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

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 USED BY
9 INTERNET TICKET SELLERS TO ENSURE EQUITABLE CONSUMER ACCESS TO TICKETS
10 FOR A GIVEN EVENT.

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

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

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

23 (a) Any person, firm, corporation or other entity, whether or not
24 domiciled, licensed or registered within the state, which is convicted
25 of violating section 25.24, 25.27, or 25.29 of this article shall be
26 guilty of a class A misdemeanor punishable by a fine not to exceed one

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

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1 thousand dollars or two times the amount of the defendant's gain, to be
2 determined pursuant to the procedures set forth in section 400.30 of the
3 criminal procedure law, whichever is greater, or by a term of imprison-
4 ment not to exceed one year, or by both such fine and imprisonment.

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

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