S T A T E O F N E W Y O R K

6962--A

Cal. No. 689

I N S E N A T E

April 9, 2014

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the arts and cultural affairs law, in relation to ticket pricing

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

Section 1. Section 25.23 of the arts and cultural affairs law, as amended by chapter 106 of the laws of 2005, is amended to read as follows:

S 25.23. Posting of price lists; information to purchaser. 1. In every principal office or branch office, bureau, agency or sub-agency of any licensee under this article, there shall be conspicuously posted and at all times displayed a price list showing the established price charged by the operator of the place of entertainment for which a ticket is being sold by such licensee, together with the price being charged by such licensee for the resale of such ticket, so that all persons visiting such place may readily see the same. The licensee shall also on request furnish each purchaser of a ticket with a receipt showing the same information. Further, if the licensee conducts business through the use of the internet, the same price list, or hyperlink to the same, shall be conspicuously displayed on the internet page on which tickets are accessed. In addition the licensee shall publish in a conspicuous place, or hyperlink to on the internet a statement clearly detailing the required guarantees required by section 25.07 of this article.

2. THE PRICE OF ADMISSION DISCLOSED AT THE INITIATION OF A SALE (INCLUDING FACE-TO-FACE TRANSACTIONS) SHALL INCLUDE THE ENTIRE PRICE TO BE PAID INCLUSIVE OF ALL SERVICE CHARGES AND FEES, ALTHOUGH SUCH CHARGES AND FEES INCLUDED WITHIN THE ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR THROUGH LINKS THAT DISPLAY THE COMPONENTS OF THE ENTIRE PRICE. DELIVERY

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

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FEES DO NOT NEED TO BE INCLUDED IN THE ENTIRE PRICE, BUT MUST BE DISCLOSED PRIOR TO COMPLETION OF A SALE.

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

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

2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION, THE PRICE OF ADMISSION DISCLOSED AT THE INITIATION OF A SALE (INCLUDING FACE-TO-FACE TRANSACTIONS) SHALL INCLUDE THE ENTIRE PRICE TO BE PAID INCLUSIVE OF ALL SERVICE CHARGES AND FEES, ALTHOUGH SUCH CHARGES AND FEES INCLUDED WITHIN THE ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR THROUGH LINKS THAT DISPLAY THE COMPONENTS OF THE ENTIRE PRICE. DELIVERY FEES DO NOT NEED TO BE INCLUDED IN THE ENTIRE PRICE, BUT MUST BE DISCLOSED PRIOR TO COMPLETION OF A SALE.

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

S 3. This act shall take effect on the three hundredth day after it shall have become a law; provided, however, that:

a. the amendments to section 25.23 of the arts and cultural affairs law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith; and

b. the amendments to section 25.29 of the arts and cultural affairs law made by section two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.