

797

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. WEPRIN -- Multi-Sponsored by -- M. of A. DINOWITZ
-- read once and referred to the Committee on Tourism, Parks, 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:

1 Section 1. Subdivision 1 of section 25.29 of the arts and cultural
2 affairs law, as amended by chapter 151 of the laws of 2010, is amended
3 to read as follows:
4 1. (A) No operator of any place of entertainment, or his or her agent,
5 representative, employee or licensee shall, if a price be charged for
6 admission thereto, exact, demand, accept or receive, directly or indirectly,
7 any premium or price in excess of the established price plus
8 lawful taxes whether designated as price, gratuity or otherwise;
9 provided, however: [(a)] (I) nothing in this article shall be construed
10 to prohibit a reasonable service charge by the operator or agents of the
11 operator for special services, including but not limited to, sales away
12 from the box office, credit card sales or delivery; and [(b)] (II) nothing
13 in this article shall be construed to prohibit an operator or its
14 agent from offering for initial sale tickets by means of an auction.
15 (B) EXCEPT FOR MUNICIPALLY OWNED VENUES, NO OPERATOR OF ANY PLACE OF
16 ENTERTAINMENT WHICH HAS A SEATING CAPACITY GREATER THAN THREE THOUSAND
17 FIVE HUNDRED SHALL EXACT, DEMAND, ACCEPT, OR RECEIVE, DIRECTLY OR INDIRECTLY,
18 ANY REBATE OR PERCENTAGE OF SUCH SERVICE CHARGE. EXCEPT FOR

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

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1 MUNICIPALLY OWNED VENUES, NO OPERATOR'S AGENT SHALL OFFER OR GIVE,
2 DIRECTLY OR INDIRECTLY, ANY REBATE OR PERCENTAGE OF SUCH SERVICE CHARGE
3 TO AN OPERATOR OF ANY PLACE OF ENTERTAINMENT.

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

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
13 entertainment, as amended by chapter 28 of the laws of 2012, is amended
14 to read as follows:

15 S 4. This act shall take effect on the sixtieth day after it shall
16 have become a law, provided, [chapter 61 of the laws of 2007 shall not
17 take effect with respect to the issuance of licenses or certificates
18 under this article by the secretary of state or department of state
19 until January 1, 2008 and regulation under this article by the commis-
20 sioners of licenses of the political subdivisions of the state shall
21 continue through December 31, 2007, and shall remain in full force and
22 effect only until and including May 14, 2013 when such act shall be
23 repealed and when, notwithstanding any other provision of law, the
24 provisions of article 25 of title G of the arts and cultural affairs
25 law, repealed by such act, shall be reinstituted; provided further that
26 section 25.11 of the arts and cultural affairs law, as added by section
27 one of this act, shall survive such repeal date. Provided,] however,
28 THAT the printing on tickets required pursuant to sections 25.07 and
29 25.08 of article 25 of the arts and cultural affairs law, as added by
30 this act, shall not apply to tickets printed prior to enactment of such
31 article so long as notice of the higher maximum premium price and prohi-
32 bition of sales within one thousand five hundred feet from the physical
33 structure of the place of entertainment, where applicable, is prominent-
34 ly displayed at the point of sale and at such place of entertainment.

35 S 3. This act shall take effect immediately provided, however that
36 section one of this act shall take effect on the first of April next
37 succeeding the year in which it shall have become a law; provided,
38 however that the amendments to section 4 of chapter 704 of the laws of
39 1991 made by section two of this act shall be deemed to have been in
40 full force and effect on and after October 1, 1991.