

4459

2015-2016 Regular Sessions

I N S E N A T E

March 20, 2015

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to fair practices in the sale of entertainment tickets

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

1 Section 1. Short title. This act shall be known and may be cited as
2 "Fair practices in the sale of entertainment tickets act".

3 S 2. Legislative findings and declarations. The legislature finds and
4 declares that transactions involving tickets for admission to places of
5 entertainment are a matter of public interest and subject to the super-
6 vision of New York state and the appropriate political subdivisions of
7 the state for the purpose of safeguarding the public against fraud,
8 extortion, price gouging and similar abuses.

9 The legislature finds that venues, promoters and entertainers routine-
10 ly set aside thousands of tickets prior to the public sale. The legis-
11 lature further finds that these tickets then are sold at prices far
12 above face value.

13 With some concerts, as few as two thousand or three thousand tickets
14 might be available to the general public in an arena with more than
15 fifteen thousand seats. This is especially a concern when the place of
16 entertainment is a venue that receives significant tax credits or
17 rebates from the state. The legislature seeks to ensure that the public
18 has full notice of and information relating to the sale of tickets at
19 places of entertainment in New York state.

20 S 3. Article 40 and sections 900 and 901 of the general business law
21 are renumbered article 41 and sections 1000 and 1001, respectively, and
22 a new article 40 is added to read as follows:

23 ARTICLE 40

24 FAIR PRACTICES IN THE SALE OF ENTERTAINMENT TICKETS

25 SECTION 900. DEFINITIONS.

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

LBD09988-02-5

1 901. PUBLIC DISCLOSURE OF TICKET SALES AND AVAILABILITY AND
2 NUMBERS THEREOF.

3 902. CIVIL PENALTY.

4 S 900. DEFINITIONS. AS USED IN THIS ARTICLE THE FOLLOWING TERMS SHALL
5 HAVE THE MEANINGS AS INDICATED:

6 1. "ENTERTAINMENT" MEANS ALL FORMS OF ENTERTAINMENT INCLUDING, BUT NOT
7 LIMITED TO, THEATRICAL OR OPERATIC PERFORMANCES, CONCERTS, MOTION
8 PICTURES, ALL FORMS OF ENTERTAINMENT AT FAIRGROUNDS, AMUSEMENT PARKS AND
9 ALL TYPES OF ATHLETIC COMPETITIONS INCLUDING FOOTBALL, BASKETBALL, BASE-
10 BALL, BOXING, TENNIS, HOCKEY, AND ANY OTHER SPORT, AND ALL OTHER FORMS
11 OF DIVERSION, RECREATION OR SHOW.

12 2. "OPERATOR" MEANS ANY PERSON WHO OWNS, OPERATES, OR CONTROLS A PLACE
13 OF ENTERTAINMENT OR WHO PROMOTES OR PRODUCES AN ENTERTAINMENT.

14 3. "PLACE OF ENTERTAINMENT" MEANS ANY PRIVATELY OR PUBLICLY OWNED AND
15 OPERATED ENTERTAINMENT FACILITY SUCH AS A THEATRE, STADIUM, ARENA, RACE-
16 TRACK, MUSEUM, AMUSEMENT PARK, OR OTHER PLACE WHERE PERFORMANCES,
17 CONCERTS, EXHIBITS, ATHLETIC GAMES OR CONTESTS ARE HELD FOR WHICH AN
18 ENTRY FEE IS CHARGED.

19 4. "TICKET" MEANS ANY EVIDENCE OF THE RIGHT OF ENTRY TO ANY PLACE OF
20 ENTERTAINMENT.

21 5. "TICKET OFFICE" MEANS A BUILDING OR OTHER STRUCTURE LOCATED OTHER
22 THAN AT THE PLACE OF ENTERTAINMENT, AT WHICH THE OPERATOR OR THE OPERA-
23 TOR'S AGENT OFFERS TICKETS FOR FIRST SALE TO THE PUBLIC.

24 S 901. PUBLIC DISCLOSURE OF TICKET SALES AND AVAILABILITY AND NUMBERS
25 THEREOF. 1. ALL OPERATORS WHO SELL TICKETS FOR ENTERTAINMENT AT PLACES
26 OF ENTERTAINMENT SHALL BE REQUIRED TO POST THE NUMBER OF TOTAL SEATS FOR
27 THE ENTERTAINMENT EVENT, NUMBER OF TICKETS FOR SALE DURING THE GENERAL
28 PUBLIC SALE, THE NUMBER OF SEATS SOLD PRIOR TO THE GENERAL PUBLIC SALE,
29 THE NUMBER OF TICKETS FOR SALE AS VIP TICKETS PRIOR TO THE GENERAL
30 PUBLIC SALE, THE NUMBER OF VIP TICKETS FOR SALE ALONG WITH THE GENERAL
31 PUBLIC SALE, THE NUMBER OF TICKETS SOLD THROUGH THE ENTERTAINER'S OR
32 SPORT TEAM'S FAN CLUB, AND THE NUMBER OF TICKETS THAT WILL BE MADE
33 AVAILABLE FOR FREE WHETHER BY THE OPERATOR, ENTERTAINER OR SPORTING
34 TEAM.

35 2. THIS INFORMATION SHALL BE AVAILABLE AT THE TICKET OFFICE AND POSTED
36 ON THE PROMOTER'S WEBSITE.

37 S 902. CIVIL PENALTY. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR
38 AGENT OR EMPLOYEE THEREOF WHO FAILS TO COMPLY WITH THIS ARTICLE SHALL BE
39 LIABLE TO A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR EACH
40 VIOLATION, WHICH SHALL ACCRUE TO THE STATE OF NEW YORK AND MAY BE RECOV-
41 ERED IN A CIVIL ACTION.

42 S 4. This act shall take effect immediately.