

# STATE OF NEW YORK

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4923

2023-2024 Regular Sessions

## IN SENATE

February 17, 2023

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Introduced by Sens. SKOUFIS, KRUEGER, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the arts and cultural affairs law, in relation to instituting civil penalties for utilizing ticket purchasing software (Part A); to amend the arts and cultural affairs law, in relation to establishing an annual professional reseller renewal fee and requiring professional ticket resellers to provide their New York state ticket reseller license number (Part B); to amend the arts and cultural affairs law, in relation to providing criteria for when a purchaser may obtain a full refund of the amount paid for a ticket (Part C); to amend the arts and cultural affairs law, in relation to resale requirements for tickets (Part D); to amend the arts and cultural affairs law, in relation to unlawful charges in connection with tickets (Part E); to amend the arts and cultural affairs law, in relation to the availability of tickets for sale to the general public (Part F); to amend the arts and cultural affairs law, in relation to minimum seating capacity requirements for a professional sports organization membership pass (Part G); to amend the general obligations law, in relation to prohibiting exclusivity clauses in contracts between operators of places of entertainment and primary ticket vendors (Part H); and to amend the arts and cultural affairs law, in relation to the resale of tickets included in a subscription or season ticket package (Part I)

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

1 Section 1. This act enacts into law components of legislation that  
2 relate to live event ticket sales. Each component is wholly contained  
3 within a Part identified as Parts A through I. The effective date for  
4 each particular provision contained within such Part is set forth in the  
5 last section of such Part. Any provision in any section contained within

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

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1 a Part, including the effective date of the Part, which makes reference  
2 to a section "of this act", when used in connection with that particular  
3 component, shall be deemed to mean and refer to the corresponding  
4 section of the Part in which it is found, unless noted otherwise.

5 PART A

6 Section 1. Subdivision 10 of section 25.24 of the arts and cultural  
7 affairs law, as added by chapter 110 of the laws of 2018, is amended to  
8 read as follows:

9 ~~10. [Any person, firm, corporation or other entity who is a licensee  
10 under this article who is adjudicated guilty of the following acts may  
11 lose their license and may be barred from licensure under this article  
12 for a period not to exceed three years to be determined by the depart-  
13 ment of state pursuant to section 25.31 of this article if such licen-  
14 see: (a) knowingly utilized ticket purchasing software in order to  
15 purchase tickets; (b) knowingly resold or offered to resell a ticket  
16 that such licensee knew was obtained using ticket purchasing software;  
17 or (c) intentionally maintained any interest in or maintained any  
18 control of the operation of ticket purchasing software to purchase tick-  
19 ets.]~~

20 (a) Any person, firm, corporation, or other entity who is a licen-  
21 see under this article who is adjudicated guilty of the following acts  
22 shall lose their license and shall be permanently barred from licensure  
23 under this article pursuant to section 25.31 of this article if such  
24 licensee: (i) knowingly utilized ticket purchasing software in order to  
25 purchase tickets; (ii) knowingly resold or offered to resell a ticket  
26 that such licensee knew was obtained using ticket purchasing software;  
27 or (iii) intentionally maintained any interest in or maintained any  
28 control of the operation of ticket purchasing software to purchase tick-  
29 ets.

30 (b) Failure to notify the attorney general of such acts pursuant to  
31 this article shall result in a violation and such person, firm, corpo-  
32 ration or other entity who fails to make such notification shall be  
33 subject to a civil penalty in an amount of no less than five hundred  
34 dollars and no more than one thousand dollars per ticket purchased or  
35 resold utilizing such ticket purchasing software.

36 (c) Any person, firm, corporation or other entity who notifies the  
37 attorney general of such acts pursuant to this article, where the attor-  
38 ney general takes action pursuant to the notification which results in a  
39 monetary penalty assessed under a violation pursuant to this article,  
40 shall be entitled to five percent of the final penalty collected as a  
41 result of such violation.

