§ 475. Crowd control plans in certain places of public assembly. 1. (a) For the purposes of this section places of public assembly shall be those with an occupancy capacity of at least five thousand persons and shall include: (i) all stadiums, ballparks, gymnasiums, fieldhouses, arenas, civic centers and similar facilities used for the conduct of sporting events; and (ii) concert halls, recital halls, theatres, indoor and outdoor amphitheatres or other auditoriums used for the presentation of musical renditions or concerts by living persons who appear in the immediate presence of their audience and which rely primarily for effect on the use of electronic amplification of accompaniment and principal voice or instrument together with visual and other special effects and whose musical renditions or concerts are represented by the performers to be, or advertised by the management of such halls, theatres, amphitheatres or auditoriums as, rock and/or rapp renditions or concerts. Such places of public assembly shall include the means of ingress thereto and egress therefrom. Places of public assembly shall not include halls owned by churches, religious organizations, granges, public associations, free libraries as defined by section two hundred fifty-three of the education law, and facilities for the performance of sporting events or rock and/or rapp musical renditions owned and used by public and nonpublic primary and secondary schools and boards of cooperative educational services.

(b) For the purposes of this section, operator shall include the primary tenant of a place of public assembly or the person or persons responsible for the operation and management of said place of public assembly. If no operator of said place of public assembly can be ascertained, then the owner shall be deemed the operator. In any event, the designation of such operator of said place of public assembly shall be included in all plans of compliance filed in accordance with this section.

2. The operators of places of public assembly as defined in this section shall establish a plan to be used for the purposes of crowd control in the event of a riot. Said plan shall include and set forth any programs mandated by section one hundred six-b of the alcoholic beverage control law or any other requirement of such law, and additional procedures designed to control the over-consumption of

alcoholic beverages at such places of public assembly, which operators deem to be necessary or desirable for inclusion in the plan. Said plan shall be filed with the New York state emergency management office as follows: (i) with respect to places of public assembly in existence on the effective date of this section which have been used for sporting events or presentations described in subparagraph (ii) of paragraph (a) of subdivision one of this section, said plan shall be filed on or before March first, in the year next succeeding the year in which this section shall have become a law; and (ii) with respect to places of public assembly constructed after the effective date of this section or with respect to existing facilities used for the first time for presentation of sporting events or musical renditions or concerts described in subparagraph (ii) of paragraph (a) of subdivision one of this section, said plan shall be filed thirty days before the sporting event or the presentation of such musical renditions or concerts so described. Additionally, the plan shall be filed with the police and fire departments of the locality in which such place of public assembly is located, as well as with the state or county law enforcement agency having the primary responsibility to respond with the local police department in the event of an emergency. With respect to the operation of places of public assembly by a governmental entity which provides its own police and fire protection, plans shall be established in consultation with the officers charged with responsibility for providing such protection and enforcement.

3. The New York state emergency management office shall issue a report with recommendations to the governor and the legislature relative to the sufficiency of crowd control planning on or before March fifteenth, nineteen hundred ninety.

4. No owner, operator, governmental entity or any employee, officer, or agent thereof shall be liable for any claim filed by a person based upon negligence in the preparation or filing of such plans required under this section.