

STATE OF NEW YORK

8659

2025-2026 Regular Sessions

IN ASSEMBLY

May 23, 2025

Introduced by M. of A. KIM, R. CARROLL -- read once and referred to the Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to establishing an annual professional reseller renewal fee and requiring professional ticket resellers to provide their New York state ticket reseller license number (Part A); to amend the arts and cultural affairs law, in relation to providing criteria for when a purchaser may obtain a full refund of the amount paid for a ticket (Part B); to amend the arts and cultural affairs law, in relation to resale requirements for tickets (Part C); to amend the arts and cultural affairs law, in relation to unlawful charges in connection with tickets (Part D); to amend the arts and cultural affairs law, in relation to the availability of tickets for sale to the general public (Part E); and to amend the arts and cultural affairs law, in relation to the resale of tickets included in a subscription or season ticket package (Part F); 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 regulation of boxing and wrestling matches 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 tickets to places of entertainment, in relation to extending the effectiveness thereof (Part G)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law components of legislation that
2 relate to live event ticket sales. Each component is wholly contained
3 within a Part identified as Parts A through G. The effective date for
4 each particular provision contained within such Part is set forth in the
5 last section of such Part. Any provision in any section contained within
6 a Part, including the effective date of the Part, which makes reference
7 to a section "of this act", when used in connection with that particular

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

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1 component, shall be deemed to mean and refer to the corresponding
2 section of the Part in which it is found, unless noted otherwise.

3 PART A

4 Section 1. Section 25.03 of the arts and cultural affairs law is
5 amended by adding a new subdivision 11 to read as follows:

6 11. "Professional reseller" means a reseller, also referred to as a
7 ticket broker, and includes any person, firm, corporation or other enti-
8 ty that is involved in the business of the resale of tickets. Individ-
9 uals who do not regularly engage in the business of reselling tickets,
10 who resell fewer than thirty tickets per year and who obtain the tickets
11 for such individual's personal use or the use of friends and family, are
12 not deemed professional resellers for the purposes of this article.

13 § 2. Subdivision 1 of section 25.13 of the arts and cultural affairs
14 law, as amended by chapter 374 of the laws of 2007, is amended to read
15 as follows:

16 1. (a) No [~~person, firm or corporation~~] professional reseller shall
17 resell or engage in the business of reselling any tickets to a place of
18 entertainment or operate an internet website or any other electronic
19 service that provides a mechanism for two or more parties to participate
20 in a resale transaction or that facilitates resale transactions by the
21 means of an auction, or own, conduct or maintain any office, branch
22 office, bureau, agency or sub-agency for such business without having
23 first procured a license or certificate for each location at which busi-
24 ness will be conducted from the secretary of state. Any operator or
25 manager of a website that serves as a platform to facilitate resale, or
26 resale by way of a competitive bidding process, solely between third
27 parties and does not in any other manner engage in resales of tickets to
28 places of entertainment shall be exempt from the licensing requirements
29 of this section. The department of state shall issue and deliver to such
30 applicant a certificate or license to conduct such business and to own,
31 conduct or maintain a bureau, agency, sub-agency, office or branch
32 office for the conduct of such business on the premises stated in such
33 application upon the payment by or on behalf of the applicant of a fee
34 of five thousand dollars and shall be renewed upon the payment of [~~a~~
35 ~~like fee annually.~~] an annual renewal fee pursuant to paragraph (b) of
36 this subdivision. Such license or certificate shall not be transferred
37 or assigned, except by permission of the secretary of state. Such
38 license or certificate shall run to the first day of January next ensu-
39 ing the date thereof, unless sooner revoked by the secretary of state.
40 Such license or certificate shall be granted upon a written application
41 setting forth such information as the secretary of state may require in
42 order to enable [~~him or her~~] them to carry into effect the provisions of
43 this article and shall be accompanied by proof satisfactory to the
44 secretary of state of the moral character of the applicant. No online
45 resale marketplace shall allow a ticket to be posted for resale without
46 first verifying the professional reseller's New York state ticket
47 reseller license number if such seller meets the criteria for a profes-
48 sional reseller as defined in this section.