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

43 PART B

44 Section 1. Section 25.03 of the arts and cultural affairs law is  
45 amended by adding a new subdivision 11 to read as follows:

46 11. "Professional reseller" means a reseller, also referred to as a  
47 ticket broker, and includes any person, firm, corporation or other enti-  
48 ty that is involved in the business of the resale of tickets. Individ-  
49 uals who do not regularly engage in the business of reselling tickets,  
50 who resell fewer than thirty tickets per year and who obtain the tickets  
51 for such individual's personal use or the use of friends and family, are  
52 not deemed professional resellers for the purposes of this article.

1 § 2. Subdivision 1 of section 25.13 of the arts and cultural affairs  
2 law, as amended by chapter 374 of the laws of 2007, is amended to read  
3 as follows:

4 1. ~~(a) No [person, firm or corporation]~~ professional reseller shall  
5 resell or engage in the business of reselling any tickets to a place of  
6 entertainment or operate an internet website or any other electronic  
7 service that provides a mechanism for two or more parties to participate  
8 in a resale transaction or that facilitates resale transactions by the  
9 means of an auction, or own, conduct or maintain any office, branch  
10 office, bureau, agency or sub-agency for such business without having  
11 first procured a license or certificate for each location at which busi-  
12 ness will be conducted from the secretary of state. Any operator or  
13 manager of a website that serves as a platform to facilitate resale, or  
14 resale by way of a competitive bidding process, solely between third  
15 parties and does not in any other manner engage in resales of tickets to  
16 places of entertainment shall be exempt from the licensing requirements  
17 of this section. The department of state shall issue and deliver to such  
18 applicant a certificate or license to conduct such business and to own,  
19 conduct or maintain a bureau, agency, sub-agency, office or branch  
20 office for the conduct of such business on the premises stated in such  
21 application upon the payment by or on behalf of the applicant of a fee  
22 of five thousand dollars and shall be renewed upon the payment of [~~a~~  
23 ~~like fee annually.~~] an annual renewal fee pursuant to paragraph (b) of  
24 this subdivision. Such license or certificate shall not be transferred  
25 or assigned, except by permission of the secretary of state. Such  
26 license or certificate shall run to the first day of January next ensu-  
27 ing the date thereof, unless sooner revoked by the secretary of state.  
28 Such license or certificate shall be granted upon a written application  
29 setting forth such information as the secretary of state may require in  
30 order to enable him or her to carry into effect the provisions of this  
31 article and shall be accompanied by proof satisfactory to the secretary  
32 of state of the moral character of the applicant.

33 (b) The annual professional reseller renewal fee shall be:

34 (i) for a professional reseller that resells more than thirty tickets  
35 but less than one hundred tickets per year, an annual renewal fee of two  
36 thousand dollars to maintain a professional reseller license;

37 (ii) for a professional reseller that resells one hundred or more  
38 tickets but less than two hundred tickets per year, an annual renewal  
39 fee of three thousand dollars to maintain a professional reseller  
40 license; and

41 (iii) for a professional reseller that resells two hundred or more  
42 tickets per year, an annual renewal fee of four thousand dollars to  
43 maintain a professional reseller license.

44 (c) "Tickets" shall mean, for purposes of paragraph (b) of this subdi-  
45 vision: (i) each resold ticket not originally purchased by the profes-  
46 sional reseller as part of a season or subscription ticket package; or  
47 (ii) a set of resold tickets originally purchased by the professional  
48 reseller as part of a season or subscription ticket package.

49 § 3. Section 25.19 of the arts and cultural affairs law, as amended by  
50 chapter 110 of the laws of 2018, is amended to read as follows:

51 § 25.19. Posting of license or certificate. 1. For the purposes of  
52 this section, "online resale marketplace" means any operator or manager  
53 of a website or other electronic service that resells tickets or serves  
54 as a platform to facilitate resale, or resale by way of a competitive  
55 bidding process.

