

5715--A

Cal. No. 598

2009-2010 Regular Sessions

I N S E N A T E

June 1, 2009

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, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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6 REPEALED.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

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

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1 INCLUDE: AN OBSTRUCTION OF VIEW CAUSED BY A PERSON, OR PERSONS, SEATED
2 IN AN ADJACENT SEAT, OR SEATS, OR OCCUPYING AN AISLE; OR AN OBSTRUCTION
3 OF VIEW CAUSED BY AN OBJECT OR OBJECTS PLACED UPON AN ADJACENT SEAT OR
4 SEATS, OR IN AN AISLE; OR AN OBSTRUCTION OF VIEW THAT IS DE MINIMUS OR
5 TRANSITORY IN NATURE.

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9 legislative bills numbers S.3821-B and A.7950-D, is REPEALED.

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

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

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

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