49 (b) The annual professional reseller renewal fee shall be:

50 (i) for a professional reseller that resells more than thirty tickets
51 but less than one hundred tickets per year, an annual renewal fee of one
52 thousand dollars to maintain a professional reseller license;

53 (ii) for a professional reseller that resells one hundred or more
54 tickets but less than two hundred tickets per year, an annual renewal

1 fee of two thousand dollars to maintain a professional reseller license;
2 and
3 (iii) for a professional reseller that resells two hundred or more
4 tickets per year, an annual renewal fee of three thousand dollars to
5 maintain a professional reseller license.

6 (c) "Tickets" shall mean, for purposes of paragraph (b) of this subdivi-
7 vision: (i) each resold ticket not originally purchased by the profes-
8 sional reseller as part of a season or subscription ticket package; or
9 (ii) a set of resold tickets originally purchased by the professional
10 reseller as part of a season or subscription ticket package.

11 § 3. Section 25.19 of the arts and cultural affairs law, as amended by
12 chapter 110 of the laws of 2018, is amended to read as follows:

13 § 25.19. Posting of license or certificate. 1. For the purposes of
14 this section, "online resale marketplace" means any operator or manager
15 of a website or other electronic service that resells tickets or serves
16 as a platform to facilitate resale, or resale by way of a competitive
17 bidding process.

18 2. Immediately upon the receipt of the license or certificate issued
19 pursuant to this article by the secretary of state, the licensee named
20 therein shall cause such license to be posted and at all times displayed
21 in a conspicuous place in the principal office of such business for
22 which it is issued, and shall cause the certificate for each branch
23 office, bureau, agency or sub-agency to be posted and at all times
24 displayed in a conspicuous place in such branch office, bureau, agency
25 or sub-agency for which it is issued, so that all persons visiting such
26 principal office, branch office, bureau, agency or sub-agency may readi-
27 ly see the same, and if such licensee does business on the internet,
28 including via a retail ticket purchasing platform, to provide a license
29 number displayed in a conspicuous manner or a hyperlink displayed in a
30 conspicuous manner to a scanned copy of such license. Such license or
31 certificate shall at all reasonable times be subject to inspection by
32 the secretary of state or ~~[his or her]~~ their authorized inspectors. It
33 shall be unlawful for any person, firm, partnership or corporation hold-
34 ing such license or certificate to post such license or certificate or
35 to permit such certificate to be posted upon premises other than those
36 described therein or to which it has been transferred pursuant to the
37 provisions of this article or unlawfully to alter, deface or destroy any
38 such license or certificate. For purposes of this section, the term
39 "retail ticket purchasing platform" shall mean a retail ticket purchas-
40 ing website, application, phone system, or other technology platform
41 used to sell tickets.

42 3. (a) An online resale marketplace shall require professional resell-
43 ers to provide their New York state ticket reseller license number as a
44 condition of utilizing an online resale marketplace to resell tickets.

45 (b) An online resale marketplace shall disclose in a clear and
46 conspicuous manner a notice on the advertisement or offer of a ticket or
47 tickets that such ticket or tickets being purchased are being resold by
48 a licensed New York state professional reseller.

49 (c) Every online resale marketplace shall disclose the licensing
50 number of the professional reseller in a clear and conspicuous manner.
51 Such disclosure of the licensing number shall be displayed in the tick-
52 eting listing prior to the ticket being selected for purchase. Disclo-
53 sure of the licensing number shall not be false or misleading and may
54 not be presented more prominently or in the same or larger size as the
55 total price. Nothing in this subdivision shall be construed to nullify,
56 expand, restrict, or otherwise amend or modify now existing laws or

1 regulations outside of this article, and nothing in this subdivision
2 shall be construed as making lawful any fraudulent, deceptive, or ille-
3 gal act or practice that is unlawful pursuant to now existing laws or
4 regulations.

