



## Legislation Text

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**File #:** Res 1295-2012, **Version:** A

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### Proposed Res. No. 1295-A

Resolution calling on the New York State Legislature to amend the Arts and Cultural Affairs Law to define “e-ticket,” “paperless ticket” and “paperless ticketing system,” and calling for greater enforcement of current law relating to the transferability of tickets.

By Council Members Garodnick, Brewer, James, Koo and Lander

Whereas, In 2007, the State of New York enacted a law that repealed all restrictions governing the pricing of resold tickets for theater, music and sporting events (the “Repeal”); and

Whereas, Prior to the Repeal, tickets for large venues could not be resold for more than 45 percent of their original value, and tickets for small venues could not be resold for more than 20 percent of their original value; and

Whereas, Though the Repeal was due to sunset in 2009, it has been extended every year since; and

Whereas, When the Repeal was extended in 2010, language was added to the Arts and Cultural Affairs Law to provide for a means for transferring paperless tickets from one consumer to another; and

Whereas, This new language, located in section 25.30(1)(c) of the Arts and Cultural Affairs Law, prohibits a primary ticket seller from using “a paperless ticketing system unless the consumer is given an option to purchase paperless tickets that the consumer can transfer at any price, and at any time, and without additional fees, independent of the operator or the operator’s agent”; and

Whereas, Section 25.30(1)(c) of the Arts and Cultural Affairs Law also states that “an operator or an operator’s agent may employ a paperless ticketing system that does not allow for independent transferability of paperless tickets only if the consumer is offered an option at the time of initial sale to purchase the same tickets in some other form that is transferrable [sic] independent of the operator or operator’s agent including, but not

limited to, paper tickets or e-tickets”; and

Whereas, The Arts and Cultural Affairs Law does not define “paperless ticket,” “paperless ticketing system,” or “e-ticket,” potentially complicating one’s understanding of the law; and

Whereas, In spite of the absence of important definitions, the law is clear on the prohibition of nontransferable tickets; and

Whereas, Unfortunately, on several occasions since the 2010 extension of the Repeal, tickets to live music events in New York City have been sold via will-call only, requiring the ticket purchaser to show up in person and present his or her credit card in order to gain entry; and

Whereas, While using will-call ticketing exclusively may be well-intentioned, it fails to comply with state law and robs consumers of their right to transfer tickets as they see fit; and

Whereas, Limiting transferability of tickets can have an adverse effect on certain consumers, such as those who purchase tickets as a gift for someone else, those who wish to resell their tickets when they are unable to attend the event, and those who might need to sell a portion of their season tickets in order to be able to afford the rest of the package; and

Whereas, In light of the growing prevalence of electronic ticketing, it is important that consumers retain the ability to transfer tickets in any circumstance; and

Whereas, The most recent extension of the Repeal is due to sunset on May 14, 2014; and

Whereas, The next extension presents the state legislature with an opportunity to improve the language of the Arts and Cultural Affairs Law by defining the necessary terms; and

Whereas, As the state legislature considers another extension, it is also appropriate to call on the state Attorney General to improve the enforcement of Section 25.30(1)(c); now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to amend the Arts and Cultural Affairs Law to define “e-ticket,” “paperless ticket” and “paperless ticketing system,” and calls for greater enforcement of current law relating to the transferability of tickets.

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