STATE OF NEW YORK

8221

2025-2026 Regular Sessions

IN SENATE

May 23, 2025

Introduced by Sen. SKOUFIS -- 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 establishing an annual professional reseller renewal fee and requiring professional ticket resellers to provide their New York state ticket reseller license number (Part A); 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 B); to amend the arts and cultural affairs law, in relation to resale requirements for tickets (Part C); to amend the arts and cultural affairs law, in relation to unlawful charges in connection with tickets (Part D); to amend the arts and cultural affairs law, in relation to the availability of tickets for sale to the general public (Part E); 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 F); and to amend chapter 704 of the laws of 1991 amending the arts and cultural affairs law and chapter 912 of the laws of 1920 relating to regulation of boxing and wrestling matches relating to tickets to places of entertainment, and chapter 151 of the laws of 2010 amending the arts and cultural affairs law relating to resale of tickets to places of entertainment, in relation to extending the effectiveness thereof (Part G)

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

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

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

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to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found, unless noted otherwise.

PART A

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

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

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

1. **(a)** No [~~person, firm or corporation~~] **professional reseller** shall resell or engage in the business of reselling any tickets to a place of entertainment or operate an internet website or any other electronic service that provides a mechanism for two or more parties to participate in a resale transaction or that facilitates resale transactions by the means of an auction, or own, conduct or maintain any office, branch office, bureau, agency or sub-agency for such business without having first procured a license or certificate for each location at which business will be conducted from the secretary of state. Any operator or manager of a website that serves as a platform to facilitate resale, or resale by way of a competitive bidding process, solely between third parties and does not in any other manner engage in resales of tickets to places of entertainment shall be exempt from the licensing requirements of this section. The department of state shall issue and deliver to such applicant a certificate or license to conduct such business and to own, conduct or maintain a bureau, agency, sub-agency, office or branch office for the conduct of such business on the premises stated in such application upon the payment by or on behalf of the applicant of a fee of five thousand dollars and shall be renewed upon the payment of [~~a like fee annually.~~] **an annual renewal fee pursuant to paragraph (b) of this subdivision**. Such license or certificate shall not be transferred or assigned, except by permission of the secretary of state. Such license or certificate shall run to the first day of January next ensuing the date thereof, unless sooner revoked by the secretary of state. Such license or certificate shall be granted upon a written application setting forth such information as the secretary of state may require in order to enable [~~him or her~~] **them** to carry into effect the provisions of this article and shall be accompanied by proof satisfactory to the secretary of state of the moral character of the applicant. **No online resale marketplace shall allow a ticket to be posted for resale without first verifying the professional reseller's New York state ticket reseller license number if such seller meets the criteria for a professional reseller as defined in this section.**

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

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

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

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

(c) "Tickets" shall mean, for purposes of paragraph (b) of this subdivision: (i) each resold ticket not originally purchased by the professional reseller as part of a season or subscription ticket package; or (ii) a set of resold tickets originally purchased by the professional reseller as part of a season or subscription ticket package.

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

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

2. Immediately upon the receipt of the license or certificate issued pursuant to this article by the secretary of state, the licensee named therein shall cause such license to be posted and at all times displayed in a conspicuous place in the principal office of such business for which it is issued, and shall cause the certificate for each branch office, bureau, agency or sub-agency to be posted and at all times displayed in a conspicuous place in such branch office, bureau, agency or sub-agency for which it is issued, so that all persons visiting such principal office, branch office, bureau, agency or sub-agency may readily see the same, and if such licensee does business on the internet, including via a retail ticket purchasing platform, to provide a license number displayed in a conspicuous manner or a hyperlink displayed in a conspicuous manner to a scanned copy of such license. Such license or certificate shall at all reasonable times be subject to inspection by the secretary of state or [~~his or her~~] their authorized inspectors. It shall be unlawful for any person, firm, partnership or corporation holding such license or certificate to post such license or certificate or to permit such certificate to be posted upon premises other than those described therein or to which it has been transferred pursuant to the provisions of this article or unlawfully to alter, deface or destroy any such license or certificate. For purposes of this section, the term "retail ticket purchasing platform" shall mean a retail ticket purchasing website, application, phone system, or other technology platform used to sell tickets.

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

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

(c) Every online resale marketplace shall disclose the licensing number of the professional reseller in a clear and conspicuous manner. Such disclosure of the licensing number shall be displayed in the ticketing listing prior to the ticket being selected for purchase. Disclosure of the licensing number shall not be false or misleading and may not be presented more prominently or in the same or larger size as the

total price. Nothing in this subdivision shall be construed to nullify, expand, restrict, or otherwise amend or modify now existing laws or regulations outside of this article, and nothing in this subdivision shall be construed as making lawful any fraudulent, deceptive, or illegal act or practice that is unlawful pursuant to now existing laws or regulations.

