STATE OF NEW YORK

6645

2017-2018 Regular Sessions

IN SENATE

June 9, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the arts and cultural affairs law, in relation to the online resale of tickets to places of entertainment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 25.23 of the arts and cultural affairs law, as amended by chapter 106 of the laws of 2005, is amended to read as follows:

§ 25.23. Posting of price lists; information to purchaser. **1.** In every principal office or branch office, bureau, agency or sub-agency of any licensee under this article, there shall be conspicuously posted and at all times displayed a price list showing the established price charged by the operator of the place of entertainment for which a ticket is being sold by such licensee, together with the price being charged by such licensee for the resale of such ticket, so that all persons visiting such place may readily see the same. The licensee shall also on request furnish each purchaser of a ticket with a receipt showing the same information. Further, if the licensee conducts business through the use of the internet, the same price list, or hyperlink to the same, shall be conspicuously displayed on the internet page on which tickets are accessed. In addition the licensee shall publish in a conspicuous place, or hyperlink to on the internet a statement clearly detailing the required guarantees required by section 25.07 of this article.

2. No operator or its agent shall transfer a prospective ticket purchaser through any means to a secondary seller without providing a clear and conspicuous disclosure that informs the prospective purchaser that the ticket offered is in the secondary market.

3. An online resale marketplace shall post a clear and conspicuous notice on the website that the website is for the secondary sale of a ticket and that the price of such ticket offered for sale may exceed the

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

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established price and the refund policy of the platform in connection with the cancellation or postponement of an event. An online resale marketplace shall require that the user confirm having read such notice before starting any transaction. For the purposes of this section, an "online resale marketplace" means any operator or manager of a website or other electronic service that serves as a platform to facilitate resale, or resale by way of a competitive bidding process, solely between third parties and does not in any other manner engage in the resale of tickets to places of entertainment.

§ 2. This act shall take effect immediately; provided, however, that the amendments to section 25.23 made by section one of this act shall not affect the repeal and reversion of such section and shall be deemed repealed therewith.