5 § 4. This act shall take effect on the sixtieth day after it shall
6 have become a law; provided, however, that the amendments to sections
7 25.03, 25.13 and 25.19 of the arts and cultural affairs law made by
8 sections one, two and three of this act shall not affect the repeal of
9 such sections and shall be deemed repealed therewith.

10

PART B

11 Section 1. Subdivision 2 of section 25.07 of the arts and cultural
12 affairs law, as amended by chapter 61 of the laws of 2007, is amended
13 and a new subdivision 5 is added to read as follows:

14 2. Notwithstanding any other provision of law, any person, firm or
15 corporation, regardless of whether or not licensed under this article,
16 that sells tickets or facilitates the sale of tickets, resells tickets
17 or facilitates the resale or resale auction of tickets between independ-
18 ent parties by any means, must guarantee to each purchaser of such sold
19 or resold tickets that the person, firm or corporation will provide a
20 full refund of the amount paid by the purchaser (including, but not
21 limited to, all fees, regardless of how characterized), unless the
22 purchaser elects to retain such tickets or unless the purchaser and
23 ticket seller or reseller agree to exchange such ticket for a ticket of
24 comparable value for the same event at a different date in lieu of a
25 full refund within thirty days of receiving such notice of an opportu-
26 nity for a refund, if any of the following occurs: (a) the event for
27 which such ticket has been sold or resold is cancelled, provided that if
28 the event is cancelled then actual handling and delivery fees need not
29 be refunded as long as such previously disclosed guarantee specifies
30 that such fees will not be refunded; (b) the ticket received by the
31 purchaser does not grant the purchaser admission to the event described
32 on the ticket, for reasons that may include, without limitation, that
33 the ticket is counterfeit or that the ticket has been cancelled by the
34 issuer due to non-payment, or that the event described on the ticket was
35 cancelled for any reason prior to purchase of the sold or resold ticket,
36 unless the ticket is cancelled due to an act or omission by such
37 purchaser; ~~(c)~~ (c) the ticket fails to conform to its description as
38 advertised unless the buyer has pre-approved a substitution of tickets;
39 (d) the event for which such ticket has been sold or resold is postponed
40 more than once in a calendar year; (e) the event for which such ticket
41 has been sold or resold has been rescheduled to a subsequent date more
42 than one year from the initial event date; or (f) the event for which
43 such ticket has been sold or resold has been postponed and has not been
44 rescheduled within three months after the initial event date. Upon the
45 occurrence of any of the aforementioned events, the seller or reseller
46 shall notify the purchaser of such tickets and shall provide a thirty-
47 day window during which the purchaser may elect to retain such tickets,
48 receive a credit equal to or in excess of the full amount paid by the
49 purchaser or receive a full refund. If, at the end of the thirty-day
50 window, the purchaser of such tickets does not choose one of the afore-
51 mentioned options, they shall receive an immediate full refund for the
52 amount paid by the purchaser including but not limited to all fees,
53 regardless of how characterized. The secretary of state shall promul-
54 gate rules and regulations regarding notification procedures and shall

determine a sufficient refund time period, which shall be no less than thirty days following the occurrence of a triggering event.

5. Notwithstanding any other provision of law, any person, firm or corporation, regardless of whether or not licensed under this article or designated as a professional reseller or an online resale marketplace, that resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means, shall guarantee without restriction to each purchaser of such resold tickets that the person, firm or corporation will honor, communicate and facilitate, if so requested by such purchaser, all opportunities for refunds, exchanges, credits or other remedies due to event cancellation or postponement that are publicly offered by a primary ticket seller, as defined in subdivision twelve of section 25.03 of this article, to original purchasers of such tickets.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law, provided, however, that the amendments to section 25.07 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.