1     2. Immediately upon the receipt of the license or certificate issued  
2 pursuant to this article by the secretary of state, the licensee named  
3 therein shall cause such license to be posted and at all times displayed  
4 in a conspicuous place in the principal office of such business for  
5 which it is issued, and shall cause the certificate for each branch  
6 office, bureau, agency or sub-agency to be posted and at all times  
7 displayed in a conspicuous place in such branch office, bureau, agency  
8 or sub-agency for which it is issued, so that all persons visiting such  
9 principal office, branch office, bureau, agency or sub-agency may readi-  
10 ly see the same, and if such licensee does business on the internet,  
11 including via a retail ticket purchasing platform, to provide a license  
12 number displayed in a conspicuous manner or a hyperlink displayed in a  
13 conspicuous manner to a scanned copy of such license. Such license or  
14 certificate shall at all reasonable times be subject to inspection by  
15 the secretary of state or his or her authorized inspectors. It shall be  
16 unlawful for any person, firm, partnership or corporation holding such  
17 license or certificate to post such license or certificate or to permit  
18 such certificate to be posted upon premises other than those described  
19 therein or to which it has been transferred pursuant to the provisions  
20 of this article or unlawfully to alter, deface or destroy any such  
21 license or certificate. For purposes of this section, the term "retail  
22 ticket purchasing platform" shall mean a retail ticket purchasing  
23 website, application, phone system, or other technology platform used to  
24 sell tickets.

25     3. (a) An online resale marketplace shall require professional resell-  
26 ers to provide their New York state ticket reseller license number as a  
27 condition of utilizing an online resale marketplace to resell tickets.

28     (b) An online resale marketplace shall disclose in a clear and  
29 conspicuous manner a notice on the advertisement or offer of a ticket or  
30 tickets that such ticket or tickets being purchased are being resold by  
31 a licensed New York state professional reseller.

32     § 4. This act shall take effect on the sixtieth day after it shall  
33 have become a law; provided, however, that the amendments to sections  
34 25.03, 25.13 and 25.19 of the arts and cultural affairs law made by  
35 sections one, two and three of this act shall not affect the repeal of  
36 such sections and shall be deemed repealed therewith.

37

## PART C

38     Section 1. Subdivision 2 of section 25.07 of the arts and cultural  
39 affairs law, as amended by chapter 61 of the laws of 2007, is amended  
40 and a new subdivision 5 is added to read as follows:

41     2. Notwithstanding any other provision of law, any person, firm or  
42 corporation, regardless of whether or not licensed under this article,  
43 that sells tickets or facilitates the sale of tickets, resells tickets  
44 or facilitates the resale or resale auction of tickets between independ-  
45 ent parties by any means, must guarantee to each purchaser of such sold  
46 or resold tickets that the person, firm or corporation will provide a  
47 full refund of the amount paid by the purchaser (including, but not  
48 limited to, all fees, regardless of how characterized), unless the  
49 purchaser elects to retain such tickets or a credit equal to or in  
50 excess of the full amount paid by the purchaser in lieu of a full refund  
51 within thirty days of receiving such notice of an opportunity for a  
52 refund, if any of the following occurs: (a) the event for which such  
53 ticket has been sold or resold is cancelled, provided that if the event  
54 is cancelled then actual handling and delivery fees need not be refunded

