

4032

2009-2010 Regular Sessions

I N S E N A T E

April 7, 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

AN ACT to amend the arts and cultural affairs law, in relation to auto-
mated ticket purchasing software

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

- 1 Section 1. The arts and cultural affairs law is amended by adding a
2 new section 23.25 to read as follows:
3 S 23.25. AUTOMATED TICKET PURCHASING SOFTWARE. 1. THE TERM "AUTOMATED
4 TICKET PURCHASING SOFTWARE" SHALL MEAN, ANY MACHINE, DEVICE, COMPUTER
5 PROGRAM OR COMPUTER SOFTWARE THAT NAVIGATES OR RUNS AUTOMATED TASKS ON
6 RETAIL TICKET PURCHASING WEBSITES IN ORDER TO BYPASS SECURITY MEASURES
7 AND PURCHASE LARGE AMOUNTS OF TICKETS, IN EXCESS OF THE AMOUNTS PERMIT-
8 TED BY THE RETAILER, ARTIST OR VENUES PER TRANSACTION, FOR PRIVATE
9 RESALE.
10 2. ANY PERSON WHO UTILIZES AUTOMATED TICKET PURCHASING SOFTWARE TO
11 PURCHASE TICKETS SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
12 3. ANY PERSON WHO SUPERVISES THE OPERATION OF AUTOMATED TICKET
13 PURCHASING SOFTWARE OR WHO RECEIVES ANY MONETARY GAINS FROM SUCH OPERA-
14 TION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
15 4. ANY PERSON WHO POSSESSES AUTOMATED TICKET PURCHASING SOFTWARE SHALL
16 BE GUILTY OF A CLASS A MISDEMEANOR.
17 5. ANY PERSON WHO SELLS AND/OR EXCHANGES IN ANY MANNER, TICKETS THAT
18 WERE PURCHASED WITH AUTOMATED TICKET PURCHASING SOFTWARE WITHIN THE
19 STATE OF NEW YORK SHALL BE GUILTY OF A CLASS A MISDEMEANOR.
20 6. A CONVICTION FOR EACH VIOLATION OF THE PROVISIONS OF THIS SECTION
21 SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS OR BY
22 IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BOTH.
23 S 2. This act shall take effect on the ninetieth day after it shall
24 have become a law.

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

LBD07216-04-9