PART C

Section 1. Section 25.10 of the arts and cultural affairs law, as added by chapter 110 of the laws of 2018, is amended to read as follows:

§ 25.10. Ticket resale requirements. 1. It shall be unlawful for a licensee or other ticket reseller to advertise for the sale of tickets, contract for the sale of tickets, contract to obtain tickets for another, or accept consideration for payment in full or for a deposit for the sale of tickets unless [~~such licensee or other ticket reseller meets one or more of the following requirements~~] and until:

(a) such licensee or other ticket reseller has the offered ticket in its possession or has a written contract to obtain the offered ticket at a certain price from a person or entity in possession of the ticket or from a person or entity who has a contractual right to obtain such ticket; and

(b) [~~such licensee or other ticket reseller has a written contract to obtain the offered ticket at a certain price from a person in possession of the ticket or from a person who has a contractual right to obtain such ticket; or~~

~~(c) such licensee or other ticket reseller informs the purchaser in a clear and conspicuous manner and in plain language at the time of offering such ticket for sale and in a written notice prior to the completion of the transaction that such licensee or other ticket reseller does not have possession of the ticket, has no contract to obtain the offered ticket at a certain price from a person in possession of the ticket or from a person who has a contractual right to obtain such ticket, may not be able to supply the ticket at the contracted price or range of prices, and requires such purchaser to expressly confirm prior to completing the transaction that the purchaser has read such notice.~~

~~2. Nothing in this section shall prohibit a licensee or other ticket reseller from accepting a deposit from a prospective purchaser for a resale pursuant to paragraph (c) of subdivision one of this section, provided that such licensee or other ticket reseller informs the purchaser in writing prior to receipt of consideration of the terms of the deposit agreement, and includes in the written notice the disclosures otherwise required by this section. If a licensee or ticket~~

~~reseller has entered into a contract with or received consideration from a prospective purchaser for the sale of a ticket or tickets and cannot supply such ticket or tickets at the contracted price or price range, such licensee or ticket reseller shall refund any monies paid by such prospective purchaser within ten business days of receipt of a request for a refund from such purchaser.~~

3.] tickets to the event have been placed on sale by the venue or entity hosting the event or its authorized agent. For the purposes of this section, "placed on sale" shall mean the date and time when tickets are made available for sale to the general public, excluding any prior sales to fan clubs, businesses, and persons for promotional activities. This paragraph shall not apply to season or subscription ticket holders.

2. Nothing in this section shall be construed to nullify, expand, restrict, or otherwise amend or modify now existing laws or regulations outside of this article, and nothing in this section shall be construed as making lawful any fraudulent, deceptive, or illegal act or practice that is unlawful pursuant to now existing laws or regulations.

~~4.]~~ 3. The attorney general shall have jurisdiction to enforce the provisions of this section in accordance with the powers granted to ~~[him or her]~~ them by section sixty-three of the executive law.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law; provided, however, that the amendments to section 25.10 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.

PART D

Section 1. Section 25.03 of the arts and cultural affairs law is amended by adding two new subdivisions 12 and 13 to read as follows:

12. "Primary ticket seller" means an owner or operator of a venue or sports team, a manager or provider of an event, or a provider of ticketing services or an agent of such owner, operator, manager, or provider that engages in the primary sale of tickets for an event or retains the authority to otherwise distribute tickets.

13. "Placed on sale" means the date and time when tickets are made available for sale to the general public, excluding any prior sales to fan clubs, businesses, and persons for promotional activities.

§ 2. Section 25.29 of the arts and cultural affairs law, as amended by section 1 of part E of chapter 358 of the laws of 2022, is amended to read as follows:

§ 25.29. Unlawful charges in connection with tickets. 1. No operator of any place of entertainment, or ~~[his or her]~~ their 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 of twenty-five or less percent of the price of a ticket prior to the addition of any charges by ~~[the operator or agents of the operator]~~ any person, firm or corporation, regardless of whether or not licensed under this article, that sells tickets or facilitates the sale of tickets, resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means for special services~~[, including but not limited to,]~~ actually rendered or otherwise in connection to customer support, technological and software infras-

1 tructure, and actual operational costs for sales away from the box
2 office[~~, credit card sales or delivery~~]; [~~and~~] (b) nothing in this arti-
3 cle shall be construed to prohibit an operator or its agent from offer-
4 ing for initial sale tickets by means of an auction; and (c) nothing in
5 this section shall apply to tickets sold or resold for events at venues
6 with a seating capacity of less than six thousand five hundred guests.

