

6962--A

Cal. No. 689

I N   S E N A T E

April 9, 2014

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Introduced by Sen. MARCELLINO -- 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, 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 ticket pricing

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

1     Section 1. Section 25.23 of the arts and cultural affairs law, as  
2     amended by chapter 106 of the laws of 2005, is amended to read as  
3     follows:  
4     S 25.23. Posting of price lists; information to purchaser. 1. In  
5     every principal office or branch office, bureau, agency or sub-agency of  
6     any licensee under this article, there shall be conspicuously posted and  
7     at all times displayed a price list showing the established price  
8     charged by the operator of the place of entertainment for which a ticket  
9     is being sold by such licensee, together with the price being charged by  
10    such licensee for the resale of such ticket, so that all persons visit-  
11    ing such place may readily see the same. The licensee shall also on  
12    request furnish each purchaser of a ticket with a receipt showing the  
13    same information. Further, if the licensee conducts business through the  
14    use of the internet, the same price list, or hyperlink to the same,  
15    shall be conspicuously displayed on the internet page on which tickets  
16    are accessed. In addition the licensee shall publish in a conspicuous  
17    place, or hyperlink to on the internet a statement clearly detailing the  
18    required guarantees required by section 25.07 of this article.  
19    2.     THE PRICE OF ADMISSION DISCLOSED AT THE INITIATION OF A SALE  
20    (INCLUDING FACE-TO-FACE TRANSACTIONS) SHALL INCLUDE THE ENTIRE PRICE TO  
21    BE PAID INCLUSIVE OF ALL SERVICE CHARGES AND FEES, ALTHOUGH SUCH CHARGES  
22    AND FEES INCLUDED WITHIN THE ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR  
23    THROUGH LINKS THAT DISPLAY THE COMPONENTS OF THE ENTIRE PRICE. DELIVERY

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

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1 FEES DO NOT NEED TO BE INCLUDED IN THE ENTIRE PRICE, BUT MUST BE  
2 DISCLOSED PRIOR TO COMPLETION OF A SALE.

3 S 2. Section 25.29 of the arts and cultural affairs law, as amended by  
4 chapter 61 of the laws of 2007, subdivision 1 as amended by chapter 151  
5 of the laws of 2010, is amended to read as follows:

6 S 25.29. Unlawful charges in connection with tickets. 1. No operator  
7 of any place of entertainment, or his or her agent, representative,  
8 employee or licensee shall, if a price be charged for admission thereto,  
9 exact, demand, accept or receive, directly or indirectly, any premium or  
10 price in excess of the established price plus lawful taxes whether  
11 designated as price, gratuity or otherwise; provided, however: (a) noth-  
12 ing in this article shall be construed to prohibit a reasonable service  
13 charge by the operator or agents of the operator for special services,  
14 including but not limited to, sales away from the box office, credit  
15 card sales or delivery; and (b) nothing in this article shall be  
16 construed to prohibit an operator or its agent from offering for initial  
17 sale tickets by means of an auction.

18 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,  
19 THE PRICE OF ADMISSION DISCLOSED AT THE INITIATION OF A SALE (INCLUDING  
20 FACE-TO-FACE TRANSACTIONS) SHALL INCLUDE THE ENTIRE PRICE TO BE PAID  
21 INCLUSIVE OF ALL SERVICE CHARGES AND FEES, ALTHOUGH SUCH CHARGES AND  
22 FEES INCLUDED WITHIN THE ENTIRE PRICE MAY BE DESCRIBED SEPARATELY OR  
23 THROUGH LINKS THAT DISPLAY THE COMPONENTS OF THE ENTIRE PRICE. DELIVERY  
24 FEES DO NOT NEED TO BE INCLUDED IN THE ENTIRE PRICE, BUT MUST BE  
25 DISCLOSED PRIOR TO COMPLETION OF A SALE.

26 3. In any prosecution under this section the attorney general shall  
27 have concurrent jurisdiction with any district attorney and in any such  
28 prosecution he or she or his or her deputy shall exercise all the powers  
29 and perform all the duties which the district attorney would otherwise  
30 be authorized to exercise or perform therein.

31 S 3. This act shall take effect on the three hundredth day after it  
32 shall have become a law; provided, however, that:

33 a. the amendments to section 25.23 of the arts and cultural affairs  
34 law made by section one of this act shall not affect the repeal of such  
35 section and shall be deemed repealed therewith; and

36 b. the amendments to section 25.29 of the arts and cultural affairs  
37 law made by section two of this act shall not affect the repeal of such  
38 section and shall be deemed repealed therewith.