

S T A T E   O F   N E W   Y O R K

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8623--A

2009-2010 Regular Sessions

I N   A S S E M B L Y

May 29, 2009

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Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Tourism, Arts and Sports Development -- 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 the resale of tickets to places of entertainment; and to repeal certain provisions of the arts and cultural affairs law and of a chapter of the laws of 2009, amending the arts and cultural affairs law relating to prohibiting the agents of an operator from reselling tickets to secondary ticket resellers, as proposed in legislative bills numbers S.3821-B and A.7950-D relating thereto

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

1     Section 1. Subdivisions 2 and 3 of section 25.13 of the arts and  
2     cultural affairs law, as added by a chapter of the laws of 2009, amend-  
3     ing the arts and cultural affairs law relating to prohibiting the agents  
4     of an operator from reselling tickets to secondary ticket resellers, as  
5     proposed in legislative bills numbers S.3821-B and A.7950-D, are  
6     REPEALED.  
7     S 2. Section 25.30 of the arts and cultural affairs law is amended by  
8     adding two new subdivisions 3 and 4 to read as follows:  
9     3. NO OPERATOR'S AGENT SHALL SELL OR CONVEY TICKETS TO ANY SECONDARY  
10    TICKET RESELLER OWNED OR CONTROLLED BY THE OPERATOR'S AGENT.  
11    4. THE OPERATOR OR THE PROMOTER SHALL DETERMINE WHETHER A SEAT FOR  
12    WHICH A TICKET IS FOR SALE HAS AN OBSTRUCTED VIEW, AND SHALL DISCLOSE  
13    SUCH OBSTRUCTION. IF THE OPERATOR OR PROMOTER DISCLOSES THAT A SEAT FOR  
14    WHICH A TICKET IS FOR SALE HAS AN OBSTRUCTED VIEW, IT SHALL BE THE  
15    RESPONSIBILITY OF THE SECONDARY TICKET RESELLER TO DISCLOSE SUCH  
16    OBSTRUCTION UPON THE RESALE OF SUCH TICKET. SUCH OBSTRUCTION SHALL NOT  
17    INCLUDE: AN OBSTRUCTION OF VIEW CAUSED BY A PERSON, OR PERSONS, SEATED  
18    IN AN ADJACENT SEAT, OR SEATS, OR OCCUPYING AN AISLE; OR AN OBSTRUCTION

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

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1 OF VIEW CAUSED BY AN OBJECT OR OBJECTS PLACED UPON AN ADJACENT SEAT OR  
2 SEATS, OR IN AN AISLE; OR AN OBSTRUCTION OF VIEW THAT IS DE MINIMUS OR  
3 TRANSITORY IN NATURE.

4 S 3. Section 3 of a chapter of the laws of 2009, amending the arts and  
5 cultural affairs law relating to prohibiting the agents of an operator  
6 from reselling tickets to secondary ticket resellers, as proposed in  
7 legislative bills numbers S.3821-B and A.7950-D, is REPEALED.

8 S 4. The arts and cultural affairs law is amended by adding a new  
9 section 25.37 to read as follows:

10 S 25.37. REPORT OF THE CONSUMER PROTECTION BOARD. 1. THE CONSUMER  
11 PROTECTION BOARD SHALL REVIEW THE EFFECTIVENESS AND CONSUMER IMPACT OF  
12 THE PROVISIONS OF THIS ARTICLE. THE FINDINGS AND CONCLUSIONS OF SUCH  
13 REVIEW SHALL BE PRESENTED IN THE FORM OF A WRITTEN REPORT ON OR BEFORE  
14 FEBRUARY TWENTY-SIXTH, TWO THOUSAND TEN. A COPY OF THE REPORT SHALL BE  
15 DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE  
16 SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND THE  
17 MINORITY LEADER OF THE ASSEMBLY. SUCH WRITTEN REPORT SHALL ADDRESS AT  
18 MINIMUM, THE FOLLOWING: AN OVERVIEW OF THE TICKET-SELLING INDUSTRY; THE  
19 PUBLIC POLICY BENEFIT THAT IS FURTHERED BY DISCLOSING THE NUMBER OF  
20 TICKETS AVAILABLE FOR SALE TO THE GENERAL PUBLIC AND THE NUMBER OF TICK-  
21 ETS WITHHELD FROM SALE TO THE GENERAL PUBLIC; THE EFFECT OF THE REMOVAL  
22 OF THE PRICE CAP ON TICKET SALES IN NEW YORK STATE; AN ANALYSIS OF THE  
23 EFFECT OF ADMINISTRATIVE AND CRIMINAL LAW ENFORCEMENT OF THIS ARTICLE;  
24 THE IMPACT OF THE USE OF COMPUTER PROGRAMS AND AUTO-DIALING PHONE  
25 SYSTEMS ON THE GENERAL AVAILABILITY OF TICKETS AND THE IMPACT OF TECH-  
26 NOLOGY ON THE ABILITY TO PURCHASE BLOCKS OF TICKETS; THE ECONOMIC IMPACT  
27 OF THE CURRENT LAW ON THE STATE; AND, LEGISLATIVE RECOMMENDATIONS.

28 2. IN ORDER TO EFFECTUATE SUCH A REPORT, THE SECRETARY OF STATE, ON OR  
29 BEFORE SEPTEMBER FIFTEENTH, TWO THOUSAND NINE, SHALL DELIVER TO THE  
30 CONSUMER PROTECTION BOARD A REPORT OF THE FOLLOWING: THE NUMBER OF  
31 INITIAL OR RENEWAL TICKET RESELLER APPLICATIONS RECEIVED DURING THE  
32 PERIOD OF JUNE FIRST, TWO THOUSAND SEVEN TO SEPTEMBER FIRST, TWO THOU-  
33 SAND NINE; THE NUMBER OF LICENSED TICKET RESELLERS IN NEW YORK STATE AS  
34 OF SEPTEMBER FIRST, TWO THOUSAND NINE; AN ANALYSIS OF THE EFFECTIVENESS  
35 OF LICENSING AND BONDING TICKET RESELLERS; THE NUMBER OF TICKET SCALPING  
36 COMPLAINTS RECEIVED BY THE SECRETARY OF STATE, INCLUDING THE DATES EACH  
37 WAS RECEIVED SINCE JUNE FIRST, TWO THOUSAND SEVEN; AND, AN ANALYSIS OF  
38 THE EFFECTIVENESS OF THE ADMINISTRATIVE ENFORCEMENT PROCESS NECESSARY  
39 FOR THE ENFORCEMENT OF THIS ARTICLE.

40 S 5. This act shall take effect immediately, except that sections one  
41 and three of this act shall take effect on the same date and in the same  
42 manner as a chapter of the laws of 2009, amending the arts and cultural  
43 affairs law relating to prohibiting the agents of an operator from  
44 reselling tickets to secondary ticket resellers, as proposed in legisla-  
45 tive bills numbers S.3821-B and A.7950-D, takes effect; provided, howev-  
46 er, that the amendments to article 25 of the arts and cultural affairs  
47 law, made by sections two and four of this act, shall not affect the  
48 expiration and repeal of such article, and shall expire and be deemed  
49 repealed therewith.