7 2. A reasonable and actual cost for the physical delivery of tickets
8 may be charged by the seller or reseller based on the method of delivery
9 selected by the purchaser; provided, however, that no delivery fee shall
10 be charged by a seller or reseller for tickets delivered electronically
11 or tickets that may be printed independently by the purchaser.

12 3. If so elected by the artist or their authorized agent:

13 (a) the total price at which a ticket reseller may sell or offer to
14 sell a ticket to a live music concert or music performance may not
15 exceed the total price of the initial ticket, inclusive of all fees and
16 taxes, including those set forth in subdivision one of this section, in
17 connection with the purchase of the initial ticket;

18 (b) if an initial ticket was purchased for a series of events, the
19 total resale price of a ticket for a single event may not exceed the
20 total price of a single comparable ticket, including all fees and taxes;
21 and

22 (c) nothing in this subdivision shall be construed to apply to tickets
23 acquired through a seat license that entitles a seat holder to purchase
24 tickets for a designated seat in a venue for multiple events, including
25 music and non-music related events, over a period of time not exceeding
26 one year.

27 4. In any prosecution under this section the attorney general shall
28 have concurrent jurisdiction with any district attorney and in any such
29 prosecution [~~he or she or his or her~~] they or their deputy shall exer-
30 cise all the powers and perform all the duties which the district attor-
31 ney would otherwise be authorized to exercise or perform therein.

32 § 3. This act shall take effect on the sixtieth day after it shall
33 have become a law; provided, however, that the amendments to sections
34 25.03 and 25.29 of the arts and cultural affairs law made by sections
35 one and two of this act shall not affect the repeal of such sections and
36 shall be deemed repealed therewith.

37 PART E

38 Section 1. The arts and cultural affairs law is amended by adding a
39 new section 25.04 to read as follows:

40 § 25.04. Tickets withheld from sale to general public. Primary ticket
41 sellers shall disclose and display on the website, at the box office and
42 any other method of ticket distribution of such primary ticket seller,
43 the total number of tickets offered for sale to the general public by
44 such primary ticket seller not less than seven days before the date on
45 which tickets shall be available for primary sale. The total number
46 shall be periodically updated by the primary ticket seller if and when
47 additional tickets are subsequently released for sale to the general
48 public or when there is a five percent increase in the amount of tickets
49 released for sale to the general public. This subdivision shall not
50 apply to: (i) venues with a seating capacity of less than six thousand
51 five hundred guests; or (ii) places of entertainment such as fair
52 grounds, amusement parks, museums, observatories, ski resorts, ice skat-
53 ing rinks and other recreational facilities or events wherein rides,

1 exhibits and displays, games or activities of skill or chance or the
2 sale of food, beverages, toys and souvenirs constitute the main uses.

3 § 2. This act shall take effect on the sixtieth day after it shall
4 have become a law; provided, however, that the amendments to article 25
5 of the arts and cultural affairs law made by section one of this act
6 shall not affect the repeal of such article and shall be deemed repealed
7 therewith.