1 as long as such previously disclosed guarantee specifies that such fees  
2 will not be refunded; (b) the ticket received by the purchaser does not  
3 grant the purchaser admission to the event described on the ticket, for  
4 reasons that may include, without limitation, that the ticket is coun-  
5 terfeited or that the ticket has been cancelled by the issuer due to non-  
6 payment, or that the event described on the ticket was cancelled for any  
7 reason prior to purchase of the sold or resold ticket, unless the ticket  
8 is cancelled due to an act or omission by such purchaser; ~~or~~ (c) the  
9 ticket fails to conform to its description as advertised unless the  
10 buyer has pre-approved a substitution of tickets; (d) the event for  
11 which such ticket has been sold or resold is postponed more than once in  
12 a calendar year; (e) the event for which such ticket has been sold or  
13 resold has been rescheduled to a subsequent date more than one year from  
14 the initial event date; or (f) the event for which such ticket has been  
15 sold or resold has been postponed and has not been rescheduled within  
16 three months after the initial event date. Upon the occurrence of any  
17 of the aforementioned events, the seller or reseller shall notify the  
18 purchaser of such tickets and shall provide a thirty-day window during  
19 which the purchaser may elect to retain such tickets, receive a credit  
20 equal to or in excess of the full amount paid by the purchaser or  
21 receive a full refund. If, at the end of the thirty-day window, the  
22 purchaser of such tickets does not choose one of the aforementioned  
23 options, they shall receive an immediate full refund for the amount paid  
24 by the purchaser including but not limited to all fees, regardless of  
25 how characterized. The secretary of state shall promulgate rules and  
26 regulations regarding notification procedures and shall determine a  
27 sufficient refund time period, which shall be no less than thirty days  
28 following the occurrence of a triggering event.

29 5. Notwithstanding any other provision of law, any person, firm or  
30 corporation, regardless of whether or not licensed under this article or  
31 designated as a professional reseller or an online resale marketplace,  
32 that resells tickets or facilitates the resale or resale auction of  
33 tickets between independent parties by any means, shall guarantee with-  
34 out restriction to each purchaser of such resold tickets that the  
35 person, firm or corporation will honor, communicate and facilitate, if  
36 so requested by such purchaser, all opportunities for refunds,  
37 exchanges, credits or other remedies due to event cancellation or post-  
38 ponement that are publicly offered by a primary ticket seller, as  
39 defined in subdivision twelve of section 25.03 of this article, to  
40 original purchasers of such tickets.

41 § 2. This act shall take effect on the sixtieth day after it shall  
42 have become a law, provided, however, that the amendments to section  
43 25.07 of the arts and cultural affairs law made by section one of this  
44 act shall not affect the repeal of such section and shall be deemed  
45 repealed therewith.

46 PART D

47 Section 1. Section 25.10 of the arts and cultural affairs law, as  
48 added by chapter 110 of the laws of 2018, is amended to read as follows:

49 § 25.10. Ticket resale requirements. 1. It shall be unlawful for a  
50 licensee or other ticket reseller to advertise for the sale of tickets,  
51 contract for the sale of tickets, contract to obtain tickets for another,  
52 or accept consideration for payment in full or for a deposit for the  
53 sale of tickets unless [~~such licensee or other ticket reseller meets one~~  
54 ~~or more of the following requirements~~] and until:

1 (a) such licensee or other ticket reseller has the offered ticket in  
2 its possession or has a written contract to obtain the offered ticket at  
3 a certain price from a person or entity in possession of the ticket or  
4 from a person or entity who has a contractual right to obtain such tick-  
5 et; and

6 ~~(b) [such licensee or other ticket reseller has a written contract to~~  
7 ~~obtain the offered ticket at a certain price from a person in possession~~  
8 ~~of the ticket or from a person who has a contractual right to obtain~~  
9 ~~such ticket; or~~

10 ~~(c) such licensee or other ticket reseller informs the purchaser in a~~  
11 ~~clear and conspicuous manner and in plain language at the time of offer-~~  
12 ~~ing such ticket for sale and in a written notice prior to the completion~~  
13 ~~of the transaction that such licensee or other ticket reseller does not~~  
14 ~~have possession of the ticket, has no contract to obtain the offered~~  
15 ~~ticket at a certain price from a person in possession of the ticket or~~  
16 ~~from a person who has a contractual right to obtain such ticket, may not~~  
17 ~~be able to supply the ticket at the contracted price or range of prices,~~  
18 ~~and requires such purchaser to expressly confirm prior to completing the~~  
19 ~~transaction that the purchaser has read such notice.~~

