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I N S E N A T E

March 8, 2016

Introduced by Sen. LANZA -- 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 automated ticket purchasing software

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

1 Section 1. Subdivisions 1, 2 and 3 of section 25.24 of the arts and
2 cultural affairs law, as added by chapter 151 of the laws of 2010, are
3 amended to read as follows:

4 1. The term "automated ticket purchasing software" shall mean, any
5 machine, device, computer program or computer software that navigates or
6 runs automated tasks on retail ticket purchasing websites in order to
7 bypass security measures to purchase tickets OR TO CIRCUMVENT A SECURITY
8 MEASURE, ACCESS CONTROL SYSTEM, OR OTHER CONTROL OR MEASURE TO ENSURE
9 EQUITABLE CONSUMER ACCESS TO TICKETS FOR A GIVEN EVENT.

10 2. It shall be unlawful for any person to utilize OR SELL automated
11 ticket purchasing software to purchase tickets.

12 3. Any person who knowingly utilizes OR SELLS automated ticket
13 purchasing software in order to bypass security measures to purchase
14 tickets shall be subject to a civil penalty in an amount of no less than
15 five hundred dollars and no more than one thousand dollars for each such
16 violation and shall forfeit all profits made from the sale of any such
17 unlawfully obtained tickets.

18 S 2. Paragraphs (a) and (b) of subdivision 1 of section 25.35 of the
19 arts and cultural affairs law, paragraph (a) as amended and paragraph
20 (b) as added by chapter 56 of the laws of 2001, are amended to read as
21 follows:

22 (a) Any person, firm, corporation or other entity, whether or not
23 domiciled, licensed or registered within the state, which is convicted
24 of violating section 25.24, 25.27, or 25.29 of this article shall be
25 guilty of a class A misdemeanor punishable by a fine not to exceed one
26 thousand dollars or two times the amount of the defendant's gain, to be
27 determined pursuant to the procedures set forth in section 400.30 of the

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

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1 criminal procedure law, whichever is greater, or by a term of imprison-
2 ment not to exceed one year, or by both such fine and imprisonment.

3 (b) Any person, firm, corporation or other entity, whether or not
4 domiciled, licensed, or registered within the state, which is convicted
5 of violating section 25.24, 25.27, or 25.29 of this article, when the
6 value of the commission, gratuity, bonus, premium or price unlawfully
7 paid or accepted exceeds one thousand dollars for an event as defined in
8 section 23.03 of this chapter, whether or not such payment is for tick-
9 ets to a single performance of that event, shall be guilty of a class E
10 felony, punishable by a term of imprisonment in accordance with the
11 penal law, or by a fine of five thousand dollars or two times the amount
12 of the defendant's gain, to be determined pursuant to the procedures set
13 forth in section 400.30 of the criminal procedure law, whichever is
14 greater, or by both such fine and imprisonment.

15 S 3. This act shall take effect immediately; provided that the amend-
16 ments to section 25.35 of the arts and cultural affairs law made by
17 section two of this act shall not affect the repeal of such article and
18 shall be deemed repealed therewith.