S T A T E O F N E W Y O R K

4459--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

The legislature finds that venues, promoters and entertainers routinely set aside thousands of tickets prior to the public sale. The legislature further finds that these tickets then are sold at prices far above face value.

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

S 3. Article 40 and sections 900 and 901 of the general business law, as renumbered by chapter 407 of the laws of 1973, are renumbered article 41 and sections 1000 and 1001, respectively, and a new article 40 is added to read as follows:

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

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ARTICLE 40

FAIR PRACTICES IN THE SALE OF ENTERTAINMENT TICKETS

SECTION 900. DEFINITIONS.

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

902. CIVIL PENALTY.

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

1. "ENTRY FEE" MEANS THE PRICE FIXED FOR A TICKET AT THE TIME OF INITIAL SALE BY THE OPERATOR OF ANY PLACE OF ENTERTAINMENT FOR ADMISSION TO AN EVENT.

2. "EVENT" MEANS ALL FORMS OF ENTERTAINMENT AT PLACES OF ENTERTAINMENT INCLUDING, BUT NOT LIMITED TO, PERFORMANCES, CONCERTS, MUSICAL AND ALL TYPES OF ATHLETIC COMPETITIONS INCLUDING FOOTBALL, BASKETBALL, BASEBALL, BOXING, TENNIS, HOCKEY, AND ANY OTHER SPORT. EVENT SHALL NOT MEAN ANY KIND OF PERFORMANCE REGULARLY SCHEDULED TO TAKE PLACE ON A DAILY BASIS AT THE SAME VENUE OVER THE COURSE OF ONE OR MORE WEEKS.

3. "OPERATOR" MEANS ANY PERSON WHO LEASES, OWNS, OPERATES, OR CONTROLS A PLACE OF ENTERTAINMENT OR WHO PROMOTES OR PRODUCES AN EVENT HELD AT A PLACE OF ENTERTAINMENT.

4. "PLACE OF ENTERTAINMENT" MEANS ANY PRIVATELY OR PUBLICLY OWNED, LEASED OR OPERATED LOCATION THAT HAS A PERMANENT SEATING CAPACITY IN EXCESS OF THREE THOUSAND PERSONS INCLUDING BUT NOT LIMITED TO A THEATER, STADIUM, ARENA, RACETRACK, OR OTHER PLACE WHERE PERFORMANCES, CONCERTS, ATHLETIC GAMES OR CONTESTS ARE HELD FOR WHICH AN ENTRY FEE IS CHARGED.

5. "SALE DATE" MEANS THE FIRST DAY TICKETS ARE MADE AVAILABLE FOR PURCHASE.

6. "TICKET" MEANS ANY EVIDENCE OF THE RIGHT OF ENTRY TO ANY PLACE OF ENTERTAINMENT.

7. "TICKET OFFICE" MEANS A BUILDING OR OTHER STRUCTURE LOCATED OTHER THAN AT THE PLACE OF ENTERTAINMENT, AT WHICH THE OPERATOR OR THE OPERATOR'S AGENT OFFERS TICKETS FOR FIRST SALE TO THE PUBLIC.

S 901. PUBLIC DISCLOSURE OF TICKET SALES AND AVAILABILITY AND NUMBERS THEREOF. 1. ALL OPERATORS WHO SELL TICKETS FOR ENTERTAINMENT AT PLACES OF ENTERTAINMENT SHALL BE REQUIRED TO POST THE NUMBER OF TOTAL SEATS FOR THE EVENT, NUMBER OF TICKETS FOR SALE TO THE GENERAL PUBLIC ON THE SALE DATE, THE NUMBER OF TICKETS FOR SALE AS VIP TICKETS PRIOR TO THE SALE DATE, THE NUMBER OF TICKETS SOLD THROUGH THE ENTERTAINER'S OR SPORT TEAM'S FAN CLUB OR OTHER PROMOTIONAL OPPORTUNITY PRIOR TO THE SALE DATE, AND THE NUMBER OF TICKETS THAT WILL BE MADE AVAILABLE FOR FREE WHETHER BY THE OPERATOR, ENTERTAINER OR SPORTING TEAM.

2. THIS INFORMATION SHALL BE AVAILABLE AT THE TICKET OFFICE AND POSTED ON THE PROMOTER'S WEBSITE NO LESS THAN FORTY-EIGHT HOURS PRIOR TO THE SALE DATE FOR THE EVENT.

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

S 4. This act shall take effect immediately.