STATE OF NEW YORK

10215--A

IN ASSEMBLY

May 13, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bores, Gibbs, Gallagher, Forrest, Lee, Beephan) -- read once and referred to the Committee on Consumer Affairs and Protection -- reported and referred to the Committee on Codes -- 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-

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

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party restaurant reservation service without a written agreement between such third-party restaurant reservation service and such food service 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.