20 ~~2. Nothing in this section shall prohibit a licensee or other ticket~~  
21 ~~reseller from accepting a deposit from a prospective purchaser for a~~  
22 ~~resale pursuant to paragraph (c) of subdivision one of this section,~~  
23 ~~provided that such licensee or other ticket reseller informs the~~  
24 ~~purchaser in writing prior to receipt of consideration of the terms of~~  
25 ~~the deposit agreement, and includes in the written notice the disclo-~~  
26 ~~sures otherwise required by this section. If a licensee or ticket~~  
27 ~~reseller has entered into a contract with or received consideration from~~  
28 ~~a prospective purchaser for the sale of a ticket or tickets and cannot~~  
29 ~~supply such ticket or tickets at the contracted price or price range,~~  
30 ~~such licensee or ticket reseller shall refund any monies paid by such~~  
31 ~~prospective purchaser within ten business days of receipt of a request~~  
32 ~~for a refund from such purchaser.~~

33 ~~3.]~~ tickets to the event have been placed on sale by the venue or  
34 entity hosting the event or its authorized agent. For the purposes of  
35 this section, "placed on sale" shall mean the date and time when tickets  
36 are made available for sale to the general public, excluding any prior  
37 sales to fan clubs, businesses, and persons for promotional activities.  
38 This paragraph shall not apply to season or subscription ticket holders.

39 2. Nothing in this section shall be construed to nullify, expand,  
40 restrict, or otherwise amend or modify now existing laws or regulations  
41 outside of this article, and nothing in this section shall be construed  
42 as making lawful any fraudulent, deceptive, or illegal act or practice  
43 that is unlawful pursuant to now existing laws or regulations.

44 ~~[4.]~~ 3. The attorney general shall have jurisdiction to enforce the  
45 provisions of this section in accordance with the powers granted to him  
46 or her by section sixty-three of the executive law.

47 § 2. This act shall take effect on the sixtieth day after it shall  
48 have become a law; provided, however, that the amendments to section  
49 25.10 of the arts and cultural affairs law made by section one of this  
50 act shall not affect the repeal of such section and shall be deemed  
51 repealed therewith.

52 PART E

53 Section 1. Section 25.03 of the arts and cultural affairs law is  
54 amended by adding two new subdivisions 12 and 13 to read as follows:

1 12. "Primary ticket seller" means an owner or operator of a venue or  
2 sports team, a manager or provider of an event, or a provider of ticket-  
3 ing services or an agent of such owner, operator, manager, or provider  
4 that engages in the primary sale of tickets for an event or retains the  
5 authority to otherwise distribute tickets.

6 13. "Placed on sale" means the date and time when tickets are made  
7 available for sale to the general public, excluding any prior sales to  
8 fan clubs, businesses, and persons for promotional activities.

9 § 2. Section 25.29 of the arts and cultural affairs law, as amended by  
10 section 1 of part E of chapter 358 of the laws of 2022, is amended to  
11 read as follows:

12 § 25.29. Unlawful charges in connection with tickets. 1. No operator  
13 of any place of entertainment, or his or her agent, representative,  
14 employee or licensee shall, if a price be charged for admission thereto,  
15 exact, demand, accept or receive, directly or indirectly, any premium or  
16 price in excess of the established price plus lawful taxes whether  
17 designated as price, gratuity or otherwise; provided, however: (a) noth-  
18 ing in this article shall be construed to prohibit a reasonable service  
19 charge of fifteen or less percent of the price of a ticket prior to the  
20 addition of any charges by [~~the operator or agents of the operator~~] any  
21 person, firm or corporation, regardless of whether or not licensed under  
22 this article, that sells tickets or facilitates the sale of tickets,  
23 resells tickets or facilitates the resale or resale auction of tickets  
24 between independent parties by any means for special services[~~, includ-~~  
25 ~~ing but not limited to,~~] actually rendered or otherwise in connection to  
26 customer support, technological and software infrastructure, and actual  
27 operational costs for sales away from the box office[~~, credit card sales~~  
28 ~~or delivery~~]; (b) it shall be an unlawful act for a primary ticket sell-  
29 er that earns greater revenue through the primary sale of tickets than  
30 the resale of tickets from charging any fee whatsoever to resell tickets  
31 originally purchased from such seller; and [~~(b)~~] (c) nothing in this  
32 article shall be construed to prohibit an operator or its agent from  
33 offering for initial sale tickets by means of an auction.