8

PART F

9 Section 1. Paragraph (a) of subdivision 1 of section 25.30 of the arts
10 and cultural affairs law, as amended by chapter 151 of the laws of 2010,
11 is amended to read as follows:

12 (a) restrict by any means the resale of any tickets included in a
13 subscription or season ticket package to or via a licensee under section
14 25.13 of this article or via a website that serves as a platform to
15 facilitate resale as defined under section 25.13 of this article as a
16 condition of purchase, as a condition to retain such tickets for the
17 duration of the subscription or season ticket package agreement, or as a
18 condition to retain any [~~contractually agreed upon~~] rights to purchase
19 future subscription or season ticket packages that are otherwise
20 conferred in the subscription or season ticket agreement or extended to
21 subscribers not engaged in the resale market as a general policy of the
22 team, promoter, or venue. Further, it shall be unlawful to charge a
23 different rate to any such subscriber solely because the subscriber has
24 resold or may resell tickets. Should renewal of membership, season tick-
25 ets, or associated rights be offered to any existing member or season
26 ticket holder, no such renewal shall be denied to any party on the basis
27 that tickets were resold. Nor shall any differential in renewal price be
28 imposed solely because the season ticket holder or member resold
29 tickets;

30 § 2. This act shall take effect on the sixtieth day after it shall
31 have become a law, provided, however, that the amendments to paragraph
32 (a) of subdivision 1 of section 25.30 of the arts and cultural affairs
33 law made by section one of this act shall not affect the repeal of such
34 section and shall be deemed repealed therewith.

35

PART G

36 Section 1. Section 4 of chapter 704 of the laws of 1991 amending the
37 arts and cultural affairs law and chapter 912 of the laws of 1920 relat-
38 ing to the regulation of boxing and wrestling matches relating to tick-
39 ets to places of entertainment, as amended by section 1 of part F of
40 chapter 358 of the laws of 2022, is amended to read as follows:

41 § 4. This act shall take effect on the sixtieth day after it shall
42 have become a law, provided, chapter 61 of the laws of 2007 shall not
43 take effect with respect to the issuance of licenses or certificates
44 under this article by the secretary of state or department of state
45 until January 1, 2008 and regulation under this article by the commis-
46 sioners of licenses of the political subdivisions of the state shall
47 continue through December 31, 2007, and shall remain in full force and
48 effect only until and including June 30, [~~2025~~] 2028 when such act shall
49 be repealed and when, notwithstanding any other provision of law, the
50 provisions of article 25 of title G of the arts and cultural affairs
51 law, repealed by such act, shall be reinstated; provided further that
52 section 25.11 of the arts and cultural affairs law, as added by section

1 one of this act, shall survive such repeal date. Provided, however, the
2 printing on tickets required pursuant to sections 25.07 and 25.08 of
3 article 25 of the arts and cultural affairs law, as added by this act,
4 shall not apply to tickets printed prior to enactment of such article so
5 long as notice of the higher maximum premium price and prohibition of
6 sales within one thousand five hundred feet from the physical structure
7 of the place of entertainment, where applicable, is prominently
8 displayed at the point of sale and at such place of entertainment.

9 § 2. Section 11 of chapter 151 of the laws of 2010, amending the arts
10 and cultural affairs law relating to resale of tickets to places of
11 entertainment, as amended by section 2 of part F of chapter 358 of the
12 laws of 2022, is amended to read as follows:

13 § 11. Notwithstanding the provisions of article 5 of the general
14 construction law, if this act shall take effect after May 15, 2010, the
15 provisions of article 25 of the arts and cultural affairs law, except
16 section 25.11 are hereby revived and shall continue in full force and
17 effect as they existed on May 15, 2010 through June 30, [~~2025~~ 2028 when
18 upon such date such provisions shall expire and be deemed repealed.

19 § 3. This act shall take effect immediately.

20 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
21 sion, section or part of this act shall be adjudged by any court of
22 competent jurisdiction to be invalid, such judgment shall not affect,
23 impair, or invalidate the remainder thereof, but shall be confined in
24 its operation to the clause, sentence, paragraph, subdivision, section
25 or part thereof directly involved in the controversy in which such judg-
26 ment shall have been rendered. It is hereby declared to be the intent of
27 the legislature that this act would have been enacted even if such
28 invalid provisions had not been included herein.

29 § 3. This act shall take effect immediately; provided, however, that
30 the applicable effective date of Parts A through G of this act shall be
31 as specifically set forth in the last section of such Parts.