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

PART B

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

2. Notwithstanding any other provision of law, any person, firm or corporation, regardless of whether or not licensed under this article, that sells tickets or facilitates the sale of tickets, resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means, must guarantee to each purchaser of such sold or resold tickets that the person, firm or corporation will provide a full refund of the amount paid by the purchaser (including, but not limited to, all fees, regardless of how characterized), unless the purchaser elects to retain such tickets or unless the purchaser and ticket seller or reseller agree to exchange such ticket for a ticket of comparable value for the same event at a different date in lieu of a full refund within thirty days of receiving such notice of an opportunity for a refund, if any of the following occurs: (a) the event for which such ticket has been sold or resold is cancelled, provided that if the event is cancelled then actual handling and delivery fees need not be refunded as long as such previously disclosed guarantee specifies that such fees will not be refunded; (b) the ticket received by the purchaser does not grant the purchaser admission to the event described on the ticket, for reasons that may include, without limitation, that the ticket is counterfeit or that the ticket has been cancelled by the issuer due to non-payment, or that the event described on the ticket was cancelled for any reason prior to purchase of the sold or resold ticket, unless the ticket is cancelled due to an act or omission by such purchaser; [~~or~~] (c) the ticket fails to conform to its description as advertised unless the buyer has pre-approved a substitution of tickets; (d) the event for which such ticket has been sold or resold is postponed more than once in a calendar year; (e) the event for which such ticket has been sold or resold has been rescheduled to a subsequent date more than one year from the initial event date; or (f) the event for which such ticket has been sold or resold has been postponed and has not been rescheduled within three months after the initial event date. Upon the occurrence of any of the aforementioned events, the seller or reseller shall notify the purchaser of such tickets and shall provide a thirty-day window during which the purchaser may elect to retain such tickets, receive a credit equal to or in excess of the full amount paid by the purchaser or receive a full refund. If, at the end of the thirty-day window, the purchaser of such tickets does not choose one of the aforementioned options, they shall receive an immediate full refund for the amount paid by the purchaser including but not limited to all fees,

regardless of how characterized. The secretary of state shall promulgate rules and regulations regarding notification procedures and shall determine a sufficient refund time period, which shall be no less than thirty days following the occurrence of a triggering event.

5. Notwithstanding any other provision of law, any person, firm or corporation, regardless of whether or not licensed under this article or designated as a professional reseller or an online resale marketplace, that resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means, shall guarantee without restriction to each purchaser of such resold tickets that the person, firm or corporation will honor, communicate and facilitate, if so requested by such purchaser, all opportunities for refunds, exchanges, credits or other remedies due to event cancellation or postponement that are publicly offered by a primary ticket seller, as defined in subdivision twelve of section 25.03 of this article, to original purchasers of such tickets.

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

PART C

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

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

(a) such licensee or other ticket reseller has the offered ticket in its possession or has a written contract to obtain the offered ticket at a certain price from a person or entity in possession of the ticket or from a person or entity who has a contractual right to obtain such ticket; and

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

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

~~2. Nothing in this section shall prohibit a licensee or other ticket reseller from accepting a deposit from a prospective purchaser for a resale pursuant to paragraph (c) of subdivision one of this section, provided that such licensee or other ticket reseller informs the purchaser in writing prior to receipt of consideration of the terms of~~

~~the deposit agreement, and includes in the written notice the disclosures otherwise required by this section. If a licensee or ticket reseller has entered into a contract with or received consideration from a prospective purchaser for the sale of a ticket or tickets and cannot supply such ticket or tickets at the contracted price or price range, such licensee or ticket reseller shall refund any monies paid by such prospective purchaser within ten business days of receipt of a request for a refund from such purchaser.~~

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

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

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

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

PART D

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

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

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

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

§ 25.29. Unlawful charges in connection with tickets. 1. No operator of any place of entertainment, or [~~his or her~~] their agent, representative, employee or licensee shall, if a price be charged for admission thereto, exact, demand, accept or receive, directly or indirectly, any premium or price in excess of the established price plus lawful taxes whether designated as price, gratuity or otherwise; provided, however: (a) nothing in this article shall be construed to prohibit a reasonable service charge of twenty-five or less percent of the price of a ticket prior to the addition of any charges by [~~the operator or agents of the operator~~] any person, firm or corporation, regardless of whether or not licensed under this article, that sells tickets or facilitates the sale of tickets, resells tickets or facilitates the resale or resale auction of tickets between independent parties by any means for special

services[~~, including but not limited to,~~] **actually rendered or otherwise in connection to customer support, technological and software infrastructure, and actual operational costs for** sales away from the box office[~~, credit card sales or delivery~~]; [~~and~~] (b) nothing in this article shall be construed to prohibit an operator or its agent from offering for initial sale tickets by means of an auction**; and (c) nothing in this section shall apply to tickets sold or resold for events at venues with a seating capacity of less than six thousand five hundred guests**.