34 2. A reasonable and actual cost for the physical delivery of tickets  
35 may be charged by the seller or reseller based on the method of delivery  
36 selected by the purchaser; provided, however, that no delivery fee shall  
37 be charged by a seller or reseller for tickets delivered electronically  
38 or tickets that may be printed independently by the purchaser.

39 3. Any person, firm or corporation, regardless of whether or not  
40 licensed under this article, that sells tickets or facilitates the sale  
41 of tickets is prohibited from requiring a minimum price for the resale  
42 of any tickets purchased from a primary ticket seller.

43 4. Under no circumstances shall any person, firm or corporation,  
44 regardless of whether or not licensed under this article, that sells  
45 tickets or facilitates the sale of tickets increase displayed prices of  
46 tickets while a purchaser: (i) is waiting in a physical or virtual  
47 queue, room or similar location or sequence established to await the  
48 purchase of tickets; (ii) has the ability to select and review tickets  
49 from a physical or virtual list or map but has not yet completed the  
50 purchase; or (iii) is completing the physical or virtual checkout proc-  
51 ess to purchase tickets. Notwithstanding the provisions of this subdivi-  
52 sion, any person, firm or corporation that sells tickets or facilitates  
53 the sale of tickets may place reasonable and uniform restrictions on the  
54 length of time allowed for a purchaser of tickets to review and complete  
55 each transaction.



1 shall not affect the repeal of such article and shall be deemed repealed  
2 therewith.

3 PART G

4 Section 1. Section 25.12 of the arts and cultural affairs law, as  
5 added by chapter 110 of the laws of 2018, is amended to read as follows:  
6 § 25.12. Professional sports organization membership pass. Notwith-  
7 standing section 25.30 of this article, an operator of a place of enter-  
8 tainment or such operator's agent may offer paperless tickets which do  
9 not allow for independent transferability provided that such tickets are  
10 included in a membership pass at a discounted price offered by a profes-  
11 sional sports organization for seating in venues or stadiums with a  
12 fixed capacity of over [~~thirty~~ thirteen thousand five hundred seats  
13 that guarantees entry to a specified number of events in a specified  
14 time period with seat assignments assigned no more than four hours prior  
15 to the commencement of the event and such seat assignment must be vari-  
16 able from game to game and not intended for season ticket holders. Tick-  
17 ets provided under such membership pass may be restricted from being  
18 transferred or resold, including through the operator or operators'  
19 agents, and must be clearly marked as such prior to initial offering or  
20 sale. Such membership pass shall not mean a subscription or season tick-  
21 et package offered for sale and shall not result in the sale of more  
22 than five percent of the maximum amount of all seats that will be made  
23 available at a venue for a particular event to be sold under this  
24 section.

25 § 2. This act shall take effect on the sixtieth day after it shall  
26 have become a law; provided, however, that the amendments to section  
27 25.12 of the arts and cultural affairs law made by section one of this  
28 act shall not affect the repeal of such section and shall be deemed  
29 repealed therewith.

