING SOFTWARE TO  
11    PURCHASE TICKETS SHALL BE GUILTY OF A VIOLATION.  
12    3. ANY PERSON WHO SUPERVISES THE OPERATION OF AUTOMATED TICKET  
13    PURCHASING SOFTWARE OR WHO RECEIVES ANY MONETARY GAINS FROM SUCH OPERA-  
14    TION SHALL BE GUILTY OF A VIOLATION.  
15    4. ANY PERSON WHO POSSESSES AUTOMATED TICKET PURCHASING SOFTWARE SHALL  
16    BE GUILTY OF A VIOLATION.  
17    5. ANY PERSON WHO KNOWINGLY SELLS AND/OR EXCHANGES IN ANY MANNER,  
18    TICKETS THAT WERE PURCHASED WITH AUTOMATED TICKET PURCHASING SOFTWARE  
19    WITHIN THE STATE OF NEW YORK SHALL BE GUILTY OF A VIOLATION.  
20    6. A CONVICTION FOR EACH VIOLATION OF THE PROVISIONS OF THIS SECTION  
21    SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1       7. THE ATTORNEY GENERAL SHALL HAVE JURISDICTION TO ENFORCE THE  
2 PROVISIONS OF THIS SECTION IN ACCORDANCE WITH THE POWERS GRANTED TO HIM  
3 OR HER BY SECTION SIXTY-THREE OF THE EXECUTIVE LAW.  
4       S 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.