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I N   S E N A T E

April 9, 2014

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Introduced by Sen. MARCELLINO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Investigations and  
Government Operations

AN ACT to amend the arts and cultural affairs law, in relation to ticket  
pricing, and to amend chapter 704 of the laws of 1991, amending the  
arts and cultural affairs law and chapter 912 of the laws of 1920  
relating to the regulation of boxing and wrestling relating to tickets  
to places of entertainment, and chapter 151 of the laws of 2010,  
amending the arts and cultural affairs law relating to resale of tick-  
ets to places of entertainment, in relation to extending the effec-  
tiveness of the provisions thereof

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

1     Section 1. Section 25.23 of the arts and cultural affairs law, as  
2     amended by chapter 106 of the laws of 2005, is amended to read as  
3     follows:  
4     S 25.23. Posting of price lists; information to purchaser.     1. In  
5     every principal office or branch office, bureau, agency or sub-agency of  
6     any licensee under this article, there shall be conspicuously posted and  
7     at all times displayed a price list showing the established price  
8     charged by the operator of the place of entertainment for which a ticket  
9     is being sold by such licensee, together with the price being charged by  
10    such licensee for the resale of such ticket, so that all persons visit-  
11    ing such place may readily see the same. The licensee shall also on  
12    request furnish each purchaser of a ticket with a receipt showing the  
13    same information. Further, if the licensee conducts business through the  
14    use of the internet, the same price list, or hyperlink to the same,  
15    shall be conspicuously displayed on the internet page on which tickets  
16    are accessed. In addition the licensee shall publish in a conspicuous  
17    place, or hyperlink to on the internet a statement clearly detailing the  
18    required guarantees required by section 25.07 of this article.  
19    2. THE ADVERTISED PRICE FOR ADMISSION SHALL INCLUDE THE ENTIRE PRICE  
20    TO BE PAID INCLUDING CHARGES AND FEES, ALTHOUGH CHARGES AND FEES

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

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1 INCLUDED WITHIN THE ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR THROUGH  
2 LINKS ON WEBSITES THAT DISPLAY THE TOTAL PRICE.

3 S 2. Section 25.29 of the arts and cultural affairs law, as amended by  
4 chapter 61 of the laws of 2007, subdivision 1 as amended by chapter 151  
5 of the laws of 2010, is amended to read as follows:

6 S 25.29. Unlawful charges in connection with tickets. 1. No operator  
7 of any place of entertainment, or his or her agent, representative,  
8 employee or licensee shall, if a price be charged for admission thereto,  
9 exact, demand, accept or receive, directly or indirectly, any premium or  
10 price in excess of the established price plus lawful taxes whether  
11 designated as price, gratuity or otherwise; provided, however: (a) noth-  
12 ing in this article shall be construed to prohibit a reasonable service  
13 charge by the operator or agents of the operator for special services,  
14 including but not limited to, sales away from the box office, credit  
15 card sales or delivery; and (b) nothing in this article shall be  
16 construed to prohibit an operator or its agent from offering for initial  
17 sale tickets by means of an auction.

18 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
19 THE ADVERTISED PRICE FOR ADMISSION SHALL INCLUDE THE ENTIRE PRICE TO BE  
20 PAID INCLUDING CHARGES AND FEES, ALTHOUGH CHARGES INCLUDED WITHIN THE  
21 ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR THROUGH LINKS ON THE  
22 WEBSITES THAT DISPLAY THE TOTAL PRICE.

23 3. In any prosecution under this section the attorney general shall  
24 have concurrent jurisdiction with any district attorney and in any such  
25 prosecution he or she or his or her deputy shall exercise all the powers  
26 and perform all the duties which the district attorney would otherwise  
27 be authorized to exercise or perform therein.

28 S 3. Section 4 of chapter 704 of the laws of 1991, amending the arts  
29 and cultural affairs law and chapter 912 of the laws of 1920 relating to  
30 the regulation of boxing and wrestling matches relating to tickets to  
31 places of entertainment, as amended by chapter 28 of the laws of 2013,  
32 is amended to read as follows:

33 S 4. This act shall take effect on the sixtieth day after it shall  
34 have become a law, provided, chapter 61 of the laws of 2007 shall not  
35 take effect with respect to the issuance of licenses or certificates  
36 under this article by the secretary of state or department of state  
37 until January 1, 2008 and regulation under this article by the commis-  
38 sioners of licenses of the political subdivisions of the state shall  
39 continue through December 31, 2007, and shall remain in full force and  
40 effect only until and including May 14, [2014] 2016 when such act shall  
41 be repealed and when, notwithstanding any other provision of law, the  
42 provisions of article 25 of title G of the arts and cultural affairs  
43 law, repealed by such act, shall be reinstituted; provided further that  
44 section 25.11 of the arts and cultural affairs law, as added by section  
45 one of this act, shall survive such repeal date. Provided, however, the  
46 printing on tickets required pursuant to sections 25.07 and 25.08 of  
47 article 25 of the arts and cultural affairs law, as added by this act,  
48 shall not apply to tickets printed prior to enactment of such article so  
49 long as notice of the higher maximum premium price and prohibition of  
50 sales within one thousand five hundred feet from the physical structure  
51 of the place of entertainment, where applicable, is prominently  
52 displayed at the point of sale and at such place of entertainment.

53 S 4. Section 11 of chapter 151 of the laws of 2010, amending the arts  
54 and cultural affairs law relating to resale of tickets to places of  
55 entertainment, as amended by chapter 28 of the laws of 2013, is amended  
56 to read as follows:

1 S 11. Notwithstanding the provisions of article 5 of the general  
2 construction law, if this act shall take effect after May 15, 2010, the  
3 provisions of article 25 of the arts and cultural affairs law, except  
4 section 25.11 are hereby revived and shall continue in full force and  
5 effect as they existed on May 15, 2010 through May 14, [2014] 2016, when  
6 upon such date such provisions shall expire and be deemed repealed.  
7 S 5. This act shall take effect immediately; provided, however, that:  
8 a. the amendments to section 25.23 of the arts and cultural affairs  
9 law made by section one of this act shall not affect the repeal of such  
10 section and shall be deemed repealed therewith; and  
11 b. the amendments to section 25.29 of the arts and cultural affairs  
12 law made by section two of this act shall not affect the repeal of such  
13 section and shall be deemed repealed therewith.