

3821--B

Cal. No. 265

2009-2010 Regular Sessions

I N S E N A T E

April 2, 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 and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again 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 prohibiting the agents of an operator from reselling tickets to secondary ticket resellers; 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 extending the expiration of the provisions thereof; and directing the secretary of state to review and report upon the effectiveness of the regulation of the sale of tickets to places of entertainment

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

- 1 Section 1. Subdivision 2 of section 25.13 of the arts and cultural
2 affairs law is renumbered subdivision 4 and two new subdivisions 2 and 3
3 are added to read as follows:
4 2. NO OPERATOR'S AGENT SHALL SELL OR CONVEY TICKETS TO ANY SECONDARY
5 TICKET RESELLER OWNED OR CONTROLLED BY THE OPERATOR'S AGENT.
6 3. THE OPERATOR OR THE PROMOTER SHALL DETERMINE WHETHER A SEAT FOR
7 WHICH A TICKET IS FOR SALE HAS AN OBSTRUCTED VIEW, AND SHALL DISCLOSE
8 SUCH OBSTRUCTION. EVERY SALE OR RESALE OF SUCH TICKET SHALL INCLUDE A
9 DISCLOSURE OF SUCH OBSTRUCTED VIEW.
10 S 2. Section 4 of chapter 704 of the laws of 1991, amending the arts
11 and cultural affairs law and chapter 912 of the laws of 1920 relating to
12 the regulation of boxing and wrestling relating to tickets to places of

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

LBD10863-05-9

1 entertainment, as amended by chapter 374 of the laws of 2007, is amended
2 to read as follows:

3 S 4. This act shall take effect on the sixtieth day after it shall
4 have become a law, provided, chapter 61 of the laws of 2007 shall not
5 take effect with respect to the issuance of licenses or certificates
6 under this article by the secretary of state or department of state
7 until January 1, 2008 and regulation under this article by the commis-
8 sioners of licenses of the political subdivisions of the state shall
9 continue through December 31, 2007, and shall remain in full force and
10 effect only until and including [June 1, 2009] MAY 15, 2010 when such
11 act shall be repealed and when, notwithstanding any other provision of
12 law, the provisions of article 25 of title G of the arts and cultural
13 affairs law, repealed by such act, shall be reinstituted. Provided,
14 however, the printing on tickets required pursuant to sections 25.07 and
15 25.08 of article 25 of the arts and cultural affairs law, as added by
16 this act, shall not apply to tickets printed prior to enactment of such
17 article so long as notice of the higher maximum premium price and prohi-
18 bition of sales within one thousand five hundred feet from the physical
19 structure of the place of entertainment, where applicable, is prominent-
20 ly displayed at the point of sale and at such place of entertainment.

21 S 3. On or before February 1, 2010, the secretary of state shall cause
22 a review of the effectiveness of the provisions of article 25 of the
23 arts and cultural affairs law to be performed. The review shall be
24 presented in the form of a report. A copy of the report shall be deliv-
25 ered to the governor, the temporary president of the senate, the speaker
26 of the assembly, the minority leader of the senate and the minority
27 leader of the assembly. Such report shall address, at a minimum, the
28 following: the public policy benefit that is furthered by disclosing the
29 number of tickets available for sale to the general public and the
30 number of tickets withheld from the general public for a particular
31 event; the harm to the public that results from the practice of ticket
32 speculation, if any, by persons that have access to tickets before the
33 time of initial sale to the general public or at any other time; a
34 comparison of the availability and cost of tickets in the state with
35 that of other states where price caps in the secondary market are in
36 effect; the need for better enforcement of existing penalties or the
37 need for greater penalties for violations of this section; the impact of
38 the use of computer programs and auto-dialing phone systems on the
39 general availability of tickets and the impact of such programs and
40 systems on the ability to purchase blocks of tickets; the feasibility of
41 effective enforcement of ticket selling and re-selling by in-state and
42 out-of-state ticket sellers and re-sellers; the public benefit and the
43 public cost of an unregulated secondary market; the public benefit and
44 usefulness of publishing the average price of tickets for an event after
45 the event takes place; and the economic impact of the current law on the
46 state.

47 S 4. This act shall take effect immediately; provided, however, that
48 if this act shall not have become a law on or before June 1, 2009
49 section two of this act shall be deemed to have been in full force and
50 effect on and after June 1, 2009; provided, further, that the amendments
51 to article 25 of the arts and cultural affairs law, made by section one
52 of this act, shall not affect the expiration and repeal of such article,
53 and shall expire and be deemed repealed therewith.