

# 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:

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

4 § 25.23. Posting of price lists; information to purchaser. 1. In  
5 every principal office or branch office, bureau, agency or sub-agency of  
6 any licensee under this article, there shall be conspicuously posted and  
7 at all times displayed a price list showing the established price  
8 charged by the operator of the place of entertainment for which a ticket  
9 is being sold by such licensee, together with the price being charged by  
10 such licensee for the resale of such ticket, so that all persons visit-  
11 ing such place may readily see the same. The licensee shall also on  
12 request furnish each purchaser of a ticket with a receipt showing the  
13 same information. Further, if the licensee conducts business through the  
14 use of the internet, the same price list, or hyperlink to the same,  
15 shall be conspicuously displayed on the internet page on which tickets  
16 are accessed. In addition the licensee shall publish in a conspicuous  
17 place, or hyperlink to on the internet a statement clearly detailing the  
18 required guarantees required by section 25.07 of this article.

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

23 3. An online resale marketplace shall post a clear and conspicuous  
24 notice on the website that the website is for the secondary sale of a  
25 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.

LBD11681-04-7

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

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