§ 31.01. Unauthorized photographs and sound recordings of performances. 1. Definitions. The following words as used in this section shall have the following meanings:

(a) "Performance" shall mean any presentation consisting in whole or in part of a musical, dramatic, dance or other stage rendition by living persons who appear in the immediate presence of their audience.

(b) "Theatre" shall mean a concert hall, recital hall, theatre or other auditorium in which a performance is rendered and admission to which is limited by its management to persons holding admission tickets or other written evidence of permission to enter.

(c) "Management" shall mean: (i) the operator of a theatre; and (ii) with respect to a particular performance, the person hiring the theatre to present such performance unless such person shall have agreed in writing with such operator not to photograph or make sound recordings of such performance.

2. No person shall take any photograph or make any sound recording of any performance presented in a theatre without having first obtained the written consent of the management to do so. The management of any theatre may maintain an action for an injunction, an accounting, or for damages resulting from or in respect of any photographs or sound recordings of any performance made without the consent required by this section having been obtained, or resulting from or in respect of any distribution or attempted distribution of any such photographs or sound recordings or reproductions thereof.

3. If any person admitted or seeking admission to a theatre in which a performance is to be or is being presented, attempts to bring into, or brings into such theatre any photographic or sound recording device without having first obtained the written consent of the management to do so, such management shall have the right to request and obtain possession of such photographic or sound recording device until the conclusion of such performance. The management shall give a receipt for such device, and shall be liable for any damage to such device or loss or theft of such device while in their care.

4. If any person admitted or seeking admission to a theatre in which a

performance is to be or is being presented, refuses or fails to give or surrender possession of any photographic or sound recording device which such person has brought into or attempts to bring into such theatre without having first obtained the written consent of the management to do so, then the management shall have the right to remove such person therefrom or refuse admission thereto to such person, and shall thereupon offer to refund and, unless such offer is refused, refund to such person the price paid by such person for admission to such theatre. If such person refuses to leave such theatre after having been informed by the management thereof that possession of any photographic or sound recording device in such theatre without the written consent of the management is prohibited, then such person shall be deemed to be remaining in the theatre unlawfully within the meaning of subdivision five of section 140.00 and section 140.05 of the penal law, and in addition, the management shall have the right to maintain an action in trespass and for punitive damages against such person.

5. The criminal penalties and civil remedies provided by this section shall be without force or effect unless the management of the theatre shall have posted signs at the box office and at or near the audience entrance to the portion of the theatre wherein the performance is to be presented and printed in any program which may be furnished to the audience for such performance, stating in substance as follows:

WARNING

The photographing or sound recording of any performance or the possession of any device for such photographing or sound recording inside this theatre, without the written permission of the management is prohibited by law. Offenders may be ejected and liable for damages and other lawful remedies.