30 PART H

31 Section 1. The general obligations law is amended by adding a new  
32 section 5-338 to read as follows:

33 § 5-338. Agreements between operators of places of entertainment and  
34 primary ticket vendors. 1. For the purposes of this section, the follow-  
35 ing terms shall have the following meanings:

36 (a) "Entertainment" means all forms of entertainment including, but  
37 not limited to, theatrical or operatic performances, concerts, motion  
38 pictures, all forms of entertainment at fairgrounds, amusement parks and  
39 all types of athletic competitions including football, basketball, base-  
40 ball, boxing, tennis, hockey, and any other sport, and all other forms  
41 of diversion, recreation or show.

42 (b) "Operator" means any person who owns, operates, or controls a  
43 place of entertainment or who promotes or produces an entertainment.

44 (c) "Place of entertainment" means any privately or publicly owned and  
45 operated entertainment facility such as a theatre, stadium, arena, race-  
46 track, museum, amusement park, or other place where performances,  
47 concerts, exhibits, athletic games or contests are held for which an  
48 entry fee is charged.

49 (d) "Primary ticket seller" means an owner or operator of a venue or  
50 sports team, a manager or provider of an event, or a provider of ticket-  
51 ing services or an agent of such owner, operator, manager, or provider

1 that engages in the primary sale of tickets for an event or retains the  
2 authority to otherwise distribute tickets.

3 (e) "Ticket" means any evidence of the right of entry to any place of  
4 entertainment.

5 2. A contract between an operator of places of entertainment and a  
6 primary ticket vendor shall not provide for the primary ticket vendor to  
7 be the exclusive and sole primary ticket vendor for the operator of  
8 places of entertainment.

9 3. It shall be unlawful to threaten or to seek to enforce a provision  
10 made unlawful under this section or to otherwise penalize an operator of  
11 a place of entertainment for entering into an agreement with another  
12 primary ticket seller.

13 4. Any waiver of the provisions of this section is contrary to public  
14 policy and thus is void and unenforceable.

15 5. This section shall not require an operator of a place of enter-  
16 tainment to enter into an agreement with a primary ticket seller or  
17 require that an operator of a place of entertainment have an agreement  
18 with multiple primary ticket sellers.

19 § 2. This act shall take effect on the first of January next succeed-  
20 ing the date on which it shall have become a law, and shall apply to  
21 contracts entered into on or after such date.

22

## PART I

23 Section 1. Paragraph (a) of subdivision 1 of section 25.30 of the arts  
24 and cultural affairs law, as amended by chapter 151 of the laws of 2010,  
25 is amended to read as follows:

26 (a) restrict by any means the resale of any tickets included in a  
27 subscription or season ticket package to or via a licensee under section  
28 25.13 of this article or via a website that serves as a platform to  
29 facilitate resale as defined under section 25.13 of this article as a  
30 condition of purchase, as a condition to retain such tickets for the  
31 duration of the subscription or season ticket package agreement, or as a  
32 condition to retain any [~~contractually agreed upon~~] rights to purchase  
33 future subscription or season ticket packages that are otherwise  
34 conferred in the subscription or season ticket agreement or extended to  
35 subscribers not engaged in the resale market as a general policy of the  
36 team, promoter, or venue. Further, it shall be unlawful to charge a  
37 different rate to any such subscriber solely because the subscriber has  
38 resold or may resell tickets;

39 § 2. This act shall take effect on the sixtieth day after it shall  
40 have become a law, provided, however, that the amendments to paragraph  
41 (a) of subdivision 1 of section 25.30 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.

44 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
45 sion, section or part of this act shall be adjudged by any court of  
46 competent jurisdiction to be invalid, such judgment shall not affect,  
47 impair, or invalidate the remainder thereof, but shall be confined in  
48 its operation to the clause, sentence, paragraph, subdivision, section  
49 or part thereof directly involved in the controversy in which such judg-  
50 ment shall have been rendered. It is hereby declared to be the intent of  
51 the legislature that this act would have been enacted even if such  
52 invalid provisions had not been included herein.

1 § 3. This act shall take effect immediately; provided, however, that  
2 the applicable effective date of Parts A through I of this act shall be  
3 as specifically set forth in the last section of such Parts.