

STATE OF NEW YORK

9365--A

IN SENATE

May 14, 2024

Introduced by Sens. FERNANDEZ, CHU -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to prohibiting third-party restaurant reservation services from arranging unauthorized restaurant reservations with food service establishments

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "restaurant reservation anti-piracy act".

3 § 2. The general business law is amended by adding a new section 391-w
4 to read as follows:

5 § 391-w. Unauthorized restaurant reservations. 1. Definitions. For the
6 purposes of this section, the following terms shall have the following
7 meanings:

8 (a) "Food service establishment" shall have the same meaning as that
9 term is defined in section three hundred ninety-one-v of this article.

10 (b) "Third-party restaurant reservation service" means any website,
11 mobile application or other internet service that: (i) offers or
12 arranges for reserving on-premises service for a customer at a food
13 service establishment; and (ii) that is owned and operated by a person
14 other than the person who owns such food service establishment. A
15 third-party restaurant reservation service shall not include any reser-
16 vation distribution channels that are authorized to distribute reserva-
17 tions by way of a contractual relationship with either the applicable
18 food service establishment or a contractual designee of the food service
19 establishment who obtained reservation distribution rights directly
20 from the food service establishment.

21 2. A third-party restaurant reservation service shall not list, adver-
22 tise, promote, or sell reservations for a food service establishment
23 through the website, mobile application or other platform of such third-
24 party restaurant reservation service without a written agreement between
25 such third-party restaurant reservation service and such food service

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

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1 establishment to include reservations at the food service establishment
2 on such website, mobile application or other platform.

3 3. Any person who violates, or causes another person to violate, a
4 provision of this section or any rule promulgated pursuant thereto,
5 shall be subject to a civil penalty that shall not exceed one thousand
6 dollars for each violation. Violations by third-party restaurant reser-
7 vation services under this section shall accrue on a daily basis for
8 each day and for each food service establishment with respect to which a
9 violation of this section or any rule promulgated pursuant to this
10 section was committed. A proceeding to recover any civil penalty or
11 restitution authorized pursuant to this section may be brought within
12 any agency of the state designated to conduct such proceedings.

13 § 3. This act shall take effect on the sixtieth day after it shall
14 have become a law.