

STATE OF NEW YORK

7444

2019-2020 Regular Sessions

IN ASSEMBLY

May 3, 2019

Introduced by M. of A. O'DONNELL -- read once and referred to the
Committee on Tourism, Parks, Arts and Sports Development

AN ACT to amend the arts and cultural affairs law, in relation to ticket
pricing

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

1 Section 1. Section 25.23 of the arts and cultural affairs law, as
2 amended by chapter 110 of the laws of 2018, is amended to read as
3 follows:

4 § 25.23. Posting of price lists; information to purchaser. 1. In every
5 principal office or branch office, bureau, agency or sub-agency of any
6 licensee under this article, there shall be conspicuously posted and at
7 all times displayed a price list showing the established price charged
8 by the operator of the place of entertainment for which a ticket is
9 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. An online resale marketplace shall post a clear and conspicuous
20 notice on the website that the website is for the secondary sale of a
21 ticket, that the price of such ticket offered for sale may exceed the
22 established price and shall also state the refund policy of the platform
23 in connection with the cancellation or postponement of an event. An
24 online resale marketplace shall require that the user confirm having
25 read such notice before completing any transaction. For the purposes of

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

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1 this section, an "online resale marketplace" means any operator or
2 manager of a website or other electronic service that resells tickets or
3 serves as a platform to facilitate resale, or resale by way of a compet-
4 itive bidding process.

5 3. The price of admission disclosed at the initiation of a sale
6 (including face-to-face transactions) shall include the entire price to
7 be paid inclusive of all service charges and fees, although such charges
8 and fees included within the entire price may be described separately or
9 through links that display the components of the entire price. Delivery
10 fees do not need to be included in the entire price, but must be
11 disclosed prior to completion of a sale.

12 § 2. Section 25.29 of the arts and cultural affairs law, as amended by
13 chapter 61 of the laws of 2007, subdivision 1 as amended by chapter 151
14 of the laws of 2010, is amended to read as follows:

15 § 25.29. Unlawful charges in connection with tickets. 1. No operator
16 of any place of entertainment, or his or her agent, representative,
17 employee or licensee shall, if a price be charged for admission thereto,
18 exact, demand, accept or receive, directly or indirectly, any premium or
19 price in excess of the established price plus lawful taxes whether
20 designated as price, gratuity or otherwise; provided, however: (a) noth-
21 ing in this article shall be construed to prohibit a reasonable service
22 charge by the operator or agents of the operator for special services,
23 including but not limited to, sales away from the box office, credit
24 card sales or delivery; and (b) nothing in this article shall be
25 construed to prohibit an operator or its agent from offering for initial
26 sale tickets by means of an auction.

27 2. Notwithstanding the provisions of subdivision one of this section,
28 the price of admission disclosed at the initiation of a sale (including
29 face-to-face transactions) shall include the entire price to be paid
30 inclusive of all service charges and fees, although such charges and
31 fees included within the entire price may be described separately or
32 through links that display the components of the entire price. Delivery
33 fees do not need to be included in the entire price, but must be
34 disclosed prior to completion of a sale.

35 3. In any prosecution under this section the attorney general shall
36 have concurrent jurisdiction with any district attorney and in any such
37 prosecution he or she or his or her deputy shall exercise all the powers
38 and perform all the duties which the district attorney would otherwise
39 be authorized to exercise or perform therein.

40 § 3. This act shall take effect immediately; provided, however, that:

41 a. the amendments to section 25.23 of the arts and cultural affairs
42 law made by section one of this act shall not affect the repeal of such
43 section and shall be deemed repealed therewith; and

44 b. the amendments to section 25.29 of the arts and cultural affairs
45 law made by section two of this act shall not affect the repeal of such
46 section and shall be deemed repealed therewith.