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

5071

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, PHEFFER, HOYT, DINOWITZ -- read once and referred to the Committee on Tourism, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to unlawful charges in connection with tickets 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, in relation to removing the expiration of provisions regulating the sale of theater tickets

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

Section 1. Subdivision 1 of section 25.29 of the arts and cultural affairs law, as amended by chapter 61 of the laws of 2007, is amended to read as follows:

1. (A) 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)] (I) nothing in this article shall be construed to prohibit a 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)] (II) 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.

(B) EXCEPT FOR MUNICIPALLY OWNED VENUES, NO OPERATOR OF ANY PLACE OF ENTERTAINMENT WHICH HAS A SEATING CAPACITY GREATER THAN THREE THOUSAND FIVE HUNDRED SHALL EXACT, DEMAND, ACCEPT, OR RECEIVE, DIRECTLY OR INDIRECTLY, ANY REBATE OR PERCENTAGE OF SUCH SERVICE CHARGE. EXCEPT FOR MUNICIPALLY OWNED VENUES, NO OPERATOR'S AGENT SHALL OFFER OR GIVE,

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

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DIRECTLY OR INDIRECTLY, ANY REBATE OR PERCENTAGE OF SUCH SERVICE CHARGE TO AN OPERATOR OF ANY PLACE OF ENTERTAINMENT.

(C) AN OPERATOR OF A PLACE OF ENTERTAINMENT WHICH IS PUBLICLY OWNED OR WHICH RECEIVES DIRECT OR INDIRECT PUBLIC SUPPORT, INCLUDING BUT NOT LIMITED TO BELOW-MARKET UTILITY RATES OR A REDUCTION IN TAX LIABILITY, MAY NOT ENTER INTO A CONTRACT GRANTING A TICKETING AGENT THE EXCLUSIVE RIGHT TO PROVIDE TICKETING SERVICES FOR EVENTS HELD AT SUCH PLACE OF ENTERTAINMENT.

S 2. Section 4 of 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, as amended by chapter 374 of the laws of 2007, is amended to read as follows:

S 4. This act shall take effect on the sixtieth day after it shall have become a law[, provided, chapter 61 of the laws of 2007 shall not take effect with respect to the issuance of licenses or certificates under this article by the secretary of state or department of state until January 1, 2008 and regulation under this article by the commissioners of licenses of the political subdivisions of the state shall continue through December 31, 2007, and shall remain in full force and effect only until and including June 1, 2009 when such act shall be repealed and when, notwithstanding any other provision of law, the provisions of article 25 of title G of the arts and cultural affairs law, repealed by such act, shall be reinstituted. Provided] PROVIDED, however, THAT the printing on tickets required pursuant to sections 25.07 and 25.08 of article 25 of the arts and cultural affairs law, as added by this act, shall not apply to tickets printed prior to enactment of such article so long as notice of the higher maximum premium price and prohibition of sales within one thousand five hundred feet from the physical structure of the place of entertainment, where applicable, is prominently displayed at the point of sale and at such place of entertainment.

S 3. This act shall take effect immediately provided, however that section one of this act shall take effect on the first of April next succeeding the year in which it shall have become a law; provided, however that the amendments to section 4 of chapter 704 of the laws of 1991 made by section two of this act shall be deemed to have been in full force and effect on and after October 1, 1991.