

STATE OF NEW YORK

276

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

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

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

6

PART A

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

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

44

PART B

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

47 11. "Professional reseller" means a reseller, also referred to as a
48 ticket broker, and includes any person, firm, corporation or other enti-
49 ty that is involved in the business of the resale of tickets. Individ-
50 uals who do not regularly engage in the business of reselling tickets,
51 who resell fewer than thirty tickets per year and who obtain the tickets

1 for such individual's personal use or the use of friends and family, are
2 not deemed professional resellers for the purposes of this article.

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

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

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

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

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

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

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

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

53 § 25.19. Posting of license or certificate. 1. For the purposes of
54 this section, "online resale marketplace" means any operator or manager
55 of a website or other electronic service that resells tickets or serves

1 as a platform to facilitate resale, or resale by way of a competitive
2 bidding process.

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

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

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

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

39 PART C

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

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

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

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

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

48

PART D

49 Section 1. Section 25.10 of the arts and cultural affairs law, as
50 added by chapter 110 of the laws of 2018, is amended to read as follows:
51 § 25.10. Ticket resale requirements. 1. It shall be unlawful for a
52 licensee or other ticket reseller to advertise for the sale of tickets,
53 contract for the sale of tickets, contract to obtain tickets for another,
54 or accept consideration for payment in full or for a deposit for the

1 sale of tickets unless [~~such licensee or other ticket reseller meets one~~
2 ~~or more of the following requirements~~] and until:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 length of time allowed for a purchaser of tickets to review and complete
2 each transaction.

3 5. In any prosecution under this section the attorney general shall
4 have concurrent jurisdiction with any district attorney and in any such
5 prosecution [~~he or she or his or her~~] they or their deputy shall exer-
6 cise all the powers and perform all the duties which the district attor-
7 ney would otherwise be authorized to exercise or perform therein.

8 § 3. This act shall take effect on the sixtieth day after it shall
9 have become a law; provided, however, that the amendments to sections
10 25.03 and 25.29 of the arts and cultural affairs law made by sections
11 one and two of this act shall not affect the repeal of such sections and
12 shall be deemed repealed therewith.

13 PART F

14 Section 1. The arts and cultural affairs law is amended by adding a
15 new section 25.04 to read as follows:

16 § 25.04. Tickets withheld from sale to general public. 1. Primary
17 ticket sellers shall disclose and display on the website, at the box
18 office and any other method of ticket distribution of such primary tick-
19 et seller, the total number of tickets offered for sale to the general
20 public by such primary ticket seller not less than seven days before the
21 date on which tickets shall be available for primary sale. The total
22 number shall be periodically updated by the primary ticket seller if and
23 when additional tickets are subsequently released for sale to the gener-
24 al public. This subdivision shall not apply to: (i) venues with a seat-
25 ing capacity of less than six thousand five hundred guests; or (ii)
26 places of entertainment such as fair grounds, amusement parks, museums,
27 observatories, ski resorts, ice skating rinks and other recreational
28 facilities or events wherein rides, exhibits and displays, games or
29 activities of skill or chance or the sale of food, beverages, toys and
30 souvenirs constitute the main uses.

31 2. It shall be an unlawful practice for a primary ticket seller or any
32 person or entity who has access to tickets to an event prior to the
33 tickets' release for sale to the general public to withhold such tickets
34 from sale to the general public in an amount exceeding ten percent of
35 all available seating for the event. Tickets distributed to bona fide
36 charitable groups or initially reserved due to event production holds,
37 including but not limited to pending seating, lighting, or stage config-
38 urations, that are subsequently released to the general public shall not
39 be included within this amount. This subdivision shall not apply to
40 places of entertainment such as fair grounds, amusement parks, museums,
41 observatories, ski resorts, ice skating rinks and other recreational
42 facilities or events wherein rides, exhibits and displays, games or
43 activities of skill or chance or the sale of food, beverages, toys and
44 souvenirs constitute the main uses.

45 3. It shall be an unlawful practice for an individual employee of any
46 venue, primary ticket seller, team, artist, online resale marketplace,
47 box office or any other entity that is involved in hosting, promoting,
48 performing or ticket selling to resell tickets that have been withheld
49 from the general public for a higher price than the primary sale of the
50 ticket or resell tickets to any third party that may have intentions,
51 actually or constructively known by such employee, to resell the ticket
52 for a higher price than the total cost of the ticket, including all
53 ancillary charges.

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

6 PART G

7 Section 1. Section 25.12 of the arts and cultural affairs law, as
8 added by chapter 110 of the laws of 2018, is amended to read as follows:

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

28 § 2. This act shall take effect on the sixtieth day after it shall
29 have become a law; provided, however, that the amendments to section
30 25.12 of the arts and cultural affairs law made by section one of this
31 act shall not affect the repeal of such section and shall be deemed
32 repealed therewith.

33 PART H

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

36 § 5-338. Agreements between operators of places of entertainment and
37 primary ticket vendors. 1. For the purposes of this section, the follow-
38 ing terms shall have the following meanings:

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

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

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

1 (d) "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 (e) "Ticket" means any evidence of the right of entry to any place of
7 entertainment.

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

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

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

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

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

25 PART I

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

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

42 § 2. This act shall take effect on the sixtieth day after it shall
43 have become a law, provided, however, that the amendments to paragraph
44 (a) of subdivision 1 of section 25.30 of the arts and cultural affairs
45 law made by section one of this act shall not affect the repeal of such
46 section and shall be deemed repealed therewith.

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

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.
3 § 3. This act shall take effect immediately; provided, however, that
4 the applicable effective date of Parts A through I of this act shall be
5 as specifically set forth in the last section of such Parts.