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:

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

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

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

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

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

2. A third-party restaurant reservation service shall not list, advertise, promote, or sell reservations for a food service establishment through the website, mobile application or other platform of such third-party restaurant reservation service without a written agreement between 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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establishment to include reservations at the food service establishment on such website, mobile application or other platform.

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

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