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

3. **If so elected by the artist or their authorized agent:**

(a) the total price at which a ticket reseller may sell or offer to sell a ticket to a live music concert or music performance may not exceed the total price of the initial ticket, inclusive of all fees and taxes, including those set forth in subdivision one of this section, in connection with the purchase of the initial ticket;

(b) if an initial ticket was purchased for a series of events, the total resale price of a ticket for a single event may not exceed the total price of a single comparable ticket, including all fees and taxes; and

(c) nothing in this subdivision shall be construed to apply to tickets acquired through a seat license that entitles a seat holder to purchase tickets for a designated seat in a venue for multiple events, including music and non-music related events, over a period of time not exceeding one year.

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

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

PART E

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

§ 25.04. Tickets withheld from sale to general public. Primary ticket sellers shall disclose and display on the website, at the box office and any other method of ticket distribution of such primary ticket seller, the total number of tickets offered for sale to the general public by such primary ticket seller not less than seven days before the date on which tickets shall be available for primary sale. The total number shall be periodically updated by the primary ticket seller if and when additional tickets are subsequently released for sale to the general public or when there is a five percent increase in the amount of tickets released for sale to the general public. This subdivision shall not apply to: (i) venues with a seating capacity of less than six thousand five hundred guests; or (ii) places of entertainment such as fair grounds, amusement parks, museums, observatories, ski resorts, ice skat-

ing rinks and other recreational facilities or events wherein rides, exhibits and displays, games or activities of skill or chance or the sale of food, beverages, toys and souvenirs constitute the main uses.

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

PART F

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

(a) restrict by any means the resale of any tickets included in a subscription or season ticket package to or via a licensee under section 25.13 of this article or via a website that serves as a platform to facilitate resale as defined under section 25.13 of this article as a condition of purchase, as a condition to retain such tickets for the duration of the subscription or season ticket package agreement, or as a condition to retain any [~~contractually agreed upon~~] rights to purchase future subscription or season ticket packages that are otherwise conferred in the subscription or season ticket agreement or extended to subscribers not engaged in the resale market as a general policy of the team, promoter, or venue. Further, it shall be unlawful to charge a different rate to any such subscriber solely because the subscriber has resold or may resell tickets. Should renewal of membership, season tickets, or associated rights be offered to any existing member or season ticket holder, no such renewal shall be denied to any party on the basis that tickets were resold. Nor shall any differential in renewal price be imposed solely because the season ticket holder or member resold tickets;

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

PART G

Section 1. Section 4 of chapter 704 of the laws of 1991 amending the arts and cultural affairs law and chapter 912 of the laws of 1920 relating to the regulation of boxing and wrestling matches relating to tickets to places of entertainment, as amended by section 1 of part F of chapter 358 of the laws of 2022, is amended to read as follows:

§ 4. This act shall take effect on the sixtieth day after it shall have become a law, provided, chapter 61 of the laws of 2007 shall not take effect with respect to the issuance of licenses or certificates under this article by the secretary of state or department of state until January 1, 2008 and regulation under this article by the commissioners of licenses of the political subdivisions of the state shall continue through December 31, 2007, and shall remain in full force and effect only until and including June 30, [~~2025~~] 2028 when such act shall be repealed and when, notwithstanding any other provision of law, the provisions of article 25 of title G of the arts and cultural affairs law, repealed by such act, shall be reinstituted; provided further that

section 25.11 of the arts and cultural affairs law, as added by section one of this act, shall survive such repeal date. Provided, however, the printing on tickets required pursuant to sections 25.07 and 25.08 of article 25 of the arts and cultural affairs law, as added by this act, shall not apply to tickets printed prior to enactment of such article so long as notice of the higher maximum premium price and prohibition of sales within one thousand five hundred feet from the physical structure of the place of entertainment, where applicable, is prominently displayed at the point of sale and at such place of entertainment.

§ 2. Section 11 of chapter 151 of the laws of 2010, amending the arts and cultural affairs law relating to resale of tickets to places of entertainment, as amended by section 2 of part F of chapter 358 of the laws of 2022, is amended to read as follows:

§ 11. Notwithstanding the provisions of article 5 of the general construction law, if this act shall take effect after May 15, 2010, the provisions of article 25 of the arts and cultural affairs law, except section 25.11 are hereby revived and shall continue in full force and effect as they existed on May 15, 2010 through June 30, [~~2025~~] 2028 when upon such date such provisions shall expire and be deemed repealed.

§ 3. This act shall take effect immediately.

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

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